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U.S. Congress

CONGRESSIONAL RECORD.

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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-NINTH CONGRESS, SECOND SESSION.

VOLUME XLI.

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VOLUME XLI, PART I.

CONGRESSIONAL RECORD,

FIFTY-NINTH CONGRESS, SECOND SESSION.

CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FIFTY-NINTH CONGRESS.

SECOND SESSION.

SENATE.

MONDAY, *December 3, 1906.*

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Fifty-ninth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

The Vice-President (Mr. CHARLES W. FAIRBANKS) called the Senate to order at 12 o'clock noon.

PRAYER.

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

Blessing and honor and glory and power be unto Him that sitteth upon the throne; and unto the Lamb forever and ever.

We know that all things work together for good to them who love God; to them who are called according to His purpose.

This is the covenant that I will make, saith the Lord: I will put my laws into their mind and write them in their heart. And I will be to them a God and they shall be to me a people.

Let us pray.

Our Father, who art with us in the majesty of Thy heaven, how can we thank Thee that we, Thy children, have our Father's help in all moments of our endeavors?

In Thine infinite providence Thou hast called this Senate together to serve Thee in the months of this winter; and Thy children are here to consecrate every day and every hour to that service of Thine which is perfect freedom. That they may walk together with God, help them, Father, with Thine own infinite help. Teach them with Thine own infinite wisdom that Thy law may be the law of this nation, and this that happy people whose God is the Lord.

We pray for the country which Thou hast led through the desert, through the wilderness, and through the terrible temptations of prosperity—which Thou hast led as a father leads his children.

Father, we ask Thy blessing upon all the servants of administration, and upon this Congress as it meets together now. There are those whose faces we are not to see again. We ask Thee to consecrate the memory of their lives to us, and for to-day and to-morrow, that every man may bear his brother's burden, so that all may work together in Thine infinite service for God and for humanity.

Hear us, answer us, bless us as Thine own children, in Christ Jesus.

Join all with me in the Lord's prayer.

Our Father who art in heaven, hallowed be Thy name; Thy kingdom come, Thy will be done, on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power, and the glory, forever. Amen.

CALLING OF THE ROLL.

The VICE-PRESIDENT. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Burkett	Culberson	Flint
Alger	Burnham	Cullom	Foraker
Allee	Burrows	Daniel	Foster
Bacon	Carmack	Depew	Frazier
Benson	Carter	Dick	Frye
Berry	Clapp	Dillingham	Fulton
Beveridge	Clark, Mont.	Dolliver	Gallinger
Blackburn	Clark, Wyo.	Dryden	Gamble
Brandegee	Clay	Dubois	Gearin
Bulkeley	Crane	Elkins	Hale
Hansbrough	McCumber	Penrose	Sutherland
Hemenway	Mallory	Perkins	Taliaferro
Heyburn	Martin	Pettus	Teller
Hopkins	Millard	Piles	Tillman
Kean	Money	Platt	Warner
Knox	Morgan	Proctor	Warren
Latimer	Nelson	Rayner	Wetmore
Lodge	Newlands	Scott	
Long	Nixon	Smoot	
McCreary	Overman	Spooner	

The VICE-PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

SENATOR FROM DELAWARE.

Mr. ALLEE. Mr. President, Senator-elect Du Pont, from the State of Delaware, is present, and I ask that the oath of office may be administered to him.

The VICE-PRESIDENT. The Senator-elect from Delaware will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Du Pont was escorted to the Vice-President's desk by Mr. ALLEE, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

SENATORS PRESENT.

The following Senators were present:

From the State of—

Alabama—John T. Morgan and Edmund W. Pettus.
Arkansas—James H. Berry.
California—Frank P. Flint and George C. Perkins.
Colorado—Henry M. Teller.
Connecticut—Frank B. Brandegee and Morgan G. Bulkeley.
Delaware—J. Frank Allee and Henry A. Du Pont.
Florida—Stephen R. Mallory and James P. Taliaferro.
Georgia—Augustus O. Bacon and Alexander S. Clay.
Idaho—Fred T. Dubois and Weldon B. Heyburn.
Illinois—Shelby M. Cullom and Albert J. Hopkins.
Indiana—Albert J. Beveridge and James A. Hemenway.
Iowa—Jonathan P. Dolliver.
Kansas—Alfred W. Benson and Chester I. Long.
Kentucky—Joseph C. S. Blackburn and James B. McCreary.
Louisiana—Murphy J. Foster.
Maine—William P. Frye and Eugene Hale.
Maryland—Isidor Rayner.
Massachusetts—Winthrop M. Crane and Henry Cabot Lodge.
Michigan—Russell A. Alger and Julius C. Burrows.
Minnesota—Moses E. Clapp and Knute Nelson.
Mississippi—H. D. Money.
Missouri—William Warner.
Montana—Thomas H. Carter and William A. Clark.
Nebraska—Elmer J. Burkett and Joseph H. Millard.
Nevada—Francis G. Newlands and George S. Nixon.
New Hampshire—Henry E. Burnham and Jacob H. Gallinger.
New Jersey—John F. Dryden and John Kean.
New York—Chauncey M. Depew and Thomas C. Platt.
North Carolina—Lee S. Overman.
North Dakota—Henry C. Hansbrough and Porter J. McCumber.
Ohio—Charles Dick and Joseph B. Foraker.
Oregon—Charles W. Fulton and John M. Gearin.
Pennsylvania—Philander Chase Knox and Boies Penrose.
Rhode Island—Nelson W. Aldrich and George P. Wetmore.
South Carolina—Asbury C. Latimer and Benjamin R. Tillman.
South Dakota—Robert J. Gamble.
Tennessee—Edward W. Carmack and James B. Frazier.
Texas—Charles A. Culberson.
Utah—Reed Smoot and George Sutherland.
Vermont—William P. Dillingham and Redfield Proctor.

Virginia—John W. Daniel and Thomas S. Martin.
Washington—Samuel H. Piles.
West Virginia—Stephen B. Elkins and Nathan B. Scott.
Wisconsin—John C. Spooner.
Wyoming—Clarence D. Clark and Francis E. Warren.

NOTIFICATION TO THE PRESIDENT.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

The VICE-PRESIDENT appointed as the committee Mr. HALE and Mr. PETTUS.

NOTIFICATION TO THE HOUSE.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

HOUR OF DAILY MEETING.

Mr. ALDRICH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. PENROSE. Mr. President, I submit a resolution asking for certain information, and if it is not out of order I would ask for its present consideration.

The VICE-PRESIDENT. It is the usual practice not to consider miscellaneous business until after the message from the President has been received, but there is no rule to that effect.

Mr. PENROSE. I ask unanimous consent that I may offer the resolution.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of the resolution. The resolution will be read for the information of the Senate.

The Secretary read the resolution, as follows:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interests, full information bearing upon the recent order dismissing from the military service of the United States three companies of the Twenty-fifth Regiment of Infantry United States troops (colored).

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution just read?

Mr. FORAKER. I offer as a substitute the resolution which I send to the desk, and I will ask that both may go over for consideration on a subsequent day.

Mr. SPOONER. I ask that the resolution be again read.

The VICE-PRESIDENT. At the request of the Senator from Wisconsin, the resolution proposed by the Senator from Pennsylvania will be again read by the Secretary.

The Secretary again read the resolution.

Mr. WARREN. I ask that the resolution may lie over.

The VICE-PRESIDENT. Under objection, the resolution will lie over.

Mr. ALDRICH. I ask, as a matter of courtesy to the Senator from Ohio, that his substitute may be read.

The VICE-PRESIDENT. At the request of the Senator from Rhode Island, the substitute offered by the Senator from Ohio will be read.

The Secretary read the proposed substitute, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate copies of all official letters, telegrams, reports, orders, etc., filed in the War Department in connection with the recent discharge of the enlisted men of Companies B, C, and D, Twenty-fifth United States Infantry, together with a complete list of the men discharged, showing the record of each, the amount of retained pay (under section 1281 and following sections of the Revised Statutes), if any, to the credit of each man at the time of his discharge; the ruling of the War Department, if any has been made in this or any other similar case, as to the effect upon his right to such retained pay, and also the ruling of the War Department, if any has been made in this or any similar case, as to the effect of such discharge upon the right of an enlisted man to retire on three-fourths pay, with an allowance for subsistence and clothing (under section 1260 and following sections of the Revised Statutes), and his right to enter a National Soldiers' Home (under section 4821 and following sections of the Revised Statutes); his right to be buried in a national cemetery (under section 4878 and following sections of the Revised Statutes), and his right to receive transportation and subsistence from place of discharge to his home, as provided for in section 1290 and following sections of the Revised Statutes; also a complete official record of the Twenty-fifth Regiment, United States Infantry, from the time of its muster-in to the date of the discharge of Companies B, C, and D.

Mr. FORAKER. I ask that both resolutions may go over.

The VICE-PRESIDENT. It is so ordered.

RECESS.

Mr. HALE (at 12 o'clock and 15 minutes p. m.). Mr. President, a message from the President transmitting certain nominations will be here in a few moments. I do not think it proper that we should proceed to any general business before receiving a message from the President. Therefore I move that the Senate take a recess for ten minutes.

The motion was agreed to; and at the expiration of the recess (at 12 o'clock and 25 minutes p. m.) the Senate reassembled.

EXECUTIVE SESSION.

Several messages in writing were received from the President of the United States by Mr. M. C. LATTA, one of his secretaries.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 12 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 4, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 3, 1906.

SECRETARY OF THE TREASURY.

George B. Cortelyou, of New York, now Postmaster-General, to be Secretary of the Treasury, vice Leslie M. Shaw.

ATTORNEY-GENERAL.

Charles Joseph Bonaparte, of Maryland, now Secretary of the Navy, to be Attorney-General, vice William H. Moody.

POSTMASTER-GENERAL.

George v. L. Meyer, of Massachusetts, now ambassador extraordinary and plenipotentiary to Russia, to be Postmaster-General, vice George B. Cortelyou, nominated to be Secretary of the Treasury.

SECRETARY OF THE NAVY.

Victor H. Metcalf, of California, now Secretary of Commerce and Labor, to be Secretary of the Navy, vice Charles Joseph Bonaparte, nominated to be Attorney-General.

SECRETARY OF THE INTERIOR.

James Rudolph Garfield, of Ohio, now Commissioner of Corporations in the Department of Commerce and Labor, to be Secretary of the Interior, vice Ethan A. Hitchcock.

SECRETARY OF COMMERCE AND LABOR.

Oscar S. Straus, of New York, to be Secretary of Commerce and Labor, vice Victor H. Metcalf, nominated to be Secretary of the Navy.

ASSOCIATE JUSTICE OF THE SUPREME COURT.

William H. Moody, of Massachusetts, now Attorney-General, to be associate justice of the Supreme Court of the United States, in the place of Henry B. Brown, resigned.

CIVIL SERVICE COMMISSIONER.

John Avery McIlhenny, of Louisiana, to be a Civil Service Commissioner, to which office he was appointed during the last recess of the Senate, vice Alford Warriner Cooley, resigned.

INTERSTATE COMMERCE COMMISSIONERS.

Edgar E. Clark, of Iowa, to be an Interstate Commerce Commissioner, for the term ending December 31, 1912, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Judson C. Clements, of Georgia, to be an Interstate Commerce Commissioner for the term of seven years from January 1, 1907. This is a reappointment.

James S. Harlan, of Illinois, to be an Interstate Commerce Commissioner for the term ending December 31, 1911, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

PROMOTIONS IN THE DIPLOMATIC SERVICE.

Herbert G. Squiers, of New York, former envoy extraordinary and minister plenipotentiary to Cuba, to be envoy extraordinary and minister plenipotentiary of the United States to Panama, to which office he was appointed during the last recess of the Senate, vice Charles E. Magoon, resigned.

Fred Morris Dearing, of Missouri, to be second secretary of the legation of the United States at Habana, Cuba, to which office he was appointed during the last recess of the Senate, vice Henry L. Janes, promoted to be secretary of the legation at Santiago.

H. Percival Dodge, of Massachusetts, lately secretary of the embassy at Berlin, to be secretary of the embassy of the United

States at Tokyo, Japan, to which office he was transferred during the last recess of the Senate, to fill an original vacancy.

Spencer F. Eddy, of Illinois, lately secretary of the embassy at St. Petersburg, to be secretary of the embassy of the United States at Berlin, Germany, to which office he was transferred during the last recess of the Senate, vice H. Percival Dodge, transferred and appointed secretary of the embassy at Tokyo.

William Heimke, of New York, lately second secretary of the embassy at Mexico, to be secretary of the legation of the United States at Bogota, Colombia, to which office he was transferred and appointed during the last recess of the Senate, to fill an original vacancy.

Paxton Hibben, of Indiana, lately third secretary of the embassy at St. Petersburg, to be second secretary of the embassy at Mexico, Mexico, to which office he was promoted during the last recess of the Senate, vice William Heimke, transferred and appointed secretary of the legation at Bogota.

M. Marshall Langhorne, of Virginia, former commercial agent at Dalny, to be secretary of the legation of the United States at Christiania, Norway, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Basil Miles, of Pennsylvania, to be third secretary of the embassy of the United States at St. Petersburg, Russia, to which office he was appointed during the last recess of the Senate, vice Paxton Hibben, promoted to be second secretary of the embassy at Mexico.

George Post Wheeler, of Washington, to be second secretary of the embassy of the United States at Tokyo, Japan, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Charles S. Wilson, of Maine, lately secretary of the legation to Greece and Montenegro and of the diplomatic agency in Bulgaria, to be secretary of the legation of the United States at Habana, Cuba, to which office he was transferred during the last recess of the Senate, vice Jacob Sleeper, tranferred and appointed secretary of the legation at Caracas.

PROMOTIONS IN THE CONSULAR SERVICE.

William P. Kent, of Virginia, to be consul-general of the United States of class 6 at Guatemala, Guatemala, to which office he was appointed during the last recess of the Senate, vice Alfred A. Winslow, promoted to be consul of class 4 at Valparaiso.

Albert W. Brickwood, jr., of Arizona, lately vice and deputy consul at Nogales, to be consul of class 8 at Puerto Cortes, Honduras, to which office he was promoted during the last recess of the Senate, vice Felix S. S. Johnson, transferred and appointed consul of class 8 at Bergen.

Hilary S. Brunot, of Pennsylvania, lately consul of class 8 at St. Etienne, to be consul of the United States of class 8 at Jeres de la Frontera, Spain, to which office he was transferred during the last recess of the Senate, vice Milton M. Price, deceased.

George A. Bucklin, jr., of Oklahoma, to be consul of the United States of class 9 at Glauchau, Saxony, to which office he was appointed during the last recess of the Senate, vice Edward A. Creevey, promoted to be consul of class 8 at Yarmouth.

James G. Carter, of Georgia, lately consul of class 9 at Sivas, to be consul of the United States of class 8 at Tamatave, Madagascar, to which office he was promoted during the last recess of the Senate, vice William H. Hunt, transferred and appointed to be consul of class 8 at St. Etienne.

Julius D. Dreher, of South Carolina, to be consul of the United States of class 8 at Tahiti, Society Islands, to which office he was appointed during the last recess of the Senate, vice William F. Doty, promoted to be consul of class 7 at Tabriz.

William H. Gale, of Virginia, to be consul of the United States of class 9 at Puerto Plata, Dominican Republic, to which office he was appointed during the last recess of the Senate, vice William W. Handley, promoted to be consul of class 7 at Trinidad.

Ernest L. Harris, of Illinois, lately consul of class 6 at Chemnitz, to be consul of the United States of class 6 at Smyrna, Turkey, to which office he was transferred during the last recess of the Senate, vice Thomas H. Norton, transferred and appointed to be consul of class 6 at Chemnitz.

William H. Hunt, of New York, lately consul of class 8 at Tamatave, to be consul of the United States of class 8 at St. Etienne, France, to which office he was transferred during the last recess of the Senate, vice Hilary S. Brunot, transferred and appointed to be consul of class 8 at Jeres de la Frontera.

Felix S. S. Johnson, of New Jersey, lately consul of class 8 at Puerto Cortes, to be consul of the United States of class 8 at Bergen, Norway, to which office he was transferred during the last recess of the Senate, vice Nicholas Schlemmer, declined.

Will L. Lowrie, of Illinois, to be consul of the United States of class 8 at Weimar, Germany, to which office he was appointed during the last recess of the Senate, vice Clarence Rice Slocum, promoted to be consul-general of class 5 at Boma.

Robert Brent Mosher, of the District of Columbia, lately consul of class 8 at Collingwood, to be consul of the United States of class 6 at Port Elizabeth, Cape of Good Hope, to which office he was promoted during the last recess of the Senate, to fill an original vacancy.

Thomas H. Norton, of Ohio, lately consul of class 6 at Smyrna, to be consul of the United States of class 6 at Chemnitz, Saxony, to which office he was transferred during the last recess of the Senate, vice Ernest L. Harris, transferred and appointed to be consul of class 6 at Smyrna.

August G. Seyfert, of Pennsylvania, lately consul of class 8 at Matamoros, to be consul of the United States of class 8 at Collingwood, Ontario, Canada, to which office he was transferred during the last recess of the Senate, vice Robert Brent Mosher, promoted to be consul of class 6 at Port Elizabeth.

John H. Shirley, of Illinois, lately consul of class 9 at Sura, to be consul of the United States of class 9 at Charlottetown, Prince Edward Island, to which office he was transferred during the last recess of the Senate, vice Delmar J. Vail, deceased.

COLLECTORS OF CUSTOMS.

Clark W. Carnahan, of Oregon, to be collector of customs for the district of Oregon, in the State of Oregon, to succeed Walter L. Robb, whose term of office has expired by limitation. Mr. Carnahan is now serving under a temporary commission issued during the recess of the Senate.

Henry McCall, of Louisiana, to be collector of customs for the district of New Orleans, in the State of Louisiana. (Reappointment.)

Dascar O. Newberry, of North Carolina, to be collector of customs for the district of Albemarle, in the State of North Carolina, in place of George W. Cobb, deceased. Mr. Newberry is now serving under a temporary commission issued during the recess of the Senate.

Jesse F. Warren, of Florida, to be collector of customs for the district of Apalachicola, in the State of Florida, in place of Tip Warren, deceased. Mr. Warren is now serving under a temporary commission issued during the recess of the Senate.

APPRAISER OF MERCHANDISE.

Winthrop T. Hodges, of Massachusetts, to be appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts, to succeed John Linzee Snelling, resigned. Mr. Hodges is now serving under a temporary commission issued during the recess of the Senate.

NAVAL OFFICER OF CUSTOMS.

Elmer E. Wood, of Louisiana, to be naval officer of customs in the district of New Orleans, in the State of Louisiana. (Reappointment.)

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Daniel Jason Ainsworth to be a captain in the Revenue-Cutter Service of the United States, to rank as such from July 8, 1906, to succeed George Edward McConnell, retired. Mr. Ainsworth is now serving under a temporary commission issued during the recess of the Senate.

First Lieut. James Henry Brown to be a captain in the Revenue-Cutter Service of the United States, to rank as such from July 10, 1906, to succeed John Dennett, retired. Mr. Brown is now serving under a temporary commission issued during the recess of the Senate.

First Lieut. John Ernest Reinburg to be a captain in the Revenue-Cutter Service of the United States, to rank as such from September 15, 1906, to succeed Samuel Edminson Maguire, retired. Mr. Reinburg is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Albert Henry Buhner to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 10, 1906, to succeed James Henry Brown, promoted. Mr. Buhner is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Charles William Cairnes to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 15, 1906, to succeed John Ernest Reinburg, promoted. Mr. Cairnes is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. John Mel to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 8, 1906, to succeed Daniel Jason Ainsworth, promoted. Mr.

Mel is now serving under a temporary commission issued during the recess of the Senate.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Lloyd Toulmin Chalker, of Connecticut, to be a third lieutenant in the Revenue-Cutter Service of the United States. Mr. Chalker is now serving under a temporary commission issued during the recess of the Senate.

Joseph Tillotson Drake, of New York, to be a third lieutenant in the Revenue-Cutter Service of the United States. Mr. Drake is now serving under a temporary commission issued during the recess of the Senate.

Edward Darlington Jones, of Virginia, to be a third lieutenant in the Revenue-Cutter Service of the United States. Mr. Jones is now serving under a temporary commission issued during the recess of the Senate.

Stanley Vincent Parker, of Ohio, to be a third lieutenant in the Revenue-Cutter Service of the United States. Mr. Parker is now serving under a temporary commission issued during the recess of the Senate.

Russell Randolph Waesche, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States. Mr. Waesche is now serving under a temporary commission issued during the recess of the Senate.

SUPERVISING INSPECTOR OF STEAM VESSELS.

Joseph J. Dunn, of Kentucky, who was appointed July 26, 1906, during the recess of the Senate, to be supervising inspector of steam vessels for the fourth district, in the Steamboat Inspection Service, Department of Commerce and Labor.

APPOINTMENTS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Robert Alexander Herring, of Mississippi, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States, in place of Thomas F. Richardson, deceased. Mr. Herring is now serving under a temporary commission issued during the recess of the Senate.

William W. Miller, of Tennessee, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to succeed George B. Young, promoted. Mr. Miller is now serving under a temporary commission issued during the recess of the Senate.

Friench Simpson, of Texas, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to succeed Joseph B. Greene, resigned. Mr. Simpson is now serving under a temporary commission issued during the recess of the Senate.

Robert A. C. Wollenberg, of Michigan, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to succeed William G. Stimpson, promoted. Mr. Wollenberg is now serving under a temporary commission issued during the recess of the Senate.

ASSISTANT TREASURER.

Clarence C. Pusey, of Maryland, to be Assistant Treasurer of the United States at Baltimore, Md., to succeed A. Lincoln Dryden, resigned. Mr. Pusey is now serving under a temporary commission issued during the recess of the Senate.

DEPUTY AUDITOR, INTERIOR DEPARTMENT.

James B. Belt, of Maryland, to be Deputy Auditor for the Interior Department, to succeed George P. Dunham, resigned. Mr. Belt is now serving under a temporary commission issued during the recess of the Senate.

INDIAN AGENT.

Samuel W. Campbell, of Wisconsin, who was reappointed July 3, 1906, during the recess of the Senate, his term having expired, to be agent for the Indians of the La Pointe Agency, in Wisconsin. (Reappointment.)

SOLICITOR OF THE DEPARTMENT OF COMMERCE AND LABOR.

Charles Earl, of Maryland, to be Solicitor of the Department of Commerce and Labor. He was appointed during the last recess of the Senate in the place of Edwin W. Sims, resigned.

ASSISTANT ATTORNEY-GENERAL.

Alford W. Cooley, of New York, to be Assistant Attorney-General. He was appointed during the last recess of the Senate in place of Charles H. Robb, nominated to be associate justice of the court of appeals of the District of Columbia.

ASSOCIATE JUSTICE OF THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

Charles H. Robb, of Vermont, who was appointed during the last recess of the Senate to be associate justice of the court of appeals of the District of Columbia, vice Charles H. Duell, resigned.

CIRCUIT JUDGE.

Joseph Buffington, of Pennsylvania, to be United States circuit judge for the third judicial circuit. He was appointed during the last recess of the Senate in the place of Marcus W. Acheson, deceased.

DISTRICT JUDGES.

Nathaniel Ewing, of Pennsylvania, to be United States district judge for the western district of Pennsylvania. He was appointed during the last recess of the Senate in the place of Joseph Buffington, who is nominated for appointment as circuit judge of the third judicial circuit.

Loyal E. Knappen, of Michigan, to be United States district judge for the western district of Michigan, vice George P. Wanty, deceased.

James L. Martin, of Vermont, who was appointed during the last recess of the Senate, to be United States district judge for the district of Vermont, vice Hoyt H. Wheeler, retired.

UNITED STATES ATTORNEYS.

William C. Bristol, of Oregon, who was appointed during the last recess of the Senate, to be United States attorney for the district of Oregon. Mr. Bristol was nominated for this position at the first session of the Fifty-ninth Congress, but failed of confirmation.

Alexander Dunnett, of Vermont, who was appointed during the last recess of the Senate, to be United States attorney for the district of Vermont, vice James L. Martin, nominated to be district judge, Vermont.

James D. Elliott, of South Dakota, who was appointed during the last recess of the Senate, in the place of James D. Elliott, resigned, to be United States attorney for the district of South Dakota.

John Embry, of Oklahoma, who was appointed during the last recess of the Senate, in the place of Horace Speed, removed, to be United States attorney for the Territory of Oklahoma. Mr. Embry was nominated for this position at the first session of the Fifty-ninth Congress, but failed of confirmation.

Oscar R. Hundley, of Alabama, to be United States attorney for the northern district of Alabama, vice Thomas R. Roulhac, whose term expires December 7, 1906.

Patrick H. Rourke, of North Dakota, to be United States attorney for the district of North Dakota. A reappointment, his term having expired May 26, 1906.

William J. Youngs, of New York, to be United States attorney for the eastern district of New York. A reappointment, his term expiring December 19, 1906.

UNITED STATES MARSHALS.

Cornelius C. Duson, of Louisiana, who was appointed during the last recess of the Senate, to be United States marshal for the western district of Louisiana, vice B. F. Oneal, removed.

Eugene L. Lewis, of Ohio, who was appointed during the last recess of the Senate, to be United States marshal for the southern district of Ohio, vice Vivian J. Fagin, removed.

Arthur W. Merrifield, of Montana, to be United States marshal for the district of Montana, in the place of C. F. Lloyd, whose term expires December 9, 1906.

JUDGE OF UNITED STATES COURT FOR CHINA.

Lebbeus R. Wilfley, of Missouri, to be judge of the United States court for China, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

DISTRICT ATTORNEY.

Arthur Bassett, of Missouri, to be district attorney of the United States court for China, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

CLERK OF THE UNITED STATES COURT FOR CHINA.

Frank E. Hinckley, of California, to be clerk of the United States court for China, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

MARSHAL OF THE UNITED STATES COURT FOR CHINA.

Orvice R. Leonard, of Michigan, to be marshal of the United States court for China, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

APPOINTMENTS IN THE ARMY.

General officers.

Maj. Gen. Arthur MacArthur to be Lieutenant-General from September 15, 1906, vice Corbin, retired from active service.

Brig. Gen. Jesse M. Lee to be major-general from September 18, 1906, vice MacArthur, appointed Lieutenant-General.

Capt. John J. Pershing, Fifteenth Cavalry, to be brigadier-general from September 20, 1906, vice Lee, appointed major-general.

Inspector-General's Department.

Col. Ernest A. Garlington, inspector-general, to be inspector-general with the rank of brigadier-general for the period of four years beginning October 1, 1906, with rank from that date, vice Burton, retired from active service.

Pay Department.

Col. Culver C. Sniffen, Assistant Paymaster-General, to be Paymaster-General with the rank of brigadier-general for the period of four years beginning September 11, 1906, with rank from that date, vice Dodge, retired from active service.

Artillery Corps.

Col. Arthur Murray, Artillery Corps, to be chief of artillery with the rank of brigadier-general from October 1, 1906, vice Mills, retired from active service.

PLACED ON RETIRED LIST.

With the rank of brigadier-general.

Col. Louis V. Caziarc, retired, from October 1, 1906.
Col. Oliver E. Wood, retired, from October 1, 1906.
Col. William M. Wallace, retired, from October 2, 1906.
Col. Charles H. Noble, retired, from October 20, 1906.

Medical Department.

Brig. Gen. Robert M. O'Reilly, Surgeon-General, to be Surgeon-General with the rank of brigadier-general for the period of four years beginning September 7, 1906, with rank from September 7, 1902, his former appointment as Surgeon-General having expired September 6, 1906.

APPOINTMENTS BY TRANSFER IN THE ARMY.

Cavalry Arm.

Second Lieut. William W. West, jr., Twenty-fifth Infantry, from the Infantry Arm to the Cavalry Arm, August 28, 1906, with rank from June 13, 1905.

Artillery Corps.

Second Lieut. Edward J. Cullen, Seventeenth Infantry, from the Infantry Arm to the Artillery Corps, September 12, 1906, with rank from June 13, 1906.

PROMOTION IN THE PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

Second Lieut. Eduardo Iriarte, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from September 7, 1906, vice Poillon, resigned.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Capt. Joseph T. Crabbs, quartermaster, to be quartermaster with the rank of major, from June 30, 1906, vice Palmer, retired from active service.

Medical Department.

Capt. Edward L. Munson, assistant surgeon, to be surgeon with the rank of major, from July 11, 1906, vice Kneedler, retired from active service.

Pay Department.

Lieut. Col. William H. Comegys, deputy paymaster-general, to be Assistant Paymaster-General with the rank of colonel, from September 13, 1906, vice Sniffen, appointed Paymaster-General.

Maj. Elijah W. Halford, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel, from September 13, 1906, vice Comegys, promoted.

Capt. Eugene Coffin, paymaster, to be paymaster with the rank of major, from August 6, 1906, vice Schofield, deceased.

Capt. John R. Lynch, paymaster, to be paymaster with the rank of major, from September 13, 1906, vice Halford, promoted.

CORPS OF ENGINEERS.

To be colonel.

Lieut. Col. Ernest H. Ruffner, Corps of Engineers, from September 9, 1906, vice Stanton, retired from active service.

To be lieutenant-colonels.

Maj. Frederic V. Abbot, Corps of Engineers, from September 9, 1906, vice Ruffner, promoted.

Maj. Thomas L. Casey, Corps of Engineers, from September 26, 1906, vice Lusk, deceased.

To be majors.

Capt. William W. Harts, Corps of Engineers, from September 9, 1906, vice Abbot, promoted.

Capt. Edgar Jadwin, Corps of Engineers, from September 26, 1906, vice Casey, promoted.

To be captains.

First Lieut. John R. Slattery, Corps of Engineers, from June 27, 1906, vice Harding, promoted.

First Lieut. Curtis W. Otwell, Corps of Engineers, from September 9, 1906, vice Harts, promoted.

First Lieut. Hubert L. Wigmore, Corps of Engineers (subject to examination required by law), from September 17, 1906, vice Johnston, resigned.

First Lieut. Alfred B. Putnam, Corps of Engineers, from September 26, 1906, vice Jadwin, promoted.

To be first lieutenants.

Second Lieut. Joseph H. Earle, Corps of Engineers, from June 27, 1906, vice Slattery, promoted.

Second Lieut. Thomas M. Robins, Corps of Engineers, from September 9, 1906, vice Otwell, promoted.

ORDNANCE DEPARTMENT.

To be majors.

Capt. George W. Burr, Ordnance Department, from June 25, 1906, vice Mitcham, promoted.

Capt. Colden L'H. Ruggles, Ordnance Department, from June 25, 1906, vice Bruff, promoted.

Capt. Odus C. Horney, Ordnance Department, from June 25, 1906, to fill an original vacancy.

Capt. George Montgomery, Ordnance Department, from June 25, 1906, to fill an original vacancy.

Capt. Tracy C. Dickson, Ordnance Department, from June 25, 1906, to fill an original vacancy.

Capt. Lawson M. Fuller, Ordnance Department, from June 25, 1906, to fill an original vacancy.

Capt. Charles C. Jamieson, Ordnance Department, from June 25, 1906, to fill an original vacancy.

Capt John W. Joyes, Ordnance Department, from June 25, 1906, to fill an original vacancy.

Capt. Jay E. Hoffer, Ordnance Department, from June 25, 1906, to fill an original vacancy.

CAVALRY ARM.

To be colonels.

Lieut. Col. Walter S. Schuyler, Third Cavalry, from August 20, 1906, vice Stedman, Fifth Cavalry, retired from active service.

Lieut. Col. Henry P. Kingsbury, Eighth Cavalry, from August 31, 1906, vice Hughes, First Cavalry, retired from active service.

Lieut. Col. Frank West, Seventh Cavalry, from October 1, 1906, vice Ward, Second Cavalry, detailed as inspector-general.

Lieut. Col. George F. Chase, Twelfth Cavalry, from October 2, 1906, vice Wallace, Fifteenth Cavalry, retired from active service.

To be lieutenant-colonels.

Maj. George K. Hunter, Sixth Cavalry, from June 30, 1906, vice Paddock, Fifth Cavalry, retired from active service.

Maj. Charles M. O'Connor, Fourteenth Cavalry, from August 20, 1906, vice Schuyler, Third Cavalry, promoted.

Maj. Wilber E. Wilder, Fifteenth Cavalry, from September 13, 1906, vice Murray, Eleventh Cavalry, detailed as inspector-general.

Maj. John F. Guilfoyle, unassigned, from October 1, 1906, vice West, Seventh Cavalry, promoted.

Maj. Charles H. Watts, Fifth Cavalry, from October 1, 1906, vice Tutherly, Ninth Cavalry, retired from active service.

Maj. Frank A. Edwards, Fourth Cavalry, from October 2, 1906, vice Chase, Twelfth Cavalry, promoted.

To be majors.

Capt. J. F. Reynolds Landis, First Cavalry, from June 30, 1906, vice Hunter, Sixth Cavalry, promoted.

Capt. Parker W. West, Fifteenth Cavalry, from August 20, 1906, vice O'Connor, Fourteenth Cavalry, promoted.

Capt. Frederick S. Foltz, Second Cavalry, from September 13, 1906, vice Wilder, Fifteenth Cavalry, promoted.

Capt. John H. Gardner, Second Cavalry, from September 13, 1906, vice Brown, First Cavalry, deceased.

Capt. Charles J. Stevens, from October 1, 1906, vice Watts, Fifth Cavalry, promoted.

To be captains.

First Lieut. Clark D. Dudley, Fourteenth Cavalry, from June 30, 1906, vice Landis, First Cavalry, promoted.

First Lieut. Edwin A. Hickman, First Cavalry, from July 18, 1906, vice Yates, Fourteenth Cavalry, deceased.

First Lieut. Warren W. Whitside, Fifteenth Cavalry, from August 20, 1906, vice West, Fifteenth Cavalry, promoted.

First Lieut. Samuel A. Purviance, Fourth Cavalry, from September 13, 1906, vice Foltz, Second Cavalry, promoted.

First Lieut. Frederick C. Johnson, Second Cavalry, from September 13, 1906, vice Gardner, Second Cavalry, promoted.

First Lieut. Guy Cushman, Eleventh Cavalry, from September 20, 1906, vice Pershing, Fifteenth Cavalry, appointed brigadier-general.

To be first lieutenants.

Second Lieut. William N. Haskell, Ninth Cavalry, from April 26, 1906, vice Dorcy, Fourth Cavalry, promoted.

Second Lieut. Henry A. Meyer, jr., Thirteenth Cavalry, from June 30, 1906, vice Dudley, Fourteenth Cavalry, promoted.

Second Lieut. Frank Keller, Eighth Cavalry, from July 18, 1906, vice Hickman, First Cavalry, promoted.

ARTILLERY CORPS.

To be colonels.

Lieut. Col. Henry L. Harris, Artillery Corps, from October 1, 1906, vice Caziarc, retired from active service.

Lieut. Col. Arthur Murray, Artillery Corps, from October 1, 1906, vice Wood, retired from active service.

Lieut. Col. John A. Lundeen, Artillery Corps, from October 2, 1906, vice Murray, appointed chief of artillery.

To be lieutenant-colonels.

Maj. George L. Anderson, Artillery Corps, from October 1, 1906, vice Harris, promoted.

Maj. Lotus Niles, Artillery Corps, from October 1, 1906, vice Murray, promoted.

Maj. William H. Coffin, Artillery Corps, from October 3, 1906, vice Anderson, detailed as inspector-general.

To be majors.

Capt. Thomas Ridgway, Artillery Corps, from June 30, 1906, vice Rowan, retired from active service.

Capt. John W. Ruckman, Artillery Corps, from June 30, 1906, vice Harlow, retired from active service.

Capt. William P. Stone, Artillery Corps, from September 30, 1906, vice Price, retired from active service.

Capt. Ira A. Haynes, Artillery Corps, from October 1, 1906, vice Anderson, promoted.

Capt. Willoughby Walke, Artillery Corps, from October 1, 1906, vice Niles, promoted.

Capt. William F. Hancock, Artillery Corps, from October 3, 1906, vice Coffin, promoted.

Capt. John Conklin, Artillery Corps, from October 3, 1906, vice Haynes, detailed as military secretary.

To be captains.

First Lieut. Harry W. Newton, Artillery Corps, from June 30, 1906, vice Ridgway, promoted.

First Lieut. Allen D. Raymond, Artillery Corps, from June 30, 1906, vice Ruckman, promoted.

First Lieut. James R. Pourie, Artillery Corps, from September 30, 1906, vice Stone, promoted.

First Lieut. John L. Hughes, Artillery Corps, from October 1, 1906, vice Haynes, promoted.

First Lieut. John W. C. Abbott, Artillery Corps, from October 1, 1906, vice Walke, promoted.

First Lieut. Harry T. Matthews, Artillery Corps, from October 3, 1906, vice Hancock, promoted.

First Lieut. Harry C. Barnes, Artillery Corps, from October 3, 1906, vice Conklin, promoted.

First Lieut. Stephen H. Mould, Artillery Corps, from October 16, 1906, vice Arnold, retired from active service.

To be first lieutenants.

Second Lieut. Charles C. Burt, Artillery Corps, from June 9, 1906, vice Pulis, promoted.

Second Lieut. William N. Michel, Artillery Corps, from June 22, 1906, vice Murphy, promoted.

Second Lieut. Howard S. Miller, Artillery Corps, from June 30, 1906, vice Newton, promoted.

Second Lieut. William H. Menges, Artillery Corps, from June 30, 1906, vice Raymond, promoted.

Second Lieut. Arthur L. Keesling, Artillery Corps, from July 1, 1906, vice Shinkle, detailed in the Ordnance Department.

Second Lieut. Francis J. Behr, Artillery Corps, from September 28, 1906, vice Westervelt, detailed in the Ordnance Department.

Second Lieut. Thomas A. Jones, Artillery Corps, from September 30, 1906, vice Pourie, promoted.

Second Lieut. John R. Musgrave, Artillery Corps, from October 1, 1906, vice Hughes, promoted.

Second Lieut. Hartman L. Butler, Artillery Corps, from October 1, 1906, vice Abbott, promoted.

Second Lieut. William H. Peek, Artillery Corps, from October 3, 1906, vice Matthews, promoted.

Second Lieut. James E. Wilson, Artillery Corps, from October 3, 1906, vice Barnes, promoted.

Second Lieut. Thomas W. Hollyday, Artillery Corps, from October 16, 1906, vice Mould, promoted.

Second Lieut. Albert L. Rhoades, Artillery Corps, from October 19, 1906, vice Ellicott, deceased.

INFANTRY ARM.

To be colonels.

Lieut. Col. Herbert S. Foster (since retired from active service), Twelfth Infantry, from June 25, 1906, vice Regan, Ninth Infantry, deceased.

Lieut. Col. John C. Dent, Twenty-fourth Infantry, from July 2, 1906, vice Jocelyn, Fourteenth Infantry, appointed brigadier-general.

Lieut. Col. George K. McGunnegle, Seventeenth Infantry, from July 3, 1906, vice Duggan, First Infantry, appointed brigadier-general.

Lieut. Col. Edgar B. Robertson, Ninth Infantry, from October 6, 1906, vice Foster, Ninth Infantry, retired from active service.

Lieut. Col. Henry A. Greene, First Infantry, from October 20, 1906, vice Noble, Tenth Infantry, retired from active service.

To be lieutenant-colonels.

Maj. Francis H. French, unassigned, from June 25, 1906, vice Foster, Twelfth Infantry, promoted.

Maj. Ammon A. Augur, Twenty-ninth Infantry, from July 2, 1906, vice Dent, Twenty-fourth Infantry, promoted.

Maj. Charles McClure, Fourteenth Infantry, from July 3, 1906, vice McGunnegle, Seventeenth Infantry, promoted.

Maj. Silas A. Wolf, Nineteenth Infantry, from July 13, 1906, vice Byrne, Twenty-eighth Infantry, retired from active service.

Maj. Charles G. Starr (since retired from active service), unassigned, from September 4, 1906, vice Pettit, Eighth Infantry, deceased.

Maj. William C. Buttler, Twenty-ninth Infantry, from October 6, 1906, vice Robertson, Ninth Infantry, promoted.

Maj. James S. Rogers, Fourth Infantry, from October 20, 1906, vice Greene, First Infantry, promoted.

Maj. George S. Young, Eighteenth Infantry, from October 30, 1906, vice Irvine, Twenty-first Infantry, retired from active service.

Maj. Robert L. Bullard, Twenty-eighth Infantry, from October 31, 1906, vice Starr, Eighth Infantry, retired from active service.

To be majors.

Capt. Elmore F. Taggart, Eighth Infantry, from June 25, 1906, vice Torrey, Twenty-fourth Infantry, detailed as inspector-general.

Capt. Samson L. Faison, unassigned, from June 30, 1906, vice Chandler, Twenty-fourth Infantry, retired from active service.

Capt. Alfred Hasbrouck, Fourteenth Infantry, from July 2, 1906, vice Augur, Twenty-ninth Infantry, promoted.

Capt. Jacob F. Kreps, Twenty-second Infantry, from July 3, 1906, vice McClure, Fourteenth Infantry, promoted.

Capt. Henry C. Cabell, Fourteenth Infantry, from July 13, 1906, vice Wolf, Nineteenth Infantry, promoted.

Capt. Frederick Perkins, Eighth Infantry, from August 7, 1906, vice Stafford, Twentieth Infantry, retired from active service.

Capt. William P. Burnham, Ninth Infantry, from August 20, 1906, vice Hardin, Twentieth Infantry, retired from active service.

Capt. James M. Arrasmith, Eighteenth Infantry, from September 11, 1906, vice Lassiter, Fifteenth Infantry, detailed as military secretary.

Capt. William H. Johnston, Sixteenth Infantry, from October 6, 1906, vice Buttler, Twenty-ninth Infantry, promoted.

To be captains.

First Lieut. Frederick S. L. Price, Fourteenth Infantry, from June 25, 1906, vice Taggart, Eighth Infantry, promoted.

First Lieut. Clifton C. Kinney, Ninth Infantry, from June 30, 1906, vice Shattuck, Twenty-fifth Infantry, detailed as quartermaster.

First Lieut. Woodson Hocker, Eleventh Infantry, from July 2, 1906, vice Hasbrouck, Fourteenth Infantry, promoted.

First Lieut. James S. Young, jr., Tenth Infantry, from July 2, 1906, vice Edwards, Tenth Infantry, appointed Chief of the Bureau of Insular Affairs.

First Lieut. William M. Parker, Eleventh Infantry, from July 2, 1906, vice Phillips, Twenty-fourth Infantry, detailed in the Ordnance Department.

First Lieut. Charles B. Clark, Fifth Infantry, from July 3, 1906, vice Kreps, Twenty-second Infantry, promoted.

First Lieut. Irvin L. Hunt, Nineteenth Infantry, from July 7, 1906, vice Welch, Sixth Infantry, retired from active service.

First Lieut. George S. Simonds, Twenty-second Infantry, from July 13, 1906, vice Cabell, Fourteenth Infantry, promoted.

To be first lieutenants.

Second Lieut. George W. Sager, Nineteenth Infantry, from June 5, 1906, vice Mould, Eighteenth Infantry, retired from active service.

Second Lieut. Thorne Strayer, Twenty-sixth Infantry, from June 6, 1906, vice Bolton, Seventeenth Infantry, deceased.

Second Lieut. Francis B. Eastman, Tenth Infantry, from June 15, 1906, vice McCaskey, Twenty-fifth Infantry, promoted.

Second Lieut. Kneeland S. Snow, Ninth Infantry, from June 30, 1906, vice Kinney, Ninth Infantry, promoted.

Second Lieut. Bates Tucker, Fourteenth Infantry, from July 2, 1906, vice Hocker, Eleventh Infantry, promoted.

APPOINTMENTS IN THE NAVY.

Paymaster-General and Chief of Bureau of Supplies and Accounts.

Pay Director Eustace B. Rogers, to be Paymaster-General and chief of the Bureau of Supplies and Accounts in the Department of the Navy, with the rank of rear-admiral, for a term of four years, vice Paymaster-General Henry T. B. Harris, retired.

The following-named citizens to be assistant paymasters in the Navy from the 10th day of July, 1906, to fill vacancies existing in that grade on that date:

Dallas B. Wainwright, jr., a citizen of the District of Columbia.
William H. Wilterdink, a citizen of New York.
George P. Shamer, a citizen of Maryland.
Harry H. Palmer, a citizen of Virginia.
Omar D. Conger, a citizen of Michigan.
John F. O'Mara, a citizen of South Carolina.
Patrick T. M. Lathrop, a citizen of Virginia.
James P. Helm, a citizen of Tennessee.
Byron D. Rogers, a citizen of Illinois.
Edward C. Little, a citizen of Maryland.
Frank H. Atkinson, a citizen of Illinois.
Frank Baldwin, a citizen of New Jersey.
Manning H. Philbrick, a citizen of New Hampshire.

Henry L. Beach, a citizen of New York, to be an assistant paymaster in the Navy, from the 3d day of August, 1906, to fill a vacancy existing in that grade on that date.

Lieutenant-commanders.

The following-named lieutenant-commanders to be lieutenant-commanders in the Navy from the date set opposite their names, to correct the dates of their promotion to that grade as confirmed on December 12, 1905, which is caused by the retirement of Lieut. Claude Bailey, United States Navy, who was due for promotion but was transferred to the retired list before qualifying therefor:

John R. Edie, from July 1, 1905.
Reginald R. Belknap, from July 8, 1905.
De Witt Blamer, from July 18, 1905.
John K. Robison, from September 8, 1905.
Arthur L. Willard, from September 9, 1905.
Edwin T. Pollock, from September 30, 1905, and who was previously confirmed on January 18, 1906.

PROMOTIONS IN THE NAVY.

Paymasters Henry A. Dent, Walter L. Wilson, and William J. Littell, with the rank of lieutenant, to be paymasters in the Navy, with the rank of lieutenant-commander, from the 6th day of June, 1906.

Paymasters Martin McM. Ramsay, Joseph J. Cheatham, and Richard Hatton, with the rank of lieutenant, to be paymasters in the Navy, with the rank of lieutenant-commander, from the 10th day of October, 1906.

Passed Assistant Paymasters Noel W. Grant, Philip J. Willett, and Ben D. McGee, with the rank of lieutenant (junior grade), to be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 30th day of July, 1906.

The following-named assistant paymasters, with the rank of ensign, to be assistant paymasters, with the rank of lieutenant (junior grade), from the 30th day of July, 1906:

William L. F. Simonpietri,
Neal B. Farwell,
Reginald Spear,
Elijah H. Cope,
Brainerd M. Dobson,
William W. Lamar,
Robert B. Lupton,
Fred W. Holt,
Walter D. Sharp,
Henry L. McCrea,
William T. Sypher,
Edwin M. Hacker,
Horace B. Worden, and
Raymond B. Westlake.

Naval Constructor John D. Beuret, with the rank of lieutenant, to be a naval constructor in the Navy, with the rank of lieutenant-commander, from the 6th day of June, 1906.

Naval Constructors Daniel C. Nutting, jr., and Holden A. Evans, with the rank of lieutenant, to be naval constructors in the Navy, with the rank of lieutenant-commander, from the 6th day of October, 1906.

Lieut. William W. Bush to be a lieutenant-commander in the Navy from the 21st day of March, 1905, with Lieut. Kenneth McAlpine, an additional number in grade.

Lieut. William H. McGrann to be a lieutenant-commander in the Navy from the 12th day of February, 1906, vice Lieut. Commander Albert N. Wood, promoted.

Lieut. William D. Brotherton to be a lieutenant-commander in the Navy from the 26th day of May, 1906, vice Lieut. Commander John L. Gow, promoted.

Lieut. George W. Laws to be a lieutenant-commander in the Navy from the 6th day of June, 1906, vice Lieut. Commander George R. Clark, promoted.

Lieut. George C. Day to be a lieutenant-commander in the Navy from the 6th day of June, 1906, vice Lieut. Commander William P. White, promoted.

Lieut. Frederick L. Sawyer to be a lieutentant-commander in the Navy from the 16th day of June, 1906, vice Lieut. Commander Cleland Davis, who became an additional number in grade by the provisions of an act of Congress approved on that date.

Capt. Robert M. Berry to be a rear-admiral in the Navy from the 29th day of June, 1906, vice Rear-Admiral Morris R. S. Mackenzie, retired.

Commander Charles W. Bartlett to be a captain in the Navy from the 29th day of June, 1906, vice Capt. Robert M. Berry, promoted.

Lieut. Commander John H. Shipley to be a commander in the Navy from the 29th day of June, 1906, vice Commander Charles W. Bartlett, promoted.

Lieut. Charles L. Hussey to be a lieutenant-commander in the Navy from the 29th day of June, 1906, vice Lieut. Commander John H. Shipley, promoted.

Lieut. John R. Y. Blakely to be a lieutenant-commander in the Navy from the 30th day of June, 1906, vice Lieut. Commander Frank M. Russell, deceased.

Commander James H. Oliver, on the retired list of the Navy, to be a commander on the active list of the Navy from the 30th day of June, 1906, in accordance with the provisions of an act of Congress approved that date.

Kenneth G. Castleman, a citizen of Kentucky, to be a lieutenant in the Navy from the 30th day of June, 1906, in accordance with the provisions of an act of Congress approved that date.

Commander Chauncey Thomas to be a captain in the Navy from the 1st day of July, 1906, vice Capt. William S. Moore, retired.

Commander William A. Marshall to be a captain in the Navy from the 1st day of July, 1906, vice Capt. William H. Turner, retired.

Commander Henry McCrea to be a captain in the Navy from the 1st day of July, 1906, vice Capt. Karl Rohrer, retired.

Commander Edward F. Qualtrough to be a captain in the Navy from the 1st day of July, 1906, vice Capt. John A. H. Nickels, retired.

Commander Lucien Young, an additional number in grade, to be a captain in the Navy from the 1st day of July, 1906, with Commander Edward F. Qualtrough, promoted.

Lieut. Commander John E. Craven to be a commander in the Navy from the 1st day of July, 1906, vice Commander Chauncey Thomas, promoted.

Lieut. Commander John J. Knapp to be a commander in the Navy from the 1st day of July, 1906, vice Commander William A. Marshall, promoted.

Lieut. Commander John Hood to be a commander in the Navy from the 1st day of July, 1906, vice Commander Henry McCrea, promoted.

Lieut. Commander Edward E. Hayden, an additional number in grade, to be a commander in the Navy from the 1st day of July, 1906, with Lieut. Commander John Hood, promoted.

Lieut. Commander Benjamin C. Bryan to be a commander in the Navy from the 1st day of July, 1906, vice Commander Edward F. Qualtrough, promoted.

Lieut. Commander Charles C. Marsh to be a commander in the

Navy from the 1st day of July, 1906, vice Commander Albert N. Wood, retired.

Lieut. Commander Charles H. Harlow, an additional number in grade, to be a commander in the Navy from the 1st day of July, 1906, with Lieut. Commander Charles C. Marsh, promoted.

Lieut. Charles T. Jewell to be a lieutenant-commander in the Navy from the 1st day of July, 1906, vice Lieut. Commander John E. Craven, promoted.

Lieut. Gregory C. Davison to be a lieutenant-commander in the Navy from the 1st day of July, 1906, vice Lieut. Commander John J. Knapp, promoted.

Lieut. Leon S. Thompson to be a lieutenant-commander in the Navy from the 1st day of July, 1906, vice Lieut. Commander John Hood, promoted.

Lieut. Frederick A. Traut to be a lieutenant-commander in the Navy from the 1st day of July, 1906, vice Lieut. Commander Benjamin C. Bryan, promoted.

Lieut. Fred R. Payne to be a lieutenant-commander in the Navy from the 1st day of July, 1906, vice Lieut. Commander Solon Arnold, retired.

Lieut. Robert K. Crank to be a lieutenant-commander in the Navy from the 1st day of July, 1906, vice Lieut. Commander John M. Poyer, retired.

Lieut. Stanford E. Moses to be a lieutenant-commander in the Navy from the 1st day of July, 1906, vice Lieut. Commander Walter O. Hulme, retired.

Lieut. Powers Symington to be a lieutenant-commander in the Navy from the 1st day of July, 1906, vice Lieut. Commander Henry E. Parmenter, retired.

Lieut. Yates Stirling, jr., to be a lieutenant-commander in the Navy from the 1st day of July, 1906, vice Lieut. Commander Albert C. Dieffenbach, retired.

Lieut. Raymond D. Hasbrouck to be a lieutenant-commander in the Navy from the 1st day of July, 1906, vice Lieut. Commander Theodore C. Fenton, retired.

Lieut. George Mallison to be a lieutenant-commander in the Navy from the 1st day of July, 1906, vice Lieut. Commander John P. McGuinness, retired.

Lieut. Walter Ball to be a lieutenant-commander in the Navy from the 1st day of July, 1906, vice Lieut. Commander Horace W. Jones, retired.

Lieut. Joel R. P. Pringle to be a lieutenant-commander in the Navy from the 1st day of July, 1906, vice Lieut. Commander Benjamin W. Wells, retired.

Capt. Samuel W. Very to be a rear-admiral in the Navy from the 22d day of July, 1906, vice Rear-Admiral Royal B. Bradford, retired.

Capt. William T. Swinburne, an additional number in grade, to be a rear-admiral in the Navy from the 22d day of July, 1906, with Capt. Samuel W. Very, promoted.

Commander William H. H. Southerland to be a captain in the Navy from the 22d day of July, 1906, vice Capt. Samuel W. Very, promoted.

Lieut. Commander Clarence A. Carr to be a commander in the Navy from the 22d day of July, 1906, vice Commander William H. H. Southerland, promoted.

Lieut. Benjamin B. McCormick to be a lieutenant-commander in the Navy from the 22d day of July, 1906, vice Lieut. Commander Clarence A. Carr, promoted.

Ensign Myles Joyce to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1906, upon the completion of three years' service.

Ensign Levin J. Wallace to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1906, upon the completion of three years' service.

Lieut. (Junior Grade) Myles Joyce to be a lieutenant in the Navy from the 30th day of July, 1906, to fill a vacancy existing in that grade on that date.

Capt. Joseph N. Hemphill to be a rear-admiral in the Navy from the 5th day of August, 1906, vice Rear-Admiral Charles J. Train, deceased.

Commander Charles E. Fox to be a captain in the Navy from the 5th day of August, 1906, vice Capt. Joseph N. Hemphill, promoted.

Lieut. Commander William A. Gill to be a commander in the Navy from the 15th day of August, 1906, vice Commander Charles E. Fox, promoted.

Lieut. Edward S. Kellogg to be a lieutenant-commander in the Navy from the 5th day of August, 1906, vice Lieut. Commander William A. Gill, promoted.

Commander John C. Fremont to be a captain in the Navy from the 10th day of October, 1906, vice Capt. William H. Everett, retired.

Capt. William H. Emory to be a rear-admiral in the Navy from the 2d day of November, 1906, vice Rear-Admiral Francis W. Dickins, retired.

Lieut. Frank H. Clark, jr., to be a lieutenant-commander in the Navy from the 2d day of November, 1906, vice Lieut. Commander Frank M. Bennett, promoted.

Asst. Surg. Jesse W. Backus to be a passed assistant surgeon in the Navy from the 18th day of May, 1905, upon the completion of three years' service.

Asst. Surg. George M. Mayers to be a passed assistant surgeon in the Navy from the 1st day of June, 1905, upon the completion of three years' service.

Passed Asst. Surg. Edward G. Parker to be a surgeon in the Navy from the 24th day of March, 1906, vice Surg. Joseph A. Guthrie, retired.

Passed Asst. Surg. Barton L. Wright to be a surgeon in the Navy from the 10th day of May, 1906, vice Surg. Frederick J. B. Cordeiro, retired.

Medical Inspector Ezra Z. Derr to be a medical director in the Navy from the 6th day of September, 1906, vice Medical Director Robert A. Marmion, retired.

Surg. James C. Byrnes to be a medical inspector in the Navy from the 7th day of October, 1906, vice Medical Inspector Nelson H. Drake, retired.

John O. Downey, a citizen of West Virginia, and James M. Minter, a citizen of Georgia, to be assistant surgeons in the Navy from the 1st day of August, 1906, to fill vacancies existing in that grade on that date.

Spencer L. Higgins, a citizen of New York, to be an assistant surgeon in the Navy from the 12th day of November, 1906, to fill a vacancy existing in that grade on that date.

First Lieut. John C. Beaumont to be a captain in the Marine Corps from the 17th day of July, 1906, vice Capt. Robert M. Dutton, retired.

First Lieut Sidney W. Brewster to be a captain in the Marine Corps from the 15th day of August, 1906, vice Capt. William R. Coyle, resigned.

Lieut. Harry E. Smith, United States Navy, to be a professor of mathematics in the Navy from the 8th day of August, 1906, to fill a vacancy created by the act of Congress approved June 29, 1906.

Lieut. Daniel M. Garrison, United States Navy, to be a professor of mathematics in the Navy from the 27th day of October, 1906, to fill a vacancy created by the act of Congress approved June 29, 1906.

Naval Constructor Washington L. Capps, to be a naval constructor in the Navy with the rank of captain from the 7th day of July, 1906, vice Naval Constructor Joseph J. Woodward, deceased.

Naval Constructor George H. Rock, to be a naval constructor in the Navy with the rank of commander from the 7th day of July, 1906, vice Naval Constructor Washington L. Capps, promoted.

The following-named civil engineers to be civil engineers in the Navy with the rank of lieutenant from the 7th day of June, 1906:

Joseph S. Shultz, and
Carl A. Carlson.

Albert A. Baker, a citizen of New Hampshire, to be an assistant civil engineer in the Navy from the 9th day of October, 1906, to fill a vacancy existing in that grade on that date.

Rear-admiral on retired list.

Capt. William H. Everett, on the active list of the Navy, to be a rear-admiral on the retired list of officers of the Navy from the 9th day of October, 1906, in accordance with a provision contained in the naval appropriation act approved June 29, 1906.

The following-named officers on the retired list of the Navy to be advanced from the 29th day of June, 1906, to the rank and retired pay of one grade above that actually held by them at the time of their retirement, as indicated, in accordance with a provision contained in the naval appropriation act approved June 29, 1906:

Medical directors with the rank of captain to be medical directors with the rank of rear-admiral on the retired list.

Francis M. Gunnell,
Edward Shippen,
Samuel F. Coues,
John Y. Taylor,
George Richard C. Dean,
David Kindleberger,
Edward S. Bogert,
Adolph A. Hoehling,
Benjamin H. Kidder, and
George H. Cooke.

Medical inspectors with the rank of commander to be medical directors with the rank of captain on the retired list.

John C. Spear,
Archibald C. Rhoades,
Aaron S. Oberly, and
Theoron Woolverton.

Surgeons with the rank of lieutenant-commander to be medical inspectors with the rank of commander on the retired list.

Thomas Hiland,
Edward D. Payne,
Henry C. Eckstein, and
William Martin.

Assistant Surgeon, with the rank of lieutenant (junior grade), Almond O. Leavitt, United States Navy, to be a passed assistant surgeon with the rank of lieutenant on the retired list.

The following-named officers on the retired list of the Navy to be advanced from the 29th day of June, 1906, to the rank and retired pay of one grade above that actually held by them at the time of their retirement, as indicated, in accordance with a provision contained in the naval appropriation act approved June 29, 1906:

Captains to be rear-admirals on the retired list.

Allen V. Reed,
Alfred T. Mahan, and
Theodore F. Kane.

Commanders to be captains on the retired list.

Thomas L. Swann,
Smith W. Nichols,
George T. Davis,
Thomas Nelson,
Charles A. Schetky,
George R. Durand,
Francis M. Barber,
Timothy A. Lyons,
John J. Brice,
John K. Winn,
William B. Newman,
Zera L. Tanner,
Samuel Belden,
John C. Morong, and
Benjamin S. Richards.

Lieutenant-commanders to be commanders on the retired list.

Antoine R. McNair,
Charles E. McKay,
Frederick I. Naile,
Gouverneur K. Haswell,
Edward M. Stedman,
Socrates Hubbard,
Edward L. Amory,
Holman Vail,
Isaac Hazlett,
Frederick A. Miller,
William H. Webb, and
Arthur P. Osborn.

Lieutenants to be lieutenant-commanders on the retired list.

William Watts,
Charles H. Judd,
Douglas Roben,
Richard M. Lisle,
Charles P. Shaw,
John W. Hagenman,
James M. Grimes,
Andrew C. McMechan, and
Downs L. Wilson.

The following-named officers on the retired list of the Navy to be advanced from the 29th day of June, 1906, to the rank and retired pay of one grade above that actually held by them at the time of their retirement, as indicated, in accordance with a provision contained in the naval appropriation act approved June 29, 1906.

Pay directors with the rank of captain to be pay directors with the rank of rear-admiral on the retired list.

James H. Watmough,
Thomas H. Looker,
Charles W. Abbot,
James D. Murray,
Alexander W. Russell,
Luther G. Billings, and
Arthur J. Pritchard.

Pay inspectors with the rank of commander to be pay directors with the rank of captain on the retired list.

James Hoy,
Francis H. Swan,
Worthington Goldsborough, and
William W. Woodhull.

Paymasters with the rank of lieutenant-commander to be pay inspectors with the rank of commanders on the retired list.

John Furey,
John R. Carmody, and
George H. Read.

The following-named officers on the retired list of the Navy, to be advanced, from the 29th day of June, 1906, to the rank and retired pay of one grade above that actually held by them at the time of their retirement, as indicated, in accordance with a provision contained in the naval appropriation act approved June 29, 1906:

Chief engineers with the rank of captain to be chief engineers with the rank of rear-admiral on the retired list.

Benjamin F. Isherwood,
Montgomery Fletcher,
David B. Macomb,
Edward D. Robie,
John W. Moore,
Thom Williamson,
Jackson McElmeil,
Edwin Fithian,
Charles H. Loring,
William B. Brooks,
George F. Kutz,
Andrew J. Kiersted,
James W. Thomson,
Samuel L. P. Ayers,
Elijah Laws,
Edward Farmer,
Fletcher A. Wilson,
Robert Potts,
Alfred Adamson, and
Charles J. MacConnell.

Chief engineers with the rank of commander to be chief engineers with the rank of captain on the retired list.

Henry W. Fitch,
Frederick G. McKean,
Isaac R. McNary,
John A. Scot,
George W. Stivers,
Absalom Kirby,
George E. Tower,
James H. Chasmar, and
Albert C. Engard.

Chief engineers with the rank of lieutenant-commander to be chief engineers with the rank of commander on the retired list.

Henry Mason,
Edward E. Latch,
George W. Senser,
George W. Magee,
Benjamin F. Wood,
Burdett C. Gowing,
Edward A. Magee,
George W. Roche, and
Jefferson Brown.

Passed assistant engineers with the rank of lieutenant to be chief engineers with the rank of lieutenant on the retired list.

Caleb E. Lee,
Rezeau D. Plotts,
Alexander V. Fraser,
Charles H. Greenleaf,
Rudolph T. Bennett,
John J. Bissett,
Henry C. Blye,
James W. Holihan,
Jonathan M. Emanuel,
Charles H. Manning,
William A. H. Allen,
David M. Fulmer,
William L. Bailie,
Charles F. Nagle,
Robert D. Taylor, and
Robert Crawford.

The following-named officers on the retired list of the Navy, to be advanced from the 29th day of June, 1906, to the rank

and retired pay of one grade above that actually held by them at the time of their retirement, as indicated, in accordance with a provision contained in the naval appropriation act approved June 29, 1906:

Chaplains with the rank of captain to be chaplains with the rank of rear-admiral on the retired list.

William H. Stewart,
Donald McLaren,
James J. Kane, and
George A. Crawford.

Professors of mathematics with the rank of captain to be professors of mathematics with the rank of rear-admiral on the retired list.

Simon Newcomb,
Asaph Hall, and
John R. Eastman.

Naval Constructor, with the rank of captain, Thomas E. Webb, United States Navy, to be a naval constructor, with the rank of rear-admiral on the retired list.

Boatswains to be chief boatswains, to rank with but after ensigns, on the retired list.

Robert Anderson,
James Nash,
Thomas Savage,
Edwin Crissey,
John H. Brown, and
Woodward Carter.

Gunners to be chief gunners, to rank with but after ensigns, on the retired list.

John C. Ritter,
Thomas P. Venable,
Elisha J. Beacham,
Thomas B. Watkins,
Joseph Smith,
John G. Foster,
George P. Cushman,
William T. Devlan, and
Samuel Cross.

Carpenters to be chief carpenters, to rank with but after ensigns, on the retired list.

Ebenezer Thompson,
William D. Toy,
Robert A. Williams,
Herbert M. Griffiths,
Henry Williams, and
Benjamin E. Fernald.

Sailmaker George C. Boerum, United States Navy, to be a chief sailmaker, to rank with but after ensign, on the retired list.

To be ensigns.

Warrant Machinist Clarence E. Wood, Gunner Max M. Frucht, and Warrant Machinist Charles S. Joyce, United States Navy, to be ensigns in the Navy from the 30th day of July, 1906, in accordance with the provisions of an act of Congress approved March 3, 1901, as amended.

To be chaplains with rank of lieutenant-commander.

The following-named chaplains to be chaplains in the Navy, with the rank of lieutenant-commander from the 1st day of July, 1906, to fill vacancies created by an act of Congress approved June 29, 1906:

Curtis H. Dickins,
Louis P. Rennolds,
Charles M. Charlton,
Edward J. Brennan, and
Bower R. Patrick.

RECEIVERS OF PUBLIC MONEYS.

Alexander B. Kennedy, of Louisiana, to be receiver of public moneys at New Orleans, La., to take effect January 23, 1907, at the expiration of his present term. (Reappointment.)

Henry G. McCrossen, of Wisconsin, who was reappointed July 3, 1906, during the recess of the Senate, his term having expired, to be receiver of public moneys at Wausau, Wis. (Reappointment.)

REGISTER OF LAND OFFICE.

James J. Donovan, of Michigan, to be register of the land office at Marquette, Mich., vice Thomas Scadden, resigned.

POSTMASTERS.

ALABAMA.

William Joseph Leppert to be postmaster at Camden, in the county of Wilcox and State of Alabama. Office became Presidential January 1, 1906.

ARKANSAS.

Tillie J. Bruce to be postmaster at Piggott, in the county of Clay and State of Arkansas. Office became Presidential July 1, 1906.

Joel A. Harper to be postmaster at Rector, in the county of Clay and State of Arkansas. Office became Presidential October 1, 1906.

CALIFORNIA.

Lizzie McGann to be postmaster at Richmond, in the county of Contra Costa and State of California. Office became Presidential July 1, 1906.

Henry W. Nash to be postmaster at Stirling City, in the county of Butte and State of California. Office became Presidential July 1, 1906.

COLORADO.

Mabel E. Strout to be postmaster at Ouray, in the county of Ouray and State of Colorado, in place of James W. Long. Incumbent's commission expired January 23, 1906.

George A. Herrington to be postmaster at Montrose, in the county of Montrose and State of Colorado, in place of James B. Johnson. Incumbent's commission expired January 20, 1906.

IDAHO.

William S. Brainard to be postmaster at Wardner, in the county of Shoshone and State of Idaho, in place of Aaron Frost. Incumbent's commission expired January 22, 1906.

ILLINOIS.

Welby B. Carleton to be postmaster at Hinsdale, in the county of Dupage and State of Illinois, in place of David A. Courter. Incumbent's commission expired June 10, 1906.

Henry B. Harvey to be postmaster at Cissna Park, in the county of Iroquois and State of Illinois. Office became Presidential October 1, 1906.

Frank Woolley to be postmaster at Saybrook, in the county of McLean and State of Illinois, in place of Moses C. McMurry. Incumbent's commission expired June 30, 1906.

INDIANA.

Daniel Conaway to be postmaster at Cayuga, in the county of Vermilion and State of Indiana. Office became Presidential October 1, 1906.

IOWA.

Rufus Lyman to be postmaster at Carson, in the county of Pottawattamie and State of Iowa, in place of Samuel M. Johnson. Incumbent's commission expired June 30, 1906.

Charles H. Read to be postmaster at Avoca, in the county of Pottawattamie and State of Iowa, in place of Francis A. Turner. Incumbent's commission expired March 12, 1906.

KENTUCKY.

Dood Adair to be postmaster at Hawesville, in the county of Hancock and State of Kentucky. Office became Presidential July 1, 1906.

MAINE.

Mary E. Clark to be postmaster at Bingham, in the county of Somerset and State of Maine. Office became Presidential July 1, 1906.

Mary E. Frye to be postmaster at Fryeburg, in the county of Oxford and State of Maine. Office became Presidential July 1, 1906.

Harry R. Hichborn to be postmaster at Stockton Springs, in the county of Waldo and State of Maine. Office became Presidential July 1, 1906.

Theophilus H. Sproul to be postmaster at Winterport, in the county of Waldo and State of Maine. Office became Presidential July 1, 1906.

MARYLAND.

Alfred H. Hambleton to be postmaster at St. Michaels, in the county of Talbot and State of Maryland. Office became Presidential July 1, 1906.

MASSACHUSETTS.

Andrew N. Maxon to be postmaster at Blackstone, in the county of Worcester and State of Massachusetts. Office became Presidential October 1, 1906.

Simeon L. Smith to be postmaster at Orleans, in the county of Barnstable and State of Massachusetts. Office became Presidential October 1, 1906.

MICHIGAN.

Oscar P. Carver to be postmaster at Traverse City, in the county of Grand Traverse and State of Michigan, in place of George W. Raff. Incumbent's commission expired February 7, 1906.

MINNESOTA.

N. Eilertson to be postmaster at Mount Iron, in the county of St. Louis and State of Minnesota. Office became Presidential October 1, 1906.

Joseph H. Feeter to be postmaster at Bird Island, in the county of Renville and State of Minnesota, in place of Amund Dahl. Incumbent's commission expired May 8, 1906.

MISSOURI.

U. S. Grant Evans to be postmaster at Farmington, in the county of St. Francois and State of Missouri, in place of Mark L. Doughty. Incumbent's commission expired June 28, 1906.

MONTANA.

Max Jacobs to be postmaster at East Helena, in the county of Lewis and Clark and State of Montana. Office became Presidential July 1, 1906.

NEBRASKA.

Charles H. Simmons to be postmaster at Scottsbluff, in the county of Scotts Bluff and State of Nebraska. Office became Presidential July 1, 1906.

Samuel H. Weston to be postmaster at Dorchester, in the county of Saline and State of Nebraska. Office became Presidential October 1, 1906.

NEW MEXICO.

Albert L. Breeding to be postmaster at Texico, in the county of Roosevelt and Territory of New Mexico. Office became Presidential October 1, 1906.

NEW YORK.

Pryce W. Bailey to be postmaster at Seneca Falls, in the county of Seneca and State of New York, in place of Harry M. Glen. Incumbent's commission expired December 15, 1903.

Floyd S. Brooks to be postmaster at Ilion, in the county of Herkimer and State of New York, in place of Robert W. Warner. Incumbent's commission expired April 22, 1906.

Edwin A. Clark to be postmaster at Center Moriches, in the county of Suffolk and State of New York. Office became Presidential July 1, 1906.

Edward A. Hildreth to be postmaster at Bridgehampton, in the county of Suffolk and State of New York. Office became Presidential July 1, 1906.

NORTH CAROLINA.

Barnabas A. Baber to be postmaster at Shelby, in the county of Cleveland and State of North Carolina, in place of George W. De Priest. Incumbent's commission expired June 24, 1906.

John R. Joyce to be postmaster at Reidsville, in the county of Rockingham and State of North Carolina, in place of James F. Wray. Incumbent's commission expired February 18, 1906.

NORTH DAKOTA.

Thomas S. Johnstone to be postmaster at Ashley, in the county of McIntosh and State of North Dakota. Office became Presidential October 1, 1906.

William H. Stevens to be postmaster at Wimbledon, in the county of Barnes and State of North Dakota. Office became Presidential July 1, 1906.

OHIO.

Samuel N. Patton to be postmaster at Hillsboro, in the county of Highland and State of Ohio, in place of William G. Richards, Incumbent's commission expired June 19, 1906.

William D. Powley to be postmaster at Monroeville, in the county of Huron and State of Ohio, in place of William D. Powley. Incumbent's commission expired January 16, 1906.

PENNSYLVANIA.

James C. Jacobs to be postmaster at Burnham, in the county of Mifflin and State of Pennsylvania. Office became Presidential July 1, 1906.

Harry M. Zimmerman to be postmaster at Derry Church, in the county of Dauphin and State of Pennsylvania. Office became Presidential July 1, 1906.

PORTO RICO.

Eugenio C. Manautou to be postmaster at Caguas, in the county of Guayama, P. R. Office became Presidential July 1, 1906.

RHODE ISLAND.

F. Edgar Crumb to be postmaster at Riverside, in the county of Providence and State of Rhode Island. Office became Presidential July 1, 1906.

SOUTH CAROLINA.

Samuel J. Leaphart to be postmaster at Lexington, in the county of Lexington and State of South Carolina. Office became Presidential October 1, 1906.

SOUTH DAKOTA.

Robert Z. Bennett to be postmaster at Beresford, in the county of Union and State of South Dakota, in place of Robert Z. Bennett. Incumbent's commission expired April 2, 1906.

Cyrus B. Williamson to be postmaster at Watertown, in the county of Codington and State of South Dakota, in place of Frank J. Cory. Incumbent's commission expired February 20, 1906.

TENNESSEE.

William J. Wells to be postmaster at Loudon, in the county of Loudon and State of Tennessee. Office became Presidential October 1, 1906.

TEXAS.

Dallas Harbert to be postmaster at Commerce, in the county of Hunt and State of Texas, in place of Charles W. Rush. Incumbent's commission expired March 31, 1902.

Americus C. Nafus to be postmaster at Mesquite, in the county of Dallas and State of Texas. Office became Presidential July 1, 1906.

Gustave A. Pannewitz to be postmaster at Shiner, in the county of Lavaca and State of Texas, in place of Rudolph G. Flato, resigned.

Charley E. Smith to be postmaster at Kerens, in the county of Navarro and State of Texas, in place of John W. Merrow, removed.

VIRGINIA.

Verlin M. Scott to be postmaster at Saltville, in the county of Smyth and State of Virginia. Office became Presidential October 1, 1906.

WASHINGTON.

Hiram Hammer to be postmaster at Sedro Woolley, in the county of Skagit and State of Washington, in place of Ulysses E. Foster, resigned.

Daniel C. Pearson to be postmaster at Stanwood, in the county of Snohomish and State of Washington. Office became Presidential July 1, 1906.

WEST VIRGINIA.

William H. Lautz to be postmaster at Pennsboro, in the county of Ritchie and State of West Virginia, in place of Benjamin W. Bee, removed.

WISCONSIN.

John J. O'Connell to be postmaster at Marinette, in the county of Marinette and State of Wisconsin, in place of Lewis S. Patrick. Incumbent's commission expired June 4, 1906.

WYOMING.

Henry D. Ashley to be postmaster at Encampment, in the county of Carbon and State of Wyoming, in place of Edwin S. Drury, resigned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 3, 1906.*

This being the day designated by the Constitution for the annual meeting of Congress, the Members of the House of Representatives assembled in their Hall for the second session of the Fifty-ninth Congress, and at 12 o'clock m. were called to order by the Speaker.

The Rev. HENRY N. COUDEN, D. D., Chaplain of the House, offered the following prayer:

Eternal God, our heavenly Father, source of all good, our hearts instinctively turn to Thee for wisdom, strength, and guidance as we thus gather from all sections of our Union here under the Dome of its Capitol to conclude the work of the Fifty-ninth Congress. We bless Thee for the laws with which Thou hast surrounded us, for the intelligence with which Thou hast endowed us, for the riches which have come down to us out of the past, for the splendid opportunities of the present, and for the bright hopes and promises of the future. Grant, O most merciful Father, that these Thy servants may strive diligently to conform their resolves and harmonize their enactments with the laws which Thou hast ordained.

Let Thy richest blessings descend upon the Speaker of this House, that with characteristic zeal, energy, and courage he may guide through all its deliberations to the highest and best results.

Illumine from on high the minds of those who sit in judgment upon the laws enacted by the Congress that their decisions may be wise and just. Bless, we beseech Thee, the President of these United States, his advisers, and all others in authority, that the affairs of state may be wisely administered and the laws of the land faithfully executed, that the coordinate branches of the Government, thus working together and working with Thee, may fulfill in larger measure the ideals conceived of our fathers in "a government of the people, by the people, and for the people," that righteousness, truth, justice, peace, and good will may obtain, to the honor and glory of Thy holy name.

The empty seats on the floor of this House remind us of the strong-minded, pure-hearted, noble men who occupied them, but have been called to the higher life since last we met. We thank Thee for their genial presence so long among us, the work they accomplished for State and nation, the sweet memory and illus-

trious examples left behind them. Be very near, O God, our Heavenly Father, to the bereaved families. Uphold, sustain, and comfort them by the blessed hope of the immortality of the soul.

Impart, we implore Thee, more of Thyself unto us all, that we may become in deed and in truth sons of the living God after the similitude of Thy Son Jesus Christ our Lord and Master. Amen.

ROLL CALL BY STATES.

The SPEAKER. The Clerk will call the roll by States, to ascertain the presence of a quorum.

The Clerk proceeded to call the roll by States; and the following-named Members answered:

ALABAMA.

George W. Taylor.
Henry D. Clayton.
J. Thomas Heflin.
John H. Bankhead.
John L. Burnett.
William Richardson.
Oscar W. Underwood.

ARKANSAS.

Robert Bruce Macon.
Stephen Brundidge, jr.
John C. Floyd.
John S. Little.
Joseph T. Robinson.
Robert M. Wallace.

CALIFORNIA.

Duncan E. McKinlay.
Joseph R. Knowland.
Julius Kahn.
Everis A. Hayes.
James C. Needham.
James McLachlan.
Sylvester C. Smith.

COLORADO.

Robert W. Bonynge.
Franklin E. Brooks.
Herschel M. Hogg.

CONNECTICUT.

E. Stevens Henry.
Nehemiah D. Sperry.
Edwin W. Higgins.
Ebenezer J. Hill.

DELAWARE.

Hiram R. Burton.

FLORIDA.

Stephen M. Sparkman.
Frank Clark.
William B. Lamar.

GEORGIA.

Elijah B. Lewis.
William C. Adamson.
Leonidas F. Livingston.
Charles L. Bartlett.
Gordon Lee.
William M. Howard.
Thomas M. Bell.
Thomas W. Hardwick.
William G. Brantley.

IDAHO.

Burton L. French.

ILLINOIS.

Martin B. Madden.
James R. Mann.
William W. Wilson.
Charles S. Wharton.
Anthony Michalek.
William Lorimer.
Philip Knopf.
Charles McGavin.
Henry S. Boutell.
George Edmund Foss.
Howard M. Snapp.
Charles E. Fuller.
James McKinney.
George W. Prince.
Joseph V. Graff.
Joseph G. Cannon.
William B. McKinley.
Henry T. Rainey.
Zeno J. Rives.
Wm. A. Rodenberg.
Frank S. Dickson.
Pleasant T. Chapman.
George W. Smith.

INDIANA.

John H. Foster.
John C. Chaney.
William T. Zenor.
Lincoln Dixon.
Elias S. Holliday.
Jesse Overstreet.
Charles B. Landis.
Edgar D. Crumpacker.
Abraham L. Brick.

IOWA.

Thomas Hedge.
Albert F. Dawson.
Robert G. Cousins.
John F. Lacey.
John A. T. Hull.
William P. Hepburn.
Walter I. Smith.
James P. Conner.
Elbert H. Hubbard.

KANSAS.

Charles F. Scott.
Charles Curtis.
Justin D. Bowersock.
Philip P. Campbell.
James M. Miller.
William A. Calderhead.
William A. Reeder.
Victor Murdock.

KENTUCKY.

Ollie M. James.
Augustus O. Stanley.
David H. Smith.
Swagar Sherley.
Joseph L. Rhinock.
South Trimble.
Joseph B. Bennett.
Don C. Edwards.

LOUISIANA.

Adolph Meyer.
Robert C. Davey.
Robert F. Broussard.
John T. Watkins.
Joseph E. Ransdell.
Arsène P. Pujo.

MAINE.

Amos L. Allen.
Charles E. Littlefield.
Edwin C. Burleigh.
Llewellyn Powers.

MARYLAND.

Thomas A. Smith.
Joshua F. C. Talbott.
Frank C. Wachter.
John Gill, jr.
George A. Pearre.

MASSACHUSETTS.

George P. Lawrence.
Frederick H. Gillett.
Butler Ames.
Ernest W. Roberts.
Samuel W. McCall.
John A. Keliher.
William S. McNary.
John A. Sullivan.
John W. Weeks.
William S. Greene.
William C. Lovering.

MICHIGAN.

Edwin Denby.
Washington Gardner.
Edward L. Hamilton.
William Alden Smith.
Samuel W. Smith.
Henry McMorran.
Joseph W. Fordney.
Roswell P. Bishop.
George A. Loud.
Archibald B. Darragh.
H. Olin Young.

MINNESOTA.

James A. Tawney.
Charles R. Davis.
Frederick C. Stevens.
Loren Fletcher.
Andrew J. Volstead.
J. Adam Bede.
Halvor Steenerson.

MISSISSIPPI.

Ezekiel S. Candler, jr.
Thomas Spight.
Benjamin G. Humphreys.
Eaton J. Bowers.
Frank A. McLain.
John S. Williams.

MISSOURI.

James T. Lloyd.
William W. Rucker.
Frank B. Fulkerson.
Edgar C. Ellis.
David A. De Armond.
John Welborn.
Dorsey W. Shackleford.
Champ Clark.
Richard Bartholdt.
John T. Hunt.
Marion E. Rhodes.
Cassius M. Shartel.

MONTANA.

Joseph M. Dixon.

NEBRASKA.

Ernest M. Pollard.
John L. Kennedy.
Edmund H. Hinshaw.
George W. Norris.
Moses P. Kinkaid.

NEW HAMPSHIRE.

Cyrus A. Sulloway.
Frank D. Currier.

NEW JERSEY.

Henry C. Loudenslager.
John J. Gardner.
Benjamin F. Howell.
Ira W. Wood.
Charles N. Fowler.
Henry C. Allen.
Richard Wayne Parker.

NEW YORK.

William W. Cocks.
George H. Lindsay.
Charles T. Dunwell.
Charles B. Law.
George E. Waldo.
William M. Calder.
John J. Fitzgerald.
Henry M. Goldfogle.
William Sulzer.
William Bourke Cockran.
Herbert Parsons.
Charles A. Towne.
J. Van Vechten Olcott.
Jacob Ruppert, jr.
William S. Bennet.
Joseph A. Goulden.
John E. Andrus.
Thomas W. Bradley.
William H. Draper.
George N. Southwick.
Lucius N. Littauer.
James S. Sherman.
Charles L. Knapp.
John W. Dwight.
Sereno E. Payne.
J. Sloat Fassett.
James W. Wadsworth.
De Alva S. Alexander.
Edward B. Vreeland.

NORTH CAROLINA.

Charles R. Thomas.
William W. Kitchin.
Gilbert B. Patterson.
Robert N. Page.
E. Spencer Blackburn.
Edwin Y. Webb.

NORTH DAKOTA.

Thomas F. Marshall.
Asle J. Gronna.

OHIO.

Nicholas Longworth.
Herman P. Goebel.
Harvey C. Garber.
Thomas E. Scroggy.
J. Warren Keifer.
Ralph D. Cole.
James H. Southard.
Henry T. Bannon.
Charles H. Grosvenor.
Edward L. Taylor, jr.
Grant E. Mouser.
Amos R. Webber.
Beman G. Dawes.
Capell L. Weems.
Martin L. Smyser.
James Kennedy.
Theodore E. Burton.

OREGON.

Binger Hermann.

PENNSYLVANIA.

Henry H. Bingham.
Reuben O. Moon.
Edward De V. Morrell.
George D. McCreary.
Thomas S. Butler.
Irving P. Wanger.
H. Burd Cassel.
Thomas H. Dale.
Marcus C. L. Kline.
Mial E. Lilley.
Elias Deemer.
Edmund W. Samuel.
Thaddeus M. Mahon.
Marlin E. Olmsted.
John M. Reynolds.
Daniel F. Lafean.
George F. Huff.
Allen F. Cooper.
Ernest F. Acheson.
Arthur L. Bates.
Gustav A. Schneebeli.
William H. Graham.
John Dalzell.
James Francis Burke.
Andrew J. Barchfeld.

SOUTH CAROLINA.

George S. Legare.
James O. Patterson.
Wyatt Aiken.
Joseph T. Johnson.
David E. Finley.
J. Edwin Ellerbe.
Asbury F. Lever.

SOUTH DAKOTA.

Charles H. Burke.

TENNESSEE.

Walter P. Brownlow.
Nathan W. Hale.
John A. Moon.
Mounce G. Butler.
William C. Houston.
John Wesley Gaines.
Lemuel P. Padgett.
Thetus W. Sims.
Finis J. Garrett.

TEXAS.

Morris Sheppard.
Gordon Russell.
Choice B. Randell.
Jack Beall.
Alexander W. Gregg.
John M. Moore.
George F. Burgess.
Albert S. Burleson.
Robert L. Henry.
Oscar W. Gillespie.
John H. Stephens.
James L. Slayden.
John N. Garner.
William R. Smith.

UTAH.

Joseph Howell.

VERMONT.

David J. Foster. Kittredge Haskins.

VIRGINIA.

William A. Jones. James Hay.
Harry L. Maynard. John F. Rixey.
John Lamb. Campbell Slemp.
Carter Glass. Henry D. Flood.

WASHINGTON.

Wesley L. Jones. William E. Humphrey.
Francis W. Cushman.

WEST VIRGINIA.

Blackburn B. Dovener. Harry C. Woodyard.
Thomas B. Davis. James A. Hughes.
Joseph Holt Gaines.

WISCONSIN.

Henry A. Cooper. James H. Davidson.
Joseph W. Babcock. Edward S. Minor.
William H. Stafford. Webster E. Brown.
John J. Esch. John J. Jenkins.

WYOMING.

Frank W. Mondell.

The SPEAKER. The roll call discloses the presence of 314 Members—a quorum.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Also:

Resolved, That a committee consisting of two Senators be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

And that in compliance with the foregoing the Vice-President had appointed as said committee Mr. HALE and Mr. PETTUS.

SWEARING IN OF NEW MEMBERS.

Mr. JENKINS. Mr. Speaker, Mr. John M. Nelson, who has been elected from the Second district of Wisconsin as the successor of H. C. Adams, deceased, is present, and I request that he may be permitted to take the oath of office.

The credentials of Mr. Nelson were read.

Mr. BARTLETT. Mr. Speaker, the Representative elected from the First district of Georgia, Mr. J. W. Overstreet, is present, his credentials have been filed, and I ask that he be permitted to take the oath of office.

The credentials of Mr. Overstreet were read.

Mr. BOUTELL. Mr. Speaker, Mr. Frank O. Lowden has been elected a Representative to fill the vacancy in the Thirteenth district of Illinois. His credentials are at the desk, and I ask that they be read.

The Clerk read the credentials of Mr. Lowden.

Mr. BINGHAM. Mr. Speaker, I desire to present the credentials of Mr. John E. Reyburn, of the Second district of Pennsylvania, of Mr. J. Hampton Moore, of the Third district of Pennsylvania, and of Mr. Charles N. Brumm, of the Twelfth district of Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania offers the credentials of these three gentlemen, which the Clerk will report.

The Clerk read the credentials of Messrs. Reyburn, Moore, and Brumm.

Mr. OVERSTREET of Indiana. Mr. Speaker, I desire to present the credentials of Mr. Clarence C. Gilhams, of the Twelfth district of Indiana. Mr. Gilhams is present and desires to take the oath of office.

The SPEAKER. The gentleman from Indiana presents the following credentials, which will be read.

The Clerk read the credentials of Mr. Gilhams.

The SPEAKER. These several gentlemen whose credentials have been read will, if present, come forward to the area in front of the desk and take the oath of office.

Messrs. Overstreet of Georgia, Nelson, Lowden, Gilhams, Reyburn, Moore, and Brumm appeared at the bar of the House, and the oath of office was administered to them by the Speaker.

Mr. HAY. Mr. Speaker, I ask unanimous consent that Mr. E. W. Saunders, a Member-elect from the Fifth Virginia district, be sworn in. His credentials have not arrived, but there is no question of his election, and I have been in communication with the secretary of state of Virginia, who tells me that the canvass of the votes has been made and that Mr. Saunders has been declared duly elected.

The SPEAKER. The gentleman from Virginia asks unanimous consent that Mr. Saunders be sworn in as a Member of the House. Is there objection?

There was no objection.

Mr. SULZER. Mr. Speaker, I make the same request on behalf of Mr. Riordan, of the Eighth district of New York, who has been duly elected.

Mr. PAYNE. Mr. Speaker, I unite with my colleague in this request. I understand Mr. Riordan has been elected by a large majority. There is no question as to the result, no contest, and I hope the request will be granted.

The SPEAKER. Unanimous consent is asked that Mr. Riordan, of New York, be sworn as a Member of the House. Is there objection?

There was no objection.

The SPEAKER. Messrs. Saunders and Riordan, if present, will please present themselves at the bar of the House.

Mr. Saunders and Mr. Riordan appeared at the bar of the House, and the Speaker administered to them the oath of office.

DELEGATE FROM ALASKA.

Mr. CUSHMAN. Mr. Speaker, I announce the presence here to-day of Hon. Frank H. Waskey, of Nome, Alaska, who under the act of Congress approved May 7, 1906, was on the 14th day of August, 1906, duly elected as the first Delegate from Alaska to the House of Representatives, to serve during the remainder of this, the Fifty-ninth Congress. His credentials are at the desk, Mr. Speaker, and I ask that they be read.

The Clerk read the credentials of Mr. Waskey.

Mr. CUSHMAN. Mr. Speaker, I ask that the oath of office be now administered to Mr. Waskey.

The SPEAKER. The gentleman will present himself.

Mr. Waskey was escorted to the bar of the House by Mr. CUSHMAN [being greeted with general applause], and the Speaker administered the oath of office to him.

NOTIFICATION TO THE PRESIDENT.

Mr. PAYNE. Mr. Speaker, I offer the following resolution for present consideration.

The SPEAKER. The gentleman from New York offers for present consideration a resolution which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That a committee of three members be appointed on the part of the House to join the committee appointed by the Senate to wait upon the President and inform him that a quorum of the two Houses is assembled and that Congress is ready to receive any communication he may have to make.

The resolution was agreed to; and the Speaker announced as the committee on the part of the House Mr. PAYNE, Mr. BOUTELL, and Mr. WILLIAMS.

NOTIFICATION TO THE SENATE.

Mr. TAWNEY. Mr. Speaker, I offer the following resolution for present consideration.

The SPEAKER. The gentleman from Minnesota offers the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared and that the House is ready to proceed to business.

The resolution was agreed to.

COUDREY *v.* WOOD.

By unanimous consent, at the request of Mr. BARTHOLDT, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Coudrey *v.* Wood, Fifty-ninth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. BABCOCK, for two days, on account of sickness in his family.

To Mr. DARRAGH, indefinitely, on account of business.

To Mr. THOMAS of Ohio, for four weeks, on account of illness.

To Mr. COCKRAN, indefinitely, on account of business.

REGENT OF THE SMITHSONIAN INSTITUTION.

The SPEAKER laid before the House the following communication:

SMITHSONIAN INSTITUTION,
Washington, D. C., December 1, 1906.

SIR: It is with profound regret that I have to inform you of the existence of a vacancy in the Board of Regents of the Smithsonian Institution, on the part of the House of Representatives, caused by the death of the Hon. Robert R. Hitt.

In accordance with section 5581 of the Revised Statutes, a copy of which I inclose, the appointment to fill the vacancy thus occasioned is

to be made by the Speaker from the membership of the House of Representatives.

I am, sir, very respectfully, yours,

RICHARD RATHBUN,
Acting Secretary.

The Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives,
Washington, D. C.

The SPEAKER. If there be no objection, the communication will be laid upon the table. The Chair announces as a member of the Board of Regents of the Smithsonian Institution, Mr. MANN, in place of Mr. Hitt, deceased.

RESIGNATION OF REPRESENTATIVE GILLETT, OF CALIFORNIA.

The SPEAKER laid before the House the following communication; which was read by the Clerk:

To the governor, C. Pardee, governor of the State of California, and to the Hon. Joseph G. Cannon, Speaker of the House of Representatives, Washington, D. C.:

You and each of you will please take notice that I hereby tender my resignation as a Member of the House of Representatives of the United States of America for the First Congressional district of the State of California, said resignation to take effect on and after November 4, 1906.

Dated October 3, 1906.

J. N. GILLETT.

DEATH OF REPRESENTATIVE HITT.

Mr. LOWDEN. Mr. Speaker, it becomes my painful duty to announce the death of the Hon. ROBERT R. HITT, Representative of the Thirteenth district of Illinois. At a later day I shall ask that a time be set apart for exercises in memory of Mr. HITT. I now offer the following resolution and move its adoption.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT R. HITT, a Representative from the State of Illinois in thirteen successive Congresses.

The resolution was agreed to.

DEATH OF REPRESENTATIVE KETCHAM.

Mr. PAYNE. Mr. Speaker, it becomes my sad duty to announce the death of the Hon. JOHN H. KETCHAM, one of the oldest Members of the House by length of service. At some future day I shall ask the House to set aside a time to pay tribute to his memory. At this time I offer the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. JOHN H. KETCHAM, a Representative from the State of New York in seventeen Congresses.

The resolution was agreed to.

DEATH OF REPRESENTATIVE ADAMS, OF WISCONSIN.

Mr. NELSON. Mr. Speaker, it becomes my painful duty to announce the death of my distinguished predecessor, Hon. H. C. ADAMS, of Wisconsin, who died on his homeward journey at the close of the last session of Congress. At some future day I will ask that a time be set aside in which the friends and associates of the deceased Member may offer suitable tribute to his memory and services. I now offer the following resolution.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. H. C. ADAMS, a Representative from the State of Wisconsin.

The resolution was agreed to.

DEATH OF REPRESENTATIVE HOAR, OF MASSACHUSETTS.

Mr. GILLETT of Massachusetts. Mr. Speaker, two years ago to-day it was my sad duty to make formal announcement here of the death of Senator George F. Hoar. Now death has left vacant in this House the place of his son ROCKWOOD HOAR, who died at his home, in Worcester, Mass., on the 1st day of last November.

He was elected to Congress just as his father passed away, and I think all men rejoiced in the hope that the magnificent record of the father might be taken up and long continued by the son. We do not in this country yield honors to heredity, but our sentiment and our judgment alike are captivated when we see the talents and character of a great father renewed and perpetuated in a worthy son. Our late colleague gave promise of such an inheritance, and in our short association here gave us reason to expect as well as hope that the duty to which three generations of eminent public service inspired and pledged him would be faithfully and honorably and adequately performed.

The practice of this House does not permit now of eulogy, but later in the session we shall ask that a day be set apart for consideration of his life and public service.

I now offer the following resolution.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. ROCKWOOD HOAR, a Representative from the State of Massachusetts.

Resolved, That as a further mark of respect to the memory of those Representatives whose deaths have been announced this House do now adjourn.

The resolutions were agreed to. Accordingly, in pursuance thereof, the House (at 12 o'clock and 54 minutes) adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Sergeant-at-Arms, submitting a statement of the sums drawn and disbursed by him for the twelve months ended December 1, 1906—to the Committee on Accounts, and ordered to be printed.

A letter from the Sergeant-at-Arms, submitting a list of the property in his charge December 3, 1906—to the Committee on Accounts, and ordered to be printed.

A letter from the chief clerk of the Court of Claims, transmitting a list of all judgments rendered by the court for the year ended December 1, 1906—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with inclosures, a letter from Cortez F. Cox, relating to free importation of religious tracts—to the Committee on Ways and Means, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Ranging Polly*, Jack, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Apollo*, John Walker, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Betsey*, Samuel Patterson, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Amazon*, Israel Trask, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Sea Nymph*, George Hastie, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Portland*, David Harding, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Aurora*, John Suter, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Margaret*, David Maxwell, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Atlantic*, George Howe, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Mary*, George Myrick, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Blossom*, John Moore, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Nancy*, Putnam, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Union*, Henry Hooper, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, trans-

mitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Four Sisters*, Hector McLean, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Maria*, Morgan, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Rebecca*, Thomas Rogers, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Patty*, Beriah Pease, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Una*, Riley, master—to the Committee on Claims, and ordered to be printed.

A letter from the acting secretary of the Smithsonian Institution, submitting a detailed statement of expenditures under appropriations for International Exchanges, American Ethnology, National Museum, Astrophysical Observatory, and the National Zoological Park—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the snow *Atlantic*, Robert Smith, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Monad*, Pierson, master—to the Committee on Claims, and ordered to be printed.

A letter from the Clerk of the House, submitting a report of the names, compensation, etc., of persons employed in the service of the House and a statement of the stationery account—to the Committee on Accounts, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 20519) in relation to salaries of district attorney and assistant district attorneys for the northern district of Illinois—to the Committee on the Judiciary.

By Mr. STEENERSON: A bill (H. R. 20520) for the erection of a monument to the memory of Leif Ericson—to the Committee on the Library.

By Mr. SHEPPARD: A bill (H. R. 20521) to provide for the erection of a public building at Sulphur Springs, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20522) to provide for the erection of a public building at Clarksville, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20523) to provide for the taxation of incomes—to the Committee on Ways and Means.

By Mr. RICHARDSON of Alabama: A bill (H. R. 20524) for the erection of a monumental statue in the city of Florence, Ala., to Gen. John Coffee—to the Committee on the Library.

By Mr. WATKINS: A bill (H. R. 20525) to enlarge, repair, and improve the public building at Shreveport, La.—to the Committee on Public Buildings and Grounds.

By Mr. ROBINSON of Arkansas: A bill (H. R. 20526) to provide for dredging, improving, and maintaining the channels of navigable rivers within the State of Arkansas—to the Committee on Rivers and Harbors.

By Mr. BURKE of South Dakota: A bill (H. R. 20527) to authorize the sale and disposition of surplus or unallotted lands in Tripp County, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. LAFEAN: A bill (H. R. 20528) to provide for the erection of a public building at York, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. KLINE: A bill (H. R. 20529) providing for the election of two Delegates to the House of Representatives from the District of Columbia—to the Committee on the District of Columbia.

By Mr. DEEMER: A bill (H. R. 20530) to increase to $30 and $36 per month certain pensions granted under the act of June 27, 1890—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20531) to pension all soldiers and sailors who served in the military or naval service of the United States at least ninety days in the war of the rebellion, and who were honorably discharged therefrom, at the rate of $12 per month, and also placing upon the pension roll of the United States the widows of such soldiers and sailors who were married prior to June 27, 1890—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20532) to provide for a pension of $20 per month for soldiers and sailors who have attained the age of 75 years—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 20533) to create the office of Fourth Assistant Secretary of State—to the Committee on Foreign Affairs.

By Mr. SCHNEEBELI: A bill (H. R. 20534) to provide for the erection of a public building at Easton, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. LITTAUER: A bill (H. R. 20535) for the erection of a public building at Amsterdam, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. FLACK: A bill (H. R. 20536) for the erection of a public building at Malone, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. ALLEN of Maine: A bill (H. R. 20537) to extend the time for payment of certain assessments in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. LOVERING: A bill (H. R. 20538) to provide for the erection of a public building at Attleboro, Mass.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20539) for the relief of Mrs. Sidonia Thieriot—to the Committee on Foreign Affairs.

By Mr. SHERLEY: A bill (H. R. 20540) punishing conspiracy to injure or intimidate any person in the exercise of a right under the Constitution or laws of the United States—to the Committee on the Judiciary.

By Mr. SMYSER: A bill (H. R. 20541) to increase compensation of rural mail carriers—to the Committee on the Post-Office and Post Roads.

By Mr. LAFEAN: A bill (H. R. 20542) to improve and maintain certain public roads and parts thereof included within the limits of the national park at Gettysburg, as defined by the act of Congress entitled "An act to establish a national military park at Gettysburg, Pa.," approved February 11, 1895, and making an appropriation therefor—to the Committee on Appropriations.

By Mr. WILEY of Alabama: A bill (H. R. 20543) to amend an act entitled "An act for the relief of certain homestead settlers in the State of Alabama," approved February 24, 1905—to the Committee on the Public Lands.

By Mr. PEARRE: A bill (H. R. 20544) to provide for the examination and license of all the telegraph operators engaged in handling block signals and telegraphic train orders affecting the movement of trains on all railroads engaged in interstate commerce in the United States—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 20545) for the relief of laborers, mechanics, and other employees of the United States Government injured and the families of those killed, without fault of their own, while in the discharge of their duties—to the Committee on Claims.

By Mr. CLAYTON: A bill (H. R. 20546) to provide for the erection of a public building at Opelika, Ala.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20547) to provide for the erection of a public building at Eufaula, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. KEIFER: A bill (H. R. 20548) to authorize the issue by national banks of credit notes, and to provide for their security and redemption; and for the deposit of surplus public moneys with national banks, and for interest thereon—to the Committee on Banking and Currency.

By Mr. RANDELL of Texas: A bill (H. R. 20549) to provide for the erection of a public building in the city of McKinney, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20550) to provide for the erection of a public building in the city of Bonham, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. HEDGE: A bill (H. R. 20551) to construct a roadway to national cemetery at Keokuk, Iowa—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 20552) to amend section 2, chapter 433, Thirtieth Statutes at Large, entitled "An act to

confirm title to lots 13 and 14, in square 959, in Washington, D. C."—to the Committee on the District of Columbia.

By Mr. BURNETT: A bill (H. R. 20553) permitting the erection of a dam across Coosa River, Ala., at the place selected for Lock No. 12 on said river—to the Committee on Rivers and Harbors.

By Mr. MACON: A bill (H. R. 20554) to prohibit interstate buying or selling or otherwise dealing in what is known as futures—to the Committee on Agriculture.

By Mr. BISHOP: A bill (H. R. 20555) to authorize the construction of a light-house keepers' dwelling at Frankfort Harbor, Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: A bill (H. R. 20556) to increase the minimum pension granted or to be granted to persons who served in the military or naval service of the United States during the late war of the rebellion—to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 20557) granting a pension to Webster Miller—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 20558) granting an increase of pension to Mark W. Terrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20559) granting an increase of pension to John Bradley—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 20560) granting a pension to David Hoermann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20561) granting a pension to Peter Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20562) to correct the military record of George L. Hayne—to the Committee on Military Affairs.

Also, a bill (H. R. 20563) to correct the military record of George Becker—to the Committee on Military Affairs.

Also, a bill (H. R. 20564) to correct the military record of Henry Drees—to the Committee on Military Affairs.

Also, a bill (H. R. 20565) granting an increase of pension to Joseph V. Lacey—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 20566) granting an increase of pension to George H. Fairbanks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20567) granting an increase of pension to Eliza J. Heneghan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20568) granting an increase of pension to Chester R. Pitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20569) granting an increase of pension to Michael Scanlon—to the Committee on Invalid Pensions.

By Mr. BISHOP: A bill (H. R. 20570) granting an increase of pension to Ambrose M. Phelps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20571) granting an increase of pension to Frederick J. Dowland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20572) granting an increase of pension to William A. Rounds—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 20573) granting an increase of pension to Rosina A. Gottmanshausen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20574) granting an honorable discharge to John Murtaugh—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 20575) for the relief of Charles Backman—to the Committee on Claims.

Also, a bill (H. R. 20576) granting a pension to Phoebe M. Gainfort—to the Committee on Pensions.

Also, a bill (H. R. 20577) granting a pension to Mary Kaisted—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20578) granting an increase of pension to Edson B. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20579) granting an increase of pension to George Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20580) granting an increase of pension to Frederick Gier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20581) granting an increase of pension to Nettie G. Kruger—to the Committee on Pensions.

Also, a bill (H. R. 20582) granting an increase of pension to Christopher B. Terry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20583) granting an increase of pension to Graham Maffett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20584) granting an increase of pension to James B. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20585) granting an increase of pension to Sylvester Gavett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20586) granting an increase of pension to Calvin Judson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20587) granting an increase of pension to Francis McMahon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20588) granting an increase of pension to Nicholas S. Cantine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20589) granting an increase of pension to Amanda Cherry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20590) granting an increase of pension to Hannah O. Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20591) granting an increase of pension to Plymouth Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20592) granting an increase of pension to George H. Akins—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 20593) granting an increase of pension to Andrew Sherfey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20594) granting an increase of pension to Henry McNeil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20595) granting an increase of pension to Charles Layton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20596) granting an increase of pension to James H. Humphries—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20597) granting an increase of pension to James C. England—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20598) granting an increase of pension to Benjamin Wofford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20599) granting a pension to Joseph A. Whaley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20600) for the relief of the heirs of Philip Roberts, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20601) granting a pension to Michael Grace—to the Committee on Pensions.

Also, a bill (H. R. 20602) granting a pension to Esau M. Shelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20603) granting a pension to George Carroll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20604) granting a pension to William H. Hart—to the Committee on Pensions.

Also, a bill (H. R. 20605) granting a pension to Mary E. P. Barr—to the Committee on Pensions.

Also, a bill (H. R. 20606) granting an increase of pension to William E. Quirk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20607) granting an increase of pension to George Abel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20608) granting an increase of pension to Rena Lawson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20609) granting an increase of pension to Dillon Blevins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20610) granting an increase of pension to James N. J. Keller—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 20611) granting an increase of pension to Henry H. Weirick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20612) granting an increase of pension to J. W. Titus—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 20613) granting an increase of pension to Hiram Steele—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20614) granting an increase of pension to James Howardson, sr.—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 20615) granting an increase of pension to Julia T. Baldwin—to the Committee on Pensions.

By Mr. CASSEL: A bill (H. R. 20616) granting an increase of pension to Isaac Fornwalt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20617) granting an increase of pension to Isaac N. S. Will—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 20618) granting an increase of pension to George W. Brinton—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 20619) granting a pension to Louisa Jane Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20620) granting an increase of pension to Charles Van Wormer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20621) granting an increase of pension to Jane A. Compton—to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 20622) granting a pension to Samuel Shoener—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 20623) granting an increase

of pension to James B. O. Horbach—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 20624) granting an increase of pension to Francis O. Vandersluis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20625) granting an increase of pension to Shadrack Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20626) granting an increase of pension to Edwin Whitney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20627) granting an increase of pension to James B. Tubbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20628) granting an increase of pension to William Spaulding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20629) granting an increase of pension to John Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20630) granting an increase of pension to Willard E. Waldron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20631) granting an increase of pension to James H. Gould—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20632) granting a pension to Mary A. Britton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20633) granting an increase of pension to Charles E. York—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20634) granting an increase of pension to George D. Spurrier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20635) granting an increase of pension to Joseph Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20636) granting an increase of pension to George H. Schlappi—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20637) granting a pension to Louisa E. Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20638) granting a pension to William C. Niles—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 20639) granting an increase of pension to Robert Latimore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20640) granting an increase of pension to John Van Order—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20641) granting an increase of pension to Philip Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20642) granting an increase of pension to George J. Horton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20643) granting an increase of pension to Peter Schaddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20644) granting an increase of pension to Joseph R. Duffield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20645) granting an increase of pension to Charles A. Shaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20646) granting an increase of pension to George Jennings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20647) granting an increase of pension to Dominick Garvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20648) granting an increase of pension to Sarepta E. Welch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20649) granting an increase of pension to Harriet M. Ritter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20650) granting an increase of pension to Mary J. Irwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20651) granting an increase of pension to Jennie K. Noll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20652) granting an increase of pension to William Bessinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20653) granting an increase of pension to Israel Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20654) granting an increase of pension to William A. Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20655) granting an increase of pension to Alexander W. Holly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20656) granting an increase of pension to Robert W. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20657) granting an increase of pension to John H. Stover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20658) granting an increase of pension to Simeon Bacon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20659) granting an increase of pension to George M. Whittier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20660) granting an increase of pension to Daniel Ehni—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20661) granting an increase of pension to John W. Weaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20662) granting an increase of pension to George Tibbons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20663) granting an increase of pension to John Sweeds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20664) granting an increase of pension to Samuel M. Wakley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20665) granting an increase of pension to Jefferson Wykoff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20666) granting an increase of pension to John Shroat—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20667) granting an increase of pension to John Rooney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20668) granting an increase of pension to William Banghart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20669) granting an increase of pension to George Sobers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20670) granting an increase of pension to Josiah R. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20671) granting an increase of pension to Silas T. Cleveland—to the Committee on Pensions.

Also, a bill (H. R. 20672) granting an increase of pension to George M. Coykendall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20673) granting a pension to Eliza Jane Toles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20674) granting a pension to Anna L. Marr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20675) granting a pension to George Signor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20676) granting a pension to Abram Van Osten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20677) granting a pension to Jessie Byerly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20678) to correct the military record of J. W. Lyons—to the Committee on Military Affairs.

Also, a bill (H. R. 20679) to correct the military record of Philip Koch—to the Committee on Military Affairs.

Also, a bill (H. R. 20680) to correct the military record of George Clark—to the Committee on Military Affairs.

Also, a bill (H. R. 20681) to correct the military record of John C. Barrett—to the Committee on Military Affairs.

Also, a bill (H. R. 20682) to remove the charge of desertion standing against the military record of John M. Shaw—to the Committee on Military Affairs.

By Mr. DIXON of Indiana: A bill (H. R. 20683) granting an increase pension to James Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20684) granting an increase of pension to William M. Neal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20685) granting an increase of pension to Joseph R. Benham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20686) granting an increase of pension to Joshua S. Jayne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20687) granting an increase of pension to John M. Dixon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20688) granting an increase of pension to Joseph M. Storey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20689) granting an increase of pension to Francis Doughty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20690) granting an increase of pension to Daniel Barkis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20691) granting an increase of pension to Christopher C. Gourley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20692) granting an increase of pension to Oliver Neff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20693) granting an increase of pension to Martin P. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20694) granting an increase of pension to Manuel C. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20695) granting an increase of pension to William L. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20696) granting an increase of pension to Nelson Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20697) granting an increase of pension to Montgomery Patton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20698) granting an increase of pension to Allen G. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20699) granting an increase of pension to William G. Hutchison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20700) granting an increase of pension to James Spaulding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20701) granting an increase of pension to Henry C. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20702) granting an increase of pension to Thomas W. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20703) granting an increase of pension to William Arbuckle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20704) granting an increase of pension to Moses Holgarth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20705) granting an increase of pension to De Witt C. Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20706) granting an increase of pension to Franklin P. Taggart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20707) granting an increase of pension to Joseph Neff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20708) granting an increase of pension to Andrew J. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20709) granting an increase of pension to Charles Day—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20710) granting an increase of pension to Thomas Day—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20711) granting an increase of pension to Austin B. Wright—to the Committee on Invalid Pensions.

By Mr. DIXON of Montana: A bill (H. R. 20712) granting an increase of pension to Samuel W. Searles—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 20713) granting an increase of pension to Timothy Quinn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20714) granting an increase of pension to Robert Turley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20715) granting an increase of pension to Charles Ballantyne—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 20716) granting an increase of pension to Lorenzo Fox—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 20717) granting an increase of pension to Adelbert E. Bleekman—to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 20718) granting an increase of pension to Annie B. Whitcomb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20719) granting an increase of pension to James O. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20720) granting an increase of pension to Christian Bachmann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20721) granting an increase of pension to James O. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20722) granting an increase of pension to Lewis J. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20723) granting an increase of pension to Emil Bader—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20724) granting an increase of pension to Rhoda A. Hoit—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 20725) granting a pension to Hope Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20726) granting an increase of pension to Mary J. Smith—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 20727) granting an increase of pension to William Conwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20728) granting an increase of pension to Ira D. Hill—to the Committee on Invalid Pensions.

Also, a bill (H R. 20729) granting an increase of pension to Benjamin Lyons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20730) granting an increase of pension to John Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20731) granting an increase of pension to Peter Buchman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20732) granting an increase of pension to Le Roy Benson—to the Committee on Pensions.

Also, a bill (H. R. 20733) granting an increase of pension to Oscar Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20734) granting an increase of pension to Amos Kellner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20735) granting an increase of pension to Berge Larsen—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 20736) granting an increase of pension to William B. Rush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20737) granting an increase of pension to William G. Whitney—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 20738) granting a pension to Sarah Hawkes—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 20739) granting an increase of pension to Thomas M. Rankin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20740) granting an increase of pension to Guthridge L. Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20741) granting an increase of pension to John A. Prosise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20742) granting an increase of pension to Delos Odell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20743) granting an increase of pension to Luvernia Newport—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20744) granting an increase of pension to William J. Nash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20745) granting an increase of pension to William McLane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20746) granting an increase of pension to John A. McKelvey, alias Jackson Burk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20747) granting an increase of pension to John Marney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20748) granting an increase of pension to John M. Letsinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20749) to remove the charge of desertion standing against Jerry Fritts—to the Committee on Military Affairs.

Also, a bill (H. R. 20750) to remove the charge of desertion standing against Samuel McKamey—to the Committee on Military Affairs.

Also, a bill (H. R. 20751) to remove the charge of desertion standing against Mark Seiber—to the Committee on Military Affairs.

Also, a bill (H. R. 20752) to remove the charge of desertion standing against Hugh Washam—to the Committee on Military Affairs.

Also, a bill (H. R. 20753) to remove the charge of desertion against Elihu Wilburn—to the Committee on Military Affairs.

Also, a bill (H. R. 20754) for the relief of Carrick W. Crozier—to the Committee on War Claims.

Also, a bill (H. R. 20755) for the relief of Jeremiah Campbell—to the Committee on War Claims.

Also, a bill (H. R. 20756) for the relief of the minor heirs of Elisha Darity—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20757) for the relief of James W. Holt—to the Committee on War Claims.

Also, a bill (H. R. 20758) for the relief of Lee T. Kitts—to the Committee on Claims.

Also, a bill (H. R. 20759) for the relief of Mrs. Lucy Mynatt—to the Committee on War Claims.

Also, a bill (H. R. 20760) for the relief of Joe S. Shipe—to the Committee on War Claims.

Also, a bill (H. R. 20761) for the relief of Eli Sharp—to the Committee on War Claims.

Also, a bill (H. R. 20762) for the relief of Thomas J. Wear—to the Committee on War Claims.

Also, a bill (H. R. 20763) for the relief of George Marion Gaut—to the Committee on War Claims.

Also, a bill (H. R. 20764) for the relief of the estate of Dr. Thomas J. Coward, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20765) granting a pension to Rachel M. McNeilly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20766) granting a pension to Helen Grant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20767) granting a pension to Henry Dillard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20768) granting an increase of pension to William H. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20769) granting an increase of pension to Lewis M. Wester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20770) granting an increase of pension to George H. S. Messer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20771) granting an increase of pension to James M. Lawson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20772) granting an increase of pension to William R. Kidd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20773) granting an increase of pension to Benjamin H. Keith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20774) granting an increase of pension to John H. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20775) granting an increase of pension to James W. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20776) granting an increase of pension to John A. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20777) granting an increase of pension to Elizabeth Hughett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20778) granting an increase of pension to Samuel Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20779) granting an increase of pension to Spencer H. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20780) granting an increase of pension to Joseph Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20781) granting an increase of pension to Charles Gentry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20782) granting an increase of pension to John Garrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20783) granting an increase of pension to James M. Freeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20784) granting an increase of pension to Cyrena M. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20785) granting an increase of pension to Mary A. Edington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20786) granting an increase of pension to John W. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20787) granting an increase of pension to Joel Dotson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20788) granting an increase of pension to Samuel Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20789) granting an increase of pension to James M. Crowder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20790) granting an increase of pension to Robert Crudgington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20791) granting an increase of pension to Stephen Cobb, alias Boyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20792) granting an increase of pension to Stephen Banks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20793) granting an increase of pension to Thomas J. Bales—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20794) granting an increase of pension to Thomas C. Blevins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20795) granting an increase of pension to Alexander Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20796) granting an increase of pension to Alexander Bright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20797) granting an increase of pension to Charles S. Ashton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20798) granting an increase of pension to James Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20799) granting an increase of pension to John O. Warwick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20800) granting an increase of pension to James Vandergriff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20801) granting an increase of pension to Thomas Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20802) granting an increase of pension to Samuel M. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20803) granting a pension to Rachel Tyson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20804) granting a pension to Jane Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20805) granting an increase of pension to William H. Tullock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20806) granting an increase of pension to Isadore L. Terry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20807) granting an increase of pension to Levi Summay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20808) granting an increase of pension to David C. Sparks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20809) granting an increase of pension to Christian Shores—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20810) granting an increase of pension to John A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20811) granting an increase of pension to Malinda C. Summers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20812) granting an increase of pension to Nancy Sexton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20813) granting an increase of pension to Joseph Simmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20814) granting a pension to Martha J. Stout—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20815) granting an increase of pension to Joseph M. Squibb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20816) granting an increase of pension to Thurman H. Rodeheaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20817) granting an increase of pension to Jesse J. Riggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20818) granting a pension to Nancy A. Robbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20819) granting an increase of pension to Joseph J. Ricketts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20820) granting a pension to Annie Roseboro—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 20821) granting an increase of pension to John L. Newman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20822) granting an increase of pension to Milton L. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20823) granting an increase of pension to William H. Webb—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 20824) for the relief of the heirs of A. S. Gray, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20825) for the relief of the estate of William L. Hollis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20826) for the relief of John S. Lupton—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 20827) granting a pension to Washington M. Knight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20828) granting a pension to Jeremiah Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20829) granting an increase of pension to David M. Watkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20830) granting an increase of pension to J. S. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20831) granting an increase of pension to James R. Dunlap—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20832) to remove the charge of desertion from John H. Jaques—to the Committee on Military Affairs.

Also, a bill (H. R. 20833) to remove the charge of desertion from William Hines—to the Committee on Military Affairs.

By Mr. HILL of Connecticut: A bill (H. R. 20834) granting an increase of pension to Franklin Comstock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20835) granting an increase of pension to Michael O'Donnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20836) granting an increase of pension to Anna De Forest—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20837) granting an increase of pension to William Carter Westerfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20838) granting a pension to Andrew Terhune—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20839) granting a pension to Ellen M. Kilbourn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20840) granting a pension to Thomas M. Lord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20841) granting a pension to Julia E. Haddy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20842) granting an increase of pension to Henry Joyce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20843) granting an increase of pension to Ezra M. Young—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 20844) granting an increase of pension to Milton Russell—to the Committee on Invalid Pensions.

By Mr. HUNT: A bill (H. R. 20845) granting a pension to Margaret Tayes, née Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20846) granting a pension to Christiana B. Offer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20847) granting a pension to John A. Pollard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20848) granting an increase of pension to Nancy Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20849) for the relief of Laura S. Gillingwaters—to the Committee on Military Affairs.

By Mr. KNAPP: A bill (H. R. 20850) granting an increase of pension to Robert Lawrence—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 20851) granting an increase of pension to Henry Hamme—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20852) granting an increase of pension to T. T. Tate—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 20853) granting an increase of pension to Alois Gfroehrer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20854) granting an increase of pension to Thomas Walsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20855) granting an increase of pension to George Hierl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20856) granting an increase of pension to Catherine A. Greene—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20857) granting an increase of pension to Mary Conklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20858) granting an increase of pension to William C. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20859) granting an increase of pension to Henry C. Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20860) granting an increase of pension to Charles T. Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20861) granting an increase of pension to Catherine Weigert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20862) granting an increase of pension to August Weber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20863) granting an increase of pension to Thomas J. Bird—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 20864) granting an increase of pension to Theodore Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20865) granting an increase of pension to William A. Bates—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 20866) granting a pension to Kate C. Simkins—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 20867) granting an increase of pension to Charles E. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20868) granting an increase of pension to George Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20869) granting an increase of pension to Ebenezer L. Briggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20870) granting an increase of pension to George W. Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20871) granting an increase of pension to Charles D. Copeland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20872) granting an increase of pension to Henry L. Cushing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20873) granting an increase of pension to Peter M. Leavitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20874) granting a pension to Orianna Dyer—to the Committee on Pensions.

Also, a bill (H. R. 20875) granting a pension to Ellen Faulkner—to the Committee on Pensions.

Also, a bill (H. R. 20876) granting a pension to Abby C. Goebell—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 20877) granting an increase of pension to Moses W. Bobbins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20878) granting a pension to John N. Bayles—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 20879) granting an increase of pension to John A. Morrow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20880) granting an increase of pension to Charles E. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20881) granting an increase of pension to Mrs. Martha J. Weaverling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20882) granting an increase of pension to Luther W. Harris—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 20883) granting a pension to Lawrence Schaefer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20884) granting an increase of pension to Rose Goldie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20885) to correct the naval record of Ezekiel Downey—to the Committee on Naval Affairs.

Also, a bill (H. R. 20886) granting an increase of pension to William W. Bell—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 20887) granting an increase of pension to Emma Walters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20888) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act," and to provide for the payment of French spoliation claims recommended by the Court of Claims, under the provisions of the acts approved January 20, 1885, and March 3, 1891, and for other purposes—to the Committee on War Claims.

By Mr. OVERSTREET: A bill (H. R. 20889) granting a pension to Julia A. F. Bassett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20890) granting an increase of pension to Lafayette Doughty—to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 20891) granting an increase of pension to Hugh Blair—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 20892) granting an increase of pension to George W. Corby—to the Committee on Pensions.

Also, a bill (H. R. 20893) to remove the charge of desertion from the record of Thomas Coughlin—to the Committee on Military Affairs.

Also, a bill (H. R. 20894) for the relief of the heirs of Burgess Hammond, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20895) to remove certain disabilities in the case of Ezekiel Ayers—to the Committee on Military Affairs.

By Mr. PRINCE: A bill (H. R. 20896) granting an increase of pension to James F. Henninger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20897) granting a pension to Lucy A. Fagan—to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 20898) granting an increase of pension to William McBride—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20899) granting an increase of pension to C. W. Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20900) granting an increase of pension to Francis McCoy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20901) granting an increase of pension to Denis O'Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20902) granting an increase of pension to David S. Rickhow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20903) granting an increase of pension to David M. Kittle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20904) granting an increase of pension to Charles L. Jahne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20905) granting an increase of pension to George H. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20906) granting an increase of pension to James Doody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20907) granting an increase of pension to Henry J. Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20908) granting an increase of pension to John Mulligan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20909) granting an increase of pension to James Lyons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20910) granting an increase of pension to James Horan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20911) granting a pension to Edward Coppers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20912) granting a pension to Lucien H. Mussot—to the Committee on Pensions.

Also, a bill (H. R. 20913) granting a pension to Sarah J. Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20914) granting a pension to Henrietta Sherman—to the Committee on Pensions.

Also, a bill (H. R. 20915) granting a pension to George A. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20916) granting a pension to Michael H. Dunn—to the Committee on Pensions.

Also, a bill (H. R. 20917) granting a pension to Ferdenand Spies—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20918) granting a pension to Nicodemo De Salle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20919) for the relief of James Welch—to the Committee on Claims.

Also, a bill (H. R. 20920) for the relief of Thomas Crowley—to the Committee on Claims.

Also, a bill (H. R. 20921) for the relief of Charles Uerkvitz—to the Committee on Claims.

Also, a bill (H. R. 20922) to remove the charge of desertion from the military record of Washington E. Hall, alias John Duffy—to the Committee on Military Affairs.

Also, a bill (H. R. 20923) to remove the charge of desertion from the military record of John J. Waterkeyn—to the Committee on Military Affairs.

Also, a bill (H. R. 20924) to remove the charge of desertion against Thomas F. Adams—to the Committee on Military Affairs.

Also, a bill (H. R. 20925) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 20926) to correct the military record of James A. Lessey, alias Lasey or Lacy—to the Committee on Military Affairs.

By Mr. RIVES: A bill (H. R. 20927) granting an increase of pension to Benjamin F. Burch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20928) granting an increase of pension to Ruben A. George—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 20929) granting an increase of pension to Thomas D. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20930) granting an increase of pension to Joseph Ronge—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 20931) granting an increase of pension to John N. Shear—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 20932) granting an increase of pension to John A. Shultz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20933) granting an increase of pension to William White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20934) granting an increase of pension to David H. Mead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20935) granting an increase of pension to Oliver C. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20936) granting an increase of pension to Joseph T. Lokey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20937) granting an increase of pension to Moses Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20938) granting an increase of pension to R. H. Groves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20939) granting an increase of pension to W. T. Fowler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20940) granting an increase of pension to Elijah Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20941) granting an increase of pension to Joseph Dickey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20942) granting an increase of pension to Robert Carlton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20943) granting an increase of pension to George W. Clayton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20944) granting an increase of pension to George D. Bateman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20945) granting an increase of pension to James M. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20946) granting an increase of pension to Thomas F. Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20947) granting an increase of pension to Aaron Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20948) granting an increase of pension to Kate G. Andrews—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 20949) granting an increase of pension to Walter Eckel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20950) granting an increase of pension to Daniel W. Conger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20951) granting an increase of pension to James V. Brough—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 20952) granting an increase of pension to John W. Howe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20953) granting an increase of pension to James D. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20954) granting an increase of pension to Henry McDevitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20955) granting an increase of pension to Edward L. Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20956) granting an increase of pension to James Kenney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20957) granting an increase of pension to William Chagnon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20958) granting an increase of pension to Darius E. Garland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20959) granting an increase of pension to William G. Dickey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20960) granting an increase of pension to Sarah M. Bickford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20961) granting an increase of pension to George F. Fogg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20962) granting an increase of pension to Franklin H. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20963) granting an increase of pension to Rianzo M. Norton—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 20964) granting an increase of pension to John Fox—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 20965) granting an increase of pension to Harvey Sine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20966) granting an increase of pension to Thomas H. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20967) granting an increase of pension to Samuel W. Hines—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 20968) granting an increase of pension to Waitman T. Mathers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20969) granting an increase of pension to Zachary T. Lyons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20970) granting an increase of pension to Edgar Weaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20971) granting an increase of pension to Alonzo T. Morriston—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 20972) granting an increase of pension to George W. Rothrock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20973) granting an increase of pension to Henry Lufft—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Adolphus J. Lustig, for revival of a patent on process of casting compound metal ingots—to the Committee on Patents.

Also, petition of the Trans-Mississippi Congress, at Kansas City assembled, favoring improvement of rivers and harbors and relating to various other subjects concerning external and internal affairs of the United States—to the Committee on Rivers and Harbors.

Also, petition of employees of the Great Lakes Engineering Works, of Detroit, Mich., for the merchant-marine shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Lodge No. 615, Railway Locomotive Firemen, of Richmond, Va., and other labor organizations, for passage of the Merchant Marine Commission shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Woman's Suffrage Association, for submission of an amendment to the Constitution permitting woman suffrage—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of Lodge No. 296, International Association of Machinists, of New Brighton, Pa., for passage of the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Washington, Pa., against abuses in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BABCOCK: Paper to accompany bill for relief of Peter Green—to the Committee on Military Affairs.

By Mr. BEDE: Papers to accompany bills for relief of George H. Fairbanks, Eliza J. Henegan, Chester R. Pitt, and Michael Scanlan—to the Committee on Invalid Pensions.

By Mr. BISHOP: Paper to accompany bill for relief of Ambrose M. Phelps—to the Committee on Invalid Pensions.

By Mr. DALE: Paper to accompany bill for relief of Samuel Shoener—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of Lodge No. 131, Journeymen Tailors' Union, for passage of the merchant marine bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. DARRAGH: Papers to accompany bills for relief of George W. Harris and William H. Hayes—to the Committee on Invalid Pensions.

By Mr. ESCH: Paper to accompany bill for relief of Alice W. Blackman—to the Committee on Invalid Pensions.

By Mr. FULLER: Papers to accompany bills for relief of Berge Larsen, Amos Kellner, Oscar Andrews, Peter Buchanan, John Carpenter, Benjamin Lyon, Ira D. Hill, and William Conwell—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: Paper to accompany bill for relief of William G. Whitney—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Resolution of Lodge No. 161, International Brotherhood of Blacksmiths and Helpers, of Fort Scott, Kans., and Lodge No. 68, of International Upholsterers' Union, of Kansas City, Mo., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HILL of Connecticut: Papers to accompany bills for relief of Thomas M. Lord, William Carter, Amos W. Kilbourn, Andrew Terhune, Henry Joyce, Ezra M. Young, Julia Haddy, Franklin Comstock, Michael O'Donnell, and Anna De Forest—to the Committee on Invalid Pensions.

Also, resolution of Rippowam Grange, Long Ridge, Conn., against free distribution of seeds—to the Committee on Agriculture.

By Mr. JENKINS: Petition of mayor and common council of Superior, Wis., for a system of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Paper to accompany bill for relief of Robert Lawrence—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the American Musical Copyright League, against the pending copyright bill relative to patents on mechanical reproduction of music—to the Committee on Patents.

By Mr. LITTAUER: Papers to accompany bills for relief

of William A. Bates and Theodore Smith—to the Committee on Invalid Pensions.

By Mr. MAHON: Paper to accompany bill for relief of Emma Walters—to the Committee on Invalid Pensions.

By Mr. RIVES: Paper to accompany bill for relief of Ruben A. George—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of Knoxboro (N. Y.) Grange, against the distribution of free seeds—to the Committee on Agriculture.

Also, petition of the Plasterers' Union of Ilion, N. Y., for passage of the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, papers to accompany bills for relief of Mary A. Clark and John N. Shear—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *December 4, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

LEVI ANKENY, a Senator from the State of Washington; JAMES P. CLARKE, a Senator from the State of Arkansas; ALFRED B. KITTREDGE, a Senator from the State of South Dakota; ROBERT M. LA FOLLETTE, a Senator from the State of Wisconsin; FURNIFOLD M. SIMMONS, a Senator from the State of North Carolina, and WILLIAM P. WHYTE, a Senator from the State of Maryland, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

WILLIAM J. BROWNING, the Chief Clerk of the House of Representatives, appeared and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has assembled, and that the House is ready to proceed to business.

Also, that a committee of three has been appointed by the Speaker on the part of the House of Representatives to join the committee appointed on the part of the Senate to wait on the President of the United States and to notify him that a quorum of each of the two Houses has assembled and that Congress is ready to receive any communication he may be pleased to make, and that Mr. PAYNE of New York, Mr. BOUTELL of Illinois, and Mr. WILLIAMS of Mississippi have been appointed such committee on the part of the House.

The message also communicated to the Senate the intelligence of the death of Hon. ROBERT R. HITT, late a Representative from the State of Illinois; of Hon. JOHN H. KETCHAM, late a Representative from the State of New York; of Hon. H. C. ADAMS, late a Representative from the State of Wisconsin, and of Hon. ROCKWOOD HOAR, late a Representative from the State of Massachusetts, and transmitted resolutions of the House thereon.

NOTIFICATION TO THE PRESIDENT.

Mr. HALE and Mr. PETTUS, the committee appointed to wait upon the President of the United States, appeared; and

Mr. HALE said: Mr. President, the committee of the Senate and the House of Representatives have visited the President and informed him of the organization of Congress, and that it is ready to proceed to public business, upon which the President said that he would forthwith send a message in writing to Congress.

PRESIDENT'S ANNUAL MESSAGE.

Mr. M. C. LATTA, one of the secretaries of the President of the United States, appeared and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the secretary and handed to the Vice-President.

The VICE-PRESIDENT. The Chair lays before the Senate the annual message of the President of the United States, which the Secretary will read.

The Secretary read the message as follows:

To the Senate and House of Representatives:

As a nation we still continue to enjoy a literally unprecedented prosperity; and it is probable that only reckless speculation and disregard of legitimate business methods on the part of the business world can materially mar this prosperity.

No Congress in our time has done more good work of importance than the present Congress. There were several matters left unfinished at your last session, however, which I most earnestly hope you will complete before your adjournment.

CORPORATION CAMPAIGN CONTRIBUTIONS.

I again recommend a law prohibiting all corporations from contributing to the campaign expenses of any party. Such a bill has already passed one House of Congress. Let individuals contribute as they desire; but let us prohibit in effective fashion all corporations from making contributions for any political purpose, directly or indirectly.

GOVERNMENT'S RIGHT OF APPEAL IN CRIMINAL CASES.

Another bill which has just passed one House of the Congress and which it is urgently necessary should be enacted into law is that conferring upon the Government the right of appeal in criminal cases on questions of law. This right exists in many of the States; it exists in the District of Columbia by act of the Congress. It is of course not proposed that in any case a verdict for the defendant on the merits should be set aside. Recently in one district where the Government had indicted certain persons for conspiracy in connection with rebates, the court sustained the defendant's demurrer; while in another jurisdiction an indictment for conspiracy to obtain rebates has been sustained by the court, convictions obtained under it, and two defendants sentenced to imprisonment. The two cases referred to may not be in real conflict with each other, but it is unfortunate that there should even be an apparent conflict. At present there is no way by which the Government can cause such a conflict, when it occurs, to be solved by an appeal to a higher court; and the wheels of justice are blocked without any real decision of the question. I can not too strongly urge the passage of the bill in question. A failure to pass it will result in seriously hampering the Government in its effort to obtain justice, especially against wealthy individuals or corporations who do wrong; and may also prevent the Government from obtaining justice for wageworkers who are not themselves able effectively to contest a case where the judgment of an inferior court has been against them. I have specifically in view a recent decision by a district judge leaving railway employees without remedy for violation of a certain so-called labor statute. It seems an absurdity to permit a single district judge, against what may be the judgment of the immense majority of his colleagues on the bench, to declare a law solemnly enacted by the Congress to be "unconstitutional," and then to deny to the Government the right to have the Supreme Court definitely decide the question.

It is well to recollect that the real efficiency of the law often depends not upon the passage of acts as to which there is great public excitement, but upon the passage of acts of this nature as to which there is not much public excitement, because there is little public understanding of their importance, while the interested parties are keenly alive to the desirability of defeating them. The importance of enacting into law the particular bill in question is further increased by the fact that the Government has now definitely begun a policy of resorting to the criminal law in those trust and interstate commerce cases where such a course offers a reasonable chance of success. At first, as was proper, every effort was made to enforce these laws by civil proceedings; but it has become increasingly evident that the action of the Government in finally deciding, in certain cases, to undertake criminal proceedings was justifiable; and though there have been some conspicuous failures in these cases, we have had many successes, which have undoubtedly had a deterrent effect upon evil-doers, whether the penalty inflicted was in the shape of fine or imprisonment—and penalties of both kinds have already been inflicted by the courts. Of course, where the judge can see his way to inflict the penalty of imprisonment the deterrent effect of the punishment on other offenders is increased; but sufficiently heavy fines accomplish much. Judge Holt, of the New York district court, in a recent decision admirably stated the need for treating with just severity offenders of this kind. His opinion runs in part as follows:

"The Government's evidence to establish the defendant's guilt was clear, conclusive, and undisputed. The case was a flagrant one. The transactions which took place under this illegal contract were very large; the amounts of rebates returned were considerable; and the amount of the rebate itself was large, amounting to more than one-fifth of the entire tariff charge for the transportation of merchandise from this city to Detroit. It is not too much to say, in my opinion, that if this business was carried on for a considerable time on that basis—that is, if this discrimination in favor of this particular shipper was made with an 18 instead of a 23 cent rate and the tariff rate was maintained as against their competitors—the result might be and not improbably would be that their competitors would be driven out of business. This crime is one which in its nature is deliberate and premeditated. I think over a fortnight elapsed between the date of Palmer's letter requesting

the reduced rate and the answer of the railroad company deciding to grant it, and then for months afterwards this business was carried on and these claims for rebates submitted month after month and checks in payment of them drawn month after month. Such a violation of the law, in my opinion, in its essential nature, is a very much more heinous act than the ordinary, common, vulgar crimes which come before criminal courts constantly for punishment and which arise from sudden passion or temptation. This crime in this case was committed by men of education and of large business experience, whose standing in the community was such that they might have been expected to set an example of obedience to law, upon the maintenance of which alone in this country the security of their property depends. It was committed on behalf of a great railroad corporation, which, like other railroad corporations, has received gratuitously from the State large and valuable privileges for the public's convenience and its own, which performs quasi public functions and which is charged with the highest obligation in the transaction of its business to treat the citizens of this country alike, and not to carry on its business with unjust discriminations between different citizens or different classes of citizens. This crime in its nature is one usually done with secrecy, and proof of which it is very difficult to obtain. The interstate commerce act was past in 1887, nearly twenty years ago. Ever since that time complaints of the granting of rebates by railroads has been common, urgent, and insistent, and although the Congress has repeatedly passed legislation endeavoring to put a stop to this evil, the difficulty of obtaining proof upon which to bring prosecution in these cases is so great that this is the first case that has ever been brought in this court, and, as I am informed, this case and one recently brought in Philadelphia are the only cases that have ever been brought in the eastern part of this country. In fact, but few cases of this kind have ever been brought in this country, East or West. Now, under these circumstances, I am forced to the conclusion, in a case in which the proof is so clear and the facts are so flagrant, it is the duty of the court to fix a penalty which shall in some degree be commensurate with the gravity of the offense. As between the two defendants, in my opinion, the principal penalty should be imposed on the corporation. The traffic manager in this case, presumably, acted without any advantage to himself and without any interest in the transaction, either by the direct authority or in accordance with what he understood to be the policy or the wishes of his employer.

"The sentence of this court in this case is, that the defendant Pomeroy, for each of the six offenses upon which he has been convicted, be fined the sum of $1,000, making six fines, amounting in all to the sum of $6,000; and the defendant, The New York Central and Hudson River Railroad Company, for each of the six crimes of which it has been convicted, be fined the sum of $18,000, making six fines amounting in the aggregate to the sum of $108,000, and judgment to that effect will be entered in this case."

SETTING ASIDE OF JUDGMENTS AND GRANTING OF NEW TRIALS.

In connection with this matter, I would like to call attention to the very unsatisfactory state of our criminal law, resulting in large part from the habit of setting aside the judgments of inferior courts on technicalities absolutely unconnected with the merits of the case, and where there is no attempt to show that there has been any failure of substantial justice. It would be well to enact a law providing something to the effect that:

No judgment shall be set aside or new trial granted in any cause, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure unless, in the opinion of the court to which the application is made, after an examination of the entire cause, it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice.

INJUNCTIONS.

In my last message I suggested the enactment of a law in connection with the issuance of injunctions, attention having been sharply drawn to the matter by the demand that the right of applying injunctions in labor cases should be wholly abolished. It is at least doubtful whether a law abolishing altogether the use of injunctions in such cases would stand the test of the courts; in which case of course the legislation would be ineffective. Moreover, I believe it would be wrong altogether to prohibit the use of injunctions. It is criminal to permit sympathy for criminals to weaken our hands in upholding the law; and if men seek to destroy life or property by mob violence there should be no impairment of the power of the courts to deal with them in the most summary and effective way possible. But so far as possible the abuse of the power should be provided against by some such law as I advocated last year.

In this matter of injunctions there is lodged in the hands of the judiciary a necessary power which is nevertheless subject to the possibility of grave abuse. It is a power that should be exercised with extreme care and should be subject to the jealous scrutiny of all men, and condemnation should be meted out as much to the judge who fails to use it boldly when necessary as to the judge who uses it wantonly or oppressively. Of course a judge strong enough to be fit for his office will enjoin any resort to violence or intimidation, especially by conspiracy, no matter what his opinion may be of the rights of the original quarrel. There must be no hesitation in dealing with disorder. But there must likewise be no such abuse of the injunctive power as is implied in forbidding laboring men to strive for their own betterment in peaceful and lawful ways; nor must the injunction be used merely to aid some big corporation in carrying out schemes for its own aggrandizement. It must be remembered that a preliminary injunction in a labor case, if granted without adequate proof (even when authority can be found to support the conclusions of law on which it is founded), may often settle the dispute between the parties; and therefore if improperly granted may do irreparable wrong. Yet there are many judges who assume a matter-of-course granting of a preliminary injunction to be the ordinary and proper judicial disposition of such cases; and there have undoubtedly been flagrant wrongs committed by judges in connection with labor disputes even within the last few years, although I think much less often than in former years. Such judges by their unwise action immensely strengthen the hands of those who are striving entirely to do away with the power of injunction; and therefore such careless use of the injunctive process tends to threaten its very existence, for if the American people ever become convinced that this process is habitually abused, whether in matters affecting labor or in matters affecting corporations, it will be well-nigh impossible to prevent its abolition.

It may be the highest duty of a judge at any given moment to disregard, not merely the wishes of individuals of great political or financial power, but the overwhelming tide of public sentiment; and the judge who does thus disregard public sentiment when it is wrong, who brushes aside the plea of any special interest when the pleading is not founded on righteousness, performs the highest service to the country. Such a judge is deserving of all honor; and all honor can not be paid to this wise and fearless judge if we permit the growth of an absurd convention which would forbid any criticism of the judge of another type, who shows himself timid in the presence of arrogant disorder, or who on insufficient grounds grants an injunction that does grave injustice, or who in his capacity as a construer, and therefore in part a maker, of the law, in flagrant fashion thwarts the cause of decent government. The judge has a power over which no review can be exercised; he himself sits in review upon the acts of both the executive and legislative branches of the Government; save in the most extraordinary cases he is amenable only at the bar of public opinion; and it is unwise to maintain that public opinion in reference to a man with such power shall neither be expressed nor led.

The best judges have ever been foremost to disclaim any immunity from criticism. This has been true since the days of the great English Lord Chancellor Parker, who said: "Let all people be at liberty to know what I found my judgment upon; that, so when I have given it in any cause, others may be at liberty to judge of *me*." The proprieties of the case were set forth with singular clearness and good temper by Judge W. H. Taft, when a United States circuit judge, eleven years ago, in 1895:

"The opportunity freely and publicly to criticize judicial action is of vastly more importance to the body politic than the immunity of courts and judges from unjust aspersions and attack. Nothing tends more to render judges careful in their decisions and anxiously solicitous to do exact justice than the consciousness that every act of theirs is to be subjected to the intelligent scrutiny and candid criticism of their fellow-men. Such criticism is beneficial in proportion as it is fair, dispassionate, discriminating, and based on a knowledge of sound legal principles. The comments made by learned text writers and by the acute editors of the various law reviews upon judicial decisions are therefore highly useful. Such critics constitute more or less impartial tribunals of professional opinion before which each judgment is made to stand or fall on its merits, and thus exert a strong influence to secure uniformity of decision. But non-professional criticism also is by no means without its uses, even if accompanied, as it often is, by a direct attack upon the judicial fairness and motives of the occupants of the bench; for if the

law is but the essence of common sense, the protest of many average men may evidence a defect in a judicial conclusion, though based on the nicest legal reasoning and profoundest learning. The two important elements of moral character in a judge are an earnest desire to reach a just conclusion and courage to enforce it. In so far as fear of public comment does not affect the courage of a judge, but only spurs him on to search his conscience and to reach the result which approves itself to his inmost heart, such comment serves a useful purpose. There are few men, whether they are judges for life or for a shorter term, who do not prefer to earn and hold the respect of all, and who can not be reached and made to pause and deliberate by hostile public criticism. In the case of judges having a life tenure, indeed, their very independence makes the right freely to comment on their decisions of greater importance, because it is the only practical and available instrument in the hands of a free people to keep such judges alive to the reasonable demands of those they serve.

"On the other hand, the danger of destroying the proper influence of judicial decisions by creating unfounded prejudices against the courts justifies and requires that unjust attacks shall be met and answered. Courts must ultimately rest their defense upon the inherent strength of the opinions they deliver as the ground for their conclusions and must trust to the calm and deliberate judgment of all the people as their best vindication."

There is one consideration which should be taken into account by the good people who carry a sound proposition to an excess in objecting to any criticism of a judge's decision. The instinct of the American people as a whole is sound in this matter. They will not subscribe to the doctrine that any public servant is to be above all criticism. If the best citizens, those most competent to express their judgment in such matters, and above all those belonging to the great and honorable profession of the bar, so profoundly influential in American life, take the position that there shall be no criticism of a judge under any circumstances, their view will not be accepted by the American people as a whole. In such event the people will turn to, and tend to accept as justifiable, the intemperate and improper criticism uttered by unworthy agitators. Surely it is a misfortune to leave to such critics a function, right in itself, which they are certain to abuse. Just and temperate criticism, when necessary, is a safeguard against the acceptance by the people as a whole of that intemperate antagonism toward the judiciary which must be combated by every right-thinking man, and which, if it became widespread among the people at large, would constitute a dire menace to the Republic.

LYNCHING.

In connection with the delays of the law, I call your attention and the attention of the Nation to the prevalence of crime among us, and above all to the epidemic of lynching and mob violence that springs up, now in one part of our country, now in another. Each section, North, South, East, or West, has its own faults; no section can with wisdom spend its time jeering at the faults of another section; it should be busy trying to amend its own shortcomings. To deal with the crime of corruption it is necessary to have an awakened public conscience, and to supplement this by whatever legislation will add speed and certainty in the execution of the law. When we deal with lynching even more is necessary. A great many white men are lynched, but the crime is peculiarly frequent in respect to black men. The greatest existing cause of lynching is the perpetration, especially by black men, of the hideous crime of rape—the most abominable in all the category of crimes, even worse than murder. Mobs frequently avenge the commission of this crime by themselves torturing to death the man committing it; thus avenging in bestial fashion a bestial deed, and reducing themselves to a level with the criminal.

Lawlessness grows by what it feeds upon; and when mobs begin to lynch for rape they speedily extend the sphere of their operations and lynch for many other kinds of crimes, so that two-thirds of the lynchings are not for rape at all; while a considerable proportion of the individuals lynched are innocent of all crime. Governor Candler, of Georgia, stated on one occasion some years ago: "I can say of a verity that I have, within the last month, saved the lives of half a dozen innocent negroes who were pursued by the mob, and brought them to trial in a court of law in which they were acquitted." As Bishop Galloway, of Mississippi, has finely said: "When the rule of a mob obtains, that which distinguishes a high civilization is surrendered. The mob which lynches a negro charged with rape will in a little while lynch a white man suspected of crime. Every Christian patriot in America needs to lift up his voice in loud and eternal protest against the mob spirit that is threatening the integrity of this Republic." Governor Jelks, of Alabama, has recently spoken as follows: "The lynching of any person for whatever crime is inexcusable anywhere—it is a defiance of orderly government; but the killing of innocent people under any provocation is infinitely more horrible; and yet innocent people are likely to die when a mob's terrible lust is once aroused. The lesson is this: No good citizen can afford to countenance a defiance of the statutes, no matter what the provocation. The innocent frequently suffer, and, it is my observation, more usually suffer than the guilty. The white people of the South indict the whole colored race on the ground that even the better elements lend no assistance whatever in ferreting out criminals of their own color. The respectable colored people must learn not to harbor their criminals, but to assist the officers in bringing them to justice. This is the larger crime, and it provokes such atrocious offenses as the one at Atlanta. The two races can never get on until there is an understanding on the part of both to make common cause with the law-abiding against criminals of any color."

Moreover, where any crime committed by a member of one race against a member of another race is avenged in such fashion that it seems as if not the individual criminal, but the whole race, is attacked, the result is to exasperate to the highest degree race feeling. There is but one safe rule in dealing with black men as with white men; it is the same rule that must be applied in dealing with rich men and poor men; that is, to treat each man, whatever his color, his creed, or his social position, with even-handed justice on his real worth as a man. White people owe it quite as much to themselves as to the colored race to treat well the colored man who shows by his life that he deserves such treatment; for it is surely the highest wisdom to encourage in the colored race all those individuals who are honest, industrious, law-abiding, and who therefore make good and safe neighbors and citizens. Reward or punish the individual on his merits as an individual. Evil will surely come in the end to both races if we substitute for this just rule the habit of treating all the members of the race, good and bad, alike. There is no question of "social equality" or "negro domination" involved; only the question of relentlessly punishing bad men, and of securing to the good man the right to his life, his liberty, and the pursuit of his happiness as his own qualities of heart, head, and hand enable him to achieve it.

Every colored man should realize that the worst enemy of his race is the negro criminal, and above all the negro criminal who commits the dreadful crime of rape; and it should be felt as in the highest degree an offense against the whole country, and against the colored race in particular, for a colored man to fail to help the officers of the law in hunting down with all possible earnestness and zeal every such infamous offender. Moreover, in my judgment, the crime of rape should always be punished with death, as is the case with murder; assault with intent to commit rape should be made a capital crime, at least in the discretion of the court; and provision should be made by which the punishment may follow immediately upon the heels of the offense; while the trial should be so conducted that the victim need not be wantonly shamed while giving testimony, and that the least possible publicity shall be given to the details.

The members of the white race on the other hand should understand that every lynching represents by just so much a loosening of the bands of civilization; that the spirit of lynching inevitably throws into prominence in the community all the foul and evil creatures who dwell therein. No man can take part in the torture of a human being without having his own moral nature permanently lowered. Every lynching means just so much moral deterioration in all the children who have any knowledge of it, and therefore just so much additional trouble for the next generation of Americans.

Let justice be both sure and swift; but let it be justice under the law, and not the wild and crooked savagery of a mob.

There is another matter which has a direct bearing upon this matter of lynching and of the brutal crime which sometimes calls it forth and at other times merely furnishes the excuse for its existence. It is out of the question for our people as a whole permanently to rise by treading down any of their own number. Even those who themselves for the moment profit by such maltreatment of their fellows will in the long run also suffer. No more shortsighted policy can be imagined than, in the fancied interest of one class, to prevent the education of another class. The free public school, the chance for each boy or girl to get a good elementary education, lies at the foundation of our whole political situation. In every community the poorest citizens, those who need the schools most, would be deprived of them if they only received school facilities proportioned to the taxes they paid. This is as true of one portion

of our country as of another. It is as true for the negro as for the white man. The white man, if he is wise, will decline to allow the negroes in a mass to grow to manhood and womanhood without education. Unquestionably education such as is obtained in our public schools does not do everything toward making a man a good citizen; but it does much. The lowest and most brutal criminals, those for instance who commit the crime of rape, are in the great majority men who have had either no education or very little; just as they are almost invariably men who own no property; for the man who puts money by out of his earnings, like the man who acquires education, is usually lifted above mere brutal criminality. Of course the best type of education for the colored man, taken as a whole, is such education as is conferred in schools like Hampton and Tuskegee; where the boys and girls, the young men and young women, are trained industrially as well as in the ordinary public school branches. The graduates of these schools turn out well in the great majority of cases, and hardly any of them become criminals, while what little criminality there is never takes the form of that brutal violence which invites lynch law. Every graduate of these schools—and for the matter of that every other colored man or woman—who leads a life so useful and honorable as to win the good will and respect of those whites whose neighbor he or she is, thereby helps the whole colored race as it can be helped in no other way; for next to the negro himself, the man who can do most to help the negro is his white neighbor who lives near him; and our steady effort should be to better the relations between the two. Great though the benefit of these schools has been to their colored pupils and to the colored people, it may well be questioned whether the benefit has not been at least as great to the white people among whom these colored pupils live after they graduate.

Be it remembered, furthermore, that the individuals who, whether from folly, from evil temper, from greed for office, or in a spirit of mere base demagogy, indulge in the inflammatory and incendiary speeches and writings which tend to arouse mobs and to bring about lynching, not only thus excite the mob, but also tend by what criminologists call "suggestion," greatly to increase the likelihood of a repetition of the very crime against which they are inveighing. When the mob is composed of the people of one race and the man lynched is of another race, the men who in their speeches and writings either excite or justify the action tend, of course, to excite a bitter race feeling and to cause the people of the opposite race to lose sight of the abominable act of the criminal himself; and in addition, by the prominence they give to the hideous deed they undoubtedly tend to excite in other brutal and depraved natures thoughts of committing it. Swift, relentless, and orderly punishment under the law is the only way by which criminality of this type can permanently be suppressed.

CAPITAL AND LABOR.

In dealing with both labor and capital, with the questions affecting both corporations and trades unions, there is one matter more important to remember than aught else, and that is the infinite harm done by preachers of mere discontent. These are the men who seek to excite a violent class hatred against all men of wealth. They seek to turn wise and proper movements for the better control of corporations and for doing away with the abuses connected with wealth, into a campaign of hysterical excitement and falsehood in which the aim is to inflame to madness the brutal passions of mankind. The sinister demagogues and foolish visionaries who are always eager to undertake such a campaign of destruction sometimes seek to associate themselves with those working for a genuine reform in governmental and social methods, and sometimes masquerade as such reformers. In reality they are the worst enemies of the cause they profess to advocate, just as the purveyors of sensational slander in newspaper or magazine are the worst enemies of all men who are engaged in an honest effort to better what is bad in our social and governmental conditions. To preach hatred of the rich man as such, to carry on a campaign of slander and invective against him, to seek to mislead and inflame to madness honest men whose lives are hard and who have not the kind of mental training which will permit them to appreciate the danger in the doctrines preached—all this is to commit a crime against the body politic and to be false to every worthy principle and tradition of American national life. Moreover, while such preaching and such agitation may give a livelihood and a certain notoriety to some of those who take part in it, and may result in the temporary political success of others, in the long run every such movement will either fail or else will provoke a violent reaction, which will itself result not merely in undoing the mischief wrought by the demagogue and the agitator, but also in undoing the good that the honest reformer, the true upholder of popular rights, has painfully and laboriously achieved. Corruption is never so rife as in communities where the demagogue and the agitator bear full sway, because in such communities all moral bands become loosened, and hysteria and sensationalism replace the spirit of sound judgment and fair dealing as between man and man. In sheer revolt against the squalid anarchy thus produced men are sure in the end to turn toward any leader who can restore order, and then their relief at being free from the intolerable burdens of class hatred, violence, and demagogy is such that they can not for some time be aroused to indignation against misdeeds by men of wealth; so that they permit a new growth of the very abuses which were in part responsible for the original outbreak. The one hope for success for our people lies in a resolute and fearless, but sane and cool-headed, advance along the path marked out last year by this very Congress. There must be a stern refusal to be misled into following either that base creature who appeals and panders to the lowest instincts and passions in order to arouse one set of Americans against their fellows, or that other creature, equally base but no baser, who in a spirit of greed, or to accumulate or add to an already huge fortune, seeks to exploit his fellow-Americans with callous disregard to their welfare of soul and body. The man who debauches others in order to obtain a high office stands on an evil equality of corruption with the man who debauches others for financial profit; and when hatred is sown the crop which springs up can only be evil.

The plain people who think—the mechanics, farmers, merchants, workers with head or hand, the men to whom American traditions are dear, who love their country and try to act decently by their neighbors, owe it to themselves to remember that the most damaging blow that can be given popular government is to elect an unworthy and sinister agitator on a platform of violence and hypocrisy. Whenever such an issue is raised in this country nothing can be gained by flinching from it, for in such case democracy is itself on trial, popular self-government under republican forms is itself on trial. The triumph of the mob is just as evil a thing as the triumph of the plutocracy, and to have escaped one danger avails nothing whatever if we succumb to the other. In the end the honest man, whether rich or poor, who earns his own living and tries to deal justly by his fellows, has as much to fear from the insincere and unworthy demagogue, promising much and performing nothing, or else performing nothing but evil, who would set on the mob to plunder the rich, as from the crafty corruptionist, who, for his own ends, would permit the common people to be exploited by the very wealthy. If we ever let this Government fall into the hands of men of either of these two classes, we shall show ourselves false to America's past. Moreover, the demagogue and the corruptionist often work hand in hand. There are at this moment wealthy reactionaries of such obtuse morality that they regard the public servant who prosecutes them when they violate the law, or who seeks to make them bear their proper share of the public burdens, as being even more objectionable than the violent agitator who hounds on the mob to plunder the rich. There is nothing to choose between such a reactionary and such an agitator; fundamentally they are alike in their selfish disregard of the rights of others; and it is natural that they should join in opposition to any movement of which the aim is fearlessly to do exact and even justice to all.

RAILROAD EMPLOYEES' HOURS AND EIGHT-HOUR LAW.

I call your attention to the need of passing the bill limiting the number of hours of employment of railroad employees. The measure is a very moderate one and I can conceive of no serious objection to it. Indeed, so far as it is in our power, it should be our aim steadily to reduce the number of hours of labor, with as a goal the general introduction of an eight-hour day. There are industries in which it is not possible that the hours of labor should be reduced; just as there are communities not far enough advanced for such a movement to be for their good, or, if in the Tropics, so situated that there is no analogy between their needs and ours in this matter. On the Isthmus of Panama, for instance, the conditions are in every way so different from what they are here that an eight-hour day would be absurd; just as it is absurd, so far as the Isthmus is concerned, where white labor can not be employed, to bother as to whether the necessary work is done by alien black men or by alien yellow men. But the wageworkers of the United States are of so high a grade that alike from the merely industrial standpoint and from the civic standpoint it should be our object to do what we can in the direction of securing the general observance of an eight-hour day. Until recently the eight-hour law on our Federal statute books has been very scantily observed. Now, however, largely through the instrumentality of the Bureau of

Labor, it is being rigidly enforced, and I shall speedily be able to say whether or not there is need of further legislation in reference thereto; for our purpose is to see it obeyed in spirit no less than in letter. Half holidays during summer should be established for Government employees; it is as desirable for wage-workers who toil with their hands as for salaried officials whose labor is mental that there should be a reasonable amount of holiday.

LABOR OF WOMEN AND CHILDREN.

The Congress at its last session wisely provided for a truant court for the District of Columbia; a marked step in advance on the path of properly caring for the children. Let me again urge that the Congress provide for a thorough investigation of the conditions of child labor and of the labor of women in the United States. More and more our people are growing to recognize the fact that the questions which are not merely of industrial but of social importance outweigh all others; and these two questions most emphatically come in the category of those which affect in the most far-reaching way the home life of the Nation. The horrors incident to the employment of young children in factories or at work anywhere are a blot on our civilization. It is true that each State must ultimately settle the question in its own way; but a thorough official investigation of the matter, with the results published broadcast, would greatly help toward arousing the public conscience and securing unity of State action in the matter. There is, however, one law on the subject which should be enacted immediately, because there is no need for an investigation in reference thereto, and the failure to enact it is discreditable to the National Government. A drastic and thoroughgoing child-labor law should be enacted for the District of Columbia and the Territories.

EMPLOYERS' LIABILITY.

Among the excellent laws which the Congress past at the last session was an employers' liability law. It was a marked step in advance to get the recognition of employers' liability on the statute books; but the law did not go far enough. In spite of all precautions exercised by employers there are unavoidable accidents and even deaths involved in nearly every line of business connected with the mechanic arts. This inevitable sacrifice of life may be reduced to a minimum, but it can not be completely eliminated. It is a great social injustice to compel the employee, or rather the family of the killed or disabled victim, to bear the entire burden of such an inevitable sacrifice. In other words, society shirks its duty by laying the whole cost on the victim, whereas the injury comes from what may be called the legitimate risks of the trade. Compensation for accidents or deaths due in any line of industry to the actual conditions under which that industry is carried on, should be paid by that portion of the community for the benefit of which the industry is carried on—that is, by those who profit by the industry. If the entire trade risk is placed upon the employer he will promptly and properly add it to the legitimate cost of production and assess it proportionately upon the consumers of his commodity. It is therefore clear to my mind that the law should place this entire "risk of a trade" upon the employer. Neither the Federal law, nor, as far as I am informed, the State laws dealing with the question of employers' liability are sufficiently thoroughgoing. The Federal law should of course include employees in navy-yards, arsenals, and the like.

INVESTIGATION OF DISPUTES BETWEEN CAPITAL AND LABOR.

The commission appointed by the President October 16, 1902, at the request of both the anthracite coal operators and miners, to inquire into, consider, and pass upon the questions in controversy in connection with the strike in the anthracite regions of Pennsylvania and the causes out of which the controversy rose, in their report, findings, and award expressed the belief "that the State and Federal governments should provide the machinery for what may be called the compulsory investigation of controversies between employers and employees when they arise." This expression of belief is deserving of the favorable consideration of the Congress and the enactment of its provisions into law. A bill has already been introduced to this end.

Records show that during the twenty years from January 1, 1881, to December 31, 1900, there were strikes affecting 117,509 establishments, and 6,105,694 employees were thrown out of employment. During the same period there were 1,005 lockouts, involving nearly 10,000 establishments, throwing over one million people out of employment. The strikes and lockouts involved an estimated loss to employees of $307,000,000 and to employers of $143,000,000, a total of $450,000,000. The public suffered directly and indirectly probably as great additional loss. But the money loss, great as it was, did not measure the anguish and suffering endured by the wives and children of employees whose pay stopped when their work stopped, or the disastrous effect of the strike or lockout upon the business of employers, or the increase in the cost of products and the inconvenience and loss to the public.

Many of these strikes and lockouts would not have occurred had the parties to the dispute been required to appear before an unprejudiced body representing the nation and, face to face, state the reasons for their contention. In most instances the dispute would doubtless be found to be due to a misunderstanding by each of the other's rights, aggravated by an unwillingness of either party to accept as true the statements of the other as to the justice or injustice of the matters in dispute. The exercise of a judicial spirit by a disinterested body representing the Federal Government, such as would be provided by a commission on conciliation and arbitration, would tend to create an atmosphere of friendliness and conciliation between contending parties; and the giving each side an equal opportunity to present fully its case in the presence of the other would prevent many disputes from developing into serious strikes or lockouts, and, in other cases, would enable the commission to persuade the opposing parties to come to terms.

In this age of great corporate and labor combinations, neither employers nor employees should be left completely at the mercy of the stronger party to a dispute, regardless of the righteousness of their respective claims. The proposed measure would be in the line of securing recognition of the fact that in many strikes the public has itself an interest which can not wisely be disregarded; an interest not merely of general convenience, for the question of a just and proper public policy must also be considered. In all legislation of this kind it is well to advance cautiously, testing each step by the actual results; the step proposed can surely be safely taken, for the decisions of the commission would not bind the parties in legal fashion, and yet would give a chance for public opinion to crystallize and thus to exert its full force for the right.

WITHDRAWAL OF COAL LANDS.

It is not wise that the Nation should alienate its remaining coal lands. I have temporarily withdrawn from settlement all the lands which the Geological Survey has indicated as containing, or in all probability containing, coal. The question, however, can be properly settled only by legislation, which in my judgment should provide for the withdrawal of these lands from sale or from entry, save in certain especial circumstances. The ownership would then remain in the United States, which should not, however, attempt to work them, but permit them to be worked by private individuals under a royalty system, the Government keeping such control as to permit it to see that no excessive price was charged consumers. It would, of course, be as necessary to supervise the rates charged by the common carriers to transport the product as the rates charged by those who mine it; and the supervision must extend to the conduct of the common carriers, so that they shall in no way favor one competitor at the expense of another. The withdrawal of these coal lands would constitute a policy analogous to that which has been followed in withdrawing the forest lands from ordinary settlement. The coal, like the forests, should be treated as the property of the public and its disposal should be under conditions which would inure to the benefit of the public as a whole.

CORPORATIONS.

The present Congress has taken long strides in the direction of securing proper supervision and control by the National Government over corporations engaged in interstate business—and the enormous majority of corporations of any size are engaged in interstate business. The passage of the railway rate bill, and only to a less degree the passage of the pure food bill, and the provision for increasing and rendering more effective national control over the beef-packing industry, mark an important advance in the proper direction. In the short session it will perhaps be difficult to do much further along this line; and it may be best to wait until the laws have been in operation for a number of months before endeavoring to increase their scope, because only operation will show with exactness their merits and their shortcomings and thus give opportunity to define what further remedial legislation is needed. Yet in my judgment it will in the end be advisable in connection with the packing house inspection law to provide for putting a date on the label and for charging the cost of inspection to the packers. All these laws have already justified their enactment. The interstate commerce law, for instance, has rather amusingly falsified the predictions, both of those who asserted that it would ruin the railroads and of those who asserted that it did not go far enough and would accomplish nothing. During the last five months the railroads have shown increased earnings and some of them unusual dividends; while during the same period the mere taking effect of the law has

produced an unprecedented, a hitherto unheard of, number of voluntary reductions in freights and fares by the railroads. Since the founding of the Commission there has never been a time of equal length in which anything like so many reduced tariffs have been put into effect. On August 27, for instance, two days before the new law went into effect, the Commission received notices of over five thousand separate tariffs which represented reductions from previous rates.

It must not be supposed, however, that with the passage of these laws it will be possible to stop progress along the line of increasing the power of the National Government over the use of capital in interstate commerce. For example, there will ultimately be need of enlarging the powers of the Interstate Commerce Commission along several different lines, so as to give it a larger and more efficient control over the railroads.

It can not too often be repeated that experience has conclusively shown the impossibility of securing by the actions of nearly half a hundred different State legislatures anything but ineffective chaos in the way of dealing with the great corporations which do not operate exclusively within the limits of any one State. In some method, whether by a national license law or in other fashion, we must exercise, and that at an early date, a far more complete control than at present over these great corporations—a control that will among other things prevent the evils of excessive overcapitalization, and that will compel the disclosure by each big corporation of its stockholders and of its properties and business, whether owned directly or through subsidiary or affiliated corporations. This will tend to put a stop to the securing of inordinate profits by favored individuals at the expense whether of the general public, the stockholders, or the wageworkers. Our effort should be not so much to prevent consolidation as such, but so to supervise and control it as to see that it results in no harm to the people. The reactionary or ultraconservative apologists for the misuse of wealth assail the effort to secure such control as a step toward socialism. As a matter of fact it is these reactionaries and ultraconservatives who are themselves most potent in increasing socialistic feeling. One of the most efficient methods of averting the consequences of a dangerous agitation, which is 80 per cent wrong, is to remedy the 20 per cent of evil as to which the agitation is well founded. The best way to avert the very undesirable move for the governmental ownership of railways is to secure by the Government on behalf of the people as a whole such adequate control and regulation of the great interstate common carriers as will do away with the evils which give rise to the agitation against them. So the proper antidote to the dangerous and wicked agitation against the men of wealth as such is to secure by proper legislation and executive action the abolition of the grave abuses which actually do obtain in connection with the business use of wealth under our present system—or rather no system—of failure to exercise any adequate control at all. Some persons speak as if the exercise of such governmental control would do away with the freedom of individual initiative and dwarf individual effort. This is not a fact. It would be a veritable calamity to fail to put a premium upon individual initiative, individual capacity and effort; upon the energy, character, and foresight which it is so important to encourage in the individual. But as a matter of fact the deadening and degrading effect of pure socialism, and especially of its extreme form communism, and the destruction of individual character which they would bring about, are in part achieved by the wholly unregulated competition which results in a single individual or corporation rising at the expense of all others until his or its rise effectually checks all competition and reduces former competitors to a position of utter inferiority and subordination.

In enacting and enforcing such legislation as this Congress already has to its credit, we are working on a coherent plan, with the steady endeavor to secure the needed reform by the joint action of the moderate men, the plain men who do not wish anything hysterical or dangerous, but who do intend to deal in resolute common-sense fashion with the real and great evils of the present system. The reactionaries and the violent extremists show symptoms of joining hands against us. Both assert, for instance, that if logical, we should go to government ownership of railroads and the like; the reactionaries, because on such an issue they think the people would stand with them, while the extremists care rather to preach discontent and agitation than to achieve solid results. As a matter of fact, our position is as remote from that of the Bourbon reactionary as from that of the impracticable or sinister visionary. We hold that the Government should not conduct the business of the nation, but that it should exercise such supervision as will insure its being conducted in the interest of the nation. Our aim is, so far as may be, to secure, for all decent, hard working men, equality of opportunity and equality of burden.

The actual working of our laws has shown that the effort to prohibit all combination, good or bad, is noxious where it is not ineffective. Combination of capital like combination of labor is a necessary element of our present industrial system. It is not possible completely to prevent it; and if it were possible, such complete prevention would do damage to the body politic. What we need is not vainly to try to prevent all combination, but to secure such rigorous and adequate control and supervision of the combinations as to prevent their injuring the public, or existing in such form as inevitably to threaten injury—for the mere fact that a combination has secured practically complete control of a necessary of life would under any circumstances show that such combination was to be presumed to be adverse to the public interest. It is unfortunate that our present laws should forbid all combinations, instead of sharply discriminating between those combinations which do good and those combinations which do evil. Rebates, for instance, are as often due to the pressure of big shippers (as was shown in the investigation of the Standard Oil Company and as has been shown since by the investigation of the tobacco and sugar trusts) as to the initiative of big railroads. Often railroads would like to combine for the purpose of preventing a big shipper from maintaining improper advantages at the expense of small shippers and of the general public. Such a combination, instead of being forbidden by law, should be favored. In other words, it should be permitted to railroads to make agreements, provided these agreements were sanctioned by the Interstate Commerce Commission and were published. With these two conditions complied with it is impossible to see what harm such a combination could do to the public at large. It is a public evil to have on the statute books a law incapable of full enforcement because both judges and juries realize that its full enforcement would destroy the business of the country; for the result is to make decent railroad men violators of the law against their will, and to put a premium on the behavior of the willful wrongdoers. Such a result in turn tends to throw the decent man and the willful wrongdoer into close association, and in the end to drag down the former to the latter's level; for the man who becomes a lawbreaker in one way unhappily tends to lose all respect for law and to be willing to break it in many ways. No more scathing condemnation could be visited upon a law than is contained in the words of the Interstate Commerce Commission when, in commenting upon the fact that the numerous joint traffic associations do technically violate the law, they say: "The decision of the United States Supreme Court in the Trans-Missouri case and the Joint Traffic Association case has produced no practical effect upon the railway operations of the country. Such associations, in fact, exist now as they did before these decisions, and with the same general effect. In justice to all parties, we ought probably to add that it is difficult to see how our interstate railways could be operated with due regard to the interest of the shipper and the railway without concerted action of the kind afforded through these associations."

This means that the law as construed by the Supreme Court is such that the business of the country can not be conducted without breaking it. I recommend that you give careful and early consideration to this subject, and if you find the opinion of the Interstate Commerce Commission justified, that you amend the law so as to obviate the evil disclosed.

INHERITANCE AND INCOME TAX.

The question of taxation is difficult in any country, but it is especially difficult in ours with its Federal system of government. Some taxes should on every ground be levied in a small district for use in that district. Thus the taxation of real estate is peculiarly one for the immediate locality in which the real estate is found. Again, there is no more legitimate tax for any State than a tax on the franchises conferred by that State upon street railroads and similar corporations which operate wholly within the State boundaries, sometimes in one and sometimes in several municipalities or other minor divisions of the State. But there are many kinds of taxes which can only be levied by the General Government so as to produce the best results, because, among other reasons, the attempt to impose them in one particular State too often results merely in driving the corporation or individual affected to some other locality or other State. The National Government has long derived its chief revenue from a tariff on imports and from an internal or excise tax. In addition to these there is every reason why, when next our system of taxation is revised, the National Government should impose a graduated inheritance tax, and, if possible, a graduated income tax. The man of great wealth owes a peculiar obligation to the State, because he derives special advantages from the mere existence of government. Not only should he recognize this obligation in the way he leads his

daily life and in the way he earns and spends his money, but it should also be recognized by the way in which he pays for the protection the State gives him. On the one hand, it is desirable that he should assume his full and proper share of the burden of taxation; on the other hand, it is quite as necessary that in this kind of taxation, where the men who vote the tax pay but little of it, there should be clear recognition of the danger of inaugurating any such system save in a spirit of entire justice and moderation. Whenever we, as a people, undertake to remodel our taxation system along the lines suggested, we must make it clear beyond peradventure that our aim is to distribute the burden of supporting the Government more equitably than at present; that we intend to treat rich man and poor man on a basis of absolute equality, and that we regard it as equally fatal to true democracy to do or permit injustice to the one as to do or permit injustice to the other.

I am well aware that such a subject as this needs long and careful study in order that the people may become familiar with what is proposed to be done, may clearly see the necessity of proceeding with wisdom and self-restraint, and may make up their minds just how far they are willing to go in the matter; while only trained legislators can work out the project in necessary detail. But I feel that in the near future our national legislators should enact a law providing for a graduated inheritance tax by which a steadily increasing rate of duty should be put upon all moneys or other valuables coming by gift, bequest, or devise to any individual or corporation. It may be well to make the tax heavy in proportion as the individual benefited is remote of kin. In any event, in my judgment the pro rata of the tax should increase very heavily with the increase of the amount left to any one individual after a certain point has been reached. It is most desirable to encourage thrift and ambition, and a potent source of thrift and ambition is the desire on the part of the breadwinner to leave his children well off. This object can be attained by making the tax very small on moderate amounts of property left; because the prime object should be to put a constantly increasing burden on the inheritance of those swollen fortunes which it is certainly of no benefit to this country to perpetuate.

There can be no question of the ethical propriety of the Government thus determining the conditions upon which any gift or inheritance should be received. Exactly how far the inheritance tax would, as an incident, have the effect of limiting the transmission by devise or gift of the enormous fortunes in question it is not necessary at present to discuss. It is wise that progress in this direction should be gradual. At first a permanent national inheritance tax, while it might be more substantial than any such tax has hitherto been, need not approximate, either in amount or in the extent of the increase by graduation, to what such a tax should ultimately be.

This species of tax has again and again been imposed, although only temporarily, by the National Government. It was first imposed by the act of July 6, 1797, when the makers of the Constitution were alive and at the head of affairs. It was a graduated tax; though small in amount, the rate was increased with the amount left to any individual, exceptions being made in the case of certain close kin. A similar tax was again imposed by the act of July 1, 1862; a minimum sum of one thousand dollars in personal property being excepted from taxation, the tax then becoming progressive according to the remoteness of kin. The war-revenue act of June 13, 1898, provided for an inheritance tax on any sum exceeding the value of ten thousand dollars, the rate of the tax increasing both in accordance with the amounts left and in accordance with the legatee's remoteness of kin. The Supreme Court has held that the succession tax imposed at the time of the civil war was not a direct tax but an impost or excise which was both constitutional and valid. More recently the court, in an opinion delivered by Mr. Justice White, which contained an exceedingly able and elaborate discussion of the powers of the Congress to impose death duties, sustained the constitutionality of the inheritance-tax feature of the war-revenue act of 1898.

In its incidents, and apart from the main purpose of raising revenue, an income tax stands on an entirely different footing from an inheritance tax; because it involves no question of the perpetuation of fortunes swollen to an unhealthy size. The question is in its essence a question of the proper adjustment of burdens to benefits. As the law now stands it is undoubtedly difficult to devise a national income tax which shall be constitutional. But whether it is absolutely impossible is another question; and if possible it is most certainly desirable. The first purely income-tax law was passed by the Congress in 1861, but the most important law dealing with the subject was that of 1894. This the court held to be unconstitutional.

The question is undoubtedly very intricate, delicate, and troublesome. The decision of the court was only reached by one majority. It is the law of the land, and of course is accepted as such and loyally obeyed by all good citizens. Nevertheless, the hesitation evidently felt by the court as a whole in coming to a conclusion, when considered together with the previous decisions on the subject, may perhaps indicate the possibility of devising a constitutional income-tax law which shall substantially accomplish the results aimed at. The difficulty of amending the Constitution is so great that only real necessity can justify a resort thereto. Every effort should be made in dealing with this subject, as with the subject of the proper control by the National Government over the use of corporate wealth in interstate business, to devise legislation which without such action shall attain the desired end; but if this fails, there will ultimately be no alternative to a constitutional amendment.

TECHNICAL AND INDUSTRIAL TRAINING.

It would be impossible to overstate (though it is of course difficult quantitatively to measure) the effect upon a nation's growth to greatness of what may be called organized patriotism, which necessarily includes the substitution of a national feeling for mere local pride; with as a resultant a high ambition for the whole country. No country can develop its full strength so long as the parts which make up the whole each put a feeling of loyalty to the part above the feeling of loyalty to the whole. This is true of sections and it is just as true of classes. The industrial and agricultural classes must work together, capitalists and wageworkers must work together, if the best work of which the country is capable is to be done. It is probable that a thoroughly efficient system of education comes next to the influence of patriotism in bringing about national success of this kind. Our federal form of government, so fruitful of advantage to our people in certain ways, in other ways undoubtedly limits our national effectiveness. It is not possible, for instance, for the National Government to take the lead in technical industrial education, to see that the public school system of this country develops on all its technical, industrial, scientific, and commercial sides. This must be left primarily to the several States. Nevertheless, the National Government has control of the schools of the District of Columbia, and it should see that these schools promote and encourage the fullest development of the scholars in both commercial and industrial training. The commercial training should in one of its branches deal with foreign trade. The industrial training is even more important. It should be one of our prime objects as a Nation, so far as feasible, constantly to work toward putting the mechanic, the wageworker who works with his hands, on a higher plane of efficiency and reward, so as to increase his effectiveness in the economic world, and the dignity, the remuneration, and the power of his position in the social world. Unfortunately, at present the effect of some of the work in the public schools is in the exactly opposite direction. If boys and girls are trained merely in literary accomplishments, to the total exclusion of industrial, manual, and technical training, the tendency is to unfit them for industrial work and to make them reluctant to go into it, or unfitted to do well if they do go into it. This is a tendency which should be strenuously combated. Our industrial development depends largely upon technical education, including in this term all industrial education, from that which fits a man to be a good mechanic, a good carpenter, or blacksmith, to that which fits a man to do the greatest engineering feat. The skilled mechanic, the skilled workman, can best become such by technical industrial education. The far-reaching usefulness of institutes of technology and schools of mines or of engineering, is now universally acknowledged, and no less far-reaching is the effect of a good building or mechanical trades school, a textile, or watchmaking, or engraving school. All such training must develop not only manual dexterity but industrial intelligence. In international rivalry this country does not have to fear the competition of pauper labor as much as it has to fear the educated labor of specially trained competitors; and we should have the education of the hand, eye, and brain which will fit us to meet such competition.

In every possible way we should help the wageworker who toils with his hands and who must (we hope in a constantly increasing measure) also toil with his brain. Under the Constitution the National Legislature can do but little of direct importance for his welfare save where he is engaged in work which permits it to act under the interstate commerce clause of the Constitution; and this is one reason why I so earnestly hope that both the legislative and judicial branches of the Government will construe this clause of the Constitution in the broadest possible manner. We can, however, in such a matter as industrial training, in such a matter as child labor and factory laws, set an example to the States by enacting the most

advanced legislation that can wisely be enacted for the District of Columbia.

AGRICULTURE.

The only other persons whose welfare is as vital to the welfare of the whole country as is the welfare of the wageworkers are the tillers of the soil, the farmers. It is a mere truism to say that no growth of cities, no growth of wealth, no industrial development can atone for any falling off in the character and standing of the farming population. During the last few decades this fact has been recognized with ever-increasing clearness. There is no longer any failure to realize that farming, at least in certain branches, must become a technical and scientific profession. This means that there must be open to farmers the chance for technical and scientific training, not theoretical merely but of the most severely practical type. The farmer represents a peculiarly high type of American citizenship, and he must have the same chance to rise and develop as other American citizens have. Moreover, it is exactly as true of the farmer, as it is of the business man and the wageworker, that the ultimate success of the Nation of which he forms a part must be founded not alone on material prosperity but upon high moral, mental, and physical development. This education of the farmer—self-education by preference, but also education from the outside, as with all other men—is peculiarly necessary here in the United States, where the frontier conditions even in the newest States have now nearly vanished, where there must be a substitution of a more intensive system of cultivation for the old wasteful farm management, and where there must be a better business organization among the farmers themselves.

Several factors must cooperate in the improvement of the farmer's condition. He must have the chance to be educated in the widest possible sense—in the sense which keeps ever in view the intimate relationship between the theory of education and the facts of life. In all education we should widen our aims. It is a good thing to produce a certain number of trained scholars and students; but the education superintended by the State must seek rather to produce a hundred good citizens than merely one scholar, and it must be turned now and then from the class book to the study of the great book of nature itself. This is especially true of the farmer, as has been pointed out again and again by all observers most competent to pass practical judgment on the problems of our country life. All students now realize that education must seek to train the executive powers of young people and to confer more real significance upon the phrase "dignity of labor," and to prepare the pupils so that in addition to each developing in the highest degree his individual capacity for work, they may together help create a right public opinion, and show in many ways social and cooperative spirit. Organization has become necessary in the business world; and it has accomplished much for good in the world of labor. It is no less necessary for farmers. Such a movement as the grange movement is good in itself and is capable of a well-nigh infinite further extension for good so long as it is kept to its own legitimate business. The benefits to be derived by the association of farmers for mutual advantage are partly economic and partly sociological.

Moreover, while in the long run voluntary effort will prove more efficacious than government assistance, while the farmers must primarily do most for themselves, yet the Government can also do much. The Department of Agriculture has broken new ground in many directions, and year by year it finds how it can improve its methods and develop fresh usefulness. Its constant effort is to give the governmental assistance in the most effective way; that is, through associations of farmers rather than to or through individual farmers. It is also striving to coordinate its work with the agricultural departments of the several States, and so far as its own work is educational, to coordinate it with the work of other educational authorities. Agricultural education is necessarily based upon general education, but our agricultural educational institutions are wisely specializing themselves, making their courses relate to the actual teaching of the agricultural and kindred sciences to young country people or young city people who wish to live in the country.

Great progress has already been made among farmers by the creation of farmers' institutes, of dairy associations, of breeders' associations, horticultural associations, and the like. A striking example of how the Government and the farmers can cooperate is shown in connection with the menace offered to the cotton growers of the Southern States by the advance of the boll weevil. The Department is doing all it can to organize the farmers in the threatened districts, just as it has been doing all it can to organize them in aid of its work to eradicate the cattle fever tick in the South. The Department can and will cooperate with all such associations, and it must have their help if its own work is to be done in the most efficient style.

IRRIGATION AND FOREST PRESERVATION.

Much is now being done for the States of the Rocky Mountains and Great Plains through the development of the national policy of irrigation and forest preservation; no Government policy for the betterment of our internal conditions has been more fruitful of good than this. The forests of the White Mountains and Southern Appalachian regions should also be preserved; and they can not be unless the people of the States in which they lie, through their representatives in the Congress, secure vigorous action by the National Government.

MEMORIAL AMPHITHEATER AT ARLINGTON.

I invite the attention of the Congress to the estimate of the Secretary of War for an appropriation to enable him to begin the preliminary work for the construction of a memorial amphitheater at Arlington. The Grand Army of the Republic in its national encampment has urged the erection of such an amphitheater as necessary for the proper observance of Memorial Day and as a fitting monument to the soldier and sailor dead buried there. In this I heartily concur and commend the matter to the favorable consideration of the Congress.

MARRIAGE AND DIVORCE.

I am well aware of how difficult it is to pass a constitutional amendment. Nevertheless in my judgment the whole question of marriage and divorce should be relegated to the authority of the National Congress. At present the wide differences in the laws of the different States on this subject result in scandals and abuses; and surely there is nothing so vitally essential to the welfare of the nation, nothing around which the nation should so bend itself to throw every safeguard, as the home life of the average citizen. The change would be good from every standpoint. In particular it would be good because it would confer on the Congress the power at once to deal radically and efficiently with polygamy; and this should be done whether or not marriage and divorce are dealt with. It is neither safe nor proper to leave the question of polygamy to be dealt with by the several States. Power to deal with it should be conferred on the National Government.

When home ties are loosened; when men and women cease to regard a worthy family life, with all its duties fully performed, and all its responsibilities lived up to, as the life best worth living; then evil days for the commonwealth are at hand. There are regions in our land, and classes of our population, where the birth rate has sunk below the death rate. Surely it should need no demonstration to show that willful sterility is, from the standpoint of the nation, from the standpoint of the human race, the one sin for which the penalty is national death, race death; a sin for which there is no atonement; a sin which is the more dreadful exactly in proportion as the men and women guilty thereof are in other respects, in character, and bodily and mental powers, those whom for the sake of the state it would be well to see the fathers and mothers of many healthy children, well brought up in homes made happy by their presence. No man, no woman, can shirk the primary duties of life, whether for love of ease and pleasure, or for any other cause, and retain his or her self-respect.

AMERICAN SHIPPING.

Let me once again call the attention of the Congress to two subjects concerning which I have frequently before communicated with them. One is the question of developing American shipping. I trust that a law embodying in substance the views, or a major part of the views, expressed in the report on this subject laid before the House at its last session will be passed. I am well aware that in former years objectionable measures have been proposed in reference to the encouragement of American shipping; but it seems to me that the proposed measure is as nearly unobjectionable as any can be. It will of course benefit primarily our seaboard States, such as Maine, Louisiana, and Washington; but what benefits part of our people in the end benefits all; just as Government aid to irrigation and forestry in the West is really of benefit, not only to the Rocky Mountain States, but to all our country. If it prove impracticable to enact a law for the encouragement of shipping generally, then at least provision should be made for better communication with South America, notably for fast mail lines to the chief South American ports. It is discreditable to us that our business people, for lack of direct communication in the shape of lines of steamers with South America, should in that great sister continent be at a disadvantage compared to the business people of Europe.

CURRENCY REFORM.

I especially call your attention to the second subject, the condition of our currency laws. The national-bank act has ably served a great purpose in aiding the enormous business develop-

ment of the country; and within ten years there has been an increase in circulation per capita from $21.41 to $33.08. For several years evidence has been accumulating that additional legislation is needed. The recurrence of each crop season emphasizes the defects of the present laws. There must soon be a revision of them, because to leave them as they are means to incur liability of business disaster. Since your body adjourned there has been a fluctuation in the interest on call money from 2 per cent to 30 per cent; and the fluctuation was even greater during the preceding six months. The Secretary of the Treasury had to step in and by wise action put a stop to the most violent period of oscillation. Even worse than such fluctuation is the advance in commercial rates and the uncertainty felt in the sufficiency of credit even at high rates. All commercial interests suffer during each crop period. Excessive rates for call money in New York attract money from the interior banks into the speculative field; this depletes the fund that would otherwise be available for commercial uses, and commercial borrowers are forced to pay abnormal rates; so that each fall a tax, in the shape of increased interest charges, is placed on the whole commerce of the country.

The mere statement of these facts shows that our present system is seriously defective. There is need of a change. Unfortunately, however, many of the proposed changes must be ruled from consideration because they are complicated, are not easy of comprehension, and tend to disturb existing rights and interests. We must also rule out any plan which would materially impair the value of the United States 2 per cent bonds now pledged to secure circulation, the issue of which was made under conditions peculiarly creditable to the Treasury. I do not press any especial plan. Various plans have recently been proposed by expert committees of bankers. Among the plans which are possibly feasible and which certainly should receive your consideration is that repeatedly brought to your attention by the present Secretary of the Treasury, the essential features of which have been approved by many prominent bankers and business men. According to this plan national banks should be permitted to issue a specified proportion of their capital in notes of a given kind, the issue to be taxed at so high a rate as to drive the notes back when not wanted in legitimate trade. This plan would not permit the issue of currency to give banks additional profits, but to meet the emergency presented by times of stringency.

I do not say that this is the right system. I only advance it to emphasize my belief that there is need for the adoption of some system which shall be automatic and open to all sound banks, so as to avoid all possibility of discrimination and favoritism. Such a plan would tend to prevent the spasms of high money and speculation which now obtain in the New York market; for at present there is too much currency at certain seasons of the year, and its accumulation at New York tempts bankers to lend it at low rates for speculative purposes; whereas at other times when the crops are being moved there is urgent need for a large but temporary increase in the currency supply. It must never be forgotten that this question concerns business men generally quite as much as bankers; especially is this true of stockmen, farmers, and business men in the West; for at present at certain seasons of the year the difference in interest rates between the East and the West is from 6 to 10 per cent, whereas in Canada the corresponding difference is but 2 per cent. Any plan must, of course, guard the interests of western and southern bankers as carefully as it guards the interests of New York or Chicago bankers; and must be drawn from the standpoints of the farmer and the merchant no less than from the standpoints of the city banker and the country banker.

The law should be amended so as specifically to provide that the funds derived from customs duties may be treated by the Secretary of the Treasury as he treats funds obtained under the internal-revenue laws. There should be a considerable increase in bills of small denominations. Permission should be given banks, if necessary under settled restrictions, to retire their circulation to a larger amount than three millions a month.

PHILIPPINE TARIFF.

I most earnestly hope that the bill to provide a lower tariff for or else absolute free trade in Philippine products will become a law. No harm will come to any American industry; and while there will be some small but real material benefit to the Filipinos, the main benefit will come by the showing made as to our purpose to do all in our power for their welfare. So far our action in the Philippines has been abundantly justified, not mainly and indeed not primarily because of the added dignity it has given us as a nation by proving that we are capable honorably and efficiently to bear the international burdens which a mighty people should bear, but even more because of the immense benefit that has come to the people of the Philippine Islands. In these islands we are steadily introducing both liberty and order to a greater degree than their people have ever before known. We have secured justice. We have provided an efficient police force, and have put down ladronism. Only in the islands of Leyte and Samar is the authority of our Government resisted and this by wild mountain tribes under the superstitious inspiration of fakirs and pseudo-religious leaders. We are constantly increasing the measure of liberty accorded the islanders, and next spring, if conditions warrant, we shall take a great stride forward in testing their capacity for self-government by summoning the first Filipino legislative assembly; and the way in which they stand this test will largely determine whether the self-government thus granted will be increased or decreased; for if we have erred at all in the Philippines it has been in proceeding too rapidly in the direction of granting a large measure of self-government. We are building roads. We have, for the immeasurable good of the people, arranged for the building of railroads. Let us also see to it that they are given free access to our markets. This nation owes no more imperative duty to itself and mankind than the duty of managing the affairs of all the islands under the American flag—the Philippines, Porto Rico, and Hawaii—so as to make it evident that it is in every way to their advantage that the flag should fly over them.

PORTO RICAN AFFAIRS.

American citizenship should be conferred on the citizens of Porto Rico. The harbor of San Juan in Porto Rico should be dredged and improved. The expenses of the federal court of Porto Rico should be met from the Federal Treasury. The administration of the affairs of Porto Rico, together with those of the Philippines, Hawaii, and our other insular possessions, should all be directed under one executive department; by preference the Department of State or the Department of War.

HAWAII.

The needs of Hawaii are peculiar; every aid should be given the islands; and our efforts should be unceasing to develop them along the lines of a community of small freeholders, not of great planters with coolie-tilled estates. Situated as this Territory is, in the middle of the Pacific, there are duties imposed upon this small community which do not fall in like degree or manner upon any other American community. This warrants our treating it differently from the way in which we treat Territories contiguous to or surrounded by sister Territories or other States, and justifies the setting aside of a portion of our revenues to be expended for educational and internal improvements therein. Hawaii is now making an effort to secure immigration fit in the end to assume the duties and burdens of full American citizenship, and whenever the leaders in the various industries of those islands finally adopt our ideals and heartily join our administration in endeavoring to develop a middle class of substantial citizens, a way will then be found to deal with the commercial and industrial problems which now appear to them so serious. The best Americanism is that which aims for stability and permanency of prosperous citizenship, rather than immediate returns on large masses of capital.

ALASKA.

Alaska's needs have been partially met, but there must be a complete reorganization of the governmental system, as I have before indicated to you. I ask your especial attention to this. Our fellow-citizens who dwell on the shores of Puget Sound with characteristic energy are arranging to hold in Seattle the Alaska Yukon Pacific Exposition. Its special aims include the upbuilding of Alaska and the development of American commerce on the Pacific Ocean. This exposition, in its purposes and scope, should appeal not only to the people of the Pacific slope, but to the people of the United States at large. Alaska since it was bought has yielded to the Government eleven millions of dollars of revenue, and has produced nearly three hundred millions of dollars in gold, furs, and fish. When properly developed it will become in large degree a land of homes. The countries bordering the Pacific Ocean have a population more numerous than that of all the countries of Europe; their annual foreign commerce amounts to over three billions of dollars, of which the share of the United States is some seven hundred millions of dollars. If this trade were thoroughly understood and pushed by our manufacturers and producers, the industries not only of the Pacific slope, but of all our country, and particularly of our cotton growing States, would be greatly benefited. Of course, in order to get these benefits, we must treat fairly the countries with which we trade.

INTERNATIONAL MORALITY.

It is a mistake, and it betrays a spirit of foolish cynicism, to maintain that all international governmental action is, and must ever be, based upon mere selfishness, and that to advance ethical reasons for such action is always a sign of hypocrisy. This is no more necessarily true of the action of governments than of the action of individuals. It is a sure sign of a base nature always to ascribe base motives for the actions of others. Unquestionably no nation can afford to disregard proper considerations of self-interest any more than a private individual can so do. But it is equally true that the average private individual in any really decent community does many actions with reference to other men in which he is guided, not by self-interest, but by public spirit, by regard for the rights of others, by a disinterested purpose to do good to others, and to raise the tone of the community as a whole. Similarly, a really great nation must often act, and as a matter of fact often does act, toward other nations in a spirit not in the least of mere self-interest, but paying heed chiefly to ethical reasons; and as the centuries go by this disinterestedness in international action, this tendency of the individuals comprising a nation to require that nation to act with justice toward its neighbors, steadily grows and strengthens. It is neither wise nor right for a nation to disregard its own needs, and it is foolish—and may be wicked—to think that other nations will disregard theirs. But it is wicked for a nation only to regard its own interest, and foolish to believe that such is the sole motive that actuates any other nation. It should be our steady aim to raise the ethical standard of national action just as we strive to raise the ethical standard of individual action.

Not only must we treat all nations fairly, but we must treat with justice and good will all immigrants who come here under the law. Whether they are Catholic or Protestant, Jew or Gentile; whether they come from England or Germany, Russia, Japan, or Italy, matters nothing. All we have a right to question is the man's conduct. If he is honest and upright in his dealings with his neighbor and with the State, then he is entitled to respect and good treatment. Especially do we need to remember our duty to the stranger within our gates. It is the sure mark of a low civilization, a low morality, to abuse or discriminate against or in any way humiliate such stranger who has come here lawfully and who is conducting himself properly. To remember this is incumbent on every American citizen, and it is of course peculiarly incumbent on every Government official, whether of the nation or of the several States.

I am prompted to say this by the attitude of hostility here and there assumed toward the Japanese in this country. This hostility is sporadic and is limited to a very few places. Nevertheless, it is most discreditable to us as a people, and it may be fraught with the gravest consequences to the nation. The friendship between the United States and Japan has been continuous since the time, over half a century ago, when Commodore Perry, by his expedition to Japan, first opened the islands to western civilization. Since then the growth of Japan has been literally astounding. There is not only nothing to parallel it, but nothing to approach it in the history of civilized mankind. Japan has a glorious and ancient past. Her civilization is older than that of the nations of northern Europe—the nations from whom the people of the United States have chiefly sprung. But fifty years ago Japan's development was still that of the Middle Ages. During that fifty years the progress of the country in every walk in life has been a marvel to mankind, and she now stands as one of the greatest of civilized nations; great in the arts of war and in the arts of peace; great in military, in industrial, in artistic development and achievement. Japanese soldiers and sailors have shown themselves equal in combat to any of whom history makes note. She has produced great generals and mighty admirals; her fighting men, afloat and ashore, show all the heroic courage, the unquestioning, unfaltering loyalty, the splendid indifference to hardship and death, which marked the Loyal Ronins; and they show also that they possess the highest ideal of patriotism. Japanese artists of every kind see their products eagerly sought for in all lands. The industrial and commercial development of Japan has been phenomenal; greater than that of any other country during the same period. At the same time the advance in science and philosophy is no less marked. The admirable management of the Japanese Red Cross during the late war, the efficiency and humanity of the Japanese officials, nurses, and doctors, won the respectful admiration of all acquainted with the facts. Through the Red Cross the Japanese people sent over $100,000 to the sufferers of San Francisco, and the gift was accepted with gratitude by our people. The courtesy of the Japanese, nationally and individually, has become proverbial. To no other country has there been such an increasing number of visitors from this land as to Japan. In return, Japanese have come here in great numbers. They are welcome, socially and intellectually, in all our colleges and institutions of higher learning, in all our professional and social bodies. The Japanese have won in a single generation the right to stand abreast of the foremost and most enlightened peoples of Europe and America; they have won on their own merits and by their own exertions the right to treatment on a basis of full and frank equality. The overwhelming mass of our people cherish a lively regard and respect for the people of Japan, and in almost every quarter of the Union the stranger from Japan is treated as he deserves; that is, he is treated as the stranger from any part of civilized Europe is and deserves to be treated. But here and there a most unworthy feeling has manifested itself toward the Japanese—the feeling that has been shown in shutting them out from the common schools in San Francisco, and in mutterings against them in one or two other places, because of their efficiency as workers. To shut them out from the public schools is a wicked absurdity, when there are no first-class colleges in the land, including the universities and colleges of California, which do not gladly welcome Japanese students and on which Japanese students do not reflect credit. We have as much to learn from Japan as Japan has to learn from us; and no nation is fit to teach unless it is also willing to learn. Throughout Japan Americans are well treated, and any failure on the part of Americans at home to treat the Japanese with a like courtesy and consideration is by just so much a confession of inferiority in our civilization.

Our nation fronts on the Pacific, just as it fronts on the Atlantic. We hope to play a constantly growing part in the great ocean of the Orient. We wish, as we ought to wish, for a great commercial development in our dealings with Asia; and it is out of the question that we should permanently have such development unless we freely and gladly extend to other nations the same measure of justice and good treatment which we expect to receive in return. It is only a very small body of our citizens that act badly. Where the Federal Government has power it will deal summarily with any such. Where the several States have power I earnestly ask that they also deal wisely and promptly with such conduct, or else this small body of wrongdoers may bring shame upon the great mass of their innocent and right-thinking fellows—that is, upon our nation as a whole. Good manners should be an international no less than an individual attribute. I ask fair treatment for the Japanese as I would ask fair treatment for Germans or Englishmen, Frenchmen, Russians, or Italians. I ask it as due to humanity and civilization. I ask it as due to ourselves because we must act uprightly toward all men.

I recommend to the Congress that an act be passed specifically providing for the naturalization of Japanese who come here intending to become American citizens. One of the great embarrassments attending the performance of our international obligations is the fact that the statutes of the United States are entirely inadequate. They fail to give to the National Government sufficiently ample power, through United States courts and by the use of the Army and Navy, to protect aliens in the rights secured to them under solemn treaties which are the law of the land. I therefore earnestly recommend that the criminal and civil statutes of the United States be so amended and added to as to enable the President, acting for the United States Government, which is responsible in our international relations, to enforce the rights of aliens under treaties. Even as the law now is something can be done by the Federal Government toward this end, and in the matter now before me affecting the Japanese, everything that it is in my power to do will be done, and all the forces, military and civil, of the United States which I may lawfully employ will be so employed. There should, however, be no particle of doubt as to the power of the National Government completely to perform and enforce its own obligations to other nations. The mob of a single city may at any time perform acts of lawless violence against some class of foreigners which would plunge us into war. That city by itself would be powerless to make defense against the foreign power thus assaulted, and if independent of this Government it would never venture to perform or permit the performance of the acts complained of. The entire power and the whole duty to protect the offending city or the offending community lies in the hands of the United States Government. It is unthinkable that we should continue a policy under which a given locality may be allowed to commit a crime against a friendly nation, and the United States Government limited, not to preventing the commission of the crime, but, in the last resort, to defending the people who have committed it against the consequences of their own wrongdoing.

CUBA.

Last August an insurrection broke out in Cuba which it speedily grew evident that the existing Cuban Government was powerless to quell. This Government was repeatedly asked by the then Cuban Government to intervene, and finally was notified by the President of Cuba that he intended to resign; that his decision was irrevocable; that none of the other constitutional officers would consent to carry on the Government, and that he was powerless to maintain order. It was evident that chaos was impending, and there was every probability that if steps were not immediately taken by this Government to try to restore order, the representatives of various European nations in the island would apply to their respective governments for armed intervention in order to protect the lives and property of their citizens. Thanks to the preparedness of our Navy, I was able immediately to send enough ships to Cuba to prevent the situation from becoming hopeless; and I furthermore dispatched to Cuba the Secretary of War and the Assistant Secretary of State, in order that they might grapple with the situation on the ground. All efforts to secure an agreement between the contending factions, by which they should themselves come to an amicable understanding and settle upon some modus vivendi—some provisional government of their own—failed. Finally the President of the Republic resigned. The quorum of Congress assembled failed by deliberate purpose of its members, so that there was no power to act on his resignation, and the Government came to a halt. In accordance with the so-called Platt amendment, which was embodied in the constitution of Cuba, I thereupon proclaimed a provisional government for the island, the Secretary of War acting as provisional governor until he could be replaced by Mr. Magoon, the late minister to Panama and governor of the Canal Zone on the Isthmus; troops were sent to support them and to relieve the Navy, the expedition being handled with most satisfactory speed and efficiency. The insurgent chiefs immediately agreed that their troops should lay down their arms and disband; and the agreement was carried out. The provisional government has left the personnel of the old government and the old laws, so far as might be, unchanged, and will thus administer the island for a few months until tranquillity can be restored, a new election properly held, and a new government inaugurated. Peace has come in the island; and the harvesting of the sugar-cane crop, the great crop of the island, is about to proceed.

When the election has been held and the new government inaugurated in peaceful and orderly fashion the provisional government will come to an end. I take this opportunity of expressing upon behalf of the American people, with all possible solemnity, our most earnest hope that the people of Cuba will realize the imperative need of preserving justice and keeping order in the island. The United States wishes nothing of Cuba except that it shall prosper morally and materially, and wishes nothing of the Cubans save that they shall be able to preserve order among themselves and therefore to preserve their independence. If the elections become a farce, and if the insurrectionary habit becomes confirmed in the island, it is absolutely out of the question that the island should continue independent; and the United States, which has assumed the sponsorship before the civilized world for Cuba's career as a nation, would again have to intervene and to see that the government was managed in such orderly fashion as to secure the safety of life and property. The path to be trodden by those who exercise self-government is always hard, and we should have every charity and patience with the Cubans as they tread this difficult path. I have the utmost sympathy with, and regard for, them; but I most earnestly adjure them solemnly to weigh their responsibilities and to see that when their new government is started it shall run smoothly, and with freedom from flagrant denial of right on the one hand, and from insurrectionary disturbances on the other.

THE RIO CONFERENCE.

The Second International Conference of American Republics, held in Mexico in the years 1901–2, provided for the holding of the Third Conference within five years, and committed the fixing of the time and place and the arrangements for the conference to the governing board of the Bureau of American Republics, composed of the representatives of all the American nations in Washington. That board discharged the duty imposed upon it with marked fidelity and painstaking care, and upon the courteous invitation of the United States of Brazil, the conference was held at Rio de Janeiro, continuing from the 23d of July to the 29th of August last. Many subjects of common interest to all the American nations were discussed by the conference, and the conclusions reached, embodied in a series of resolutions and proposed conventions, will be laid before you upon the coming in of the final report of the American delegates. They contain many matters of importance relating to the extension of trade, the increase of communication, the smoothing away of barriers to free intercourse, and the promotion of a better knowledge and good understanding between the different countries represented. The meetings of the conference were harmonious and the conclusions were reached with substantial unanimity. It is interesting to observe that in the successive conferences which have been held the representatives of the different American nations have been learning to work together effectively, for, while the First Conference in Washington in 1889, and the Second Conference in Mexico in 1901–2, occupied many months, with much time wasted in an unregulated and fruitless discussion, the Third Conference at Rio exhibited much of the facility in the practical dispatch of business which characterizes permanent deliberative bodies, and completed its labors within the period of six weeks originally allotted for its sessions.

Quite apart from the specific value of the conclusions reached by the conference, the example of the representatives of all the American nations engaging in harmonious and kindly consideration and discussion of subjects of common interest is itself of great and substantial value for the promotion of reasonable and considerate treatment of all international questions. The thanks of this country are due to the Government of Brazil and to the people of Rio de Janeiro for the generous hospitality with which our delegates, in common with the others, were received, entertained, and facilitated in their work.

Incidentally to the meeting of the conference, the Secretary of State visited the city of Rio de Janeiro and was cordially received by the conference, of which he was made an honorary president. The announcement of his intention to make this visit was followed by most courteous and urgent invitations from nearly all the countries of South America to visit them as the guest of their Governments. It was deemed that by the acceptance of these invitations we might appropriately express the real respect and friendship in which we hold our sister Republics of the southern continent, and the Secretary, accordingly, visited Brazil, Uruguay, Argentina, Chile, Peru, Panama, and Colombia. He refrained from visiting Paraguay, Bolivia, and Ecuador only because the distance of their capitals from the seaboard made it impracticable with the time at his disposal. He carried with him a message of peace and friendship, and of strong desire for good understanding and mutual helpfulness; and he was everywhere received in the spirit of his message. The members of government, the press, the learned professions, the men of business, and the great masses of the people united everywhere in emphatic response to his friendly expressions and in doing honor to the country and cause which he represented.

In many parts of South America there has been much misunderstanding of the attitude and purposes of the United States toward the other American Republics. An idea had become prevalent that our assertion of the Monroe Doctrine implied, or carried with it, an assumption of superiority, and of a right to exercise some kind of protectorate over the countries to whose territory that doctrine applies. Nothing could be farther from the truth. Yet that impression continued to be a serious barrier to good understanding, to friendly intercourse, to the introduction of American capital and the extension of American trade. The impression was so widespread that apparently it could not be reached by any ordinary means.

It was part of Secretary Root's mission to dispel this unfounded impression, and there is just cause to believe that he has succeeded. In an address to the Third Conference at Rio on the 31st of July—an address of such note that I send it in, together with this message—he said:

"We wish for no victories but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guaranty of the weak against the oppression of the strong. We neither claim nor desire any rights or privileges or powers that we do not freely concede to every American Republic. We wish to increase our prosperity, to extend our trade, to grow in wealth, in wisdom, and in spirit, but our conception of the true way to accomplish this is not to pull down others and profit by their ruin, but to help all friends to a common prosperity and a common growth, that we may all become greater and stronger together. Within a few months for the first time the recognized possessors of every foot of soil upon the American continents can be and I hope will be represented with the acknowledged rights of equal sovereign states in the great World Congress at The Hague. This will be the world's formal and final acceptance of the declaration that no part of the American

continents is to be deemed subject to colonization. Let us pledge ourselves to aid each other in the full performance of the duty to humanity which that accepted declaration implies, so that in time the weakest and most unfortunate of our Republics may come to march with equal step by the side of the stronger and more fortunate. Let us help each other to show that for all the races of men the liberty for which we have fought and labored is the twin sister of justice and peace. Let us unite in creating and maintaining and making effective an all-American public opinion, whose power shall influence international conduct and prevent international wrong, and narrow the causes of war, and forever preserve our free lands from the burden of such armaments as are massed behind the frontiers of Europe, and bring us ever nearer to the perfection of ordered liberty. So shall come security and prosperity, production and trade, wealth, learning, the arts, and happiness for us all."

These words appear to have been received with acclaim in every part of South America. They have my hearty approval, as I am sure they will have yours, and I can not be wrong in the conviction that they correctly represent the sentiments of the whole American people. I can not better characterize the true attitude of the United States in its assertion of the Monroe Doctrine than in the words of the distinguished former minister of foreign affairs of Argentina, Doctor Drago, in his speech welcoming Mr. Root at Buenos Ayres. He spoke of—

"The traditional policy of the United States (which) without accentuating superiority or seeking preponderance, condemned the oppression of the nations of this part of the world and the control of their destinies by the great powers of Europe."

It is gratifying to know that in the great city of Buenos Ayres, upon the arches which spanned the streets, entwined with Argentine and American flags for the reception of our representative, there were emblazoned not only the names of Washington and Jefferson and Marshall, but also, in appreciative recognition of their services to the cause of South American independence, the names of James Monroe, John Quincy Adams, Henry Clay, and Richard Rush. We take especial pleasure in the graceful courtesy of the Government of Brazil, which has given to the beautiful and stately building first used for the meeting of the conference the name of "Palacio Monroe." Our grateful acknowledgments are due to the Governments and the people of all the countries visited by the Secretary of State for the courtesy, the friendship, and the honor shown to our country in their generous hospitality to him.

In my message to you on the 5th of December, 1905, I called your attention to the embarrassment that might be caused to this Government by the assertion by foreign nations of the right to collect by force of arms contract debts due by American republics to citizens of the collecting nation, and to the danger that the process of compulsory collection might result in the occupation of territory tending to become permanent. I then said:

"Our own Government has always refused to enforce such contractual obligations on behalf of its citizens by an appeal to arms. It is much to be wished that all foreign governments would take the same view."

This subject was one of the topics of consideration at the conference at Rio and a resolution was adopted by that conference recommending to the respective governments represented "to consider the advisability of asking the Second Peace Conference at The Hague to examine the question of the compulsory collection of public debts, and in general, means tending to diminish among nations conflicts of purely pecuniary origin."

This resolution was supported by the representatives of the United States in accordance with the following instructions:

"It has long been the established policy of the United States not to use its armed forces for the collection of ordinary contract debts due to its citizens by other governments. We have not considered the use of force for such a purpose consistent with that respect for the independent sovereignty of other members of the family of nations, which is the most important principle of international law and the chief protection of weak nations against the oppression of the strong. It seems to us that the practice is injurious in its general effect upon the relations of nations and upon the welfare of weak and disordered states, whose development ought to be encouraged in the interests of civilization; that it offers frequent temptation to bullying and oppression and to unnecessary and unjustifiable warfare. We regret that other powers, whose opinions and sense of justice we esteem highly, have at times taken a different view and have permitted themselves, though we believe with reluctance, to collect such debts by force. It is doubtless true that the nonpayment of public debts may be accompanied by such circumstances of fraud and wrongdoing or violation of treaties as to justify the use of force. This Government would be glad to see an international consideration of the subject which shall discriminate between such cases and the simple nonperformance of a contract with a private person, and a resolution in favor of reliance upon peaceful means in cases of the latter class.

"It is not felt, however, that the conference at Rio should undertake to make such a discrimination or to resolve upon such a rule. Most of the American countries are still debtor nations, while the countries of Europe are the creditors. If the Rio conference, therefore, were to take such action it would have the appearance of a meeting of debtors resolving how their creditors should act, and this would not inspire respect. The true course is indicated by the terms of the program, which proposes to request the Second Hague Conference, where both creditors and debtors will be assembled, to consider the subject."

CENTRAL AMERICA.

Last June trouble which had existed for some time between the Republics of Salvador, Guatemala, and Honduras culminated in war—a war which threatened to be ruinous to the countries involved and very destructive to the commercial interests of Americans, Mexicans, and other foreigners who are taking an important part in the development of these countries. The thoroughly good understanding which exists between the United States and Mexico enabled this Government and that of Mexico to unite in effective mediation between the warring Republics; which mediation resulted, not without long-continued and patient effort, in bringing about a meeting of the representatives of the hostile powers on board a United States warship as neutral territory, and peace was there concluded; a peace which resulted in the saving of thousands of lives and in the prevention of an incalculable amount of misery and the destruction of property and of the means of livelihood. The Rio Conference passed the following resolution in reference to this action:

"That the Third International American Conference shall address to the Presidents of the United States of America and of the United States of Mexico a note in which the conference which is being held at Rio expresses its satisfaction at the happy results of their meditation for the celebration of peace between the Republics of Guatemala, Honduras, and Salvador."

This affords an excellent example of one way in which the influence of the United States can properly be exercised for the benefit of the peoples of the Western Hemisphere; that is, by action taken in concert with other American republics and therefore free from those suspicions and prejudices which might attach if the action were taken by one alone. In this way it is possible to exercise a powerful influence toward the substitution of considerate action in the spirit of justice for the insurrectionary or international violence which has hitherto been so great a hindrance to the development of many of our neighbors. Repeated examples of united action by several or many American republics in favor of peace, by urging cool and reasonable, instead of excited and belligerent, treatment of international controversies, can not fail to promote the growth of a general public opinion among the American nations which will elevate the standards of international action, strengthen the sense of international duty among governments, and tell in favor of the peace of mankind.

PANAMA TRIP.

I have just returned from a trip to Panama and shall report to you at length later on the whole subject of the Panama Canal.

THE ALGECIRAS CONVENTION.

The Algeciras Convention, which was signed by the United States as well as by most of the powers of Europe, supersedes the previous convention of 1880, which was also signed both by the United States and a majority of the European powers. This treaty confers upon us equal commercial rights with all European countries and does not entail a single obligation of any kind upon us, and I earnestly hope it may be speedily ratified. To refuse to ratify it would merely mean that we forfeited our commercial rights in Morocco and would not achieve another object of any kind. In the event of such refusal we would be left for the first time in a hundred and twenty years without any commercial treaty with Morocco; and this at a time when we are everywhere seeking new markets and outlets for trade.

FUR SEALS.

The destruction of the Pribilof Islands fur seals by pelagic sealing still continues. The herd which, according to the surveys made in 1874 by direction of the Congress, numbered 4,700,000, and which, according to the survey of both American and Canadian commissioners in 1891, amounted to 1,000,000, has now been reduced to about 180,000. This result

has been brought about by Canadian and some other sealing vessels killing the female seals while in the water during their annual pilgrimage to and from the south, or in search of food. As a rule the female seal when killed is pregnant, and also has an unweaned pup on land, so that, for each skin taken by pelagic sealing, as a rule, three lives are destroyed—the mother, the unborn offspring, and the nursing pup, which is left to starve to death. No damage whatever is done to the herd by the carefully regulated killing on land; the custom of pelagic sealing is solely responsible for all of the present evil, and is alike indefensible from the economic standpoint and from the standpoint of humanity.

In 1896 over 16,000 young seals were found dead from starvation on the Pribilof Islands. In 1897 it was estimated that since pelagic sealing began upward of 400,000 adult female seals had been killed at sea, and over 300,000 young seals had died of starvation as the result. The revolting barbarity of such a practice, as well as the wasteful destruction which it involves, needs no demonstration and is its own condemnation. The Bering Sea Tribunal, which sat in Paris in 1893, and which decided against the claims of the United States to exclusive jurisdiction in the waters of Bering Sea and to a property right in the fur seals when outside of the three mile limit, determined also upon certain regulations which the Tribunal considered sufficient for the proper protection and preservation of the fur seal in, or habitually resorting to, the Bering Sea. The Tribunal by its regulations established a close season, from the 1st of May to the 31st of July, and excluded all killing in the waters within 60 miles around the Pribilof Islands. They also provided that the regulations which they had determined upon, with a view to the protection and preservation of the seals, should be submitted every five years to new examination, so as to enable both interested Governments to consider whether, in the light of past experience, there was occasion for any modification thereof.

The regulations have proved plainly inadequate to accomplish the object of protection and preservation of the fur seals, and for a long time this Government has been trying in vain to secure from Great Britain such revision and modification of the regulations as were contemplated and provided for by the award of the Tribunal of Paris.

The process of destruction has been accelerated during recent years by the appearance of a number of Japanese vessels engaged in pelagic sealing. As these vessels have not been bound even by the inadequate limitations prescribed by the Tribunal of Paris, they have paid no attention either to the close season or to the sixty-mile limit imposed upon the Canadians, and have prosecuted their work up to the very islands themselves. On July 16 and 17 the crews from several Japanese vessels made raids upon the island of St. Paul, and before they were beaten off by the very meager and insufficiently armed guard, they succeeded in killing several hundred seals and carrying off the skins of most of them. Nearly all the seals killed were females and the work was done with frightful barbarity. Many of the seals appear to have been skinned alive and many were found half skinned and still alive. The raids were repelled only by the use of firearms, and five of the raiders were killed, two were wounded, and twelve captured, including the two wounded. Those captured have since been tried and sentenced to imprisonment. An attack of this kind had been wholly unlooked for, but such provision of vessels, arms, and ammunition will now be made that its repetition will not be found profitable.

Suitable representations regarding the incident have been made to the Government of Japan, and we are assured that all practicable measures will be taken by that country to prevent any recurrence of the outrage. On our part, the guard on the island will be increased, and better equipped and organized, and a better revenue-cutter patrol service about the islands will be established; next season a United States war vessel will also be sent there.

We have not relaxed our efforts to secure an agreement with Great Britain for adequate protection of the seal herd, and negotiations with Japan for the same purpose are in progress.

The laws for the protection of the seals within the jurisdiction of the United States need revision and amendment. Only the islands of St. Paul and St. George are now, in terms, included in the Government reservation, and the other islands are also to be included. The landing of aliens as well as citizens upon the islands, without a permit from the Department of Commerce and Labor, for any purpose except in case of stress of weather or for water, should be prohibited under adequate penalties. The approach of vessels for the excepted purposes should be regulated. The authority of the Government agents on the islands should be enlarged, and the chief agent should have the powers of a committing magistrate. The entrance of a vessel into the territorial waters surrounding the islands with intent to take seals should be made a criminal offense and cause of forfeiture. Authority for seizures in such cases should be given and the presence on any such vessel of seals or sealskins, or the paraphernalia for taking them, should be made *prima facie* evidence of such intent. I recommend what legislation is needed to accomplish these ends; and I commend to your attention the report of Mr. Sims, of the Department of Commerce and Labor, on this subject.

In case we are compelled to abandon the hope of making arrangements with other governments to put an end to the hideous cruelty now incident to pelagic sealing, it will be a question for your serious consideration how far we should continue to protect and maintain the seal herd on land with the result of continuing such a practice, and whether it is not better to end the practice by exterminating the herd ourselves in the most humane way possible.

SECOND HAGUE CONFERENCE.

In my last message I advised you that the Emperor of Russia had taken the initiative in bringing about a second peace conference at The Hague. Under the guidance of Russia the arrangement of the preliminaries for such a conference has been progressing during the past year. Progress has necessarily been slow, owing to the great number of countries to be consulted upon every question that has arisen. It is a matter of satisfaction that all of the American Republics have now, for the first time, been invited to join in the proposed conference.

The close connection between the subjects to be taken up by the Red Cross Conference held at Geneva last summer, and the subjects which naturally would come before The Hague Conference, made it apparent that it was desirable to have the work of the Red Cross Conference completed and considered by the different powers before the meeting at The Hague. The Red Cross Conference ended its labors on the 6th day of July, and the revised and amended convention, which was signed by the American delegates, will be promptly laid before the Senate.

By the special and highly appreciated courtesy of the Governments of Russia and the Netherlands, a proposal to call The Hague Conference together at a time which would conflict with the conference of the American Republics at Rio de Janeiro in August was laid aside. No other date has yet been suggested. A tentative programme for the conference has been proposed by the Government of Russia, and the subjects which it enumerates are undergoing careful examination and consideration in preparation for the conference.

PEACE AND RIGHTEOUSNESS.

It must ever be kept in mind that war is not merely justifiable, but imperative, upon honorable men, upon an honorable nation, where peace can only be obtained by the sacrifice of conscientious conviction or of national welfare. Peace is normally a great good, and normally it coincides with righteousness; but it is righteousness and not peace which should bind the conscience of a nation as it should bind the conscience of an individual; and neither a nation nor an individual can surrender conscience to another's keeping. Neither can a nation, which is an entity, and which does not die as individuals die, refrain from taking thought for the interest of the generations that are to come, no less than for the interest of the generation of to-day; and no public men have a right, whether from shortsightedness, from selfish indifference, or from sentimentality, to sacrifice national interests which are vital in character. A just war is in the long run far better for a nation's soul than the most prosperous peace obtained by acquiescence in wrong or injustice. Moreover, though it is criminal for a nation not to prepare for war, so that it may escape the dreadful consequences of being defeated in war, yet it must always be remembered that even to be defeated in war may be far better than not to have fought at all. As has been well and finely said, a beaten nation is not necessarily a disgraced nation; but the nation or man is disgraced if the obligation to defend right is shirked.

We should as a nation do everything in our power for the cause of honorable peace. It is morally as indefensible for a nation to commit a wrong upon another nation, strong or weak, as for an individual thus to wrong his fellows. We should do all in our power to hasten the day when there shall be peace among the nations—a peace based upon justice and not upon cowardly submission to wrong. We can accomplish a good deal in this direction, but we can not accomplish everything, and the penalty of attempting to do too much would almost inevitably be to do worse than nothing; for it must be remembered that fantastic extremists are not in reality leaders of the causes which they espouse, but are ordinarily those who do most to hamper the real leaders of the cause and to damage the cause itself. As yet there is no likelihood of establishing any kind

of international power, of whatever sort, which can effectively check wrongdoing, and in these circumstances it would be both a foolish and an evil thing for a great and free nation to deprive itself of the power to protect its own rights and even in exceptional cases to stand up for the rights of others. Nothing would more promote iniquity, nothing would further defer the reign upon earth of peace and righteousness, than for the free and enlightened peoples which, though with much stumbling and many shortcomings, nevertheless strive toward justice, deliberately to render themselves powerless while leaving every despotism and barbarism armed and able to work their wicked will. The chance for the settlement of disputes peacefully, by arbitration, now depends mainly upon the possession by the nations that mean to do right of sufficient armed strength to make their purpose effective.

THE NAVY AND ARMY.

The United States Navy is the surest guarantor of peace which this country possesses. It is earnestly to be wished that we would profit by the teachings of history in this matter. A strong and wise people will study its own failures no less than its triumphs, for there is wisdom to be learned from the study of both, of the mistake as well as of the success. For this purpose nothing could be more instructive than a rational study of the war of 1812, as it is told, for instance, by Captain Mahan. There was only one way in which that war could have been avoided. If during the preceding twelve years a navy relatively as strong as that which this country now has had been built up, and an army provided relatively as good as that which the country now has, there never would have been the slightest necessity of fighting the war; and if the necessity had arisen the war would under such circumstances have ended with our speedy and overwhelming triumph. But our people during those twelve years refused to make any preparations whatever, regarding either the Army or the Navy. They saved a million or two of dollars by so doing; and in mere money paid a hundredfold for each million they thus saved during the three years of war which followed—a war which brought untold suffering upon our people, which at one time threatened the gravest national disaster, and which, in spite of the necessity of waging it, resulted merely in what was in effect a drawn battle, while the balance of defeat and triumph was almost even.

I do not ask that we continue to increase our Navy. I ask merely that it be maintained at its present strength; and this can be done only if we replace the obsolete and outworn ships by new and good ones, the equals of any afloat in any navy. To stop building ships for one year means that for that year the Navy goes back instead of forward. The old battle ship Texas, for instance, would now be of little service in a stand-up fight with a powerful adversary. The old double-turret monitors have outworn their usefulness, while it was a waste of money to build the modern single-turret monitors. All these ships should be replaced by others; and this can be done by a well-settled programme of providing for the building each year of at least one first-class battle ship equal in size and speed to any that any nation is at the same time building; the armament presumably to consist of as large a number as possible of very heavy guns of one caliber, together with smaller guns to repel torpedo attack; while there should be heavy armor, turbine engines, and in short, every modern device. Of course, from time to time, cruisers, colliers, torpedo-boat destroyers or torpedo boats, will have to be built also. All this, be it remembered, would not increase our Navy, but would merely keep it at its present strength. Equally of course, the ships will be absolutely useless if the men aboard them are not so trained that they can get the best possible service out of the formidable but delicate and complicated mechanisms intrusted to their care. The marksmanship of our men has so improved during the last five years that I deem it within bounds to say that the Navy is more than twice as efficient, ship for ship, as half a decade ago. The Navy can only attain proper efficiency if enough officers and men are provided, and if these officers and men are given the chance (and required to take advantage of it) to stay continually at sea and to exercise the fleets singly and above all in squadron, the exercise to be of every kind and to include unceasing practice at the guns, conducted under conditions that will test marksmanship in time of war.

In both the Army and the Navy there is urgent need that everything possible should be done to maintain the highest standard for the personnel, alike as regards the officers and the enlisted men. I do not believe that in any service there is a finer body of enlisted men and of junior officers than we have in both the Army and the Navy, including the Marine Corps. All possible encouragement to the enlisted men should be given, in pay and otherwise, and everything practicable done to render the service attractive to men of the right type. They should be held to the strictest discharge of their duty, and in them a spirit should be encouraged which demands not the mere performance of duty, but the performance of far more than duty, if it conduces to the honor and the interest of the American nation; and in return the amplest consideration should be theirs.

West Point and Annapolis already turn out excellent officers. We do not need to have these schools made more scholastic. On the contrary we should never lose sight of the fact that the aim of each school is to turn out a man who shall be above everything else a fighting man. In the Army in particular it is not necessary that either the cavalry or infantry officer should have special mathematical ability. Probably in both schools the best part of the education is the high standard of character and of professional morale which it confers.

But in both services there is urgent need for the establishment of a principle of selection which will eliminate men after a certain age if they can not be promoted from the subordinate ranks, and which will bring into the higher ranks fewer men, and these at an earlier age. This principle of selection will be objected to by good men of mediocre capacity who are fitted to do well while young in the lower positions, but who are not fitted to do well when at an advanced age they come into positions of command and of great responsibility. But the desire of these men to be promoted to positions which they are not competent to fill should not weigh against the interests of the Navy and the country. At present our men, especially in the Navy, are kept far too long in the junior grades, and then, at much too advanced an age, are put quickly through the senior grades, often not attaining to these senior grades until they are too old to be of real use in them; and if they are of real use, being put through them so quickly that little benefit to the Navy comes from their having been in them at all.

The Navy has one great advantage over the Army in the fact that the officers of high rank are actually trained in the continual performance of their duties; that is, in the management of the battle ships and armored cruisers gathered into fleets. This is not true of the army officers, who rarely have corresponding chances to exercise command over troops under service conditions. The conduct of the Spanish war showed the lamentable loss of life, the useless extravagance, and the inefficiency certain to result, if during peace the high officials of the War and Navy Departments are praised and rewarded only if they save money at no matter what cost to the efficiency of the service, and if the higher officers are given no chance whatever to exercise and practice command. For years prior to the Spanish war the Secretaries of War were praised chiefly if they practiced economy; which economy, especially in connection with the quartermaster, commissary, and medical departments, was directly responsible for most of the mismanagement that occurred in the war itself—and parenthetically be it observed that the very people who clamored for the misdirected economy in the first place were foremost to denounce the mismanagement, loss, and suffering which were primarily due to this same misdirected economy and to the lack of preparation it involved. There should soon be an increase in the number of men for our coast defenses; these men should be of the right type and properly trained; and there should therefore be an increase of pay for certain skilled grades, especially in the coast artillery. Money should be appropriated to permit troops to be massed in body and exercised in maneuvers, particularly in marching. Such exercise during the summer just past has been of incalculable benefit to the Army and should under no circumstances be discontinued. If on these practice marches and in these maneuvers elderly officers prove unable to bear the strain, they should be retired at once, for the fact is conclusive as to their unfitness for war; that is, for the only purpose because of which they should be allowed to stay in the service. It is a real misfortune to have scores of small company or regimental posts scattered throughout the country; the Army should be gathered in a few brigade or division posts; and the generals should be practiced in handling the men in masses. Neglect to provide for all of this means to incur the risk of future disaster and disgrace.

The readiness and efficiency of both the Army and Navy in dealing with the recent sudden crisis in Cuba illustrate afresh their value to the Nation. This readiness and efficiency would have been very much less had it not been for the existence of the General Staff in the Army and the General Board in the Navy; both are essential to the proper development and use of our military forces afloat and ashore. The troops that were sent to Cuba were handled flawlessly. It was the swiftest mobilization and dispatch of troops over sea ever accomplished by our Government. The expedition landed completely equipped and ready for immediate service, several of its organizations

hardly remaining in Havana over night before splitting up into detachments and going to their several posts. It was a fine demonstration of the value and efficiency of the General Staff. Similarly, it was owing in large part to the General Board that the Navy was able at the outset to meet the Cuban crisis with such instant efficiency, ship after ship appearing on the shortest notice at any threatened point, while the Marine Corps in particular performed indispensable service. The Army and Navy War Colleges are of incalculable value to the two services, and they cooperate with constantly increasing efficiency and importance.

The Congress has most wisely provided for a National Board for the promotion of rifle practice. Excellent results have already come from this law, but it does not go far enough. Our Regular Army is so small that in any great war we should have to trust mainly to volunteers; and in such event these volunteers should already know how to shoot; for if a soldier has the fighting edge, and ability to take care of himself in the open, his efficiency on the line of battle is almost directly proportionate to excellence in marksmanship. We should establish shooting galleries in all the large public and military schools, should maintain national target ranges in different parts of the country, and should in every way encourage the formation of rifle clubs throughout all parts of the land. The little Republic of Switzerland offers us an excellent example in all matters connected with building up an efficient citizen soldiery.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
December 3, 1906.

APPENDIX.

Address by the Secretary of State of the United States of America as honorary president of the Third Conference of American Republics at Rio de Janeiro, July 31, 1906.

Mr. President and Gentlemen of the Third Conference of American Republics:

I beg you to believe that I highly appreciate and thank you for the honor you do me.

I bring from my country a special greeting to her elder sisters in the civilization of America.

Unlike as we are in many respects, we are alike in this, that we are all engaged under new conditions, and free from the traditional forms and limitations of the Old World, in working out the same problem of popular self-government.

It is a difficult and laborious task for each of us. Not in one generation nor in one century can the effective control of a superior sovereign, so long deemed necessary to government, be rejected and effective self-control by the governed be perfected in its place. The first fruits of democracy are many of them crude and unlovely; its mistakes are many, its partial failures many, its sins not few. Capacity for self-government does not come to man by nature. It is an art to be learned, and it is also an expression of character to be developed among all the thousands of men who exercise popular sovereignty.

To reach the goal toward which we are pressing forward, the governing multitude must first acquire knowledge that comes from universal education, wisdom that follows practical experience, personal independence and self-respect befitting men who acknowledge no superior, self-control to replace that external control which a democracy rejects, respect for law, obedience to the lawful expressions of the public will, consideration for the opinions and interests of others equally entitled to a voice in the state, loyalty to that abstract conception—one's country—as inspiring as that loyalty to personal sovereigns which has so illumined the pages of history, subordination of personal interests to the public good, love of justice and mercy, of liberty and order. All these we must seek by slow and patient effort; and of how many shortcomings in his own land and among his own people each one of us is conscious.

Yet no student of our times can fail to see that not America alone but the whole civilized world is swinging away from its old governmental moorings and intrusting the fate of the civilization to the capacity of the popular mass to govern. By this pathway mankind is to travel, whithersoever it leads. Upon the success of this our great undertaking the hope of humanity depends.

Nor can we fail to see that the world makes substantial progress toward more perfect popular self-government.

I believe it to be true that, viewed against the background of conditions a century, a generation, a decade ago, government in my own country has advanced, in the intelligent participation of the great mass of the people, in the fidelity and honesty with which they are represented, in respect for law, in obedience to the dictates of a sound morality, and in effectiveness and purity of administration.

Nowhere in the world has this progress been more marked than in Latin America. Out of the wrack of Indian fighting and race conflicts and civil wars, strong and stable governments have arisen. Peaceful succession in accord with the people's will has replaced the forcible seizure of power permitted by the people's indifference. Loyalty to country, its peace, its dignity, its honor, has arisen above partizanship for individual leaders. The rule of law supersedes the rule of man. Property is protected and the fruits of enterprise are secure. Individual liberty is respected. Continuous public policies are followed; national faith is held sacred. Progress has not been equal everywhere, but there has been progress everywhere. The movement in the right direction is general. The right tendency is not exceptional; it is continental. The present affords just cause for satisfaction; the future is bright with hope.

It is not by national isolation that these results have been accomplished, or that this progress can be continued. No nation can live unto itself alone and continue to live. Each nation's growth is a part of the development of the race. There may be leaders and there may be laggards, but no nation can long continue very far in advance of the general progress of mankind, and no nation that is not doomed to extinction can remain very far behind. It is with nations as it is with individual men; intercourse, association, correction of egotism by the influence of other's judgment, broadening of views by the experience and thought of equals, acceptance of the moral standards of a community the desire for whose good opinion lends a sanction to the rules of right conduct—these are the conditions of growth in civilization. A people whose minds are not open to the lessons of the world's progress, whose spirits are not stirred by the aspirations and the achievements of humanity struggling the world over for liberty and justice, must be left behind by civilization in its steady and beneficent advance.

To promote this mutual interchange and assistance between the American republics, engaged in the same great task, inspired by the same purpose, and professing the same principles, I understand to be the function of the American Conference now in session. There is not one of all our countries that can not benefit the others; there is not one that can not receive benefit from the others; there is not one that will not gain by the prosperity, the peace, the happiness of all.

According to your programme no great and impressive single thing is to be done by you; no political questions are to be discussed; no controversies are to be settled; no judgment is to be passed upon the conduct of any State; but many subjects are to be considered which afford the possibility of removing barriers to intercourse; of ascertaining for the common benefit what advances have been made by each nation in knowledge, in experience, in enterprise, in the solution of difficult questions of government, and in ethical standards; of perfecting our knowledge of each other; and of doing away with the misconceptions, the misunderstandings, and the resultant prejudices that are such fruitful sources of controversy.

And there are some subjects in the programme which invite discussion that may lead the American republics toward an agreement upon principles, the general practical application of which can come only in the future through long and patient effort. Some advance at least may be made here toward the complete rule of justice and peace among nations in lieu of force and war.

The association of so many eminent men from all the republics, leaders of opinion in their own homes; the friendships that will arise among you; the habit of temperate and kindly discussion of matters of common interest; the ascertainment of common sympathies and aims; the dissipation of misunderstandings; the exhibition to all the American peoples of this peaceful and considerate method of conferring upon international questions—this alone, quite irrespective of the resolutions you may adopt and the conventions you may sign, will mark a substantial advance in the direction of international good understanding.

These beneficent results the Government and the people of the United States of America greatly desire. We wish for no victories but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guaranty of the weak against the oppression of the strong. We neither claim nor desire any rights, or privileges, or powers that we do not freely concede to every American republic. We wish to increase our prosperity, to expand our trade, to grow in wealth, in wisdom, and in spirit, but our conception of the true way to accomplish this is not to pull down others and profit by their ruin, but to help all friends to a com-

mon prosperity and a common growth, that we may all become greater and stronger together.

Within a few months, for the first time the recognized possessors of every foot of soil upon the American continents can be and I hope will be represented with the acknowledged rights of equal sovereign states in the great World Congress at The Hague. This will be the world's formal and final acceptance of the declaration that no part of the American continents is to be deemed subject to colonization. Let us pledge ourselves to aid each other in the full performance of the duty to humanity which that accepted declaration implies; so that in time the weakest and most unfortunate of our republics may come to march with equal step by the side of the stronger and more fortunate. Let us help each other to show that for all the races of men the liberty for which we have fought and labored is the twin sister of justice and peace. Let us unite in creating and maintaining and making effective an all-American public opinion, whose power shall influence international conduct and prevent international wrong, and narrow the causes of war, and forever preserve our free lands from the burden of such armaments as are massed behind the frontiers of Europe, and bring us ever nearer to the perfection of ordered liberty. So shall come security and prosperity, production and trade, wealth, learning, the arts, and happiness for us all.

Not in a single conference, nor by a single effort, can very much be done. You labor more for the future than for the present; but if the right impulse be given, if the right tendency be established, the work you do here will go on among all the millions of people in the American continents long after your final adjournment, long after your lives, with incalculable benefit to all our beloved countries, which may it please God to continue free and independent and happy for ages to come.

The VICE-PRESIDENT. The message will be printed and lie on the table.

STATE PUBLIC SCHOOL SYSTEMS.

Mr. RAYNER submitted the following resolutions, which were read:

Resolved, That in the opinion of the Senate this Government has no right to enter into any treaty with any foreign government relating in any manner to any of the public school systems of any of the States of the Union; and

Resolved further, That in the opinion of the Senate there is no provision in the treaty between the United States and the Government of Japan that relates in any manner to this subject or in any way interferes with the right of the State of California to conduct and administer its system of public schools in accordance with its own legislation; and

Resolved further, That it is the duty of the President of the United States to notify the Government of Japan and notify any foreign government with whom the question may arise that the public educational institutions of the States are not within the jurisdiction of the United States, and that the United States has no power to regulate or supervise their administration.

Mr. RAYNER. I ask that the resolutions may lie on the table.

The VICE-PRESIDENT. It is so ordered.

SENATOR FROM UTAH.

Mr. BURROWS. Mr. President, I desire to give notice that a week from to-day I shall call up the report of the Committee on Privileges and Elections and the accompanying resolution in relation to the right of the senior Senator from Utah [Mr. SMOOT] to a seat in this body.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Yesterday I introduced a resolution relative to the dismissal of three companies of the Twenty-fifth Infantry. On looking at it in the RECORD this morning I observe that there are some inaccuracies as to the citation of sections. I ask that the resolution may be reprinted as I have corrected it, and on the suggestion of the Senator from California [Mr. PERKINS] I ask that it also be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The resolution as modified is as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate copies of all official letters, telegrams, reports, orders, and so forth, filed in the War Department in connection with the recent discharge of the enlisted men of Companies B, C, and D, Twenty-fifth United States Infantry, together with a complete list of the men discharged, showing the record of each, the amount of retained pay (under section 1281 and following sections of the Compiled Statutes, vol. 1, p. 912, edition of 1901), if any, to the credit of each man at the time of his discharge; the ruling of the War Department, if any has been made in this or any other similar case, as to the effect upon his right to such retained pay, and also the ruling of the War Department, if any has been made in this or any similar case, as to the effect of such discharge upon the right of an enlisted man to retire on three-fourths pay, with an allowance for subsistence and clothing (under section 1260 and following sections of the Compiled Statutes, vol. 1, p. 890, edition of 1901), and his right to enter a National Soldiers' Home (under section 4821 and following sections of the Compiled Statutes, vol. 3, p. 3332, edition of 1901), his right to be buried in a national cemetery (under section 4878 and following sections of the Compiled Statutes, vol. 3, p. 3378, edition of 1901), and his right to receive transportation and subsistence from place of discharge to his home, as provided for in section 1290 and following sections of the Compiled Statutes, vol. 1, p. 916, edition of 1901; also a complete official record of the Twenty-fifth Regiment, United States Infantry, from the time of its muster in to the date of the discharge of Companies B, C, and D.

Mr. FORAKER. I also ask that the resolution on this subject introduced yesterday by the Senator from Pennsylvania [Mr. PENROSE], and the one submitted by me, shall remain on the table before the Senate, to be called up for consideration at any time, instead of going to the Calendar.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

THE FIVE CIVILIZED TRIBES.

On motion of Mr. CLARK of Wyoming, it was

Ordered, That the time for the report of the Select Committee to Investigate Matters Connected with the Five Civilized Tribes be extended until the first Monday in January, 1907.

DEATH OF REPRESENTATIVES HITT, KETCHAM, ADAMS, AND HOAR.

Mr. CULLOM. Mr. President, I ask that the resolutions of the House of Representatives relative to the death of certain Members of that body may be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
December 3, 1906.

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT R. HITT, a Representative from the State of Illinois in thirteen successive Congresses.

Resolved, That the House has heard with profound sorrow of the death of Hon. JOHN H. KETCHAM, a Representative from the State of New York in seventeen Congresses.

Resolved, That the House has heard with profound sorrow of the death of Hon. H. C. ADAMS, a Representative from the State of Wisconsin.

Resolved, That the House has heard with profound sorrow of the death of Hon. ROCKWOOD HOAR, a Representative from the State of Massachusetts.

Resolved, That as a further mark of respect to the memory of those Representatives whose deaths have been announced this House do now adjourn.

Mr. CULLOM. Mr. President, I submit a resolution, and ask for its present consideration.

The VICE-PRESIDENT. The Senator from Illinois submits a resolution, and asks for its present consideration. The resolution will be read.

The resolution was read, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. ROBERT R. HITT, a Representative from the State of Illinois in thirteen successive Congresses.

Mr. DEPEW. Mr. President, I offer the resolution I send to the desk.

The VICE-PRESIDENT. The Senator from New York proposes a resolution, which will be read.

The resolution was read, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. JOHN H. KETCHAM, a Representative from the State of New York in seventeen Congresses.

Mr. SPOONER. Mr. President, I offer the resolution I send to the desk.

The VICE-PRESIDENT. The Senator from Wisconsin proposes a resolution, which will be read.

The resolution was read, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. H. C. ADAMS, a Representative from the State of Wisconsin.

Mr. LODGE. Mr. President, I offer a resolution for present consideration.

The VICE-PRESIDENT. The Senator from Massachusetts submits a resolution, which will be read.

The resolution was read, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility of the death of Hon. ROCKWOOD HOAR, a Representative from the State of Massachusetts.

Mr. LODGE. Mr. President, I also offer another resolution.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an additional resolution, which will be read.

The resolution was read, as follows:

Resolved, That as an additional mark of respect to the memory of those Representatives whose deaths have been announced the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 2 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 5, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 4, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

CORRECTIONS.

Mr. COOPER of Pennsylvania. Mr. Speaker, I notice by the RECORD this morning that I am recorded as among those not present on yesterday. I was present, and I ask that the RECORD and Journal be corrected accordingly.

Mr. GRANGER. Mr. Speaker, I notice by the RECORD this morning that I am recorded as among those present on yesterday. I was not present, and I ask that the RECORD and Journal be corrected accordingly.

The SPEAKER. Without objection, the RECORD and the Journal will be corrected in accordance with the statements of the gentleman from Pennsylvania and the gentleman from Rhode Island.

There was no objection.

COMMITTEE APPOINTMENTS.

The SPEAKER announced the following committee appointments:

Mr. COUSINS, chairman of the Committee on Foreign Affairs.

Mr. LOWDEN, member of the Committee on Foreign Affairs.

REPORT OF THE COMMITTEE TO NOTIFY THE PRESIDENT.

Mr. PAYNE. Mr. Speaker, the committee appointed by the House to join a similar committee on the part of the Senate, to wait upon the President of the United States and inform him that a quorum of each House of Congress has appeared and is ready to receive any communication he might make, report that they have performed that duty, and the President has requested us to say that he will communicate with the Congress in writing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RIXEY, indefinitely, on account of sickness.

RECESS.

At 12 o'clock and 10 minutes p. m., on motion of Mr. PAYNE, the House took a recess until 12.25 p. m.

The recess having expired, the House was called to order by the Speaker.

ANNUAL MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

The SPEAKER laid before the House the message from the President of the United States.

[For message see Senate proceedings of this date.]

REFERENCE OF THE PRESIDENT'S MESSAGE.

Mr. CHARLES B. LANDIS and Mr. PAYNE rose.

The SPEAKER pro tempore (Mr. LACEY). The Chair will recognize the gentleman from Indiana.

Mr. PAYNE. Mr. Speaker, I wish to offer a resolution in regard to the message.

The SPEAKER pro tempore. The Chair understands that the gentleman from Indiana desires to offer a resolution in regard to the President's message.

Mr. CHARLES B. LANDIS. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Resolved, That 10,000 copies of the President's message be printed for the use of Members of the House of Representatives, to be distributed through the folding room of the House.

Mr. PAYNE. Mr. Speaker, I suggest that that go to the Committee on Printing. I offer the usual resolution that the message and accompanying documents be referred to the Committee of the Whole House on the state of the Union, and printed.

Mr. CLARK of Missouri. Mr. Speaker, I wish to ask a question for information. Does this folding-room distribution, provided for in the resolution offered by the gentleman from Indiana, put these messages where we can get them pro rata?

Mr. PAYNE. Oh, that is a matter to be considered when it is reported.

The SPEAKER pro tempore. The resolution as to printing has not been acted upon. The Chair will recognize the motion of the gentleman from New York as one having precedence over the motion offered by the gentleman from Indiana. The question is on the resolution offered by the gentleman from New York, that the message and accompanying documents be referred to the Committee of the Whole House on the state of the Union, and be printed.

The question was taken; and the motion was agreed to.

Mr. CHARLES B. LANDIS. Mr. Speaker, I now ask unanimous consent for the present consideration of the resolution which I sent to the desk and which has been read.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent for the present consideration of the resolution which has been read. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I ask the gentleman from Indiana why this unusual haste?

Mr. CHARLES B. LANDIS. There is no unusual haste about it. I would say that this is the custom that has been followed always—to have 10,000 copies of the message printed.

Mr. PAYNE. Why, I think not; such a resolution has always gone to the Committee on Printing.

Mr. CHARLES B. LANDIS. I think not. I think it has been customary to order the additional number of 10,000 copies to be printed and distributed through the folding room.

Mr. PAYNE. I have no recollection of such a motion ever having been made before at the time of the reading of the message. The usual course has been the resolution which has just been adopted, which prints the message. Then afterwards if the House needs additional copies the Committee on Printing bring in a resolution. I think the resolution ought to go to the Committee on Printing.

The SPEAKER pro tempore. Does the gentleman from New York object?

Mr. PAYNE. I do.

The SPEAKER pro tempore. The gentleman from New York objects, and the resolution will be referred to the Committee on Printing.

PERSONAL REQUEST.

By unanimous consent, Mr. MOON of Tennessee was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of William G. Humbard, Fifty-seventh Congress, no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 53 minutes p. m.) the House adjourned to meet at 12 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Doorkeeper of the House, transmitting a report of books, maps, and pamphlets in the folding room of the House December 1, 1906—to the Committee on Accounts, and ordered to be printed.

A letter from the Secretary of the Interior, submitting the financial report of the Superintendent of the Government Hospital for the Insane—to the Committee on Expenditures in the Department of the Interior, and ordered to be printed.

A letter from the Secretary of the Interior, submitting the report of the commissioner of the interior for Porto Rico for the fiscal year ended June 30, 1906—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a statement of the claim of T. C. Wakefield—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting the journal of the executive council and the acts of the third legislative assembly of Porto Rico in extraordinary session—to the Committee on Insular Affairs.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Betsey*, William Sturgis, master—to the Committee on Claims, and ordered to be printed.

A letter from the Commissioners of the District of Columbia, submitting the report of their official doings for the year ended June 30, 1906—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a report of the contingent expenses of his Department for the year ended June 30, 1906—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the Secretary of the Interior, submitting the

report of the commissioner of education for Porto Rico for the fiscal year ended June 30, 1906—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Active*, Jonathan Holbrook, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *John*, John Thomas, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Polly*, James Houston, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Becca*, John Somes, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Bird*, Lemuel Bartlett, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Polly and Nancy*, Isaac Mackie, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Dublin Packet*, Henry Green, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Nancy*, Joseph Chase, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Betsey*, Gustavus Griffin, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Dolphin*, Thomas Buntin, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Fanny*, William P. Barnes, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and fact in the French spoliation cases relating to the ship *Sally*, John Grozier, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Triton*, Peleg L. Hillman, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and fact in the French spoliation cases relating to the schooner *Aurora*, Samuel Appleton, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Fame*, Joseph Brown, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Esther and Eliza*, Hezekiah Freeman, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Sally*, Samuel Cargill, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Betsey*, Zebulon P. Burnham, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the snow *Harmony*, John Burnham, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Young Eagle*, Absalom Pride, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Fair American*, Robert Forrest, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Jeremiah*, George Wheelwright, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Amiable Matilda*, William Brown, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the vessel *Favorite Elsie*, Alexander McConnell, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Betsey*, Samuel Patterson and John Murray, masters—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Polly*, Silas Nichols, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Berkley*, John Clark, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Willing Maid*, George Pike, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Ann*, Pelham Gibbs, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ketch *Ebenezer*, Michael Smith, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Polly*, Abraham Waters, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Betsey*, William L. Cazneau, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Resolution*, Jacob Dockendorf, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Hulker*, Peter Clark, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Sally*, N. H. Downe, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Polly*, Isaac Cutter, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Juno*, Constant Chapman, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims,

transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Russell*, William Wood, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Industry*, Jacob Hurd, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Lucy*, John Clapp, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Jane*, Peter Sorensen, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, submitting recommendations as to the additional dental surgeon at the United States Military Academy—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting the report of the Board of Ordnance and Fortification for the fiscal year ended June 30, 1906—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a statement of apportionments of appropriations, in view of emergencies, and submitting explanations of a deficiency estimate for mileage to officers and contract surgeons—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Duluth Harbor, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Atlantic Highlands, N. J.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Ashtabula Harbor, Ohio—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of inland waterway from Norfolk, Va., to Beaufort, N. C.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Dorchester Bay and Neponset River, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting statements by the Chief of Ordnance of expenditures and operations of manufacture at the Springfield Armory and Rock Island Arsenal—to the Committee on Expenditures in the War Department, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of the annual inspection of the several branches of the National Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a draft of a prepared bill to authorize noncompetent Indian allottees to dispose of all or part of their allotments—to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHACKLEFORD: A bill (H. R. 20974) to provide for dredging, improving, and maintaining the channels and navigable rivers within the State of Missouri—to the Committee on Rivers and Harbors.

By Mr. McMORRAN: A bill (H. R. 20975) to provide for the erection of a public building at Mount Clemens, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. HENRY of Texas: A bill (H. R. 20976) for the erection of a Federal building for the United States post-office at Temple, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20977) for the erection of a Federal building for the post-office at Belton, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 20978) to increase the compensation of rural letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 20979) for the erection of a public building at Greenwood, Miss.—to the Committee on Public Buildings and Grounds.

By Mr. HENRY of Connecticut: A bill (H. R. 20980) for the erection of a public building in Bristol, Conn.—to the Committee on Public Buildings and Grounds.

By Mr. ACHESON: A bill (H. R. 20981) to increase the limit of cost for the purchase of site and erection of a public building at Charleroi, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. GARRETT: A bill (H. R. 20982) for the purchase of a site and the erection of a public building at Dyersburg, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20983) for the purchase of a site and erection of a public building at Union City, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. DIXON of Montana: A bill (H. R. 20984) to provide for a land district in Valley County, in the State of Montana, to be known as the Glasgow land district—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 20985) for the erection of a Federal building for the United States at Wichita Falls, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20986) for the erection of a Federal building at Amarillo, Tex.—to the Committe on Public Buildings and Grounds.

By Mr. MUDD: A bill (H. R. 20987) to reorganize and enlist the members of the United States Naval Academy band—to the Committee on Naval Affairs.

By Mr. ACHESON: A bill (H. R. 20988) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903—to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: A bill (H. R. 20989) to discontinue the enlistment and appointment of negroes in the Army of the United States—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 20990) to create a new division of the southern judicial district of Iowa, and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other purposes—to the Committee on the Judiciary.

By Mr. CLAYTON: A bill (H. R. 20991) authorizing survey of the Choctawhatchee River in Alabama, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. WILEY of New Jersey: A bill (H. R. 20992) to authorize the paving of Twenty-third street NW., between S and U streets—to the Committee on the District of Columbia.

By Mr. GAINES of Tennessee: A bill (H. R. 20993) fixing the salary of Members of Congress and Delegates, and their necessary expenses, and for other purposes—to the Committee on Appropriations.

By Mr. GARNER: A bill (H. R. 20994) to repeal sections 1104 and 1108, Revised Statutes, edition of 1878—to the Committee on Military Affairs.

By Mr. OLCOTT: A bill (H. R. 20995) to regulate advancement in the Army—to the Committee on Military Affairs.

By Mr. JONES of Washington: A joint resolution (H. J. Res. 190) extending protection of second proviso of section 1 of the act of December 21, 1904, to certain entrymen—to the Committee on the Public Lands.

By Mr. WOODYARD: A resolution (H. Res. 638) fixing the annual salary of the janitor of the House document room—to the Committee on Accounts.

By Mr. GARBER: A resolution (H. Res. 639) to pay Mrs. Mary Hill, widow of Isaac R. Hill, deceased, a certain sum of money—to the Committee on Accounts.

By Mr. MARSHALL: A resolution (H. Res. 640) referring to the Court of Claims the bill for the relief of Arthur W. Kelley—to the Committee on Claims.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 20996) granting an increase of pension to Lindsay Roop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20997) granting an increase of pension to Mary A. Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20998) granting an increase of pension to Albert Bennington—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 20999) granting an increase of pension to John H. Simmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21000) granting a pension to Jessie F. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21001) granting an increase of pension to George Rhodes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21002) granting an increase of pension to William Wiggins—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 21003) granting an increase of pension to Henry H. Niles—to the Committee on Pensions.

By Mr. BONYNGE: A bill (H. R. 21004) granting an increase of pension to William H. Stannah—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21005) granting an increase of pension to Andrew Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21006) granting an increase of pension to Charles Carlisle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21007) granting an increase of pension to George Ritchey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21008) granting an increase of pension to Mary Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21009) granting an increase of pension to Jane Hubbard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21010) granting an increase of pension to James D. Mandeville—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 21011) granting an increase of pension to John D. Terry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21012) to authorize a reliquidation of certain entries of merchandise—to the Committee on Ways and Means.

By Mr. BISHOP: A bill (H. R. 21013) granting a pension to Ella B. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21014) granting an increase of pension to James A. Stewart—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 21015) granting a pension to Evan H. Baker—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 21016) granting an increase of pension to Philogene M. Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21017) granting an increase of pension to Darius A. Sweet—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 21018) granting a pension to George Ochs—to the Committee on Pensions.

By Mr. CHANEY: A bill (H. R. 21019) granting an increase of pension to Benjamin F. Fell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21020) granting an increase of pension to Ann Eliza Philput—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21021) granting an increase of pension to James Renneker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21022) granting an increase of pension to Thomas N. Gootee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21023) granting an increase of pension to Thomas G. Underdown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21024) granting an increase of pension to Mary C. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21025) granting an increase of pension to Enoch May—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 21026) granting a pension to Delia S. Humphrey—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 21027) granting an increase of pension to Nelson Everson—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 21028) granting an increase of pension to Volney Abbey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21029) granting an increase of pension to William H. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21030) granting an increase of pension to Stewart Ervin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21031) granting an increase of pension to James S. Bryant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21032) granting an increase of pension to George H. Quigg—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 21033) granting an increase of pension to William P. Huff—to the Committee on Pensions.

Also, a bill (H. R. 21034) granting an increase of pension to Commodore P. Barker—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 21035) for the relief of Benjamin C. Lowery—to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 21036) granting an increase of pension to Ransom R. Jones—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 21037) granting a pension to Georgia G. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21038) granting a pension to Lucy A. Gaylord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21039) granting an increase of pension to Nelson J. Weller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21040) granting an increase of pension to Ella C. Washburn—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 21041) granting an increase of pension to Peter Gascon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21042) granting an increase of pension to Mary E. Abbott—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 21043) granting a pension to Robert J. Dewey—to the Committee on Pensions.

Also, a bill (H. R. 21044) granting an increase of pension to Royal Sanderson—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 21045) granting an increase of pension to Unity A. Steel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21046) granting a pension to Jesse Harral—to the Committee on Pensions.

By Mr. GILLESPIE: A bill (H. R. 21047) granting an increase of pension to Jesse J. Melton—to the Committee on Pensions.

By Mr. GILHAMS: A bill (H. R. 21048) granting an increase of pension to Alpheus F. Van Niman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21049) granting an increase of pension to Jacob Wiler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21050) granting an increase of pension to Samuel Wyland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21051) granting an increase of pension to George I. Walters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21052) granting an increase of pension to Edmund A. Locker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21053) granting an increase of pension to Ruben Lantz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21054) granting an increase of pension to William G. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21055) granting an increase of pension to Archibald Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21056) granting an increase of pension to Frederick Guebard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21057) granting an increase of pension to David C. Clouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21058) granting an increase of pension to William H. Isbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21059) granting an increase of pension to Robert Simpson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21060) granting an increase of pension to Gottlieb Kirchner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21061) granting an increase of pension to James Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21062) granting an increase of pension to John Langenfeld—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21063) granting an increase of pension to Samuel C. Hoover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21064) granting an increase of pension to Ezra A. Chaffee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21065) granting an increase of pension to George D. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21066) granting an increase of pension to Sanford Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21067) granting an increase of pension to Samuel C. Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21068) granting an increase of pension to Horace E. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21069) granting an increase of pension to John Rinehart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21070) granting an increase of pension to Frederick C. Waterman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21071) granting an increase of pension to Enos D. Messimore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21072) granting an increase of pension to James Haskell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21073) granting an increase of pension to Michael Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21074) granting an increase of pension to Vesta M. Swarts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21075) granting an increase of pension to Thomas C. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21076) granting an increase of pension to Daniel A. Douglas—to the Committee on Invalid Pensions.

By Mr. GOEBEL: A bill (H. R. 21077) granting an increase of pension to Andrew M. Dunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21078) granting an increase of pension to Henry C. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21079) granting an increase of pension to Patrick Kinney—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 21080) granting an increase of pension to Matthew Bunch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21081) granting an increase of pension to James Richey—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 21082) granting an increase of pension to R. A. Finnell—to the Committee on Pensions.

By Mr. HIGGINS: A bill (H. R. 21083) granting an increase of pension to Charles L. Chappell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21084) granting an increase of pension to Elisha D. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21085) granting an increase of pension to Anthony Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21086) granting an increase of pension to Jerry Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21087) granting an increase of pension to Albert Manice—to the Committee on Pensions.

Also, a bill (H. R. 21088) granting an increase of pension to Waterman Griggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21089) granting an increase of pension to Palmer Loper—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 21090) to remove the charge of desertion from the record of James Boyle—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 21091) authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 21092) granting an increase of pension to Francis Morton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21093) granting an increase of pension to Clark De Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21094) granting an increase of pension to Mary H. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21095) granting an increase of pension to Marcus Desch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21096) granting a pension to Sallie J. Latham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21097) granting an increase of pension to Henry Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21098) granting an increase of pension to James Barrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21099) granting an increase of pension to Samuel R. McFarland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21100) granting an increase of pension to A. H. Fox—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 21101) granting an increase of pension to William H. Townsend—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21102) granting an increase of pension to Samuel Moser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21103) granting an increase of pension to Jacob Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21104) granting to the Rock Creek Cemetery Association, of Rio Grande County, Colo., certain lands for cemetery purposes—to the Committee on the Public Lands.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 21105) granting an increase of pension to Warren J. Sevey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21106) granting an increase of pension to Gile O. Bump—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 21107) granting an increase of pension to John Finnegan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21108) granting an increase of pension to A. J. Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21109) granting a pension to Avery A. Smith—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 21110) granting an increase of pension to Elias Souers—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 21111) granting an increase of pension to Arthur Graham—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 21112) granting an increase of pension to William F. Wheelock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21113) granting an increase of pension to Emma E. Chamberlain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21114) granting a pension to Laura A. Hoyt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21115) granting an increase of pension to Sylvester Bickford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21116) granting an increase of pension to Robert F. McCurdy—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 21117) for the relief of Charles D. Lumpkin, of Cedartown, Polk County, Ga., administrator for the estate of Elijah Lumpkin, deceased—to the Committee on War Claims.

By Mr. LINDSAY: A bill (H. R. 21118) granting an increase of pension to Jacob Hartman—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 21119) granting an increase of pension to Alexander Boshea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21120) granting an increase of pension to John Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21121) granting an increase of pension to Marcus Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21122) granting an increase of pension to Nathan Small—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21123) granting an increase of pension to Lawrence McHugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21124) granting an increase of pension to William Hubbard, alias William B. Crane—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 21125) granting an increase of pension to William W. Phares—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 21126) granting an increase of pension to Robert H. Neyland—to the Committee on Pensions.

By Mr. McNARY: A bill (H. R. 21127) granting an increase of pension to Alizia H. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21128) granting a pension to Johanna O'Brien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21129) granting an increase of pension to Lewis C. Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21130) granting a pension to Margaret McNally—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21131) granting an increase of pension to Cornelius Shea—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 21132) granting an increase of pension to John L. Barnes—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 21133) granting an increase of pension to James W. Cosgrove—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21134) granting an increase of pension to Frederick Kriner—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 21135) for the relief of Charles Hassett, of Chattanooga, Tenn.—to the Committee on Military Affairs.

Also, a bill (H. R. 21136) for the relief of the estate of Daniel B. Harold, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21137) granting a pension to Andrew J. Hollaway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21138) granting an increase of pension to J. H. Allison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21139) granting an increase of pension to Willa Fyffe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21140) granting an increase of pension to Milton J. Beebe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21141) granting an increase of pension to George E. Castor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21142) granting an increase of pension to Joseph Rose—to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 21143) granting a pension to Silas S. Pritchett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21144) granting a pension to Eber B. Priest—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21145) granting a pension to James T. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21146) granting a pension to Elmer R. Boudley—to the Committee on Pensions.

Also, a bill (H. R. 21147) granting a pension to John P. Penry—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 21148) granting an increase of pension to Jacob A. Graham—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 21149) granting a pension to Arthur A. Piens—to the Committee on Pensions.

Also, a bill (H. R. 21150) granting an increase of pension to Jacob Hess—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 21151) granting an increase of pension to Joseph Futter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21152) granting an increase of pension to James M. Lowry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21153) granting an increase of pension to Henry R. Haines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21154) for the relief of James H. C. Dailey—to the Committee on War Claims.

Also, a bill (H. R. 21155) granting an increase of pension to John W. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21156) granting an increase of pension to John H. Basford—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 21157) granting an increase of pension to George C. Peak—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 21158) granting a pension to John Schwab, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21159) granting a pension to George W. Robins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21160) granting an increase of pension to Falkland H. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21161) granting an increase of pension to Henry J. Rhodes—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 21162) granting an increase of pension to John W. Humphrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21163) granting an increase of pension to George W. Burgess—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 21164) granting an increase of pension to Stephen D. Maynard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21165) granting a pension to John E. Bero—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21166) granting a pension to William J. Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21167) granting a pension to Thomas Dixon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21168) granting a pension to Anna A. Crandall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21169) granting a pension to John C. Hurst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21170) granting a pension to Daniel M. Winter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21171) granting a pension to Adelbert L. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21172) granting a pension to Samuel Limenstall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21173) granting a pension to Francis G. Bourasaw—to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 21174) for the relief of the Allis-Chalmers Company, of Milwaukee, Wis.—to the Committee on Appropriations.

By Mr. STEVENS of Minnesota: A bill (H. R. 21175) granting a pension to Martin J. Flagstad—to the Committee on Pensions.

By Mr. TAWNEY: A bill (H. R. 21176) granting a pension to Catherine Sandte—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21177) granting an increase of pension to Lewis L. Bingham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21178) granting an increase of pension to Solomon Robertson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21179) granting an increase of pension to Charles Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21180) granting an increase of pension to James Adams—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 21181) for the relief of William A. King—to the Committee on Military Affairs.

By Mr. WILEY of New Jersey: A bill (H. R. 21182) for the relief of Capt. Thomas Mason—to the Committee on Naval Affairs.

Also, a bill (H. R. 21183) granting a pension to A. T. Blauvelt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21184) granting a pension to William Y. Rohrbach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21185) granting an increase of pension to Mary M. Goble—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 21186) for the relief of Hugh M. Brown, executor of Andrew Brown, deceased, late of Natchez, Miss.—to the Committee on War Claims.

By Mr. WOODYARD: A bill (H. R. 21187) granting an increase of pension to L. F. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21188) granting a pension to Dora Brown—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXI, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3224) granting a pension to Catherine Eberlein—Committee on Pensions discharged, and referred to the Committe on Invalid Pensions.

A bill (H. R. 19943) granting an increase of pension to E. La Coste—Committee on Pensions discharged, and referred to Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of citizens of Pennsylvania, against abuses of power in the Kongo Free State—to the Committee on Foreign Affairs.

Also, papers to accompany bills for relief of Mary A. Hartman and Lindsay Roop—to the Committee on Invalid Pensions.

By Mr. ANDRUS: Petition of the Oilcloth Makers and Helpers' Union, of Buchanan, N. Y., for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BABCOCK: Paper to accompany bill for relief of John Bradley—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Paper to accompany bill for relief of John D. Terry—to the Committee on Invalid Pensions.

By Mr. BONYNGE: Petition of citizens of Colorado, against abuses in the government of the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. CAPRON: Memorial and joint resolution of the city council of Providence, R. I., and message of the mayor of Providence, urging the improvement of the harbor of Providence—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Darius A. Sweet—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Philogene M. Nichols—to the Committee on Invalid Pensions.

By Mr. CASSEL: Petition of William K. Fishburn, against tariff on linotype machines—to the Committee on Ways and Means.

Also, resolution of Columbia Lodge, No. 252, Brotherhood of Locomotive Firemen, in favor of the passage of the shipping bill and other bills relating to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the New York branch of the National League of Commission Merchants, for the passage of legislation for the admission of American fruit to German markets—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of George Ochs—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Paper to accompany bill for relief of Commodore P. Barker—to the Committee on Invalid Pensions.

By Mr. DOVENER: Petition of Rev. J. H. Sankey and 59 others, of Chester, W. Va., for investigation of abuses in the Kongo Free State—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of William D. Smith—to the Committee on Invalid Pensions.

By Mr. ESCH: Paper to accompany bill for relief of Ransom R. Jones—to the Committee on Invalid Pensions.

By Mr. FOSS: Petition of the business men of Wauconda, Ill., for repeal of the brankruptcy law—to the Committee on the Judiciary.

Also, petition of business men of Long Grove, Ill., against the present bankruptcy law—to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Ganesha Club, of the Woman's Federation, for an appropriation for the investigation of the industrial condition of women in America—to the Committee on Appropriations.

Also, papers to accompany bills for relief of Georgia G. Cook,

Lucy A. Gaylord, and Nelson J. Weller—to the Committee on Invalid Pensions.

By Mr. GARRETT: Paper to accompany bill for relief of Jesse Harrall—to the Committee on Pensions.

Also, paper to accompany bill for relief of Unity A. Steel—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of W. H. Parker—to the Committee on Military Affairs.

By Mr. GOEBEL: Papers to accompany bills for relief of Henry C. Davis, William Hand, Andrew M. Dunn, and Patrick Kinney—to the Committee on Invalid Pensions.

By Mr. HIGGINS: Petition of Division No. 169, Polishers and Buffers' Union, of Norwich, Conn., and Division No. 262, A. A. of S. and E. R. E. of A., of Norwich, Conn., for reestablishment of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. HENRY of Connecticut: Petition of Brussels Carpet Workers' Union, No. 241, of Thompsonville, Conn., for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HILL of Connecticut: Petition of John E. Clark et al., for passage of bill H. R. 15268, against the duty on works of art—to the Committee on Ways and Means.

By Mr. HINSHAW: Papers to accompany bills for relief of George M. Fowler, Sally J. Latham, Samuel R. McFarland, and Francis Morton—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of members of the bar of Keokuk County, Iowa, for a division of the circuit and district courts of the United States in the southern district of Iowa—to the Committee on the Judiciary.

By Mr. LAMB: Petition of Good Will Council, No. 26, Junior Order United American Mechanics, of Richmond, Va., for bill S. 4403, restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MAHON: Paper to accompany bill for relief of James W. Cosgrove—to the Committee on Invalid Pensions.

Also, petition of Mrs. Ella Guthrie et al., of the Presbyterian Church of Mexico, Pa., for investigation of the condition in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Charles Hassett—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Joseph Rose—to the Committee on Pensions.

Also, papers to accompany bills for relief of Hartford Matherly, George E. Coster, Melton J. Beebe, Willa Fyffe, and Andrew J. Holloway—to the Committee on Invalid Pensions.

By Mr. OLCOTT: Petition of citizens of New York City and the Second German Baptist Church of New York City, against abuses of power in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. OVERSTREET: Paper to accompany bill for relief of Joseph B. Nichols—to the Committee on Invalid Pensions.

By Mr. PARSONS: Petition of the National Association of Colored Women, against the abuses in the government of the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the students and faculty of the Art School of New York City, for free art legislation as per bill H. R. 15268, of 1906—to the Committee on Ways and Means.

By Mr. PEARRE: Petition of Brewery Workers' Union No. 265, of Cumberland, Md., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. WM. ALDEN SMITH: Papers to accompany bills for relief of Francis G. Bourasaw, Adelbert L. Green, John C. Hurst, Mrs. Anna A. Crandall, Thomas Dixon, William J. Barker, and Samuel Limenstall—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of citizens of Middlefield and Derby, Conn., for removal of the tariff on works of art—to the Committee on Ways and Means.

Also, petition of Elm Lodge, No. 420, of New Haven, Conn., International Association of Mechanics, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Local Union No. 307, Sheet Metal Workers, of Meriden, Conn., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Admiral Foote Post, Grand Army of the Republic, of New Haven, Conn., for the retention of the canteen in the National Soldiers' Home—to the Committee on Military Affairs.

Also, petition of various newspaper publishers of the Second Congressional district of Connecticut, against bill to rate all printed postal matter at 4 cents per pound—to the Committee on the Post-Office and Post-Roads.

Also, petition of various manufacturers of the Second Congressional district of Connecticut, favoring an increase of force in the United States Patent Office—to the Committee on Appropriations.

By Mr. STEVENS of Minnesota: Petition of the St. Paul Board of Trade, for negotiation of a commercial treaty with Germany—to the Committee on Ways and Means.

By Mr. SULZER: Petition of the Second German Baptist Church of New York City, against atrocities in the government of the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. WEEMS: Petition of G. W. Hamilton et al., against abuses of government in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. ZENOR: Paper to accompany bill for relief of Henry Lufft—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *December 5, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

Mr. SAMUEL D. MCENERY, a Senator from the State of Louisiana, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

REPORTS OF SECRETARY OF SENATE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate of public moneys remaining in his possession from July 1, 1905, to June 30, 1906; which, with the accompanying papers, was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of the Senate, transmitting a full and complete account of all property, including stationery, belonging to the United States in his possession on the 3d day of December, 1906; which, with the accompanying paper, was ordered to lie on the table, and be printed.

REPORTS OF SERGEANT-AT-ARMS.

The VICE-PRESIDENT laid before the Senate a communication from the Sergeant-at-Arms, transmitting a statement of the receipts from the sale of condemned property in his possession since December 4, 1905; which, with the accompanying papers, was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Sergeant-at-Arms, giving a full and complete account of all property belonging to the United States in his possession December 3, 1906; which, with the accompanying papers, was ordered to lie on the table, and be printed.

SALMON LAKE VOTING PRECINCT, ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of a letter from T. C. Wakefield, Nome, Alaska, submitting an estimate of account for $18 for expenses incurred and services rendered in making the proper returns for the Salmon Lake voting precinct, Kougarok district, Alaska, to the office of the governor and the office of the clerk of the second division of the district court of Alaska, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

FOREST RESERVE LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 19, 1906, lists of persons, firms, and corporations who conveyed or relinquished to the Government of the United States lands within the limits of Government forest preserves, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

SPRINGFIELD ARMORY AND ROCK ISLAND ARSENAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, statements submitted by the Chief of Ordnance, United States Army, of the expenditures and of arms, etc., during the fiscal year ended June 30, 1906, at the Springfield Armory, Springfield, Mass., and at the Rock Island Arsenal, Rock Island, Ill.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

PURCHASES OF COAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting in response to a resolution of June 29, 1906, a report relative to the quantities and character of coal purchased during the last fiscal year for

use of the Department of State, etc.; which, with the accompanying papers, was ordered to lie on the table and be printed.

DISPOSAL OF INDIAN ALLOTMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, dated November 30, 1906, submitting the draft of a proposed bill to authorize non-competent Indian allottees to dispose of all or part of their allotments; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

ANNUAL REPORT OF BOARD OF ORDNANCE AND FORTIFICATIONS.

The VICE-PRESIDENT laid before the Senate the sixteenth annual report of the Board of Ordnance and Fortifications for the fiscal year ended June 30, 1906; which was referred to the Committee on Military Affairs, and ordered to be printed.

LAWS OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting one copy each of the journal of the chamber of delegates, the journal of the executive council, and the acts and resolutions of the third legislative assembly of Porto Rico, etc.; which was referred to the Committee on Pacific Islands and Porto Rico.

ACCEPTANCE OF GIFTS AND DECORATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting that Capt. W. S. Guignard, United States Army; Capt. John C. Fremont, United States Navy; Lieut. Leigh C. Palmer, United States Navy, and Lieut. Commander Newton A. McCully, United States Navy, be authorized to accept certain gifts and decorations presented to them by foreign governments; which was referred to the Committee on Foreign Relations, and ordered to be printed.

CONTINGENT EXPENSES OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to law, a detailed report of expenditures from the appropriation for contingent expenses of the government of the District of Columbia for the fiscal year ended June 30, 1906; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

TRADE CONDITIONS IN CENTRAL AND SOUTH AMERICA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report of Special Agent Lincoln Hutchinson on trade conditions in Central America and on the west coast of South America; which was referred to the Committee on Commerce, and ordered to be printed.

TRADE CONDITIONS IN ARGENTINA, PARAGUAY, AND URUGUAY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent Lincoln Hutchinson on trade conditions in Argentina, Paraguay, and Uruguay; which was referred to the Committee on Commerce, and ordered to be printed.

TRADE CONDITIONS IN EGYPT AND SUEZ CANAL TRAFFIC.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent Charles M. Pepper on trade conditions in Egypt and traffic through the Suez Canal; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

ANNUAL REPORT OF SECRETARY OF THE TREASURY.

The VICE-PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1906; which was referred to the Committee on Finance, and ordered to be printed.

REPORT OF COMMISSIONER OF INTERIOR FOR PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report from the commissioner of the interior for Porto Rico for the fiscal year ended June 30, 1906; which, with the accompanying papers, was refered to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

GOVERNMENT HOSPITAL FOR THE INSANE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a letter from Dr. William A. White, Superintendent of the Government Hospital for the Insane, together with a report showing in detail the receipts and expenditures of that institution; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

REPORT ON EDUCATION IN PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the commissioner of education for Porto Rico for the fiscal year ended June 30, 1906; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

JUDGMENTS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a statement of all judgments rendered by the court for the year ended December 1, 1906; which was referred to the Committee on Appropriations, and ordered to be printed.

ANNUAL REPORT OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the annual report of the Commissioners of the District of Columbia for the fiscal year ended June 30, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ANNUAL REPORT OF THE PUBLIC PRINTER.

The VICE-PRESIDENT laid before the Senate the annual report of the Public Printer, showing the operations of the Government Printing Office for the fiscal year ended June 30, 1906; which was referred to the Committee on Printing, and ordered to be printed.

VISIT OF SECRETARY OF STATE TO PERU.

The VICE-PRESIDENT laid before the Senate a communication from the president of the Senate of Peru, expressing gratification to the Senate of the United States on account of the visit of Hon. Elihu Root, Secretary of State of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed.

TRANS-MISSISSIPPI COMMERCIAL CONGRESS.

The VICE-PRESIDENT laid before the Senate a communication from the president of the Trans-Mississippi Commercial Congress, transmitting a copy of resolutions adopted at its session held in Kansas City November 20–23, with respect to canals, rivers and harbors, relations with South America, the Monroe doctrine, the merchant marine, the consular service, agriculture, live stock, mines and mining, intercontinental railway, peace resolution, and private monopolies; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

HUNGARIAN PARLIAMENT BUILDING.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a publication from the Austro-Hungarian ambassador descriptive of the new Hungarian Parliament building at Budapest; which was referred to the Committee on Public Buildings and Grounds.

THE PANAMA CANAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a letter from Mr. G. Sautereau, engineer, of Paris, France, forwarding for the consideration of the Senate papers relative to the question of the Panama Canal; which, with the accompanying papers, was referred to the Committee on Interoceanic Canals, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Blossom*, John Moore, master; the vessel schooner *Atlantic*, Robert Smith, master; the vessel schooner *Union*, Henry Hooper, master; the vessel ship *Four Sisters*, Hector McLean, master; the vessel brig *Maria*, Morgan, master; the vessel schooner *Rebecca*, Thomas Rogers, master; the vessel ship *Patty*, Beriah Pease, master; the vessel ship *Nomad*, Pierson, master; the vessel ship *Una*, Riley, master; the vessel schooner *Ranging Polly*, Jack, master; the vessel schooner *Betsey*, Samuel Patterson, master; the vessel ship *Oswegan*, Israel Trask, master; the vessel brig *Sea Nymph*, George Hastie, master; the vessel ship *Portland*, David Harding, master; the vessel ship *Aurora*, John Sutter, master; the vessel sloop *Polly*, Silas Nichols, master; the vessel schooner *Betsey*, Samuel Patterson and John Murray, masters; the vessel *Favorite Elsie*, Alexander McConnell, master; the vessel ship *Una Scott*, Absalom Pride, master; the vessel snow *Harmony*, John Burnham,

master; the vessel sloop *Sally*, Samuel Cargill, master; the vessel schooner *Esther and Eliza*, Hezekiah Freeman, master; the vessel schooner *Jeremiah*, George Wheelwright, master; the vessel schooner *Aurora*, Samuel Appleton, master; the vessel schooner *Triton*, Peleg L. Hillman, master; the vessel ship *Sally*, John Grozier, master; the vessel brig *Fannie*, William P. Barnes, master; the vessel schooner *Dolphin*, Thomas Buntin, master; the vessel brig *Betsey*, Gustavus Griffin, master; the vessel brig *Nancy*, Joseph Chase, master; the vessel schooner *Polly and Nancy*, Isaac Mackie, master; the vessel ship *Dublin Packet*, Henry Green, master; the vessel brig *Becca*, John Somes, master; the vessel schooner *Polly*, James Houston, master; the vessel ship *John*, John Thomas, master; the vessel schooner *Active*, Jonathan Holbrook, master; the vessel schooner *Betsey*, William Sturgis, master; the vessel sloop *Industry*, Jacob Hurd, master; the vessel ship *Russell*, William Wood, master; the vessel sloop *Juno*, Constant Chapman, master; the vessel schooner *Polly*, Isaac Cutter, master; the vessel brig *Hulker*, Peter Clark, master; the vessel schooner *Sally*, N. H. Downe, master; the vessel sloop *Resolution*, Jacob Dockendorf, master; the vessel schooner *Betsey*, William L. Cazneau, master; the vessel brig *Polly*, Abraham Waters, master; the vessel ketch, *Ebenezer*, Michael Smith, master; the vessel schooner *Ann*, Burnham Mills, master; the vessel schooner *Willing Maid*, George White, master, and the vessel brig *Berkley*, John Clark, master; which, with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and opinion filed under the act of January 20, 1885, in the French spoliation claims set out in the finding by the court relating to the vessel schooner *Nancy*, Putnam, master; the vessel ship *Apollo*, John Walker, master; the vessel sloop *Margaret*, David Maxwell, master; the vessel schooner *Mary*, John Myrick, master; the vessel schooner *Jane*, Peter Sorensen, master; the vessel brig *Louisa*, John Clark, master; the vessel schooner *Bennett*, Lemuel Parley, master; the vessel brig *Betsey*, Zebulon P. Burnham, master; the vessel brig *Amiable Matilda*, William Brown, master, and the vessel brig *Fair American*, Robert Forrest, master; which, with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and of law and opinion and of the order overruling motion for new trial filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Fame*, Joseph Brown, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and opinion filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Atlantic*, George Howe, master, together with the opinion of the court overruling motion for new trial; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Clifford B. Gill *v.* The United States;

In the cause of Mary E. R. Smith, widow (remarried) of Emory H. Taunt, deceased, *v.* The United States;

In the cause of John D. Cahill, administrator of Dennis Twiggs, deceased, *v.* The United States;

In the cause of Fanny Belknap, widow of Charles Belknap, deceased, *v.* The United States;

In the cause of Christiana C. Queen, widow of W. W. Queen, deceased, *v.* The United States;

In the cause of Charles C. Grafton, brother of Edward C. Grafton, deceased, *v.* The United States;

In the cause of Robert Hudson *v.* The United States;

In the cause of Francenia H. Dale, widow of Frank C. Dale, deceased, *v.* The United States;

In the cause of John A. Tanner *v.* The United States;

In the cause of Otway C. and William M. Berryman, Alice B. Bromwell, Columbia N. Payne, children of O. H. Berryman, deceased, *v.* The United States;

In the cause of P. Fendall Young, executor of William S. Young, deceased, *v.* The United States;

In the cause of Mary E. Maxwell and Blanche M. Lewis, daughters of James McClellan, deceased, *v.* The United States;

In the cause of William F. Swinburne, deceased, *v.* The United States;

In the cause of Nopie M. Le Breton, daughter of David McDougal, deceased, *v.* The United States;

In the cause of Theodore Speiden, William S. Speiden, sons of William Speiden, deceased, *v.* The United States;

In the cause of William H. Hall, Charles G. Hall, Eleanor Darling, and Alexander H. Wells, heirs at law of Michael Hall, deceased, *v.* The United States;

In the cause of Emily V. Cutts, widow of Richard M. Cutts, deceased, *v.* The United States;

In the cause of Daniel Butland, brother of Francis Butland, deceased, *v.* The United States;

In the cause of Belle M. Raborg, widow of George D. Raborg, deceased, *v.* The United States;

In the cause of Virginia M. Chase, daughter of Moses B. Chase, deceased, *v.* The United States;

In the cause of Charles T. Davis, nephew of James S. Thornton, deceased, *v.* The United States;

In the cause of Martha D. Sturgis, daughter of Samuel F. Hazzard, deceased, *v.* The United States;

In the cause of Henrietta M. D. Oliphant, widow (remarried) of Henry J. Hunt, deceased, *v.* The United States;

In the cause of Andrew McCleary *v.* The United States;

In the cause of William Cuddy *v.* The United States;

In the cause of George H. Richards, administrator, with the will annexed, of the estate of William A. Parker, deceased, *v.* The United States;

In the cause of George E. Leach, administrator of Phineas Leach, deceased, *v.* The United States;

In the cause of Mattie H. Chaplin *v.* The United States;

In the cause of Jessie E. Linnekin, heir at law of Thomas J. Linnekin, deceased, *v.* The United States;

In the cause of Roberdeau Buchanan, administrator de bonis non of McKean Buchanan, deceased, *v.* The United States;

In the cause of Elizabeth F. Curtis, administratrix de bonis non of William Barrymore, deceased, *v.* The United States;

In the cause of Hazel O. Goodsoe, Perle E. Nute, Leonora W. Goodsoe, and E. Shirlet Rundlett, children of Augustus O. Goodsoe, deceased, *v.* The United States;

In the cause of Richard Ashbridge *v.* The United States;

In the cause of L. C. Barclay, granddaughter of J. O'Connor Barclay, deceased, *v.* The United States;

In the cause of Harry Pearson and Elba P. Gassoway, grandchildren of William Pearson, deceased, *v.* The United States;

In the cause of H. S. Herman, administrator of William M. King, deceased, *v.* The United States;

In the cause of Harriet B. Gaylord, sister of Dudley E. Taylor, deceased, *v.* The United States;

In the cause of Edward D. Taussig *v.* The United States;

In the cause of Louisa E. Elder, widow of Robert B. Elder, deceased, *v.* The United States;

In the cause of Georgiana A. Bonsall, widow of Edward Bonsall, deceased, *v.* The United States;

In the cause of Mary S. McIntosh and Elizabeth S. Taylor, children of John L. Saunders, deceased, *v.* The United States;

In the cause of John T. Spavin, Annie M. Spavin, Ernestine E. Spavin, Jennie Whittemore, and Elizabeth Farnham, children of Robert Spavin, deceased, *v.* The United States;

In the cause of William F. Burditt, Eleanora B. Kimball, Albert B. Burditt, Charlotte Ferguson, children of William Burditt, deceased, *v.* The United States;

In the cause of Julius G. Rathbone, administrator of George C. Campbell, deceased, *v.* The United States;

In the cause of George P. Barnes *v.* The United States;

In the cause of Frederick E. Upton *v.* The United States;

In the cause of Gideon E. Holloway, son of Gideon E. Holloway, deceased, *v.* The United States;

In the cause of Marina B. Harding, widow (remarried) of Henry O. Handy, deceased, *v.* The United States;

In the cause of Edward Cronin *v.* The United States;

In the cause of Thornton T. Perry, son of Roger Perry, deceased, *v.* The United States; and

In the cause of Jessie F. Cole, sister of Frederick A. Howes, deceased, *v.* The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by the board of directors of the Elephant Butte Water Users' Association, of Las Cruces, N. Mex., expressing its appreciation of, and thanks for, the ratification of the treaty between

the United States and Mexico for the equitable distribution of the waters of the Rio Grande River and the benefits derived therefrom; which were ordered to lie on the table.

He also presented petitions of sundry citizens of New Mexico, South Dakota, Illinois, and Columbus, Ga., praying for the establishment in Africa of an independent government for ex-slaves and their offspring under the protection of the United States; which were referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of the Woman's Club of Worcester, Mass., praying for the enactment of legislation providing for the admission into this country free of duty of works of art; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Board of Missions, of Dalton, Mass., and a petition of sundry citizens of Roslindale, Mass., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Gloucester, Mass., remonstrating against the enactment of legislation closing certain places of business in the District of Columbia on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a paper to accompany the bill (S. 3421) for the relief of A. W. Tedcastle, guardian of Frances L. Snell; which was referred to the Committee on Claims.

Mr. FRYE presented a petition of the Eastern Steamship Company, of Maine, and a petition of the city government of Bath, Me., praying that an appropriaton be made for the improvement of the Sasanoa River in that State; which were referred to the Committee on Commerce.

He also presented the petition of Robert H. Gardner and 25 other citizens of Kennebec County, Me., praying for the establishment of a fish hatchery on the Kennebec River in that State; which was referred to the Committee on Fisheries.

He also presented the memorial of R. T. Hobbs and sundry other citizens of Fairfield, Me., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented memorials of Gertrude P. Atwood and 43 other citizens of Bangor; of Morning Light Grange, No. 19, of Monroe, and of Aroostook and Penobscot Union Pomona Grange, of Houlton, Patrons of Husbandry, in the State of Maine, remonstrating against the enactment of legislation providing for the free distribution of seeds; which were referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a petition of the East Washington Citizens' Association, praying for the enactment of legislation to abolish certain grade crossings in southeast Washington; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Anacostia Citizens' Association of the District of Columbia, remonstrating against the enactment of legislation relative to the narrowing of certain streets in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of D. R. Thomas, chairman and treasurer of the Organizing Committee of the United States, praying for the establishment in Africa of an independent government for ex-slaves and their offspring under the protection of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Boston Marine Society, of Boston, Mass., praying for the passage of the so-called "ship-subsidy bill;" which was ordered to lie on the table.

Mr. CULLOM. I present the memorial of N. E. Dawson, of Chicago, Ill., on the question of a reform in spelling, setting forth a plan for imparting aptitude in spelling by means of a simplified key to pronunciation applicable to all languages, and suggesting measures for extending a knowledge of it over the nation. The memorial is tolerably long, and I will not ask that it be read; but I request that it be printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered. Does the Senator from Illinois wish to have the memorial specially referred?

Mr. CULLOM. No, sir.

The VICE-PRESIDENT. It will be printed and lie on the table.

Mr. PLATT presented memorials of Lindenwald Grange, No. 985, of Kinderbrook; of Gouverneur Grange, of Gouverneur; of Huguenot Grange, No. 1028, of New Paltz, and of Hartwick Grange, of Cooperstown, Patrons of Husbandry, in the State of New York, remonstrating against the enactment of legislation providing for the free distribution of seeds; which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Utica, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Second German Baptist Church of New York City, N. Y., and a petition of the Interchurch Conference and Federation and various denominational bodies of the United States, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. WETMORE presented a petition of the city council of Providence, R. I., praying that an appropriation be made for the improvement of the harbor at that city; which was referred to the Committee on Commerce.

Mr. BURNHAM presented petitions of Rev. Virgil V. Johnson, of Claremont; of Walpole Grange, Patrons of Husbandry, of Walpole, and of the Baptist Convention of New Hampshire, all in the State of New Hampshire, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented memorials of Mayflower Grange, No. 297, of Londonberry; of Granite Grange, No. 7, of Milford, and of Sunapee Lake Grange, No. 112, of Sunapee, Patrons of Husbandry, in the State of New Hampshire, remonstrating against the enactment of legislation providing for the free distribution of seeds; which were referred to the Committee on Agriculture and Forestry.

Mr. HOPKINS presented the memorial of J. W. Kendrick, of Chicago, Ill., remonstrating against the passage of the so-called "employers' liability bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Chicago and Monmouth, Ill., praying for the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

Mr. GAMBLE presented memorials of sundry citizens of Iroquois, Viborg, and Groton, all in the State of South Dakota, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. FLINT presented the petition of Glascow C. Davis, of San Francisco, Cal., praying that he be recompensed for losses sustained and injuries received while in the military service of the United States; which was referred to the Committee on Military Affairs.

Mr. FULTON presented petitions of the Woman's Missionary Society of the United Presbyterian Church of Albany, and of sundry citizens of Albany, all in the State of Oregon, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. BURKETT presented an affidavit to accompany the bill (S. 892) granting an increase of pension to Samuel S. Dotson; which was referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 6273) granting an increase of pension to William J. Wells; which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 5669) granting an increase of pension to Leander C. Hicks; which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of College View, Nebr., praying for the enactment of legislation authorizing reading matter for the blind to be carried free through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HANSBROUGH presented petitions of sundry citizens of the United States, praying for the establishment in Africa of an independent government for ex-slaves and their offsprings under the protection of the United States; which were referred to the Committee on Foreign Relations.

Mr. LONG presented sundry papers to accompany the bill (S. 5854) granting an increase of pension to John W. McWilliams; which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 4552) for the relief of William Fletcher; which was referred to the Committee on Claims.

Mr. BRANDEGEE presented a memorial of Rippowan Grange, Patrons of Husbandry, of Stamford, Conn., remonstrating against the enactment of legislation providing for the free distribution of seeds; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Admiral Foote Post, No. 17, Department of Connecticut, Grand Army of the Republic, of New Haven, Conn., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Torrington, Conn., and a memorial of sundry citizens of Mansfield, Conn., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

PRINTING OF BILLS AND JOINT RESOLUTIONS.

Mr. PLATT. I submit a brief majority report from the Committee on Printing and ask that it be printed in the RECORD, together with the letter accompanying the same.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The Committee on Printing, having been directed by Senate resolution No. 175, Fifty-ninth Congress, first session, to inquire into the reasons for the delay in the Government Printing Office in sending to the Senate, especially in the last days of the session, printed copies of bills and joint resolutions pending and awaiting action on the part of Congress, respectfully submits a communication from its clerk, Mr. Albert H. Howe, hereto attached, which, with its accompanying data, this committee adopts as its report. Since the findings herein are, in the judgment of the committee, accurately, comprehensively, and clearly stated, the committee has nothing to add thereto.

T. C. PLATT.
S. B. ELKINS.

Inquiry into the causes of delay in completing the work of the first session of the Fifty-ninth Congress.

UNITED STATES SENATE, COMMITTEE ON PRINTING,
August 15, 1906.

Hon. T. C. PLATT,
Chairman Committee on Printing,
U. S. Senate, Washington, D. C.

SIR: By your direction and in pursuance of the provisions of Senate resolution No. 175, first session, Fifty-ninth Congress, wherein the Committee on Printing is "directed to inquire into the reasons for the delay in the Government Printing Office in sending to the Senate, especially in the last days of the session, printed copies of bills and joint resolutions pending and awaiting action on the part of Congress," I visited Washington and conducted as thorough an investigation as was possible under the terms of the resolution. Considerable testimony was taken, calculated to define the procedure of handling bills and to reveal the causes of the alleged delays of which complaint had been made, a transcription of which testimony is hereto annexed.

Attention is respectfully drawn to the character of the resolution under which the investigation has been conducted, which, by its failure to empower your committee to summon witnesses, places at your disposal in many cases second-hand testimony leading to inference rather than to proven fact. The absence of some necessary witnesses and the disinclination of others to testify has served in several instances to hamper and circumscribe the action of your committee. Again, the absence of provision for the defrayment of the expense of the investigation will necessitate provision hereafter for the payment of stenographic and other services.

At the risk of being didactic, the results of this inquiry will be better understood by illustrating at the outset the processes involved in the handling of supply bills by Congress; and in the illustration of these processes it will be interesting to note the frequency with which the functions of the Government Printing Office are exercised and the respects in which the work of that office is accelerated or impeded by the character of the engrossing and enrolling work of Congress.

It is understood that an appropriation or supply bill invariably originates in a subcommittee of a House committee. During the progress of consideration by the House subcommittee such bills are frequently printed confidentially once or several times for the use of the subcommittee, and when such a bill has attained the form in which the subcommittee determines finally to report to the full committee, the tentative measure is definitely though confidentially printed for report to the full committee.

The full committee ratify or amend the work of the subcommittee and, taking the print supplied by the Government Printing Office for this purpose, report a ratified or amended draft of the measure to the House of Representatives, which reported bill is given a number, and following which the measure is then printed for the use of Congress. When the House of Representatives considers the measure in Committee of the Whole, the amendments of the committee and the sporadic amendments issuing from the floor having been agreed to or rejected, as the case may be, the measure is passed. In the form in which it passes the House it is engrossed by the clerical force of the House and printed in engrossed form on blue ledger paper, in which form it is messaged over to the Senate.

The testimony accompanying this report will show that in cases of this kind the clerical force of the House, and the Government Printing Office as well, proceed with an anticipatory engrossment and preparation of the measure with a view to its ultimate expedition; hence when the final action of the House upon its bill is taken the engrossment and printing of the measure are already tremendously advanced. When the measure is messaged to the Senate it is again printed, carrying the action of being referred to the proper Senate committee.

In the Senate committee very much the same procedure is followed as has been followed in the House. A subcommittee of the Senate committee first considers the House measure, possibly requiring for its confidential uses several prints thereof. The subcommittee report to the full committee, who in turn finally make their report to the Senate, in which form the bill is again, officially, printed for the use of the Senate, with or without amendments, as reported by the Senate committee. This is the print showing certain matter lined out with italicized additions.

After being passed by the Senate with the committee and other amendments the changes are indicated in a separate print called the engrossed amendments of the Senate. In the accomplishment of this print the method of anticipation is again practiced with great effect, both by the clerical force of the Senate and the bill force of the Government Printing Office, to the end that the absolute minimal time may be attained in making the measure available for the use of Congress. When the measure gets back to the House, where it originated, with the engrossed amendments of the Senate, those amendments are numbered, and when the measure with the numbered amendments is referred to the House the bill is ordered printed with the numbered amendments of the Senate dovetailed into the bill.

The measure in this form is considered by conferees, who reach fractional agreement or agreement en masse, as the case may be. Frequently several conferences are ordered. At this point the enrolling clerk of the House makes up the copy for the enrolled bill, which is then printed on parchment, and after the same has been signed by the presiding officers of both Houses, and finally by the President of the United States, it is printed as a public law, which is the final disposition until it is embodied in the statutes.

Apropos of the foregoing the enrolling clerk of the House of Representatives, in written testimony contained in the exhibits accompanying this report, makes the following statement:

"When a bill passes both Houses it is not ready by any means to be sent to the President. The fact is that the actual work in perfecting it only begins, as it must be prepared by the enrolling clerk, and, with the amendments, if any, sent to the Printing Office (the distance between the Capitol and the Printing Office being great) for proof; returned to the enrolling clerk, read, sent back to be returned on parchment for another reading by the enrolling clerk. If errors are found on one or more sheets, those sheets are returned for correction and reprinting. When the corrections are all made, the parchment, with the original papers—the engrossed copy, the amendments, and the conference reports—are all turned over to the Committee on Enrolled Bills, which committee repeat the work of the enrolling clerk and his assistants. If found correct, the bill is then taken to the Speaker of the House, etc."

At the risk of repetition, it may be stated that the enrolling clerk of the House, in making his enrollment, compiles his copy for the printer from, first, the desk copy; second, the blue print; third, the engrossed amendments of the Senate, and, finally, the conference reports, varying in number; so that he is practically making his enrollment from five or more different pieces of copy. In a bill having many pages and many amendments, the work of enrollment is complicated and magnitudinous in the extreme, and, considering the care necessary to be exercised in order that not only the language of the bill, but every punctuation mark and capital letter as well, may be absolutely accurate, much time must necessarily be consumed. In emphasis of this point, it may also be stated that, in the preparation and acceptance of each print of the bill, in addition to the preparation of copy, proof must be read, and the work of both the clerical forces of Congress and the bill force of the Government Printing Office has to be fully verified.

In the light of this procedure, let us consider the two measures leading to this investigation, namely, the general deficiency bill and the public buildings bill.

The criticism attaching to the general deficiency bill concerns a delay experienced by the conferees in securing what is known as the numbered amendment print for consideration, this being the print ordered by the House after the bill has been returned to the House by the Senate with the engrossed amendments of the latter dovetailed into the bill. Omitting the preliminary steps involved in the handling of the measure, testimony attached will show that the bill passed the Senate late Thursday night, June 28, 1906.

A preliminary copy, *containing the Senate committee amendments only*, was sent to the Printing Office at 9 o'clock p. m. of that day by the enrolling clerk of the Senate, who requested that proof be sent him on the following morning. Proof was delivered to him on the following morning (Friday) at 9.20 o'clock. Meanwhile the enrolling clerk of the Senate was engaged until after midnight in compiling his full copy of the engrossed amendments. Upon receipt of the aforesaid partial proof, the enrolling clerk of the Senate completed his comparison of the proof with the copy and returned corrected proof to the Printing Office *containing the Senate floor amendments* to the bill (about twenty in all), at 10 a. m. of the same morning (Friday). Proof of this latter copy was returned to the Senate by the Government Printing Office at 11.30 a. m. for proper verification and necessary correction.

In this shape the bill was messaged over to the House some time after noon. This official copy for the numbered amendments, which is the form in which the measure is printed for the use of the conferees, and which is prepared by the printing clerk of the House following the receipt by the House of the bill from the Senate with the engrossed amendments, was received at the Government Printing Office at 2.35 p. m., same day, and the completed bill delivered at the Capitol at 3.25 p. m., or within fifty minutes' time.

The Government Printing Office anticipated the action on this bill and, without waiting for the official copy, sent seven forms to press before the official copy reached the Printing Office. The other five forms were either on the press or on the way down to the press when copy was received, and fifty minutes after the receipt of copy by the Printing Office the print desired by the conferees was sent back to Congress. The bill contained 96 pages and 95 amendments. The enrolling clerk of the Senate, in his testimony, asserts that had the proper clerk of the House sent to the Printing Office earlier in the day the conferees might have received the desired print an hour earlier than they actually did receive it.

The testimony of the enrolling clerk of the Senate on this point is as follows:

"Mr. HOWE. Now, the print of the bill that Senator HALE wanted to use in conference of course could not have been supplied to him before it was messaged to the House and enrolled by the House?

"Mr. PLATT. Yes; it could have been, because the man who makes up the bills with the Senate amendments numbered could have gone to the Printing Office, which we have done time and time again, and have made out his amendments there, and then they probably would have received that bill at the House some little time earlier than they did receive it.

"Mr. HOWE. And you think the conferees would have gotten that print more quickly if some attaché of the House had taken the trouble to go and get an advance copy?

"Mr. PLATT. Yes. I telephoned to that gentleman, I think, in the morning, that I had the amendments ready and had sent them back to the Printing Office, and I presumed that he would go down there, because the night before he asked me if he went down there if it would do any good on that night. * * * I think there may have possibly been an hour lost there, but I would not say that for sure; but I think there was some little time lost there."

With regard to the public buildings bill, it should be stated at the

outset that the procedure employed in the handling of supply bills was followed in the consideration of that measure. The bill passed the House on the Monday before adjournment, June 25, was messaged to the Senate Tuesday morning and referred to the Senate Committee on Public Buildings and Grounds, which committee met on Wednesday, its regular meeting day, to take it up. The committee completed its consideration of the measure Wednesday night and reported the same to the Senate Thursday morning with approximately one hundred and sixty-seven amendments.

As the measure was not privileged, its consideration by the Senate during the day (Thursday) was considerably obstructed, and it was not finally passed until late Thursday night. It was messaged to the House Friday morning. The House promptly disagreed to the amendments of the Senate and asked for a conference, to which the Senate assented, and the conferees met at 3 o'clock, remaining in session until 10 o'clock that night (Friday), at which time they reached a partial agreement. The action of the Senate on this fractional conference report was prompt, but the House, owing to a parliamentary situation, did not act until 12 o'clock midnight.

From fourteen to twenty items remained in disagreement, as to which the House asked for a second conference, to which the Senate agreed, which conference was held at 10 o'clock Saturday morning. It was at this point that suggestions of delay were made. It is doubtless true, and the testimony will show, that if the conferees had met after midnight Friday, instead of at 10 o'clock Saturday morning, two hours might have been saved and the final adjournment of Congress advanced to that extent; but the testimony additionally shows that the conferees had been for the two preceding nights engaged in the discharge of Congressional duty until after midnight and were too greatly exhausted to confer on this bill on the night of Friday.

After the final agreement of the conferees on Saturday morning at 10.30 o'clock, the clerks of the conference committee were obliged to draft the conference report. This work consumed two hours and a half. It was exacting work, involving the maximum of accuracy. Testimony shows that the clerks of the conference committee were subjected to some interruption by Members of Congress during the progress of their compilation of the conference report, while the final check of the report with the committee's data, which was deemed necessary in the interest of absolute accuracy, made by the two committee clerks with Senator WARREN and Representative BARTHOLDT, consumed from a half to three-quarters of an hour.

Some time after the completion of the work of the clerks of the conference committee the report was submitted to the House—approximately at 1.45 p. m. A well-defined rumor tended to show that delay in the submission of the final conference report to the House, between the moment of agreement by the conferees at 10.30 a. m. and the moment of the submission of the conference report to the House at approximately 1.45 p. m., was occasioned by a confusion in the minds of those officials of the House who define the parliamentary procedure of that body as to the right of the House to first submit this second conference report, the impression prevailing that the report should first be submitted to the Senate.

This confusion appeared to have resulted in each House waiting some time for the other House to act. The written testimony of General Parkinson, the reading clerk of the Senate, whose duties carried him to the House at this time, will show that upward of an hour was lost as a result of this confusion. On this point General Parkinson testifies as follows:

"The House authorities labored under erroneous impression that the Senate conferees should submit their report first. At the suggestion of Mr. McDonald and Mr. Platt, made in the presence and with the acquiescence of, I think, Senator HALE or some other excellent authority on the matter of conference reports, I told the House people at least twice that the Senate was waiting for the House conferees to make their report first, which they finally did, but after a wait and delay of an hour or more."

After the submission in the House of the conference report, however, the same was promptly messaged to the Senate and, with equal promptness, agreed to by that body and then entered the hands of the enrolling clerk of the House, from which he proceeded to prepare the copy for the official parchment proof. It is shown in the testimony that this copy reached the Government Printing Office at 4 o'clock p. m., Saturday, June 30, and the printed copy (proof) delivered to the Capitol, signed for by W. J. Browning, at 5.35 p. m. It should be stated that the bill contained twenty pages and approximately one hundred and sixty-seven amendments.

The enrolling force of the House, it is assumed, proceeded to read this proof and found errors therein requiring correction. Testimony shows that there were nine pages requiring to be reprinted, on two of which were errors attributable to the Government Printing Office and on seven of which were errors attributable to the enrolling officer of the House. These pages were returned to the Printing Office singly for reprinting as fast as errors were discovered. The first page reached the Printing Office at 6.16 p. m.

The last one was returned to the Capitol at 7.37 p. m. It should not be assumed that these errors operated to delay the work of Congress, for the reason that the act of reprinting the corrected pages was performed with such celerity by the Government Printing Office that the last corrected page, numbered 15, had been returned by the Government Printing Office before the enrolling clerk of the House had completed the reading of the last five pages of the bill; hence when the enrolling clerk had finally completed his comparison of the bill all errors had been rectified and a corrected print was in his possession.

It will be interesting to note that in respect of one page returned to the Government Printing Office a second time for correction of an error discovered later, for which the Capitol was responsible, the Printing Office completed the work of reprinting in exactly eight minutes. This final correction was made in the neighborhood of 9 p. m., after which the bill had to be compared by the Committee on Enrolled Bills before being signed by the Speaker of the House, the President of the Senate, and the President of the United States.

From the foregoing description of the handling of these two measures, necessarily lengthy and involved, the following facts and conditions prominently appear:

As to the work of the Government Printing Office, testimony shows that the bill force is composed of experienced men, its personnel being the same as it has been for years. Congressional work is invariably given the preference over all other work. The amount of work performed by the Office during the first session of the Fifty-ninth Congress exceeded by approximately three times the amount of work performed at the preceding long session and exceeded approximately by 5 per cent the amount of work performed during all three sessions of the Fifty-eighth Congress. A table appearing on page 27 of the testimony gives the details of this work. The bill force of the Printing Office during the last session of Congress was smaller by seven men than during the previous Congress.

The amount of time consumed by the Printing Office in the handling of the two measures around which criticism centered seems to have been not unreasonable, but rather positively expeditious. Allegations of witnesses as to delays on the part of the Printing Office have been investigated as carefully as practicable, and have been found to be too general to merit censure. In fact, they are in the main trivial and in some cases react upon those making them. The enrolling clerk of the House and the enrolling clerk of the Senate, whose duties bring them into close relationship with the work of the Printing Office, and who would be probably greater sufferers than any others through delinquencies on the part of the Printing Office, pronounce the work of the Government Printing Office during the closing days of the last session as being essentially good. Mr. McKenney, the enrolling clerk of the House, thus characterizes the work of the Government Printing Office and, incidentally, his own:

"The public buildings bill reached me about 2.30 p. m., June 30, I think, but I paid no attention to time, and it may have been an hour before or an hour later. The bill was given immediate attention, and it was sent to the Printing Office as soon as possible, was returned to me for comparison with the original papers without unnecessary delay. Corrections were made on some sheets, which were sent to the Printing Office and corrected sheets returned to me.

"When I had completed reading the bill, every sheet sent to the Printing Office for correction had been returned; thus showing the efficiency and promptness of the bill and messenger forces of the Printing Office. The bill was then turned over to the Committee on Enrolled Bills for comparison. As every word, punctuation mark, and even capital letters are read aloud in comparison, much time is of necessity consumed, especially in reading the large sheets of parchment, each equal to two sheets of an engrossed bill. Then came the bill for engrossment and enrollment authorizing the expenditure of money for various public buildings, which went through the same process as every bill does in engrossment and enrollment. There was no unnecessary delay with either of these bills, the deficiency bill, or other bills, at any time during the session of the Fifty-ninth Congress to cause censure or even unfavorable comment so far as the Printing Office is concerned with my work. * * * Personally, I was nearly worn-out. The forty-eight hours preceding adjournment I did not have one minute's sleep, did not have one mouthful to eat from one breakfast until another, and I think the Printing Office force suffered an equally strenuous time. They are heroes, every one of them."

Mr. Platt, the enrolling clerk of the Senate, thus characterizes the work of the Printing Office when asked to state whether, as a result of his experience in dealing with the Printing Office, he could allege reasonable alacrity on the part of the office:

"Yes. I have not any hesitation in saying that I think the Printing Office, on the whole, is very expeditious, and, as a general thing, very correct. There is occasionally a short delay sometimes, when we think there ought not to be, and there may be a little fault to find in the proof reading sometimes, but those things will happen in the best-regulated families. You can not help it. I have never lost anything on account of delay in the Printing Office since we commenced to enroll bills by printing; never. I have always found that the Printing Office has been, I think, equal to the emergency."

From the practice of anticipation by the Government Printing Office of the work of Congress much good has been shown to result. If the Printing Office were to wait for the receipt of copy from the Capitol before setting up bill matter the work of Congress would be greatly prolonged. An illustration of the utility of this practice is shown in the handling of the supplemental bill, H. R. 20511, making appropriations for certain public buildings authorized by the act approved June 30, 1906, etc., which act after being messaged to the Senate was passed at 6.17 p. m. on Saturday, June 30.

The Printing Office realizing that the Senate would in all probability pass the measure in the same form in which it passed the House, proceeded to print the enrolled copy and sent the same to the Senate at 5.49 p. m., or an hour and eight minutes before the Senate had acted upon the measure. This, of course, could only be possible in respect of a measure which the Senate would in all probability pass without amendment.

Nothing has been developed in the course of this investigation which would justify a conclusion that the present administration of the Government Printing Office is not distinctly creditable.

As to the performances of the enrolling offices of Congress, it can be safely asserted, without fear of contradiction, that considering the magnitude and complexity of their work it was performed with all possible expedition consistent with exactness. The testimony would tend to show that the enrolling force of the House, upon which the bulk of the work of enrollment falls, is undermanned, and that a proper increase in that force would be promotive of greater celerity in the performance of work devolving upon that office.

Attention is respectfully called to the fact that in the transmission of copy, proofs, and other printed matter between the Capitol and the Government Printing Office and in some instances between the Government Printing Office and the Executive Departments, the messenger force of the Government Printing Office is largely availed of. This force consists of a maximum of six bicycle messengers—usually four. Congress should not be dependent upon this mesenger force, reliable and efficient as it has been shown to be, but should have messengers attached to its enrolling offices, especially during the closing days of the sessions of Congress, when the congestion of public business is great. Moreover, the efficiency of the messenger force of the Government Printing Office should not be depleted by the calls of the Executive Departments.

I venture the opinion that the inauguration of a time-record system which would show the precise time of receipt and delivery of copy, proof, etc., both at the Capitol and the Government Printing Office, would, by the facility it might afford in fixing responsibility for delays, tend to maximum efficiency in work and preclude much irresponsible criticism. Congress should at least be as well equipped for the proper and precise conduct of its business as a commercial institution. It is safe to assume that no commercial institution would for one moment tolerate methods as irresponsible as those which now obtain in the handling of Congressional bill work.

It may be remarked, in conclusion, that during the closing days of the first session of the Fifty-ninth Congress there was an unusual congestion of important legislation, which may have to a degree, though not unnecessarily, retarded the completion of the work of Congress.

Very respectfully,

A. H. HOWE.

APPEALS IN CRIMINAL PROSECUTIONS.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary to ask unanimous consent that Order of Business 3969, being the bill (H. R. 15434) to regulate appeals in criminal prosecutions, be recommitted to the Committee on the Judiciary.

The VICE-PRESIDENT. In the absence of objection, that order will be made.

BILLS INTRODUCED.

Mr. WETMORE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6557) granting a pension to Penelope T. Cummings (with accompanying papers);

A bill (S. 6558) granting an increase of pension to Samuel A. Pearce (with accompanying papers);

A bill (S. 6559) granting an increase of pension to John Holt (with an accompanying paper);

A bill (S. 6560) granting an increase of pension to Reuben D. Dodge; and

A bill (S. 6561) granting an increase of pension to George W. Blair.

Mr. BEVERIDGE introduced a bill (S. 6562) to prevent the employment of children in factories and mines; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 6563) to provide for the purchase of a site and the erection of a public building thereon at Minot, N. Dak.;

A bill (S. 6564) to provide for the purchase of a site and the erection of a public building thereon at Wahpeton, N. Dak.; and

A bill (S. 6565) to provide for the purchase of a site and the erection of a public building thereon at Jamestown, N. Dak.

Mr. McCUMBER introduced a bill (S. 6566) authorizing the extension of Twenty-third street NW.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6567) granting an increase of pension to George C. Gibson (with accompanying papers);

A bill (S. 6568) granting an increase of pension to Wilbur F. Hodge;

A bill (S. 6569) granting an increase of pension to George Porter;

A bill (S. 6570) granting an increase of pension to George W. Cole;

A bill (S. 6571) granting an increase of pension to William G. Ross;

A bill (S. 6572) granting an increase of pension to Aaron L. Roberts (with an accompanying paper);

A bill (S. 6573) granting an increase of pension to John A. Williams (with accompanying papers);

A bill (S. 6574) granting an increase of pension to Maria H. Waggoner;

A bill (S. 6575) granting an increase of pension to David Backus (with an accompanying paper); and

A bill (S. 6576) granting an increase of pension to Michael Meyers.

Mr. GALLINGER (by request) introduced a bill (S. 6577) to extend the time for payment of certain assessments in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6578) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6579) granting an increase of pension to Ezekiel Morrill;

A bill (S. 6580) granting an increase of pension to Ella B. Green;

A bill (S. 6581) granting an increase of pension to Joseph W. Lowell;

A bill (S. 6582) granting an increase of pension to Moses Rowell;

A bill (S. 6583) granting an increase of pension to Abram P. Colby;

A bill (S. 6584) granting an increase of pension to John Heath;

A bill (S. 6585) granting an increase of pension to Amos Ham;

A bill (S. 6586) granting an increase of pension to Wesley J. Ladd;

A bill (S. 6587) granting an increase of pension to Marcus M. Currier (with an accompanying paper);

A bill (S. 6588) granting an increase of pension to Arthur Hathorn (with accompanying papers); and

A bill (S. 6589) granting an increase of pension to Washington D. Gray (with accompanying papers).

Mr. PROCTOR introduced a bill (S. 6590) granting an increase of pension to Theron Hammer; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6591) granting an increase of pension to Henry Campbell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6592) to remove the charge of desertion from the record of Isaac Laverty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6593) granting an increase of pension to Webb Hall;

A bill (S. 6594) granting an increase of pension to Charles Smith;

A bill (S. 6595) granting an increase of pension to Nicholas Doyle;

A bill (S. 6596) granting an increase of pension to Cyrus W. Cobb;

A bill (S. 6597) granting an increase of pension to Frank H. Read;

A bill (S. 6598) granting an increase of pension to Joseph Goss;

A bill (S. 6599) granting an increase of pension to William T. Locke;

A bill (S. 6600) granting an increase of pension to Edward McNabb;

A bill (S. 6601) granting a pension to Rose E. Staples;

A bill (S. 6602) granting an increase of pension to Wright Bardsley; and

A bill (S. 6603) granting a pension to Mary A. Rhoades.

Mr. CULLOM introduced a bill (S. 6604) to establish in the Department of the Interior a bureau to obtain and publish information concerning the causes of insanity, murder, and other crimes and vices, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6605) granting an increase of pension to Ella C. Washburn (with accompanying papers);

A bill (S. 6606) granting an increase of pension to Alexander Sholl;

A bill (S. 6607) granting an increase of pension to Asher M. Castle (with accompanying papers);

A bill (S. 6608) granting an increase of pension to John N. Malcom (with an accompanying paper);

A bill (S. 6609) granting an increase of pension to John Shank (with accompanying papers);

A bill (S. 6610) granting an increase of pension to Isaac Johnson;

A bill (S. 6611) granting a pension to Georgia G. Cook (with an accompanying paper);

A bill (S. 6612) granting an increase of pension to George H. McClung (with accompanying papers);

A bill (S. 6613) granting a pension to Jennie S. Minor;

A bill (S. 6614) granting an increase of pension to Thomas F. Alexander (with an accompanying paper);

A bill (S. 6615) granting an increase of pension to Palmer Atkin; and

A bill (S. 6616) granting an increase of pension to J. P. Crooker.

Mr. CULLOM introduced a bill (S. 6617) to remove the charge of desertion from the military record of Edward Callan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GAMBLE introduced a bill (S. 6618) to authorize the

sale of a portion of the Rosebud Indian Reservation in South Dakota, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 6619) granting a pension to Betsy Anderson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6620) for the relief of the deacons of the First Presbyterian Church of Bowling Green, Ky. (with accompanying papers);

A bill (S. 6621) for the relief of the trustees of the African Baptist Church, of Paris, Ky. (with accompanying papers); and

A bill (S. 6622) for the relief of the trustees of the Green River Collegiate Institute as successor to Hart Seminary, of Munfordville, Ky. (with accompanying papers).

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6623) granting a pension to Samuel H. Mitchell;

A bill (S. 6624) granting an increase of pension to Alvin N. Kite; and

A bill (S. 6625) granting an increase of pension to Anderson Henry.

Mr. FLINT introduced a bill (S. 6626) for the establishment of a drainage fund and the construction of works for the reclamation of swamp and overflowed lands; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 6627) to provide for celebrating the opening of the Panama Canal by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, and sea in or near the city of Los Angeles, State of California; which was read twice by its title, and referred to the Select Committee on Industrial Expositions.

He also introduced a bill (S. 6628) authorizing the appointment of Charles A. Sewall, M. D., as a first lieutenant and assistant surgeon on the retired list of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6629) authorizing the appointment of George F. Tolley as a gunner on the retired list of the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 6630) for the relief of Carlos Manjarrez; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6631) granting an increase of pension to George W. Hodgman;

A bill (S. 6632) granting an increase of pension to William Davis;

A bill (S. 6633) granting an increase of pension to Benjamin F. Wright;

A bill (S. 6634) granting an increase of pension to John P. Murray;

A bill (S. 6635) granting an increase of pension to John A. Morris;

A bill (S. 6636) granting an increase of pension to Andrew J. Grover (with accompanying papers); and

A bill (S. 6637) granting an increase of pension to James J. Eubank (with accompanying papers).

Mr. SCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Commitee on Claims:

A bill (S. 6638) for the relief of the trustees of the Methodist Episcopal Church of Jumping Branch, W. Va.;

A bill (S. 6639) for the relief of the trustees of the Methodist Episcopal Church of Ravenswood, W. Va.;

A bill (S. 6640) for the relief of the trustees of Christ Protestant Episcopal Church, of Bunker Hill, W. Va.;

A bill (S. 6641) for the relief of the trustees of the Missionary Baptist Church, of Webster, W. Va. (with an accompanying paper);

A bill (S. 6642) for the relief of the trustees of the Fetterman (now West Main Street) Methodist Episcopal Church, of Grafton, W. Va. (with an accompanying paper);

A bill (S. 6643) for the relief of Caledonia Lodge, No. 4, Independent Order of Odd Fellows, of Shepherdstown, W. Va. (with an accompanying paper); and

A bill (S. 6644) for the relief of the trustees of the Methodist Episcopal Church of Paw Paw, W. Va. (with an accompanying paper).

Mr. SCOTT introduced a bill (S. 6645) granting an increase of pension to Timothy C. Stillwell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 6646) for the relief of the estate of William L. Bradley; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEYBURN introduced a bill (S. 6647) to establish district land courts of the United States, and an appellate land court of the United States; which was read twice by its title.

Mr. HEYBURN. I ask that the bill may lie on the table.

The VICE-PRESIDENT. At the request of the Senator from Idaho, the bill will lie on the table.

Mr. HEYBURN introduced a bill (S. 6648) to amend section 4 of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof;" which was read twice by its title.

Mr. HEYBURN. I desire that the bill may lie on the table.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HEYBURN introduced a bill (S. 6649) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6650) granting an increase of pension to John A. McGinty; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6651) to amend an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. GAMBLE introduced a bill (S. 6652) granting an increase of pension to Hiram H. Lockwood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 6653) authorizing and directing the Secretary of War to enter on the roll of the Third Regiment of Michigan Cavalry Volunteers the name of William J. Shirley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLATT introduced a bill (S. 6654) to promote and retire Maj. John W. Dillenback, retired; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6655) to increase pensions for loss of limbs during military or naval service; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 6656) granting an increase of pension to Eli M. Skinner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6657) to provide for the purchase of a site and the erection of a public building thereon at Douglas, in the State of Wyoming; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURNHAM introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6658) granting an increase of pension to Silas H. Avery;

A bill (S. 6659) granting an increase of pension to Mary A. Baker;

A bill (S. 6660) granting an increase of pension to Byron D. Brown;

A bill (S. 6661) granting an increase of pension to James M. Caswell;

A bill (S. 6662) granting an increase of pension to John N. Chase;

A bill (S. 6663) granting an increase of pension to Thomas M. Chase;

A bill (S. 6664) granting an increase of pension to Charles W. Foss;

A bill (S. 6665) granting an increase of pension to Samuel B. T. Goodrich;

A bill (S. 6666) granting an increase of pension to Robert T. Goodwin;

A bill (S. 6667) granting an increase of pension to George Harwood;

A bill (S. 6668) granting an increase of pension to John T. Hutchins;

A bill (S. 6669) granting an increase of pension to Timothy B. Lewis;

A bill (S. 6670) granting an increase of pension to Dana H. McDuffee;

A bill (S. 6671) granting an increase of pension to Horace P. Marshall;

A bill (S. 6672) granting an increase of pension to Hannah Peavey;

A bill (S. 6673) granting an increase of pension to John Sargent;

A bill (S. 6674) granting an increase of pension to Michael Scanlon;

A bill (S. 6675) granting an increase of pension to Horace H. Small;

A bill (S. 6676) granting an increase of pension to William Stevens;

A bill (S. 6677) granting an increase of pension to William L. S. Tabor;

A bill (S. 6678) granting an increase of pension to Hiram M. Tarbell; and

A bill (S. 6679) granting an increase of pension to Edson H. Webster.

Mr. NELSON introduced a bill (S. 6680) to provide for an increased annual appropriation for the colleges for the benefit of agriculture and the mechanic arts, established and maintained under the provisions of the act of Congress approved July 2, 1862, and the act of Congress approved August 30, 1890; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. HOPKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6681) granting a pension to Minnie A. Dawson (with accompanying papers);

A bill (S. 6682) granting an increase of pension to Roswell W. Gates (with accompanying papers);

A bill (S. 6683) granting an increase of pension to Albert Barney (with accompanying papers);

A bill (S. 6684) granting an increase of pension to Henry W. Mahaney;

A bill (S. 6685) granting an increase of pension to Charles M. R. Atwell (with accompanying papers);

A bill (S. 6686) granting an increase of pension to Virgil A. Phillips;

A bill (S. 6687) granting an increase of pension to Henry W. Mahaney (with accompanying papers); and

A bill (S. 6688) granting a pension to Ann Monegan.

Mr. FULTON introduced a bill (S. 6689) to provide for the erection of a monument on the site of Fort Clatsop, Oreg.; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 6690) for the relief of Thomas Coyle and Bridget Coyle, and their legal representatives; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6691) granting to the Columbia Valley Railroad Company a right of way through Fort Columbia Military Reservation at Scarborough Head, in the State of Washington, and through the United States quarantine station, in section 17, township 9 north, range 9 west of Willamette meridian, in said State of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6692) to provide for the purchase of a site and the erection of a public building thereon at Pendleton, in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6693) to provide for the purchase of a site and the erection of a public building thereon at Portland, in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6694) granting a pension to Eliza Scott Chandler;

A bill (S. 6695) granting an increase of pension to Benjamin F. Thompson;

A bill (S. 6696) granting an increase of pension to Samuel S. Bullis;

A bill (S. 6697) granting a pension to Mary Robbins;

A bill (S. 6698) granting an increase of pension to David D. Garrison;

A bill (S. 6699) granting a pension to Michael Goetz;

A bill (S. 6700) granting an increase of pension to Samuel Grant;

A bill (S. 6701) granting an increase of pension to Boyd F. Seely; and

A bill (S. 6702) granting an increase of pension to Charles E. Dubois.

Mr. WARREN introduced a bill (S. 6703) granting an increase of pension to John H. Niblock; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 6704) to amend an act entitled "An act for the relief of certain homestead settlers in the State of Alabama," approved February 24, 1905; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BENSON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6705) granting an increase of pension to Holmes Clayton;

A bill (S. 6706) granting an increase of pension to James T. Stewart;

A bill (S. 6707) granting an increase of pension to Stephen E. Lemon;

A bill (S. 6708) granting an increase of pension to Columbus B. Mason;

A bill (S. 6709) granting an increase of pension to Samuel Shawver;

A bill (S. 6710) granting an increase of pension to Thomas P. Way;

A bill (S. 6711) granting an increase of pension to Harvey B. F. Keller;

A bill (S. 6712) granting an increase of pension to Orin Ingram; and

A bill (S. 6713) granting an increase of pension to James L. Short.

Mr. BURKETT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6714) granting an increase of pension to Joseph Bolshaw (with accompanying papers);

A bill (S. 6715) granting an increase of pension to Dick Richardson (with accompanying papers);

A bill (S. 6716) granting an increase of pension to Hiram Bishop (with an accompanying paper);

A bill (S. 6717) granting an increase of pension to Manasa T. Houser (with accompanying papers);

A bill (S. 6718) granting an increase of pension to Augustus L. Holbrook (with accompanying papers); and

A bill (S. 6719) granting an increase of pension to Jane Newton.

Mr. BURKETT (for Mr. MILLARD) introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6720) granting an increase of pension to James T. McIntosh;

A bill (S. 6721) granting an increase of pension to Thomas H. Leslie; and

A bill (S. 6722) granting an increase of pension to William Arnold.

Mr. BULKELEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6723) granting an increase of pension to Agusta P. Morgan; and

A bill (S. 6724) granting a pension to Mary W. Grannis.

Mr. BULKELEY introduced a bill (S. 6725) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. OVERMAN introduced a bill (S. 6726) granting an increase of pension to Mary A. Jackson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6727) for the relief of the estate of John Fields, sr., deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE (by request) introduced a bill (S. 6728) to establish a record office; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Library.

He also introduced a bill (S. 6729) authorizing the President to appoint Webb C. Maglathlin a second assistant engineer in the Revenue-Cutter Service; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

He also introduced a bill (S. 6730) to prohibit the employment of children in the manufacture or production of articles intended for interstate commerce; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6731) granting a pension to Elizabeth Huntington Rice;

A bill (S. 6732) granting a pension to John Trefry;

A bill (S. 6733) granting a pension to Anna D. Barnes;

A bill (S. 6734) granting a pension to John C. Snell;

A bill (S. 6735) granting a pension to Charles F. Winch; and

A bill (S. 6736) granting a pension to Charles H. Tracy.

Mr. LODGE introduced a bill (S. 6737) for the relief of the heirs of Nathaniel Tarr, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 6738) granting a pension to Margaret Lewis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 6739) granting an increase of pension to Ellen A. Smethurst; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6740) granting an increase of pension to Sarah M. Watson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DUBOIS introduced a bill (S. 6741) granting an increase of pension to Simon P. Weatherman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6742) for the relief of the county court of Owen County, Ky.;

A bill (S. 6743) for the relief of the county court of Allen County, Ky.;

A bill (S. 6744) for the relief of the trustees of the Colored Baptist Church of New Castle, Ky.;

A bill (S. 6745) for the relief of the county court of Bath County, Ky.;

A bill (S. 6746) for the relief of the trustees of the Christian Church of Mount Sterling, Ky.;

A bill (S. 6747) for the relief of the vestry of Christ Protestant Episcopal Church, of Bowling Green, Ky.;

A bill (S. 6748) for the relief of the trustees of the Sulphur Well Christian Church, near Nicholasville, Ky.;

A bill (S. 6749) for the relief of the trustees of the Baptist Church of Brandenburg, Ky.; and

A bill (S. 6750) for the relief of the trustees of the St. Paul African Methodist Episcopal Church, of Paris, Ky.

Mr. McCREARY introduced a bill (S. 6751) to incorporate the International Sunday School Association of America; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KNOX introduced a bill (S. 6752) for the relief of the trustees of St. James Evangelical Lutheran Church, of Gettysburg, Pa.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6753) for the relief of St. Francis Xavier Roman Catholic Church, of Gettysburg, Pa.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. GEARIN introduced a bill (S. 6754) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6755) authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6756) granting an increase of pension to Thomas F. B. McDevitt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6757) for the relief of the Locust Dale Academy, of Madison County, Va. (with accompanying papers);

A bill (S. 6758) for the relief of the trustees of Piney Branch (or Yellow) Church, of Spottsylvania County, Va.;

A bill (S. 6759) for the relief of the trustees of the Tabernacle Methodist Church, of Spottsylvania County, Va.;

A bill (S. 6760) for the relief of the trustees of Salem Baptist Church, Spottsylvania County, Va.;

A bill (S. 6761) for the relief of the trustees of Zoan Baptist Church, Spottsylvania County, Va.;

A bill (S. 6762) for the relief of the trustees of the Liberty Baptist Church and the trustees of the Liberty Methodist Episcopal Church South, of Bealton, Va. (with an accompanying paper);

A bill (S. 6763) for the relief of the trustees of the Old School Baptist Church of Upperville, Va. (with an accompanying paper);

A bill (S. 6764) for the relief of the trustees of the Methodist Episcopal Church South, of Paris, Va. (with an accompanying paper);

A bill (S. 6765) for the relief of the trustees of Chappawamsic Primitive Baptist Church, of Stafford County, Va. (with an accompanying paper); and

A bill (S. 6766) for the relief of the trustees of the Little River Missionary Baptist Church, near Aldie, Va.

Mr. LONG introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6767) granting an increase of pension to John C. Brown; and

A bill (S. 6768) granting an increase of pension to John E. Hayes.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6769) granting an increase of pension to James T. McReynolds;

A bill (S. 6770) granting an increase of pension to William E. Julian;

A bill (S. 6771) granting an increase of pension to James W. Coker;

A bill (S. 6772) granting an increase of pension to Henry J. Lyda;

A bill (S. 6773) granting an increase of pension to Miles J. Williams;

A bill (S. 6774) granting an increase of pension to James B. Hackett; and

A bill (S. 6775) granting an increase of pension to Joseph Proffitt.

Mr. WARNER introduced a bill (S. 6776) to enlarge the jurisdiction of the Court of Claims; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6777) for the relief of the trustees of Ralls Lodge, No. 33, Ancient Free and Accepted Masons, of Madisonville, Mo.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions.

A bill (S. 6778) granting an increase of pension to William Ausmus;

A bill (S. 6779) granting an increase of pension to A. F. Broyles; and

A bill (S. 6780) granting an increase of pension to Caleb M. Emmert.

Mr. TILLMAN introduced a bill (S. 6781) for the relief of the trustees of the Beaufort Library Society, of Beaufort, S. C.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6782) for the relief of the vestry and church wardens of the Episcopal Church of the parish of Christ Church, of South Carolina; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULBERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 6783) for the purchase of a site for a Federal building for the United States post-office at New Braunfels, Tex.;

A bill (S. 6784) to provide for the purchase of a site and the erection of a public building thereon at Victoria, in the State of Texas;

A bill (S. 6785) for the purchase of a site for a Federal building for the United States post-office at Marshall, Tex.;

A bill (S. 6786) for the purchase of a site for a Federal building for the United States post-office at Sulphur Springs, Tex.;
A bill (S. 6787) for the purchase of a site for a Federal building for the United States post-office at Waxahachie, Tex.;
A bill (S. 6788) for the purchase of a site for a Federal building for the United States post-office at Cleburne, Tex.;
A bill (S. 6789) for the purchase of a site for a Federal building for the United States post-office at Brenham, Tex.; and
A bill (S. 6790) for the purchase of a site for a Federal building for the United States post-office at Navasota, Tex.

Mr. BRANDEGEE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:
A bill (S. 6791) granting an increase of pension to Adelle F. Rudd;
A bill (S. 6792) granting an increase of pension to John L. Daniels;
A bill (S. 6793) granting an increase of pension to Simon Peter Wallerson;
A bill (S. 6794) granting a pension to Mary Wilson;
A bill (S. 6795) granting an increase of pension to Frances A. Tillotson;
A bill (S. 6796) granting an increase of pension to Emily J. de Behrens;
A bill (S. 6797) granting an increase of pension to Cyrus S. Pitts;
A bill (S. 6798) granting an increase of pension to Grace A. Lines;
A bill (S. 6799) granting an increase of pension to William A. Fiske;
A bill (S. 6800) granting an increase of pension to Esther Eldredge;
A bill (S. 6801) granting an increase of pension to Millie Lepard;
A bill (S. 6802) granting an increase of pension to Emma M. Selmer;
A bill (S. 6803) granting a pension to Alice R. Prouty;
A bill (S. 6804) granting an increase of pension to James Dunse;
A bill (S. 6805) granting an increase of pension to Francis McKeag; and
A bill (S. 6806) granting an increase of pension to Robert B. Smith.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:
A bill (S. 6807) granting an increase of pension to Emanuel Van Oersdel;
A bill (S. 6808) granting an increase of pension to Martha E. Wood (with accompanying papers); and
A bill (S. 6809) granting a pension to Mary T. Cossitt (with accompanying papers).

Mr. HANSBROUGH introduced a bill (S. 6810) to amend an act entitled "An act to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895," approved June 27, 1906; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 6811) granting an increase of pension to James Carpenter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 6812) granting a pension to Regina Ebert; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:
A bill (S. 6813) granting an increase of pension to Thore Knudson;
A bill (S. 6814) granting a pension to Alice Bosworth;
A bill (S. 6815) granting an increase of pension to James F. Spencer;
A bill (S. 6816) granting an increase of pension to John A. Wood;
A bill (S. 6817) granting an increase of pension to William B. Scott; and
A bill (S. 6818) granting an increase of pension to John E. Anthony.

Mr. KITTREDGE introduced the following bills; which were read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:
A bill (S. 6819) granting an increase of pension to Nelson Bigalow;
A bill (S. 6820) granting an increase of pension to Henry M. Bullard;
A bill (S. 6821) granting an increase of pension to Jonathan M. Adams;
A bill (S. 6822) granting an increase of pension to Christopher Christopherson;
A bill (S. 6823) granting an increase of pension to John H. Holsey;
A bill (S. 6824) granting an increase of pension to Byron Canfield;
A bill (S. 6825) granting an increase of pension to Thomas M. Roberts;
A bill (S. 6826) granting an increase of pension to Jacob Turner;
A bill (S. 6827) granting an increase of pension to Theodore J. Sweeting; and
A bill (S. 6828) granting an increase of pension to Walter D. Greene.

Mr. GALLINGER introduced a bill (S. 6829) granting an increase of pension to Thomas P. Cheney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6830) granting an increase of pension to Daniel L. Seavey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 6831) for the relief of the trustees of the Ewing Institute, of Perryville, Ky.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6832) for the relief of the trustees of the Christian Church of Perryville, Ky.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FRYE introduced a joint resolution (S. R. 74) providing for an amendment to the Constitution to fix the order of succession to the Presidency in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PETTUS introduced a joint resolution (S. R. 75) providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KNOX introduced a joint resolution (S. R. 76) providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

LEGAL REPRESENTATIVES OF SAMUEL LEE, DECEASED.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 850) making appropriation to pay the legal representatives of the estate of Samuel Lee, deceased, etc.; which was ordered to lie on the table and be printed.

ELEVATOR, GRAIN BUYING, AND FORWARDING BUSINESS.

Mr. McCUMBER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate and House of Representatives 3,000 copies of the testimony taken in the investigation, pursuant to Senate resolution of June 25, 1906, directing the Interstate Commerce Commission to make a thorough investigation of the elevator and grain buying and forwarding business of this country to determine to what extent special favors have been granted to them by railroad companies; the influence which the alleged monopolizing of this branch of business has had upon the market, the injury it has worked to the grain producers, the extent to which the railroads, their officers, directors, stockholders, and employees own or control the grain-buying and grain-forwarding companies, and the manner in which these railroads, their officers, directors, stockholders, and employees secured holdings, if any, in these grain buying, storing, and forwarding companies, and to report the same to the Congress at its next session, 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.

MARY LAJORD.

Mr. NELSON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Mary Lajord, widow of Thomas Lajord, deceased, late a messenger of the United States Senate, a sum equal to six months' salary, at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

INVESTIGATION BY COMMITTEE ON PRINTING.

Mr. PLATT submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the expenses incurred in the conduct of the inquiry into the causes of delay in completing the work of the first session of the Fifty-ninth Congress, under the provisions of Senate resolution

No. 175, Fifty-ninth Congress, first session, be paid out of the contingent fund of the Senate, upon proper vouchers approved by the chairman of the Committee on Printing.

JAPANESE IN SAN FRANCISCO PUBLIC SCHOOLS.

Mr. FLINT. I submit a resolution and ask unanimous consent for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Department of Commerce and Labor be, and he is hereby, directed to furnish the Senate copies of all official letters, telegrams, reports, etc., filed in the Department of Commerce and Labor in connection with the investigation of the matter of Japanese attending the public schools in the city of San Francisco, Cal., if not incompatible with the public interests.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution just read?

Mr. SPOONER. Let it be again read.

The VICE-PRESIDENT. At the request of the Senator from Wisconsin the resolution will be again read.

The resolution was again read; and it was considered by unanimous consent, and agreed to.

RELIEF WORK AT SAN FRANCISCO.

Mr. FLINT submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the report made by General Greely to the War Department in reference to relief work in and about San Francisco subsequent to the earthquake and fire of April 18, 1905, 2,000 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the War Department.

PANAMA RAILROAD.

Mr. PETTUS. For my colleague [Mr. MORGAN] I submit a resolution. I ask that it be read and lie over, and I give notice that my colleague desires to speak to the resolution to-morrow.

The resolution was read, as follows:

Resolved, That the Committee on Interoceanic Canals is directed to inquire and report, by bill or otherwise, whether any or what action of Congress is necessary to bring the alleged corporation of the Panama Railroad within the direct control of the Isthmian Canal Commission or of the Government of the United States.

The VICE-PRESIDENT. At the request of the junior Senator from Alabama [Mr. PETTUS] the resolution offered by him on behalf of his colleague [Mr. MORGAN] will lie over and be printed.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. HALE. Mr. President, there are a great many nominations before the committees, and I move that the Senate proceed to the consideration of executive business.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Ohio?

Mr. FORAKER. If the Senator will withhold that motion for a moment, I want to call up a resolution which I offered a few days ago calling for some facts which I should be glad to have brought to the notice of the Senate.

Mr. HALE. I will waive the motion for the present.

Mr. FORAKER. The resolution to which I refer went over under the rule. I ask that it be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution as requested by the Senator from Ohio. It will be read by the Secretary.

The Secretary read the resolution submitted by Mr. PENROSE on the 3d instant, as follows:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interests, full information bearing upon the recent order dismissing from the military service of the United States three companies of the Twenty-fifth Regiment of Infantry, United States troops (colored).

The VICE-PRESIDENT. To this resolution the Senator from Ohio [Mr. FORAKER] has proposed an amendment in the nature of a substitute, which will be read by the Secretary.

The Secretary read the proposed substitute of Mr. FORAKER, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate copies of all official letters, telegrams, reports, orders, and so forth, filed in the War Department in connection with the recent discharge of the enlisted men of Companies B, C, and D, Twenty-fifth United States Infantry, together with a complete list of the men discharged, showing the record of each, the amount of retained pay (under section 1281 and following sections of the Compiled Statutes, vol. 1, p. 912, edition of 1901), if any, to the credit of each man at the time of his discharge; the ruling of the War Department, if any has been made in this or any other similar case, as to the effect upon his right to such retained pay, and also the ruling of the War Department, if any has been made in this or any similar case, as to the effect of such discharge upon the right of an enlisted man to retire on three-fourths pay, with an allowance for subsistence and clothing (under section 1260 and following sections of the Compiled Statutes, vol. 1, p. 890, edition of 1901), and his right to enter a National Soldiers' Home (under section 4821 and following sections of the Compiled Statutes, vol. 3, p. 3332, edition of 1901); his right to be buried in a national cemetery (under section 4878 and following sections of the Compiled Statutes, vol. 3, p. 3378, edition of 1901), and his right to receive transportation and subsistence from place of discharge to his home (as provided for in section 1290 and following sections of the Compiled Statutes, vol. 1, p. 916, edition of 1901); also a complete official record of the Twenty-fifth Regiment, United States Infantry, from the time of its muster in to the date of the discharge of Companies B, C, and D.

Mr. FORAKER. Mr. President, I desire to amend the resolution as I offered it by inserting in line 6, on page 1, after the word "infantry," the words "including the form of discharge."

I now observe that the Senator from Pennsylvania [Mr. PENROSE], who offered resolution No. 180, is not in the Chamber. I do not like to take up the matter for consideration in his absence so far as his own resolution is concerned, but if there be no objection, I will modify my resolution so as to offer it as an independent resolution by itself. I ask consideration for it, if there be no objection to that modification.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent that his proposed amendment to the resolution of the Senator from Pennsylvania may be offered as an independent resolution, and that it may be considered. Is there objection?

Mr. WARREN. Mr. President, I desire to ask the Senator from Ohio a question. As the Senator has remarked, the Senator from Pennsylvania [Mr. PENROSE] is absent. I should like to offer a substitute which will substantially cover the matter contained in both the others. It in fact embodies both of them in one resolution, and takes in the resolution of the Senator from Ohio exactly as it now reads, excepting that it calls on the President for all the information instead of having two resolutions, one directed to the President and the other to the Secretary of War.

Mr. FORAKER. Mr. President, to that I am opposed. I do not care to call upon the President about the matter. I do not feel disposed to bother him any further. All I want is certain specific information, which is on file in the War Department, in the custody of the Secretary of War, and I specify what it is we want. We want all of it, and we want it without regard to whether somebody might think it was incompatible with the public interest or not.

I have no objection to the resolution which has been offered by the Senator from Pennsylvania being adopted. It calls upon the President for any information he may see fit to give or for any communication he may desire to make to the Senate. The resolution I have offered is entirely impersonal in every sense of the word. It calls for nothing except facts—facts that are essential to the proper consideration of the questions that may arise in connection with this matter, questions which I think all Senators here realize are likely to be to a greater or less degree discussed in the Chamber at an early date.

There is no reason why there should be any calling upon the President for the information that I have asked for. If the Senator from Wyoming [Mr. WARREN] wants to offer his resolution as a substitute for the resolution of the Senator from Pennsylvania [Mr. PENROSE], I do not object to that, but I do not want to have my own resolution disposed of in that manner.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. LODGE. I beg pardon. I thought the Senator was through.

Mr. FORAKER. I yield.

Mr. LODGE. I do not desire to interrupt the Senator.

Mr. FORAKER. Not at all.

Mr. LODGE. The Senator from Pennsylvania is, I know, very anxious for the consideration of his resolution, which was the first one offered; and I do not think it would be quite fair to him in his absence to set that resolution aside without action. My own opinion is that that resolution is the most desirable one to pass. It is one calling upon the President for information.

I am also in favor of the resolution offered by the Senator from Ohio. The only suggestion I desired to make was that, in the absence of the Senator from Pennsylvania, I think it would be a little more considerate to him not to put his resolution aside and adopt another on the same subject.

Mr. FORAKER. Mr. President, I do not desire to put that resolution aside. I have no objection to any Senator here asking for the consideration of that resolution, but I do not myself feel at liberty to make such a request. I do feel at liberty, however, to present and urge my own resolution, and if the Senator from Pennsylvania shall desire to press his resolution, there is no conflict between what he calls for and what I call for. I do not know exactly what his purpose may have been or what his idea generally about the subject may be; but I do know that I have not asked for any information except that which is absolutely essential, which we ought to be furnished with, and which, no doubt the War Department will be able to furnish us without

any trouble or without any particular delay. Therefore I ask again, there being, as I understand, no objection to the modification of my resolution which I have suggested, that it may now be considered on its merits.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio?

Mr. LODGE. Mr. President, if we are to consider these resolutions, and they are not to be allowed to go over in the absence of the Senator from Pennsylvania, I hope they will be considered in the order in which they were offered and that we may have an opportunity of voting first on the resolution of the Senator from Pennsylvania.

The VICE-PRESIDENT. The Chair will again put the request of the Senator from Ohio. The Senator from Ohio asks unanimous consent that his proposed amendment may be offered as an original resolution and be now considered. Is there objection to the request?

Mr. KNOX. Mr. President, inasmuch as the parliamentary status of the resolution has been changed, in the absence of my colleague I ask that it may go over.

Mr. FORAKER. Mr. President, I do not understand that it must go over. I did not offer any original resolution. I asked consent to modify my resolution, and that consent, I understood, was granted. I modified the resolution I offered by offering it as an original one instead of as a substitute. I do not want to interfere with the resolution offered by the Senator from Pennsylvania, but I do want the consideration of my own resolution.

Mr. WARREN. Mr. President, will the Senator from Ohio allow me?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. FORAKER. Certainly.

Mr. WARREN. I was going to suggest to the Senator, inasmuch as the Committee on Military Affairs will have a meeting this afternoon or to-morrow, that both the resolutions be referred to that committee.

Mr. FORAKER. Mr. President, it is not usual to refer to a committee a resolution that simply calls for data and documents that are in the custody of a Department of the Government, and I do not see what could be gained by considering in committee whether we would ask for the names of these men, the form of their discharge, the causes of it, and the other data that I have called for. So I hope the resolution may be now considered.

Mr. LODGE. Mr. President, changing the resolution from an amendment to the original resolution offered by the Senator from Pennsylvania [Mr. PENROSE] to an original resolution and offering it as an original resolution is offering it in a new form, and therefore an objection that carries it over one day, it seems to me, clearly lies.

The VICE-PRESIDENT. The Chair is of the opinion——

Mr. FORAKER. Mr. President, the Chair will remember that I asked unanimous consent to modify my resolution in that respect, so that I might offer it independently and not as a substitute. I did that out of deference to the Senator from Pennsylvania, with whose resolution I did not want to interfere in the slightest, he not being here. I did not want to further delay. I understand that it is within the rules of the Senate for a Senator to modify a resolution offered by himself whether there be objection or not; that that is the right of a Senator offering a resolution; but I was careful to ask consent, which I understood was granted.

The VICE-PRESIDENT. The Chair is of the opinion that the offering of a pending amendment to a resolution as an independent resolution changes its parliamentary status, and that it would, under objection, have to lie over one day.

Mr. FORAKER. But it would not if——

The VICE-PRESIDENT. Not if unanimous consent is given for its consideration. The Chair asked if there was objection; objection has been made. The Chair will again put the request. Is there objection?

Mr. FORAKER. The Chair will allow me, before putting the request, to remind him that the statement I made was that I would make that modification if there was no objection; but if there should be objection, then I would leave it as it is.

The VICE-PRESIDENT. The Chair understands that to have been the effect of the statement of the Senator from Ohio. Is there objection to the request of the Senator from Ohio?

Mr. KNOX. Mr. President, I rise for the purpose of making an objection.

The VICE-PRESIDENT. The Senator from Pennsylvania objects.

Mr. WARREN. If I am in order, Mr. President——

Mr. FORAKER. Will the Senator allow me?

Mr. WARREN. Certainly.

Mr. FORAKER. I understood consent was given, and then I offered the amendment which had been accepted, as I understood.

The VICE-PRESIDENT. The Chair put the request of the Senator from Ohio, and understood that objection was made.

Mr. FORAKER. Very well. What I inquired about is not, however, on that point. My inquiry was as to whether my amendment to this resolution has been adopted or not. If not, I will ask unanimous consent that I may modify the resolution in the respect I have suggested.

The VICE-PRESIDENT. The Senator from Ohio has the right to modify his amendment as he sees fit. The Secretary will state the modification proposed by the Senator from Ohio.

The SECRETARY. On page 1, line 6, after the words "United States Infantry," insert "including the form of discharge."

The VICE-PRESIDENT. The modification is made.

Mr. FORAKER. Now, I move that resolution No. 181 offered by me as a substitute for resolution No. 180—I do not offer this now originally in view of the objection, but I offer it as a substitute, as originally offered—and move that the Senate proceed to the consideration of Senate resolution No. 181 as a substitute for Senate resolution No. 180.

Mr. CULBERSON. Mr. President——

Mr. FORAKER. Mr. President, Senators sitting around me rightfully suggest that this is the proper business before the Senate, and that it is not necessary to make a motion to proceed to its consideration. So I insist upon the consideration of my amendment as a substitute for resolution No. 180.

The VICE-PRESIDENT. That is within the Senator's right.

Mr. CULBERSON. I wish to offer an amendment to the amendment.

Mr. WARREN. Well, Mr. President, I have offered a substitute to take the place of the two resolutions which have been offered.

The VICE-PRESIDENT. The Senator said that he would like to offer a substitute, but, as the Chair understands, he did not offer it. The Senator from Texas [Mr. CULBERSON] thereafter rose and was recognized.

Mr. WARREN. I sent my substitute to the desk, and it was returned to me. That was as far as I was able to get with it.

The VICE-PRESIDENT. The Chair was not aware of that fact. The Senator from Texas [Mr. CULBERSON] offers an amendment to the amendment proposed by the Senator from Ohio [Mr. FORAKER], which will be read.

Mr. CULBERSON. Mr. President, it is proposed to add to the amendment of the Senator from Ohio the language contained in the amendment which I send to the desk.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Texas.

The SECRETARY. At the end of the proposed amendment of Mr. FORAKER it is proposed to add the following:

> The Secretary of War is also directed to send to the Senate a copy of the order issued to Maj. C. W. Penrose, Twenty-fifth United States Infantry, directing him not to deliver to the civil authorities of Texas certain men of his command charged with assault to murder and murder, at Brownsville, Tex., August 13, 1906, and referred to by Major Penrose in his letter of August 24, 1906, to Capt. W. J. McDonald, of the Texas rangers.

Mr. FORAKER. Mr. President, if I have the power to do so, I will accept the amendment.

Mr. SPOONER. Mr. President, I shall vote for the resolution and the substitute offered by the Senator from Ohio, but I hope the Senator from Ohio will allow this matter to go over until to-morrow. The Senator from Pennsylvania [Mr. PENROSE], who first brought this subject to the attention of the Senate, is absent, and I have never known a resolution to be taken up in the absence of the Senator who introduced it, especially where it was made apparent to the Senate by a statement from his colleague that that course would be objectionable to him.

Mr. FORAKER. Mr. President, if the Senator will allow me to interrupt him, I am very much obliged to him for making the suggestion he has made. I was pressing the matter under the impression I had received from statements made by Senators who were speaking to me about it, not from the floor, but from their chairs, that it was all right, so far as the Senator who was absent is concerned, to press the matter at this time. If, however, there is any objection—and I did not know that the objection of the junior Senator from Pennsylvania [Mr. KNOX] to the consideration of this matter was the absence of his colleague——

Mr. SPOONER. It was practically that.

Mr. FORAKER. I would have so understood it doubtless if I had not been misled by other Senators. Of course, under the circumstances, I shall not ask that the subject be considered in the absence of the Senator from Pennsylvania.

The VICE-PRESIDENT. The resolution will lie over.

Mr. GALLINGER. Retaining its place.

The VICE-PRESIDENT. The Chair understands the Senator from Ohio to accept the amendment proposed to his amendment by the Senator from Texas [Mr. CULBERSON].

Mr. FORAKER. Yes; I have no objection to that amendment; but before this matter goes over I should like to have some understanding as to when the Senator from Pennsylvania [Mr. PENROSE] is to be here. I was told when I acquiesced in the suggestion of the Senator from Wisconsin [Mr. SPOONER] that the Senator from Pennsylvania would be here to-morrow, but I am now told that his absence will be indefinite. I do not want to indefinitely postpone the matter. Is there any Senator who can inform us when the Senator from Pennsylvania will return?

Mr. WARREN. Mr. President, the Senator from Pennsylvania informed me before he left yesterday that he would return some time to-day. I think the request made by the Senator from Wisconsin [Mr. SPOONER] is a very natural one.

Mr. FORAKER. I think so, too.

Mr. WARREN. I do not think that the Senator from Pennsylvania would like to have this resolution passed without the other; and so they should both go over.

Mr. FORAKER. I have no objection to that, with the understanding that the Senator from Pennsylvania is expected to return at a reasonably early date—to-morrow or next day, or in the course of the week.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wyoming [Mr. WARREN] will be stated.

Mr. WARREN. That is in the nature of a substitute which will cover all the other matter pertaining to the same subject. I desire to say to the Senator from Ohio, if I can have his attention, that it includes the subject-matter of all the resolutions.

The VICE-PRESIDENT. Does the Senator from Wyoming desire that his proposed substitute be read?

Mr. WARREN. Yes; let it be read and printed.

The VICE-PRESIDENT. The amendment in the nature of a substitute offered by the Senator from Wyoming will be read.

Mr. FORAKER. If it be necessary, I want to make a request that the resolution retain its place on the table.

Mr. HALE. That is not needed, if the Senator will allow me. On yesterday, at his request, the whole subject was left upon the table, to be called up for consideration at any time, instead of going to the Calendar. There is no need of any further request.

Mr. FORAKER. I did not think so——

Mr. HALE. It has every privilege now.

Mr. FORAKER. But some brother Senators suggested to me to make the request.

The VICE-PRESIDENT. The Senator from Wyoming [Mr. WARREN] proposes a substitute, which will be read by the Secretary.

The Secretary read the proposed substitute, as follows:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interests, full information bearing upon the recent order dismissing from the military service of the United States three companies of the Twenty-fifth Regiment of Infantry, United States troops (colored), together with copies of all official letters, telegrams, reports, orders, etc., filed in the War Department in connection with the recent discharge of the enlisted men of Companies B, C, and D, Twenty-fifth United States Infantry, including the form of discharge, together with a complete list of the men discharged, showing the record of each, the amount of retained pay (under section 1281 and following sections of the Compiled Statutes, vol. 1, p. 912, edition of 1901), if any, to the credit of each man at the time of his discharge; the ruling of the War Department, if any has been made in this or any other similar case, as to the effect upon his right to such retained pay, and also the ruling of the War Department, if any has been made in this or any similar case, as to the effect of such discharge upon the right of an enlisted man to retire on three-fourths pay, with an allowance for subsistence and clothing (under section 1260 and following sections of the Compiled Statutes, vol. 1, p. 890, edition of 1901), and his right to enter a National Soldiers' Home (under section 4821 and following sections of the Compiled Statutes, vol. 3, p. 3332, edition of 1901), his right to be buried in a national cemetery (under section 4878 and following sections of the Compiled Statutes, vol. 3, p. 3378, edition of 1901), and his right to receive transportation and subsistence from place of discharge to his home, as provided for in section 1290 and following sections of the Compiled Statutes, volume 1, page 916, edition of 1901; also a complete official record of the Twenty-fifth Regiment United States Infantry from the time of its muster in to the date of the discharge of Companies B, C, and D.

The VICE-PRESIDENT. The proposed substitute will be printed and lie upon the table.

TREATMENT OF CRIMINALS BY PROBATION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the District of Columbia, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a communication from Judge William H. De Lacey setting forth some reasons why the more modern treatment of criminals by probation, so successfully tried in several of the States, should be adopted into the Federal procedure, together with a supplemental paper on the subject of child labor, to which I invite your especial attention.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

ANNUAL REPORT OF THE CIVIL SERVICE COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Civil Service and Retrenchment, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress the Twenty-third Annual Report of the United States Civil Service Commission.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

CONTROL OF YELLOW FEVER.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Public Health and National Quarantine, and ordered to be printed:

To the Senate and House of Representatives:

The inclosed papers are transmitted to the Congress in the earnest hope that it will take suitable action in the matter. Major Reed's part in the experiments which resulted in teaching us how to cope with yellow fever was such as to render mankind his debtor; and this nation should in some proper fashion bear witness to this fact.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

CHURCH CLAIMS IN THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Philippines, and ordered to be printed:

To the Senate and House of Representatives:

I herewith submit to the Congress the report of the Secretary of War and of the Judge-Advocate-General in reference to the claims presented by the representatives of the Roman Catholic Church for amounts due from the United States to the various Roman Catholic churches in the islands for use and occupation by troops of the United States, and for damages during such occupation. I cordially indorse all that is said in these reports, and earnestly hope that the amount recommended by the board will be immediately appropriated, in order to do what is really an act of substantial justice to the Roman Catholic churches of the Philippines, in accordance with the suggestion of the Secretary of War. It is not only a matter of equity that we should pay this sum, but for the reasons set forth by the Secretary of War it is very greatly to the interest of the people of the Philippine Islands that it should be paid. I have accordingly approved the action of the Secretary of War in directing that the same board be reconvened, or another convened, to report on the advisability of paying additional sums to the Roman Catholic churches in the islands, in view of the damages inflicted upon them by reason of the war and by the insurrectos. I feel that this is peculiarly a case where, in the interest of the Philippine people themselves, it would be wise for the Congress to exercise a large liberality.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

DISMISSALS FROM THE NAVY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I feel it my duty to call your attention to the facts that, under the provisions of articles 36 and 37 of the Articles for the Government of the Navy, the President has no longer the authority to dismiss an officer of the Navy in time of peace, unless in pursuance of a sentence of a general court-martial, and even in time of war his right of dismissal is practically subject to review by a court-martial, to be assembled within six months, if the accused officer demands this court. The articles in question are in the terms following:

"ART. 36. No officer shall be dismissed from the naval service except by the order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a general court-martial or in mitigation thereof.

"ART. 37. When any officer dismissed by order of the President since March 3, 1865, makes, in writing, an application for trial, setting forth, under oath, that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial to try such officer on the charges on which he shall have been dismissed. And if such court-martial shall not be convened within six months from the presentation of such application for trial, or if such court, being convened, shall not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void."

This condition of the law was called to my attention by a recent painful and humiliating incident. On May 9, 1905, an officer of the Navy was accused of behavior so indecent and disgusting as to show clearly his unfitness (if guilty, as charged) to hold a commission or associate with officers and gentlemen. The nature of the alleged misconduct and the lack of compulsory power in naval courts to enforce the attendance of civilian witnesses, as well as the locality where the offense was said to have been committed, caused a long and very unfortunate, although quite unavoidable, delay in his trial by court-martial, which did not occur until January 18, 1906. He was then convicted, but the court, while imposing a severe penalty, to my surprise as well as that of the Navy Department, did not sentence the offender to

dismissal from the service. The failure of the court to rid the Navy of one so clearly unfit to form a part of it was commented upon in appropriate terms by the Department, but it was then and has been since a source of profound regret to me that the law, as above set forth, made it impractical for me to afford a remedy for this failure. Moreover, it is to be remembered that, owing to the inability of naval courts, as above explained, to compel the attendance of civilian witnesses, and the further fact that they have no authority to receive as evidence the depositions of absent witnesses, while the exigencies of the service may often cause officers and men cognizant of the facts to be employed in distant places at the time of the trial, there is great danger lest offenses of the nature charged against this man should go altogether unpunished. In this case it was found very difficult to overcome the natural reluctance of some of the witnesses to attend and testify.

I am convinced that the President should have the authority, upon his own initiative and responsibility, to dismiss any officer whom he thinks unworthy to remain in the service. I think there is no danger that this power would be abused, and if such danger exists at all it is so slight as to be altogether outweighed by the considerations of public policy which require this authority to be vested in the constitutional Commander in Chief of the Navy. I therefore strongly recommend that article 36, as hereinbefore given, be amended by omitting all of it after the words "general court-martial" where these words first occur therein, and that article 37 be repealed.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

LEGISLATION FOR ALASKA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Territories, and ordered to be printed.

To the Senate and House of Representatives:

I transmit the accompanying papers relative to the present needs of the Territory of Alaska in matters of legislation and government, and heartily commend the views of Governor Hoggatt to the favorable consideration of the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

EXECUTIVE SESSION.

Mr. HALE. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened, and (at 1 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 6, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 5, 1906.

POSTMASTERS.

ALASKA.

A. Zilpah Hopkins to be postmaster at Ketchikan, Alaska, in place of Edward J. Williams, removed.

ARKANSAS.

John L. Smith to be postmaster at Van Buren, in the county of Crawford and State of Arkansas, in place of Jonathan Neal, deceased.

CALIFORNIA.

Frank E. Cushing to be postmaster at Red Bluff, in the county of Tehama and State of California, in place of Frank E. Cushing. Incumbent's commission expired June 7, 1906.

Benjamin F. Newby to be postmaster at Dixon, in the county of Solano and State of California, in place of Eli J. McBride, resigned.

John F. Rudolph to be postmaster at Lompoc, in the county of Santa Barbara and State of California, in place of T. E. Dimock, deceased.

COLORADO.

John A. Bunker to be postmaster at Paonia, in the county of Delta and State of Colorado, in place of Rolland Oliver, resigned.

Emma C. Burke to be postmaster at Sterling, in the county of Logan and State of Colorado, in place of Henry T. Sutherland, resigned.

CONNECTICUT.

Frank M. Buckland to be postmaster at West Hartford, in the county of Hartford and State of Connecticut, in place of Merton S. Buckland, deceased.

FLORIDA.

Louis C. Lynch to be postmaster at Gainesville, in the county of Alachua and State of Florida, in place of George J. Arnow, deceased.

GEORGIA.

Charles W. Parker to be postmaster at Elberton, in the county of Elbert and State of Georgia, in place of Thomas A. Jones, resigned.

IDAHO.

John H. Bruce to be postmaster at Weiser, in the county of Washington and State of Idaho, in place of John H. Bruce. Incumbent's commission expired March 15, 1906.

ILLINOIS.

Edward I. Boies to be postmaster at Sycamore, in the county of Dekalb and State of Illinois, in place of James E. Ellwood. Incumbent's commission expires December 10, 1906.

William P. Dickie to be postmaster at Bunker Hill, in the county of Macoupin and State of Illinois, in place of William P. Dickie. Incumbent's commission expired February 5, 1906.

Luranah Haworth to be postmaster at Georgetown, in the county of Vermilion and State of Illinois, in place of Darius B. Reid, deceased.

Peter E. Low to be postmaster at Eureka, in the county of Woodford and State of Illinois, in place of Mark L. Harper, resigned.

Milton M. Rodenberger to be postmaster at Windsor, in the county of Shelby and State of Illinois, in place of Harley R. Moberley, resigned.

William H. Whitehouse to be postmaster at Mount Olive, in the county of Macoupin and State of Illinois, in place of William H. Whitehouse. Incumbent's commission expired May 27, 1906.

INDIANA.

Will H. Conway to be postmaster at Aurora, in the county of Dearborn and State of Indiana, in place of William A. Denerline, resigned.

Roy E. Turner to be postmaster at Dana, in the county of Vermilion and State of Indiana, in place of Jesse E. Haddon, resigned.

INDIAN TERRITORY.

Lura M. Allen to be postmaster at Okemah, District 9, Indian Territory, in place of Absalum B. Allen, deceased.

Joseph H. Butler to be postmaster at Vinita, in District 2, Indian Territory, in place of Joseph H. Butler. Incumbent's commission expires December 15, 1906.

IOWA.

John W. Burns to be postmaster at Keosauqua, in the county of Van Buren and State of Iowa, in place of Abraham Wilkin, deceased.

Walter F. Hall to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa, in place of Nettie J. Dill, resigned.

C. E. Haverly to be postmaster at Ames, in the county of Story and State of Iowa, in place of Lon G. Hardin. Incumbent's commission expired June 10, 1906.

Robert B. Oldham to be postmaster at Greenfield, in the county of Adair and State of Iowa, in place of Henry P. Gow, resigned.

Malcolm Peterson to be postmaster at Pomeroy, in the county of Calhoun and State of Iowa, in place of Niles L. Brownell, resigned.

Minnie A. Phoenix to be postmaster at Ruthven, in the county of Palo Alto and State of Iowa, in place of Norman D. Anthony, deceased.

KANSAS.

George W. Benedick to be postmaster at Plainville, in the county of Rooks and State of Kansas, in place of Alonzo M. King, resigned.

John A. Davidson to be postmaster at White City, in the county of Morris and State of Kansas, in place of Eva B. Milligan, resigned.

George W. Doty to be postmaster at Burlingame, in the county of Osage and State of Kansas, in place of George W. Doty. Incumbent's commission expired March 14, 1906.

Cyrus McN. Scott to be postmaster at Arkansas City, in the county of Cowley and State of Kansas, in place of Cyrus McN. Scott. Incumbent's commission expired June 9, 1906.

LOUISIANA.

Benjamin Deblieux to be postmaster at Plaquemine, in the parish of Iberville and State of Louisiana, in place of Alexander Salomon, removed.

Louisa F. Gause to be postmaster at Slidell, in the parish of St. Tammany and State of Louisiana. Office became Presidential July 1, 1906.

Lena E. Henderson to be postmaster at St. Joseph, in the parish of Tensas and State of Louisiana, in place of Laura Bondurant, resigned.

MAINE.

Edward Brown to be postmaster at Thomaston, in the county of Knox and State of Maine, in place of Edward Brown. Incumbent's commission expired May 16, 1906.

Samuel F. Davis to be postmaster at South Paris, in the county of Oxford and State of Maine, in place of Samuel F. Davis. Incumbent's commission expired March 14, 1906.

MASSACHUSETTS.

Elbridge Nash to be postmaster at South Weymouth, in the county of Norfolk and State of Massachusetts, in place of Elbridge Nash. Incumbent's commission expired June 30, 1906.

MICHIGAN.

Robert H. Barnum to be postmaster at Iron River, in the county of Iron and State of Michigan, in place of Thomas H. Barnum, deceased.

MINNESOTA.

Manley S. Elliott to be postmaster at Paynesville, in the county of Stearns and State of Minnesota, in place of Adolphus L. Elliott, resigned.

Clinton D. Grinols to be postmaster at St. Cloud, in the county of Stearns and State of Minnesota, in place of James A. Martin, resigned.

Fred Herring to be postmaster at Hawley, in the county of Clay and State of Minnesota, in place of Susan C. Fulton, resigned.

Mary H. James to be postmaster at Virginia, in the county of St. Louis and State of Minnesota, in place of John R. James, deceased.

MISSOURI.

George N. Gromer to be postmaster at Pattonsburg, in the county of Daviess and State of Missouri, in place of Henry L. Eads, resigned.

MONTANA.

Edward H. Cooney to be postmaster at Great Falls, in the county of Cascade and State of Montana, in place of Herbert O. Chowen, resigned.

NEBRASKA.

Frank McCartney to be postmaster at Nebraska City, in the county of Otoe and State of Nebraska, in place of Frank McCartney. Incumbent's commission expired June 12, 1906.

William A. Price to be postmaster at Laurel, in the county of Cedar and State of Nebraska, in place of John M. Mills, resigned.

NEW JERSEY.

John E. Morton to be postmaster at Palmyra, in the county of Burlington and State of New Jersey, in place of George N. Wimer, resigned.

NORTH CAROLINA.

Willis G. Briggs to be postmaster at Raleigh, in the county of Wake and State of North Carolina, in place of Christopher T. Bailey, removed.

Moses L. Buchanan to be postmaster at Concord, in the county of Cabarrus and State of North Carolina, in place of George L. Patterson, removed.

Robert D. Douglas to be postmaster at Greensboro, in the county of Guilford and State of North Carolina, in place of Tyre Glenn. Incumbent's commission expired February 18, 1906.

Vann J. McArthur to be postmaster at Clinton, in the county of Sampson and State of North Carolina, in place of Daniel P. Dameron, resigned.

Charles E. Orr to be postmaster at Brevard, in the county of Transylvania and State of North Carolina, in place of George W. Young. Incumbent's commission expired June 27, 1906 (deceased).

NORTH DAKOTA.

Chris Fuoter to be postmaster at Ray, in the county of Williams and State of North Dakota. Office became Presidential July 1, 1906.

OHIO.

William H. Hallam to be postmaster at National Military Home, in the county of Montgomery and State of Ohio, in place of Joseph C. Bender, deceased.

Edward A. Mullen to be postmaster at Marysville, in the county of Union and State of Ohio, in place of Conrey M. Ingman, deceased.

Morgan Heath to be postmaster at Wadsworth, in the county of Medina and State of Ohio, in place of William J. Swisher, resigned.

Charles J. Thompson to be postmaster at Defiance, in the county of Defiance and State of Ohio, in place of Charles J. Thompson. Incumbent's commission expired June 30, 1906.

George W. Whitmer to be postmaster at Pleasant Hill, in the county of Miami and State of Ohio, in place of William T. Marshall, resigned.

PENNSYLVANIA.

Lucian T. Claybaugh to be postmaster at Donora, in the county of Washington and State of Pennsylvania, in place of Lucian T. Claybaugh. Incumbent's commission expired June 28, 1906.

James Lloyd Galbraith to be postmaster at Canonsburg, in the county of Washington and State of Pennsylvania, in place of William K. Galbraith, deceased.

James Koller to be postmaster at Myerstown, in the county of Lebanon and State of Pennsylvania, in place of William J. Noll, resigned.

SOUTH CAROLINA.

John R. Cochran, jr., to be postmaster at Anderson, in the county of Anderson and State of South Carolina, in place of John R. Cochran, jr. Incumbent's commission expires January 14, 1907.

Jefferson F. Richardson to be postmaster at Greenville, in the county of Greenville and State of South Carolina, in place of Jefferson F. Richardson. Incumbent's commission expires January 15, 1907.

George D. Shore to be postmaster at Sumter, in the county of Sumter and State of South Carolina, in place of George D. Shore. Incumbent's commission expires January 7, 1907.

TENNESSEE.

Frank W. Galbraith to be postmaster at Jefferson City, in the county of Jefferson and State of Tennessee, in place of Joseph N. Ellis, resigned.

N. J. Tallent to be postmaster at Dayton, in the county of Rhea and State of Tennessee, in place of John Morgan. Incumbent's commission expired June 24, 1906.

TEXAS.

William P. Fleming to be postmaster at Georgetown, in the county of Williamson and State of Texas, in place of William P. Fleming. Incumbent's commission expired March 25, 1906.

David A. Robinson to be postmaster at Dallas, in the county of Dallas and State of Texas, in place of William A. O'Leary, deceased.

WASHINGTON.

Charles P. Kimball to be postmaster at Bremerton, in the county of Kitsap and State of Washington, in place of Charles P. Kimball. Incumbent's commission expired July 1, 1906.

COLLECTOR OF CUSTOMS.

Philip S. Malcolm, of Oregon, to be collector of customs for the district of Willamette, in the State of Oregon, to succeed Isaac L. Patterson, whose term of office has expired.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. William Vans Edmondson Jacobs to be a captain in the Revenue-Cutter Service of the United States, to rank as such from November 4, 1906, to succeed William Henry Roberts, retired.

First Lieut. James Mahool Moore to be a captain in the Revenue-Cutter Service of the United States, to rank as such from October 1, 1906, to succeed Charles Hugh McLellan, retired.

UNITED STATES ATTORNEY.

Lyman M. Bass, of New York, to be United States attorney for the western district of New York, in the place of Charles H. Brown, who will resign.

MEMBER OF THE PHILIPPINE COMMISSION.

I nominate the person herein named for appointment as a member of the Philippine Commission and to be secretary of public instruction in the Philippine Islands, provided for in the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes:"

W. Morgan Shuster, of the District of Columbia, to which office he was appointed during the recess of the Senate, vice James F. Smith, appointed governor-general of the Philippine Islands.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 5, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PAUL D. PORTER.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That during the balance of the Fifty-ninth Congress and until the organization of the Sixtieth Congress, Paul D. Porter be authorized to act as special employee of the House of Representatives, and receive compensation at the rate of $1,500 per annum. Said officer

shall at all times be under the direction and control of the Speaker of the House, and shall be subject to removal by him for cause at all times.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas a question. This is to fill a place that has become vacant during the recess?

Mr. HENRY of Texas. It is to fill a vacancy caused by the death of Isaac R. Hill.

Mr. PAYNE. Is the compensation the same as that paid to Colonel Hill?

Mr. HENRY of Texas. The compensation is identically the same.

Mr. PAYNE. There is no objection.

The SPEAKER. The Chair hears no objection.

The resolution was agreed to.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the first committee on the Calendar.

The Clerk called the Committee on Naval Affairs.

VOLUNTEER NAVAL OFFICERS IN THE CIVIL WAR.

Mr. FOSS. Mr. Speaker, I call up the bill (H. R. 3814) for the relief of acting (volunteer) officers of the United States Navy in the civil war.

The SPEAKER. The gentleman from Illinois calls up the bill which the Clerk will report.

The Clerk read as follows:

Whereas the acting (volunteer) officers of the United States Navy who served during the civil war have never received proper recognition from the people of the United States for the valuable services then rendered, and it is fitting that the same should be made by Congress; and

Whereas the said acting (volunteer) officers never received any commission from the President, but only received an acting order, written on very common paper and signed by the Secretary of the Navy, while all Volunteer Army officers serving during said war received a regular commission, signed either by the President of the United States or by the governor of the State from which they volunteered, and thereby have some tangible evidences of their services to hand down to their decendants: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all acting (volunteer) officers who served in the United States Navy during the civil war for one year or more, and were honorably discharged as such, shall, upon written application made by them to the Secretary of the Navy, receive a commission signed by the President of the United States, specifying why the commission is granted: *Provided*, That said commission shall not entitle the grantee to any back, present, or future pay.

SEC. 2. That as a further recognition of the services rendered by the acting (volunteer) officers the said commission shall be made out two grades higher than the grade held by them at the time of discharge from the United States Navy for all acting (volunteer) Navy officers who served three years or more and who were in command of a United States vessel at least one year, and one grade higher than grade at time of discharge for all other acting (volunteer) officers who served at least one year.

SEC. 3. That the Secretary of the Navy is hereby authorized and directed to take the necessary action for the prompt and proper carrying into effect this law, and shall keep on file in the Navy Department a list of applicants and of commissions granted.

SEC. 4. That the necessary expense of said commissions shall be paid out of the general appropriation for the United States Navy.

SEC. 5. That this act shall take effect immediately.

Mr. PAYNE. Mr. Speaker, I make the point of order that this bill makes a charge upon the Treasury and is not properly on the House Calendar, but ought to go on the Union Calendar, and can not be considered at this time.

Mr. FOSS. Mr. Speaker, this bill does not contemplate any appropriation out of the Federal Treasury. It provides for giving the acting naval volunteer officers of the civil war a commission from the President, the same as the Army volunteer officers received. The acting officers in the volunteer service of the Navy during the civil war were appointed by order of the Secretary and were not commissioned by the President. If the Chair will notice, it is provided in the first section of this bill, "That said commission shall not entitle the grantee to any back, present, or future pay." It is simply a recognition given to the acting volunteer officers of the Navy in the way of a commission to them, the same as was received by the Army volunteer officers.

Mr. PAYNE. I want to say to the gentleman that section 4 expressly provides that the necessary expense of that commission shall be paid out of the general appropriation for the United States Navy, which shows that there is a provision in the bill.

Mr. FOSS. I thought that the gentleman alluded to the question of pay. Now, so far as the granting of these commissions is concerned, of course it will cost a very little, just the cost of the parchment. That is all.

Mr. TAWNEY. How many officers are there?

Mr. FOSS. There are very few of them left now, as it has been so many years since the civil war.

Mr. TAWNEY. Can the gentleman approximately state the number?

Mr. FOSS. No; I can not approximately state it, but all the cost of this is simply the cost of the parchment.

Mr. TAWNEY. Are there 5,000 or 10,000?

Mr. FOSS. A good deal less than that, I should say to the gentleman.

Mr. TAWNEY. It would involve some clerical service also?

Mr. FOSS. It will involve no more than the clerical service in the Department.

Mr. TAWNEY. To the extent that any expense connected with it would be a charge on the Treasury, and therefore contrary to the rules of the House, and therefore the bill should go to the Union Calendar.

Mr. DALZELL. Will this come out of an appropriation already made?

Mr. FOSS. Yes.

Mr. DALZELL. It is not an increase in appropriation?

Mr. FOSS. It is not an increase in appropriation.

Mr. PAYNE. It makes it a charge on the Treasury just the same, whether it makes it out of an appropriation already made, the balance of which will go back into the Treasury, or an appropriation to be made in the future.

Mr. FOSS. It is a very small matter, and it puts the Navy officers on the same basis as the Army officers. It is a bill introduced by Mr. RIXEY, of Virginia, and Mr. BUTLER of Pennsylvania made the report; and in their absence I call the matter up.

The SPEAKER. The Chair is prepared to rule. Clause 3 of Rule XXIII is as follows—the Chair will omit a portion of the rule and read all that is material:

All motions or propositions involving a tax or charge upon the people; * * * or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

The Chair sustains the point of order.

Mr. FOSS. Mr. Speaker, I would ask the gentleman's consent, in view of the decision of the Chair, to insert these words at the end of section 5:

And the actual cost of each commission shall be refunded by the recipient of the same.

Mr. PAYNE. That would not take it out of the rule.

Mr. FOSS. It would throw the cost, which would be but a few cents, upon each recipient of a commission.

Mr. PAYNE. Well, the gentleman can bring it up at some other time for unanimous consent. I will have to object now.

The SPEAKER. The gentleman from New York [Mr. PAYNE] objects, and the bill is referred to the Union Calendar.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES:

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

CERTIFIED CHECKS WITH PROPOSALS AND CONTRACTS FOR NAVAL SUPPLIES.

Mr. FOSS. Mr. Speaker, I call up Senate bill 1804, and ask for the reading of the bill and report.

The bill was read, as follows:

A bill (S. 1804) providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies.

Be it enacted, etc., That the Secretary of the Navy may, in his discretion, accept, in lieu of the written guaranty required to accompany a proposal for naval supplies, and in lieu of the bond required for the faithful performance of a contract for furnishing such supplies, a certified check, payable to the order of the Secretary of the Navy, for from 25 to 50 per cent of the amount of such proposal or contract, the check to be held by the Secretary of the Navy until the requirements of the proposal or contract shall be complied with and as a guaranty for compliance with the same.

Mr. FOSS. Mr. Speaker, I yield the floor to the gentleman from Iowa [Mr. DAWSON], who reported this bill.

Mr. DAWSON. Mr. Speaker, I think the reading of the report on the bill would perhaps satisfy all Members. It is very short and very lucid.

The SPEAKER. The gentleman asks that the report be read in his time. The Clerk will read.

The report (by Mr. DAWSON) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 1804) providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies, have examined the same and report:

The report of the Committee on Naval Affairs of the Senate, hereto appended, is adopted and the passage of the bill is recommended.

The Senate report is as follows:

"The Committee on Naval Affairs, to whom was referred the bill S. 1804) providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies, having considered the same, report thereon with a recommendation that it pass.

"The bill has the approval of the Navy Department, as will appear by the following communication:

"NAVY DEPARTMENT,
"*Washington, December 6, 1905.*

"SIR: By act approved May 25, 1896 (29 Stat. L., 135; 2 Supp., 474), the Secretary of the Navy is authorized to accept, in lieu of the written guaranty required to accompany a proposal for naval supplies and in lieu of the bond for the faithful performance of a contract, a certified check for the full amount of such proposal or contract. This statute, which has been in operation about nine years, has proved satisfactory in its application to contracts representing small amounts. In such cases bidders usually find it no hardship to deposit certified checks covering the full amounts of the contracts. With respect to the larger transactions, however, the reverse is true.

"It does not seem necessary or reasonable to require persons submitting proposals or entering into contracts involving large sums to comply with this requirement, and it is not to the advantage of the service, inasmuch as the Government doubtless indirectly pays interest upon the sums thus obligated and temporarily withdrawn from business activities.

"A certified check affords the Government practically as complete security as an individual or a corporation bond. It is recommended, therefore, that the Secretary of the Navy be authorized to accept such a certified check in amounts substantially the same as would be named in the guaranty or bond of a person offering or contracting to furnish naval supplies. It may be added that the guaranty accompanying a proposal need be no larger than is necessary to insure the acceptance of an award, and that with respect to the larger contracts the delivery of supplies and the performance of the work under them is, as a rule, necessarily extended over a considerable period of time, payments being made by installments as the contract is performed, and that therefore it is unnecessary that the Department should exact and hold such form of guaranty or surety in amounts more than 25 to 50 per cent of the proposal or the contract, respectively.

"The draft of a provision authorizing the use of certified checks in the manner hereinbefore outlined is inclosed, with the hope that it will receive favorable consideration by the committee.

"Very respectfully,

"CHARLES J. BONAPARTE,
"*Secretary.*

"Hon. EUGENE HALE,
"*Chairman Committee on Naval Affairs,*
"*United States Senate.*"

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Mississippi?

Mr. DAWSON. Certainly.

Mr. WILLIAMS. I would like to ask the gentleman to explain whether the certified check to be given would cover the entire amount of the contract?

Mr. DAWSON. Under the existing law that is the case; and as the Secretary set forth in his letter, in small contracts and in large contracts it is now required in the law. But it has proved unsatisfactory to require the deposit of a certified check covering the full amount of these large contracts, involving many thousands of dollars.

Mr. WILLIAMS. Let me see if I understand the purport of your bill. The present law requires a bond covering the entire amount of the contract.

Mr. DAWSON. Under the present law the Secretary is authorized to accept in lieu of a bond a certified check for the full amount.

Mr. WILLIAMS. Or else a certified check.

Mr. DAWSON. Yes.

Mr. WILLIAMS. One of the two.

Mr. DAWSON. No. Under the present law—the act of May 25, 1896—the Secretary is authorized to accept in lieu a written guaranty of the company making the proposal, or, in lieu of the bond for the faithful performance of the contract, a certified check for the full amount.

Mr. WILLIAMS. In other words, under the existing law a man may give the guaranty required by law, the bond required by law, or a certified check for the entire amount. Now, you propose to change the existing law by enabling him to give in lieu of the guaranty or bond a certified check for the full contract price.

Mr. DAWSON. Yes.

Mr. WILLIAMS. In other words, you propose to decrease the security given by the contractor to the Government?

Mr. DAWSON. No. The gentleman does not understand the purport of the bill. This bill proposes that the Secretary of the Navy be authorized to accept such certified checks in amounts substantially the same as would be named in the guaranty or bond; and the Secretary explains that a certified check is just as good security to the Government as the usual bond or guaranty—in fact, better.

Mr. WILLIAMS. No doubt about that. I believe that a certified check is better, because there are no sureties to beg off. But what I am trying to get at is this: Do you in this bill decrease the amount of security they give?

Mr. DAWSON. It gives the Secretary of the Navy discretion in large contracts to reduce the amount of the certified check to the amount that he would demand in the bond or guaranty. That is all there is in the bill.

Mr. WILLIAMS. But the amount in the certified check is not to be any less——

Mr. DAWSON. Than the amount of the bond.

Mr. WILLIAMS. Than the bond now required by law?

Mr. DAWSON. No, sir; and as the Secretary says where it is necessary to give a certified check for half a million on a contract, it withdraws that money from circulation, and the Government has undoubtedly to pay the interest in the long run.

Mr. LAWRENCE. The bond now required, is that always as large as the amount of the contract? Is the Secretary authorized to accept a bond smaller than the amount?

Mr. DAWSON. I think he is.

Mr. LAWRENCE. I understood your answer to the gentleman from Mississippi to be that the certified check has to be for an amount not less than the bond which the Secretary would require.

Mr. DAWSON. I will read to you what is stated by the Secretary of the Navy in his communication to the committee. He says:

It is recommended, therefore, that the Secretary of the Navy be authorized to accept such a certified check in amounts substantially the same as would be named in the guaranty or bond of the person offering or contracting to furnish naval supplies.

Mr. LAWRENCE. I would infer that the bond would be for the full amount of the contract.

Mr. MANN. Will the gentleman allow me to ask him a question? I listened as closely as I possibly could to the reading of the bill and the reading of the report without obtaining any information on the bill, possibly because I could not hear it. I have listened to the colloquy between the gentleman from Mississippi and the gentleman from Iowa thus far without obtaining any information as to whether the existing law is to be changed under this bill. Now, will the gentleman tell us——

Mr. LAWRENCE. This is a matter of considerable importance, and I wish we could have a little better order. It is impossible to hear.

The SPEAKER. The House will be in order.

Mr. DAWSON. I will say to the gentleman from Illinois that under the act of May 25, 1896, the Secretary of the Navy was authorized to accept a certified check for the full amount of a contract in lieu of the bond or the guaranty.

Mr. MANN. I will ask the gentleman what is the bond and what is the guaranty now provided by law? He proposes to substitute something in lieu of these, and nobody has yet told us what they are.

Mr. DAWSON. If the gentleman will allow me, I shall endeavor to explain the purport of the bill.

Mr. MANN. I thought the gentleman was yielding for a question. I am perfectly willing to give the gentleman an opportunity, and I will take my time later. If the gentleman does not want to answer the question——

Mr. DAWSON. I think if the gentleman will give me an opportunity, the question will be answered to his satisfaction before I get through.

Mr. MANN. I hope so.

Mr. DAWSON. By the act of May 25, 1896, the Secretary of the Navy was authorized to accept, in lieu of the written guaranty required to accompany a proposal for naval supplies and in lieu of the bond for the faithful performance of the same, a certified check for the full amount of the contract. Now, the Secretary has explained to us that this works very well in small contracts, but that the reverse is true in large contracts, involving hundreds of thousands of dollars, or half a million of dollars, to require the contractor to put up a certified check for the full amount of the contract. And so, where a contractor is required to put up a certified check, we will say for a half million dollar contract, that money is necessarily withdrawn from the channels of business, and in the end, undoubtedly, the Government indirectly has to pay the interest on it.

Mr. MANN rose.

Mr. DAWSON. Will the gentleman permit me to proceed for just a moment? He understands, of course, that in these large contracts the delivery of supplies and the performance of the work under them is as a rule necessarily extended over a considerable period of time, payments being made by installments as the contract is performed, and therefore it is unnecessary that the Department should exact and hold a guaranty or a surety in an amount of more than 25 to 50 per cent of the contract. The Government will be amply protected in its contracts, and it will simply facilitate the business of the Department.

Mr. MANN. Will the gentleman yield for a question?

Mr. DAWSON. With great pleasure.

Mr. MANN. The gentleman has not yet answered the question which has been propounded to him from several quarters of the House. There is no provision in the law of 1896 requiring a certified check to be put up at all. There is only a permission to put up a certified check in lieu of a guaranty or bond, which can still be put up in the case of large contracts. Now, will the gentleman inform us what is the law in reference to putting up a guaranty or a bond for the performance of a contract where no certified check is put up?

Mr. DAWSON. The chairman of the committee [Mr. Foss] is turning to the law.

Mr. MANN. I supposed the committee was familiar with the law or it would not have reported this matter.

Mr. WILLIAMS. Just here, if the gentleman will excuse me, I understood the gentleman a moment ago, in response to my question, to say that there was no decrease of the surety given to the Government.

Mr. DAWSON. That is my understanding.

Mr. WILLIAMS. When the gentleman makes his explanation I find that there is a decrease of some 50 to 75 per cent, because the gentleman says that the very object of the bill is to enable a certified check to be given for 25 or 50 per cent of the amount of the contract, instead of for the entire amount of the contract.

Mr. DAWSON. My impression is that in the large contracts they required the contractor to put up a bond sufficient in amount to cover the liability of the contract as they go along. All the payments are not made at once.

Mr. WILLIAMS. As I understand the gentleman's bill, it merely makes the road easier for the proposed contractor. Where does the interest of the Government come in in this bill?

Mr. DAWSON. The Secretary of the Navy recommends to us——

Mr. WILLIAMS. I understand that.

Mr. DAWSON. That a certified check, which is as good as a guaranty or a bond——

Mr. WILLIAMS. We all know, as a matter of fact, that that is true. We all know that a certified check for 100 per cent is better than a certified check for 25 per cent. What advantage does the Government gain by the passage of this bill?

Mr. DAWSON. If that is correct, is this not wise legislation, in view of this statement by the Secretary of the Navy that this bill will enable him to accept such certified checks——

Mr. MANN. It will permit him to accept a certified check for any amount he pleases.

Mr. DAWSON. It permits the Secretary of the Navy to accept a certified check for substantially the same amount as he now accepts a guaranty or bond. He thinks that a certified check is more easily handled in the Department.

Mr. MANN. Will the gentleman answer this question: Was not the real reason for the passage of the law of 1896, authorizing the acceptance of a certified check, to permit the contractor, in place of going to the bother in small contracts of obtaining a guaranty or bond, to furnish a certified check?

Mr. DAWSON. The gentleman can answer that question better than I can, as he was here at that time and I was not.

Mr. MANN. The fact is that certified checks are never deposited with the Department in cases of large contracts, but they have always used the old provision of the law, and this is a letting down from the safety now reserved to the Government.

Mr. DAWSON. I think not. If the gentleman would point out wherein he thinks this is a loosening of the line or where it would operate to the disadvantage of the Government, I would be very glad to have him do it.

Mr. MANN. That is just it. The law now provides for the guaranty or bond. The bond is the principal thing. The burden was on the contractor to furnish the bond; and they asked the Government for permission, in small contracts, to put in a certified check and that permission was given, but it never was expected that they would put up a check for a half a million dollars, and I dare say that they have never done it.

Mr. DAWSON. But this law will permit the Secretary of the Navy to fix the same amount for the certified check that he would for the bond or the guaranty. Why is that not in the interest of good legislation?

Mr. MANN. I do not think the committee knew what the law was when they made the report on this bill, and for that reason I am suspicious of it.

Mr. DAWSON. Here is the guaranty or bond provided for in the Revised Statutes:

SEC. 3719. Every proposal for naval supplies invited by the Secretary of the Navy, under the preceding section, shall be accompanied by a written guarantee, signed by one or more responsible persons, to the effect that he or they undertake that the bidder, if his bid is accepted, will, at such time as may be prescribed by the Secretary of the Navy, give bond, with good and sufficient sureties, to furnish the supplies proposed; and no proposal shall be considered unless accompanied by such guarantee. If, after the acceptance of a proposal, and a notification thereof to the bidder, he fails to give such bond within the time prescribed by the Secretary of the Navy, the Secretary shall proceed to contract with some other person for furnishing the supplies; and shall forthwith cause the difference between the amount contained in the proposal so guaranteed and the amount for which he may have contracted for furnishing the supplies, for the whole period of the proposal, to be charged up against the bidder and his guarantor; and the same may be immediately recovered by the United States, for the use of the Navy Department, in an action of debt against either or all of such persons.

Mr. MANN. What is the amount of the bond?

Mr. ROBERTS. There is no amount stated—a suitable bond.

Mr. DAWSON. A suitable bond. There is no amount stated.

Mr. ROBERTS. The law does not require any amount. It is simply a bond for the satisfaction of the Secretary.

Mr. STAFFORD. Does the gentleman believe that with contracts for small amounts the certified checks should be for the full amount?

Mr. ROBERTS. That is the practice of the Department now.

Mr. DAWSON. That section which I have just read is the law with relation to giving a bond, and it says nothing about the amount. It says it shall be a suitable bond, resting with the Secretary of the Navy.

Mr. MANN. Will the gentleman tell us whether it is the practice of the Navy Department to require a bond in twice the amount of the contract?

Mr. ROBERTS. No; it is not.

Mr. DAWSON. Then the act of May 25, 1896, amended this section which I have already read. It provides that the Secretary may, in his discretion, accept in lieu of the written guaranty required to accompany a proposal and in lieu of the bond required for the faithful performance of the contract for furnishing such supplies, a certified check payable to the order of the Secretary of the Navy for the full amount of such proposal or contract.

Mr. MANN. That was distinctly for the purpose of covering little cases.

Mr. DAWSON. Wait a moment. Suppose you have a contract involving $500,000. The payments on that contract are not made all at once. They are made as the supplies are furnished from time to time. At no time is the liability of the Government from this contract perhaps in excess of 25 per cent of the contract. Supposing that contractor has put up with the Secretary of the Navy a certified check covering 25 per cent or 50 per cent of the contract. Is there any insecurity on the part of the Government? Is not the Government amply secured when the contract is being fulfilled, payments simply being made from time to time, and all of this time the Government holding a certified check for 25 per cent or 50 per cent of the entire contract, as the Secretary may see fit, in his discretion?

Mr. MANN. But the gentleman assumes that it will be a certified check for 25 or 50 per cent. We all know, as a matter of experience, that in requiring a bond to be put up—where, after all, the amount does not make so very much difference to the people who sign the bond, in one way—a bond of sufficient amount will be required; but the amount you provide by law that the Secretary of the Navy or some $1,500 or $1,600 clerk, who usually does the work and makes the decision, shall permit a certified check of such amount as he pleases, we all know it will not be 50 per cent, nor will it be 25 per cent. It will not be very long before it is only 10 per cent.

Mr. DAWSON. That only emphasizes what the gentleman said a moment ago, that he did not hear the reading of the bill, because the bill expressly provides that it must be from 25 to 50 per cent. It must be in an amount between those figures.

Mr. MANN. Well, that is true.

Mr. DAWSON. And these contracts, as I understand, are paid only in installments of 10 and 15 per cent, sometimes less, so that the Government would have ample security.

Mr. MANN. What hardship is there now on the contractors in these large contracts in putting up a bond as now required by law?

Mr. DAWSON. The Secretary of the Navy finds that the certified check is a better method of security for the Government.

Mr. MANN. The Secretary of the Navy has that opinion, and all over the United States, in every State and municipality in the country, the other opinion is held, because there is no place where a bond is not required.

Mr. DAWSON. The administration of affairs has shown that this law is proving expensive to the Government, where the contractor is required to put up these large certified checks,

for in the last analysis the Government doubtless indirectly pays the interest on those checks.

Mr. WILLIAMS. How?

Mr. MANN. Oh, in the last analysis there is no check put up in these cases. What is the use of talking about anyone putting up a certified check for a million dollars?

Mr. DAWSON. Those things could be brought back onto the Government, I will say in answer to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. I understand that when a man or men are competing for a public contract each man puts the figure at the very lowest he thinks he can put it in order to get the contract with a profit to himself. That is something which is fixed in the open market by competition, and the sort of security which a man has to give does not affect it. I would like to ask this: Of course, there is a motive behind every bill; there is somebody demanding every bit of legislation in the world. Somebody started the request for this legislation——

Mr. DAWSON. Yes; it was the Secretary of the Navy.

Mr. WILLIAMS. Now, what I want to get at is this: How can you account for the fact that the Government of the United States would come to Congress voluntarily asking for the reduction of the security which it now receives in connection with a contract when the present system is working satisfactorily, at least to the Government?

Mr. DAWSON. But the Secretary of the Navy says that it is not working satisfactorily to the Government, and this law would be in the interest of better administration.

Mr. WILLIAMS. I beg the gentleman's pardon, the Secretary of the Navy does not say that, if I heard the report correctly. What the Secretary of the Navy says is that it will make it easier for the contractor to comply with the law.

Mr. DAWSON. If the gentleman will pardon me, I will read what the Secretary says on that point.

Mr. WILLIAMS. I wish you would.

Mr. DAWSON. Speaking of the deposit of a certified check for the full amount of the contract, he says:

> This statute, which has been in operation about nine years, has proved satisfactory in its application to contracts representing small amounts——

Mr. WILLIAMS. That is just what I said.

Mr. DAWSON (reading)—

> In such cases bidders usually find it no hardship to deposit certified checks covering the full amounts of the contracts. With respect to the larger transactions, however, the reverse is true.

In other words, on large contracts it has not worked well; it has worked badly.

Mr. WILLIAMS. If the gentleman will excuse me, the law the Secretary of the Navy is referring to is that which changed and amended the old law by permitting certified checks to be given in lieu of the bond and the guaranty. There still remains the power yet to give a bond and a guaranty without giving a certified check at all. Now, then, they have got the right now to give a bond and guaranty. If a man does not want to cripple his credit at bank by giving a certified check, or rather lessen his amount of money in bank by giving it, he can still give a bond and guaranty; but when he gives a certified check under the present law, unamended by the law you are proposing, he must give a certified check as a substitute for the bond and guaranty in the same amount. Now you propose to allow him to give a certified check for 25 or 50 per cent of the amount. In other words, the Government is voluntarily reducing its own security, not for the benefit of the Government, but to make the provisions easier for the contractor, if I understand it.

Mr. DAWSON. Let me see if I can state it more clearly. As the matter stands now the question of the size of the bond or guaranty rests in the discretion of the Secretary of the Navy.

Mr. WILLIAMS. Theoretically, yes; but practically he always required at least the full amount of the contract.

Mr. DAWSON. Oh, no. He requires such a bond as will protect the Government on the payments, usually made along from time to time, so at all periods of the contract the Government will have ample security. Now that power rests with the Secretary of the Navy, and the present practice of the Department is to require a bond of 50 per cent on contracts up to $1,000 in amount, while on contracts of $2,000 or over the amount of the bond is 25 per cent.

This law simply circumscribed the Secretary of the Navy. We do not propose to give him the same leeway with regard to certified checks which the law gives him in regard to the bond and guaranty. We simply say to him, If it is in the interest of good administration, you may make these certified checks 25 to 50 per cent of the contract, it being a large contract, a contract which covers a long period of time and upon which payments are being made from time to time, so that the certified check of 25 or 50 per cent may be even greater security than the bond which is now required by the Secretary of the Navy. We limit his discretion in this law in regard to the certified check, but at the same time provide ample security for the Government on all its contracts.

I should like to say, further, that this bill was recommended to the two Houses of Congress by the Secretary of the Navy.

It has already passed the Senate of the United States, where it was fully considered, and it came over to the House of Representatives and has been considered and unanimously reported from the Naval Committee.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. DAWSON. Certainly.

Mr. STAFFORD. Does the gentleman believe there is any need of having certified checks for the full amount of the contracts where they are for small amounts?

Mr. DAWSON. Yes, sir; and for this reason: A small contract is delivered all at one time and the payment is all at one time; therefore the full amount should be required.

Mr. STAFFORD. Does not the bill you are proposing to have passed supersede the act of May 25, 1896, which gave the Department the option to have a certified check for the full amount in lieu of a bond by making it compulsory upon the Secretary of the Navy to accept not less than 50 per cent, as provided in this bill?

Mr. DAWSON. No; I think not.

Mr. STAFFORD. The language of this bill says that he shall, in his discretion, accept a certified check, payable to the Secretary of the Navy, for from 25 or 50 per cent.

Mr. DAWSON. In his discretion.

Mr. STAFFORD. Then it supersedes the other act when construed in connection with that, which required the full amount of the contract if, in his discretion, he should decide to accept a certified check?

Mr. DAWSON. Yes; it is proposed to modify that law.

Mr. STAFFORD. If this act passes, he would not be allowed to accept a certified check in any greater amount than 50 per cent, because the phraseology limits him to from 25 to 50 per cent. It does not say in an amount not less than 25 to 50 per cent, but it says whenever he exercises his discretion and accepts a certified check in lieu of a bond that he shall not take a certified check of an amount greater than from 25 to 50 per cent. Why should you not amend this bill so that, so far as the small contracts are concerned, discretion shall be vested in him to accept a certified check for the full amount? The language could be changed so as to read, "in an amount not less than 25 per cent," which would give him the option to take a certified check for the full amount when the contracts are small.

Mr. DAWSON. In my judgment, the Secretary would have that authority.

Mr. STAFFORD. As a lawyer, I would say that it would be a very grave question whether this bill does not supersede the act of May 25, 1896, which act vested in him the authority to take certified checks for the full amount and which you say should be continued in small contracts.

Mr. LAWRENCE. May I ask the gentleman one more question?

Mr. DAWSON. Certainly.

Mr. LAWRENCE. I understand the gentleman to say the present law is that the Secretary may exercise discretion in large contracts as to the size of the bond—that the Secretary has absolute discretion as to the amount of it?

Mr. DAWSON. I have read the law on that point—all the law there is. It says that if his bid is accepted, at such a time as may be prescribed by the Secretary he shall give a bond, with full and sufficient sureties, to furnish the supplies proposed.

Mr. LAWRENCE. All your bill does is to allow him to accept a certified check in lieu of the bond to the amount of 25 to 50 per cent of the contract, giving him practically the same discretion with reference to certified checks as with reference to bonds?

Mr. DAWSON. Practically so.

Mr. LAWRENCE. If that be so, in your opinion and in the opinion of your committee, the proposed bill does not lessen the security which the Government has?

Mr. DAWSON. No; not in the slightest.

Mr. LAWRENCE. Very well.

Mr. DAWSON. Mr. Speaker, I call for a vote on the bill.

The SPEAKER. Without objection, the bill will be considered read a third time.

Mr. WILLIAMS. Mr. Speaker, if there is any request for unanimous consent, I must object.

The question was taken on ordering the bill read a third

time; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Let us have a division.

The House divided; and there were—ayes 125, noes 81.

So the bill was ordered to a third reading, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division!

The House divided; and there were—ayes 123, noes 80.

So the bill was passed.

On motion of Mr. Foss, a motion to reconsider the vote by which the bill was passed was laid on the table.

BUSINESS OF THE COMMITTEE ON THE JUDICIARY.

Mr. JENKINS. I now ask that the Committee on the Judiciary be called.

Mr. MANN. I would like to ask what becomes of the business of the Committee on Naval Affairs. Has it been all considered?

Mr. FOSS. I desire to say that these are the only two bills we have on the House Calendar. We have no further bills to call up.

The SPEAKER. Let the Chair understand.

Mr. FOSS. We have exhausted the bills on the House Calendar from the Committee on Naval Affairs.

DUPLICATE GOLD CERTIFICATES IN LIEU OF ONES LOST OR DESTROYED.

Mr. JENKINS. Mr. Speaker, I am directed by the Committee on the Judiciary to call up the bill H. R. 14587.

The Clerk read as follows:

A bill (H. R. 14587) to authorize the Secretary of the Treasury to issue gold certificates in lieu of ones lost or destroyed.

Be it enacted, etc., That whenever any United States gold certificate, made payable to order, issued by the Treasurer of the United States or any assistant treasurer thereof, under the act of March 14, 1900, shall have been lost and shall have not been indorsed, or when any such certificate shall have been destroyed, the Secretary of the Treasury shall be, and he is hereby, authorized, upon satisfactory proof of such loss, to issue to the holder of such certificate a duplicate thereof: *Provided*, That the said holder shall first file in the Treasury a bond with good and sufficient secureties, to be approved by the Secretary of the Treasury, in double the amount of such certificate lost or destroyed, conditioned to indemnify and save harmless the United States from any claim or loss on account of such lost or destroyed certificate.

The amendments recommended by the committee were read, as follows:

After line 6, page 1, insert the words "have been specially indorsed to order or shall."

In line 9, after "authorized," insert the words "in his discretion and on such conditions as he shall impose."

In line 10, after the word "loss," insert "or destruction."

Mr. JENKINS. Mr. Speaker, I will yield to the gentleman from New Jersey [Mr. PARKER], who reported the bill.

Mr. PARKER. Mr. Speaker, there is already on the statute books a provision of the Revised Statutes which provides that in case a check payable to order is lost or destroyed the Secretary of the Treasury, in his discretion, may issue a duplicate check upon receiving a proper bond of indemnity. Recently there has been a practice of issuing gold certificates payable to order. They are practically only checks; but it has been held by the Treasury Department that the ordinary provision as to checks does not extend to such gold certificates payable to order, and this section simply provides that the same remedy, substantially, as applied to checks shall apply to lost or destroyed gold certificates. It is simply what is done in every private business; when you give a man a check and it is lost another check is given; a bond of indemnity is required and a new check is issued. That is all. I yield back the time to the gentleman from Wisconsin.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL GERMAN-AMERICAN ALLIANCE.

Mr. JENKINS. Mr. Speaker, I am instructed by the Committee on the Judiciary to call up the bill (H. R. 11273) to incorporate the National German-American Alliance.

The SPEAKER. The gentleman from Wisconsin calls up the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That C. J. Hexamer, M. D. Learned, Adolph Timm, John Weber, Hans Weniger, H. C. Bloedel, all of the State of Pennsylvania; John Tjarks, of the State of Maryland; C. C. Lienau, of the State of New Jersey; Kurt Voelckner, of the District of Columbia; H. A. C. Anderson, of the State of New York; Gustave Bender, of the State of Texas; Joseph Keller, of the State of Indiana; F. O. Martin, of the State of Idaho; Gustav Halbach, of the State of Ohio; H. J. Nienstedt, of the State of Minnesota, officers and members of the National German-American Alliance of the United States of America, and their succesors, be, and they are hereby, incorporated and made a body politic and corporate under the name of "The National German-American Alliance of the United States of America." And by that name they and their successors may have and use a common seal, and may alter and change the same at pleasure, and may make by-laws and elect officers and agents, and may take, receive, hold, and convey real and personal estate necessary for the purposes of the society.

SEC. 2. That this corporation shall be perpetual and have all the privileges accorded by existing laws or that may hereafter be enacted by the Congress of the United States.

SEC. 3. That this corporation, composed of the individuals aforesaid and their associates, under the name and style aforesaid, is formed for the purposes as follows: The conservation of the principles of representative government and the protection and maintenance of all civil and political rights; the protection of German immigrants against imposition and deception and to assist in their naturalization; the study of American institutions and the publication of American history; the cultivation of the German language, literature, and drama, and the perpetuation of the memory and deeds of those early German pioneers whose influence has been of incalculable benefit to the intellectual and economic development of this country and whose loyalty in times of stress and strife is a matter of history.

SEC. 4. That said corporation shall have a constitution and shall have power to amend the same at pleasure: *Provided*, That such constitution or amendments thereof do not conflict with the laws of the United States or of any State.

SEC. 5. That said corporation shall have the right to hold its meetings at any place within the United States as may be best suited or most advantageous to the carrying out of the purposes for which this corporation is formed.

SEC. 6. That said corporation shall not engage in any business for gain, the purposes of said corporation being educational and patriotic.

SEC. 7. That Congress may at any time amend, alter, or repeal this act.

Mr. JENKINS. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. PALMER], who reported the bill.

Mr. PALMER. Mr. Speaker, the report is very short, and I will ask to have it read.

The SPEAKER. The report will be read in the gentleman's time.

The report [by Mr. PALMER] was read, as follows:

The Committee on the Judiciary, having had under consideration the bill (H. R. 11273) to incorporate The National German-American Alliance, respectfully report:

The purposes of the society are stated to be—

"That this corporation, composed of the individuals aforesaid and their associates, under the name and style aforesaid, is formed for the purposes as follows: The conservation of the principles of representative government and the protection and maintenance of all civil and political rights; the protection of German immigrants against imposition and deception and to assist in their naturalization; the study of American institutions and the publication of American history; the cultivation of the German language, literature, and drama, and the perpetuation of the memory and deeds of those early German pioneers whose influence has been of incalculable benefit to the intellectual and economic development of this country, and whose loyalty in times of stress and strife is a matter of history."

The charter further provides—

"That said corporation shall not engage in any business for gain, the purposes of said corporation being educational and patriotic.

"That Congress may at any time amend, alter, or repeal this act."

Further information as to the purposes and scope of the society is found in the following letters:

"PHILADELPHIA, PA., *March 16, 1906.*

"DEAR SIR: In reply to your favor of the 14th instant I beg leave to state that the reports at our third national convention, held October 6, 1905, showed a membership of one and one-half millions. The total number of our organizations, which is constantly increasing, is 6,000 in 33 States.

"We have State branches in the following twelve States: Pennsylvania, New Jersey, Ohio, California, Indiana, Minnesota, Maryland, Massachusetts, New York, Missouri, Idaho, and in the District of Columbia.

"State branches are being organized in the following States: Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Iowa, Kansas, Louisiana, Michigan, Montana, Nebraska, Oregon, South Carolina, Tennessee, Texas, Vermont, Washington, and Wisconsin.

"Very respectfully, yours,

"ADOLPH TIMM, *Secretary.*

"Hon. H. W. PALMER,
"Chairman Subcommittee of the Committee on the Judiciary, House of Representatives."

"PHILADELPHIA, PA., *March 13, 1906.*

"DEAR SIR: Complying with your request and by order of our president, Dr. C. J. Hexamer, I beg to submit to you the aims of the National German-American Alliance:

"It is a purely patriotic organization.

"Party politics and religion are strictly excluded.

"It opposes the immigration of unhealthy persons, convicted criminals, and anarchists.

"It calls on all Germans to become citizens of the United States.

"Its branches maintain German-English night schools for the teaching of the English language, the Constitution, and American history, and aim to make patriotic American citizens of German immigrants

"It recommends the founding of educational societies and the holding of courses of lectures on art and science.

"It advocates the study of American institutions and the publication of American history, and for that purpose is instrumental in publishing the German-American Annals by one of its branches, the German-American Historical Society.

"It commemorates the memory of great Americans, and at its third annual convention in Indianapolis resolved to celebrate the two hundredth anniversary of the birth of Benjamin Franklin, which celebration was observed by all its branches.

"Being a national organization in the true sense of the word, with branches in every State, it prays to be incorporated by Congress.

"Respectfully submitted.

"ADOLPH TIMM, *Secretary.*

"Hon. HENRY W. PALMER,
"*Chairman Subcommittee of the Committee on the*
"*Judiciary, House of Representatives.*

"P. S.—A set of the German-American Annals is being sent to you."

The fact therefore appears that the society is national in character, commendable in purpose, salutary in its operations, and in harmony with the Constitution of the United States.

Its membership already numbers 1,500,000 citizens, located in 33 States, with State branches in 12 States and prospective branches in 20 more.

The Judiciary Committee is of opinion that the charter sought should be granted, with the following amendment: Insert after the word "corporate," at the end of line 14, the words "of the District of Columbia."

Mr. LAWRENCE. Mr. Speaker, I should like to ask the gentleman in charge of the bill if, under the law as it exists now, this corporation could be formed in the District of Columbia, and, therefore, what the necessity is, if any, for an act of Congress?

Mr. PALMER. As I understand this, it could not be incorporated under the District law. There is the same necessity for this act as there was for the Red Cross charter and several other charters of a similiar character that have been granted by Congress. There are about 1,500,000 members of this society now, covering 33 States. The organization is national in its character, purely patriotic, not for gain at all, and it will dignify the society, at least, to have a national charter. With the amendments submitted by the committee, to insert after the word "corporate" the words "of the District of Columbia," this makes it a corporation of the District of Columbia, and, therefore, not subject to any objection whatever that I can see.

Mr. MANN. Mr. Speaker, I should like to inquire of the gentleman why this bill happens to come from the Committee on the Judiciary, when the uniform practice has been for these bills relating to the District of Columbia, as provided by the rules of the House, to be reported by the Committee on the District of Columbia?

Mr. PALMER. This bill does not relate to the District of Columbia. Besides that, the Judiciary Committee is the most patriotic committee connected with this House, and as this is a purely patriotic society, of course this bill was properly sent to the Judiciary Committee. [Laughter.]

Mr. MANN. I suspected that it went there for personal reasons.

Mr. PALMER. Then your suspicions are well founded.

Mr. MANN. I think so myself.

Mr. PALMER. If you have anything of a patriotic nature, you ought to send it to that committee.

Mr. MANN. Under the rules of the House, a bill to incorporate anything in the District of Columbia goes to the Committee on the District of Columbia. Here is a very nice method of getting it before some other committee; leaving out the words "of the District of Columbia," send it to the Committee on the Judiciary, and have that committee insert the words "of the District of Columbia," so you can pass the bill. There ought to be some method of getting these things before the proper committee of the House.

The gentleman has not yet given us any explanation as to why this bill should become a law. I hope he will explain it to the House, so that if there is any exceptional reason it will be taken out of the general condemnation of this House against granting everybody a special incorporation.

Mr. PALMER. If there is objection to the bill, I will yield to the gentleman from Missouri [Mr. BARTHOLDT], whose bill it is. I suppose he will be able to explain it.

Mr. BARTHOLDT. Mr. Speaker, I was not aware that this bill would come up this morning, and I have very little to add to the report which has been read by the clerk.

As I understand it, this is an organization having a membership of a million and a half in this country. It has branches in twelve States and has members in thirty-three States of the Union. The membership is confined to American citizens—that is, no one can join this organization unless he is an American citizen.

The purposes of the organization are to aid in the process of Americanization and are supplementary to the legislation had at the last session, which provides that immigrants must be able to speak the English language before they can become naturalized. In view of this legislation it has been deemed necessary that schools be established in the large cities for the purpose of giving instruction in the English language; and it is the purpose of this organization——

Mr. HEPBURN. Will the gentleman yield to me?

Mr. BARTHOLDT. Certainly.

Mr. HEPBURN. There is no provision here requiring the study or cultivation of the English language. It is the cultivation of the German language and not the English language that is provided for.

Mr. BARTHOLDT. I desire to answer my friend by saying that at the time this bill was drafted and at the time the report was written the legislation to which I have just referred had not been enacted by Congress—that is, the legislation which requires a man, before he becomes a citizen, to be able to speak the English language. The purpose of establishing schools to enable these men to acquire a knowledge of English has been added to the other purposes since. Of course, as far as the paragraph relating to the cultivation of the German language is concerned, this means within their own circle for the purpose of preserving the treasures of German thought and philosophy and literature among themselves. That certainly can not make them any the less desirable American citizens.

Mr. HEPBURN. Will the gentleman permit me to ask him another question?

Mr. BARTHOLDT. With pleasure.

Mr. HEPBURN. Is there any purpose recited in this bill calling for the organization of this society that it could not now carry out without incorporation?

Mr. BARTHOLDT. That is probably true with respect to all of these organizations that have sought national charters. They might be able to accomplish their purpose without incorporation by Congress, and yet my friend from Iowa knows that such an incorporation is desirable; that it is not a Congressional incorporation. It is to be an incorporation under the laws of the District of Columbia for the purpose of having headquarters here and conducting business under a sort of national character. But the national incorporation will certainly give their organization a prestige which it otherwise would not have. It is that prestige that the million and a half members are after. I understand that three or four national conventions have called upon their respective Members of Congress to aid in the passage of this bill.

Mr. HEPBURN. Would the gentleman from Missouri be willing to accept an amendment striking out of line 2, page 2, the word "German" where it appears in the hyphenated form of German-American alliance? I think it would be good enough to be an American alliance. I do not think there is any advantage to be gained by perpetuating these national distinctions in the United States.

Mr. BARTHOLDT. I am aware of my friend's objections to the hyphenation, but this is a name which the organization has adopted, and they are petitioning us to grant this concession under the name they have chosen to adopt. I, for one, have no authority to consent to the change of name. I should like to, but I have not the authority to do so. As far as that name is concerned, let me suggest, Mr. Speaker, that it is only a name. The word "German" is not used in a political sense, but merely in an ethnological sense. It is true that it confines the membership and the purposes of organization to those who are Germans. The Italians and Irish would have the same privilege to organize in the same way and for the same purpose, and I for one would be perfectly willing to vote for legislation in their behalf.

Mr. HEPBURN. I would not.

Mr. BARTHOLDT. But I have no authority to consent to any change of the name.

Mr. MANN. Is this organization incorporated now in any way?

Mr. BARTHOLDT. As far as I know, it is not.

Mr. MANN. Nowhere?

Mr. BARTHOLDT. No; it has its headquarters at Philadelphia.

Mr. MANN. Is this any different from other fraternal organizations throughout the country?

Mr. BARTHOLDT. It is different in this respect, that it has more of a political character, if I may so term it, because they want to aid in identifying the immigrants as soon as possible with American institutions, and while it is not a partisan body, it is in a certain sense a political body, and as such and as a national organization they seek this incorporation.

Mr. MANN. Is the object of the society to get in some way in touch with the immigrant?

Mr. BARTHOLDT. Yes; that is one of its main purposes.

Mr. PALMER. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, I wish to add my indorsement to the measure now under consideration. It does not differ, so far as the incorporation feature is concerned, from bills of like nature that have passed prior Congresses, such as the

one providing for the incorporation of the American Educational Association. I do not think we should hesitate to incorporate this National German-American Alliance which is extending its good influences throughout the country. Within the past few months a branch has been formed in the State which I have the honor in part to represent, comprising in its membership some of its foremost citizens, though, it is true, of German lineage. Nevertheless they are citizens who have the institutions of this country closely at heart.

As is well known, there is a trend toward a closer union among nations. It is not necessary for me to call attention to the movement which has had the approval of the President and the approval of the German Emperor in the exchange of professors, so that the ideas, the ideals, and the institutions of the respective countries could be brought closer home to the students attending the universities of each.

At the present time, in honor to the memory of a great German-American, one of the most illustrious who ever came to our shores—Hon. Carl Schurz—the German-Americans of my State have undertaken the formation of an organization whereby they are going to create a chair at the State university for instruction in the institutions of Germany, and in doing so they do nothing detrimental to American institutions. No one will question the worthiness of the plan proposed by the Wisconsin Schurz Memorial Association, and its appropriateness to commemorate the work and worth of this foremost statesman and citizen.

Mr. LAWRENCE. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. LAWRENCE. The gentleman from Wisconsin is evidently very familiar with the object and great purposes of this association. I have listened to him with interest, and I would like to ask him—and I should have great confidence in his judgment upon it—what practical benefits will be accomplished by this incorporation?

Mr. STAFFORD. Mr. Speaker, in answer to the gentleman's query, I will say that instead of being obliged to incorporate in the various States in which the organization has separate branches, it will be enabled under the law to have one central organization located here in the District of Columbia, and to have all of the branches governed by that one law, thereby enabling it the better to advance the objects of the society. This bill will empower the organization to hold property here in the District and will reduce in many ways the inconveniences that would beset the organization if it were obliged to have separate incorporations in the several States.

Mr. LAWRENCE. Mr. Speaker, the gentleman's explanation has been very satisfactory, and for my part I hope the bill will be passed.

Mr. MANN. May I ask the gentleman a question before he takes his seat? The gentleman elucidates every subject upon which he speaks.

The SPEAKER. The time of the gentleman from Wisconsin has expired. Does the gentleman from Wisconsin yield to his colleague?

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin, my colleague.

Mr. STAFFORD. Mr. Speaker, I understand the gentleman from Illinois [Mr. MANN] wishes to ask me a question. I yield for that purpose.

Mr. MANN. I would like to inquire of the gentleman whether upon consideration of the subject he is convinced that this organization is one formed purely for patriotic purposes?

Mr. STAFFORD. From my knowledge of the men who are back of the organization, the leaders of it, and those men identified with the organization in Wisconsin, there can be no question whatever but that it is organized for patriotic purposes and for the uplift of American citizenship.

No more praiseworthy purpose for former aliens to follow who have espoused the nationality of this country could be undertaken than to perform the work as outlined by this German-American alliance. To enlist support to German immigrants who have recently come to our shores; to advance by meetings and addresses the principles of representative government, which are as dear to the naturalized citizen as to the native born; to instill a reverence for American institutions and the study of American history; to continue the cultivation of their native tongue and the spirit of its literature; to keep alive by speech and deed the memory of the pioneers from Germany to this free land of ours, are objects that naturalized citizens from any country might well emulate.

Because American citizens of German nativity or lineage wish to perpetuate the memory of its institutions and to cultivate a love for its language and its literature does not make them antagonistic in their duty toward their adopted or native country. We have much to learn from Germany, and Germany can profit also by a study of our institutions and methods.

If there were anything in the history of the German people who have come to our shores to indicate disloyalty to their adopted country, there might be question raised as to the expediency and value of this organization.

Those who know the German race best have no alarm at extending the influence of that people and its language and its institutions. In those localities where they give distinction and tone to American citizenship the German-Americans have woven their loyalty to every right principle of American government into the fabric of the state.

Only good can come from this organization and its extension, and I hope that there will be no question as to the worthiness of this movement and of the desirability of having it incorporated under authority of the National Government. [Applause.]

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

PERMITTING NATIONAL BANKS TO MAKE LOANS ON FARM LANDS.

Mr. PRINCE. Mr. Speaker, by direction of the Committee on Banking and Currency, which has been passed without prejudice under the call, I call up the bill (H. R. 8124) to amend section 5136 of the Revised Statutes of the United States, permitting national banking associations to make loans on real estate as security, and limiting the amount of such loans, with the amendments thereto; which I send to the desk, and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the seventh subdivision of section 5136 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"Seventh. To exercise by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking; by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; by loaning money upon notes, bonds, or other evidences of debt, secured by mortgages or other instruments of security on unencumbered real estate situated in the State, Territory, or District where such association is located, worth, exclusive of buildings, on a conservative market valuation, double the amount of the loan thereon: *Provided*, That not more than 25 per cent of the total capital and surplus or undivided profits of such association shall at any time be invested in such real estate securities; and by obtaining, issuing, and circulating notes according to the provisions of this title. But no association shall transact any business except such as is incidental and necessarily preliminary to its organization, until it has been authorized by the Comptroller of the Currency to commence the business of banking."

With the following amendments:

On page 1, in the title of the bill, fourth line, strike out the words "real estate" and insert in their place the words "farm lands."

On page 2, line 2, strike out the words "real estate" and insert the words "farm lands."

On page 2, line 5, after the word "thereon," insert the following: "*Provided*, That any such loan on farm-lands security shall not be for a longer term than twelve months."

On page 2, line 6, strike out the words "or undivided" at the end of the line.

On line 7, page 2, strike out the word "profits."

On page 2, line 8, after the word "securities," insert the following: "*Provided further*, That applications for loans upon notes, bonds, or other evidences of debt secured by mortgages or other instruments of security on unencumbered farm lands shall be made in writing and approved in writing by a majority of the board of directors."

On page 2, line 8, strike out the words "real estate" and insert in lieu thereof the words "farm lands."

Amend the title so as to read: "A bill to amend section 5136 of the Revised Statutes of the United States, permitting national banking associations to make loans on farm lands as security, and limiting the amount of such loans."

Mr. PRINCE. Mr. Speaker, the purpose of this bill is to permit national banks to loan on farm lands situated in a State, Territory, or district where such association is located worth exclusive of buildings on a reasonable market valuation double the amount of the loan thereon, provided that any such loan on farm-lands security shall not be for a longer term than twelve months; and provided further that not more than 25 per cent of the total capital and surplus of such association shall at any time be invested in such farm-lands securities; and provided further that applications for loans on notes, bonds, or other evidences of debt secured by mortgages or other instruments of security on unencumbered farm land shall be

made in writing and approved in writing by a majority of the board of directors. I do not think I could say more than what I have said that is in the nature of an amendment to the present national banking act, which was passed in 1864, and which does not permit the loaning of money on real estate or on farm land.

Mr. MANN. May I ask the gentleman is this the same bill which was called up last session, and which failed to pass?

Mr. PRINCE. In answer to my colleague I would say it was the same bill which was called up under a suspension of the rules and received a decided majority of the House on a vote, but not two-thirds, as required by the suspension of the rules.

Mr. MANN. This is the same bill?

Mr. PRINCE. This is the same bill; yes, sir. Your question hardly put it in accordance with the facts.

Mr. MANN. My question put it exactly in accordance with the facts. It was called up and failed to pass.

Mr. PRINCE. Very well, I misunderstood it. I know the gentleman so well he would not purposely say anything of the kind, and it may have been my dull comprehension and not his statement.

Mr. OLMSTED. Does this bill limit the real estate upon which loans may be made to farm lands?

Mr. PRINCE. Yes, sir; to farm lands.

Mr. OLMSTED. What is the object of that? Why not city lots?

Mr. PRINCE. The object of that was to place it so that exploiters in laying out city property might not obtain funds from the bank, and the purpose was to make it for farm lands exclusively, so that the people in the farm settlements of our country in the West and in the South might have an opportunity to obtain money upon their farm lands.

Mr. OLMSTED. I should think a city lot with a building on it, loaned to 25 per cent of the value of the ground exclusively, would be better than farm security.

Mr. PRINCE. That is a question of opinion. When the bill was presented to the committee it had the words "real estate," but after discussion the committee reported by striking out the words "real estate" and limiting it to farm lands, and that is the way it has come to the House.

Mr. MANN. May I ask the gentleman what is the definition in the bill of the term "farm lands," if any?

Mr. PRINCE. I presume the definition would be that which ordinarily obtains, that of land which is used for tillage purposes.

Mr. MANN. Suppose I have a piece of property in Chicago which is used to raise corn on, is that farm land?

Mr. PRINCE. That is for the board of directors to say. That is a matter of judgment and discretion. I am inclined to think that the condition might obtain as the gentleman has stated.

Mr. MANN. Is there any definition which would appeal to the court if these people are being prosecuted for violation of the national banking law?

Mr. PRINCE. Not other than what would be regarded by the court as farm land. Where land was set apart for farming purposes I imagine it would fall under the head of farm land. If it was unimproved land, if there were a few hills of corn upon it, but the purpose of it was to sell into city property, I question whether the board of directors or a majority of them, in writing, would certify that it was farm land.

Mr. MANN. Oh, members of the board of directors in these banks will do as boards of directors always do—do whatever the cashier or commanding officer commands them to do. They will in this case where there is no necessity of having control at all.

Mr. PRINCE. Well, Mr. Speaker, in answer to that, all I can say is this, that it happens to fall to my lot to be a member of the board of directors for a bank.

We meet every Monday at 12 o'clock, and every note is passed upon, every loan is scanned and passed upon. We go over the condition of that bank weekly, and we know it is not a weak bank, but that it is a strong one. I can not conceive of men who are acting as trustees on behalf of the people who will purposely and deliberately do that which ought not to be done. I can only speak for the average man, and I think that the average man tries to do about right.

Mr. LOVERING. Mr. Speaker, I see that the bill provides for a short loan for twelve months. I would like to know if that includes a renewal of the loan, and if that is the intention of the bill?

Mr. PRINCE. There is no prohibition of a renewal. That is a matter that begins, as we lawyers would call it, de novo, and a new application undoubtedly would be made, and if the directors, or a majority of them, in writing, should approve of a new loan, which you might call an extension, I see no objection in the bill to that being done.

Mr. GILLESPIE. Suppose they had agreed beforehand that a renewal should be had?

Mr. PRINCE. In answer to the gentleman's question, Mr. Speaker, I do not see how they can do it under the law. They must falsify themselves when they do so.

Mr. GILLESPIE. Is it not true that a loan of twelve months is of very little benefit to the farmer? Does he not require a loan of from one to five years?

Mr. PRINCE. Not necessarily. One year may be ample. It may be that he wants to renew it, but he must come in, and if he has been prompt in the paying of his interest, in the payment of his taxes, if there are no incumbrances upon the farm at the time he obtained the first loan, if there are no judgments against the land, and if the directors know he is living within his means and he has met his obligations, pray tell me what objection there would be to him making an application for an additional or a new loan? But under the law the directors can not agree in advance as to what they shall do, because of the subsequent events as I have suggested in the answer to the gentleman's question.

Mr. GILLESPIE. I want to state that I am opposed to the principle of the bill.

Mr. PRINCE. Mr. Speaker, I will yield to the gentleman five minutes, if he desires.

Mr. GILLESPIE. Mr. Speaker, just one statement. As I stated to the House last session, I think it is a dangerous principle that the capital of national banks should be allowed to be tied up in real-estate security. I do not believe there is much benefit in it to the farmer. He does not want a loan for twelve months. He does not want to pay the high rate of interest that these short loans call for. His loans are from one to five years. I believe a bill violates a sound principle of banking when it provides that the banking funds, that are the current funds of the country that rest temporarily in our banks to answer the needs of commerce, are to be tied up in real estate securities. Twelve months is too long a time for these current funds to be tied up. The world's experience in banking proves this. Thirty, sixty, ninety, and one hundred and twenty days are the limits sound judgment fixes. Banks are liable to be called upon to respond to the demand of their depositors. Quick, live assets must be the rule.

Mr. PRINCE. Mr. Speaker, I yield five minutes to the proposer of the bill [Mr. LEWIS].

Mr. LEWIS. Mr. Speaker, over forty years ago the national-bank act was created, and it was provided that a national bank could loan money on anything else in this world except real estate.

Mr. STAFFORD. What was the purpose of forbidding the banks to loan on real-estate security?

Mr. LEWIS. I will state to the gentleman that before the civil war, under the old system of the State banks, they were permitted to loan money on real estate. Fifty years ago the condition was quite different from now. The country was unsettled, we had wild-cat money, and as a consequence real-estate loans helped to break a great many banks. For that reason, forty-two years ago, when this act was created, it was specified that national banks should not loan money on real estate.

Mr. STAFFORD. Was not the reason rather that real-estate security has never been considered a ready asset not speedily convertible in times of financial stringency to meet pressing demands?

Mr. LEWIS. That is not the case now. It may have been in the older days. Now you have to sue a note in two courts in some States of the Union on real estate, while many States have specific laws under which you can foreclose on real estate and get your money in sixty days' time.

Mr. STAFFORD. Is it not a principle of banking that a bank should have easily convertible assets, so that if there should be any pressing call they would have assets readily reducible in currency? And is it not a further fact that the negotiable paper discounted by banks averages in time three to four months which can be shortly realized upon in case of need?

Mr. LEWIS. Is it not a fact in banking that every bank does have a certain amount of long loans? The bill only provides that 25 per cent of the capital and surplus may be loaned on farm lands. It is a safe investment.

Mr. STAFFORD. Has the gentleman considered this condition of affairs? Suppose a bank loans to the extent of 25 per cent of its capital and surplus on farm lands and at the end of the year the mortgagee does not pay his note. Then what will the bank be obliged to do except to foreclose that mortgage? It will have loaned to the extent of 25 per cent of its capital and surplus, but after foreclosing it will have to take the land, and

under a decision of the Supreme Court they are not permitted to hold land until it can be sold.

Mr. LEWIS. Certainly the bank would hold the land until such time as it could be disposed of. The law provides that the bank can not hold land for longer than five years.

Mr. STAFFORD. The Supreme Court has held that the national bank may, when it receives land through foreclosure proceedings, hold the land notwithstanding that positive prohibition.

Mr. LEWIS. In answer to that I will state that the national-bank act forces the bank to dispose of the land within five years. Now, suppose you get on hand bad stocks and bonds—and every bank is subject to that—the banks can not readily realize on such security without a great sacrifice. I state to the gentleman that the banks are asking for this law. The president of the American Banking Association is asking for the law, and the national banks have been recommending it. They want it passed.

Mr. STAFFORD. Let us go back to the original proposition carried in my question as to what the result would be if these mortgagees were not able to pay their notes and the banks had to foreclose and take the lands. The banks would be obliged to sell the lands for what they could receive, and they might have an asset that could not be readily reducible to cash.

Mr. LEWIS. The bank need not take the land and hold it, because farm lands find ready sale all over the United States. Your western lands, in Ohio and Illinois and the Dakotas and other Western States, you can sell in fifty or one hundred days.

Mr. STAFFORD. But in case of financial depression there would be no demand for farm lands, as was the case in the panic of 1893 and 1894. What is to become of the bank in such times with 25 per cent of its capital and surplus tied up in unsalable lands?

Mr. CLARK of Missouri. A man could not borrow money on a United States bond in 1893. Certainly it was as safe a loan on a farm as it was on a bond that you could not borrow on. [Applause.]

Mr. STAFFORD. But a United States bond has always had a salable value, whereas in the case of land at such times it could not be sold at all.

Mr. LEWIS. They could sell it at any time.

Mr. STAFFORD. There has been no time in the history of the country since the civil war when a United States bond was not a salable asset.

Mr. GAINES of Tennessee. There has been no time when the farmers have not been safer than the speculator, because they are honest every day in the year. The farmers are mistreated by legislation more than any other class.

Mr. LEWIS. Let us not forget that during all this time stocks and bonds are changing from 50 to 60 per cent in value, and cotton plantations are selling all the time.

Mr. WM. ALDEN SMITH. I will ask the gentleman if they have not State banks in Georgia?

Mr. LEWIS. Yes; and they lend every dollar on real estate; and yet, notwithstanding that fact, in the last twenty-five years there have been only two bank failures in the State, and they were on account of the dishonesty of the cashier.

Mr. WM. ALDEN SMITH. Do they not meet the local demands of the people in this respect?

Mr. LEWIS. I want the farmers of Georgia treated as fair as everybody else. I want the farmer to feel that the ownership of his magnificent plantation gives him as much right to go to the bank to borrow money as you and I have to go to the bank to borrow money on bonds and railroad stocks.

Mr. MANN. Does the farmer have any trouble in borrowing money on his personal note in your section of the country?

Mr. LEWIS. Yes.

Mr. MANN. Then they have very poor banks there. The banks of the country loan money on personal notes. That is what they loan money on.

Mr. LEWIS. Do not the railroads have to put up their bonds as security?

Mr. MANN. They borrow money on the note of the railroad company. They do not borrow it on their real estate, and the merchants of the country do not borrow on security. They borrow on their notes.

Mr. LEWIS. There are hundreds of merchants in Chicago who could not borrow any money there without putting up security.

Mr. WM. ALDEN SMITH. The paper of the merchants of Chicago is discounted in every market.

Mr. MANN. Any quantity of them borrow the money which they require for the conduct of their business on their individual notes.

Mr. HENRY of Texas. Is there anything in this bill pertaining to the furnishing of abstracts where a loan is made? I have had correspondence with some of my bankers about that.

Mr. LEWIS. No.

Mr. GILLESPIE. That is a perquisite on the side.

Mr. HENRY of Texas. There was a bill requiring an abstract to be furnished before the loan was made.

Mr. LEWIS. The bill exercises great caution in this respect. It says that no loans can be made without a meeting of the directors and a signed statement giving permission for the loan.

Mr. HENRY of Texas. Does this bill authorize the directors to make a loan without an abstract being furnished, where they are satisfied that the title is good?

Mr. LEWIS. I should think so. It is a practical bill.

Mr. HENRY of Texas. That is all I want to know.

Mr. LEWIS. If the bank is satisfied that the real estate is all right, it is authorized to make the loan.

Mr. HENRY of Texas. Without an abstract?

Mr. LEWIS. Yes.

Mr. GILLESPIE. The gentleman has stated that the national banks want this bill.

Mr. LEWIS. I made that statement.

Mr. GILLESPIE. I will ask the gentleman if any association or organization of farmers in this country have ever demanded such legislation as this?

Mr. LEWIS. Yes; they have been demanding it. There is Senator NELSON of Minnesota, who had a bill——

Mr. GILLESPIE. I am talking about any farmers' organization.

Mr. LEWIS. The farmers never come here for legislation. They have no organization. We must take care of the farmers ourselves.

Mr. GILLESPIE. Then you admit that the farmers are not here asking the passage of this?

Mr. LEWIS. They want it. You know they want it. Any man who has a plantation would like to know that he has as good credit as a railroad that runs through it. Let me remind the gentleman that the Government is doing nothing for the agricultural interests of this country. It can not do anything for them in the way of tariff legislation or anything of that kind. Yet, take the wheat farmers and the cotton farmers of this country. They are furnishing the capital to pay the interest on this borrowed money that we owe to France, England, and foreign creditors. I am not prepared to give the comparative figures, because this bill has come up rather unexpectedly, but it is probable that the exports of cotton and grain amount to three-fourths of all the total exports of this country. The farmers are paying off our great national debt, and yet they can not borrow a dollar on their real estate.

Mr. CLAYTON. Mr. Speaker, I desire to ask the gentleman from Georgia a question.

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Alabama?

Mr. LEWIS. I yield to the gentleman from Alabama.

Mr. CLAYTON. I believe you are the author of this bill?

Mr. LEWIS. Yes.

Mr. CLAYTON. Will you tell why this limitation seems to have been added to your bill by the committee, that no such loans on farm-lands security shall be for a longer time than twelve months? Why should that limitation be put upon land security, whereas it has not been put upon any other security that may be offered to a bank?

Mr. LEWIS. I wish to say that I thought the bill was safely guarded. I opposed the change of the bill in that way. It ought to have been left with the same provision as for making a loan on bonds or notes.

Mr. CLAYTON. What reason was given for the change?

Mr. LEWIS. The committee wanted to be very conservative. They wanted to get a bill as safe as they could.

Mr. WEEKS rose.

Mr. CLAYTON. I am still not convinced that the committee had good reason for the action, by the answer of the gentleman from Georgia, and I should be glad to hear from the gentleman from Massachusetts.

Mr. WEEKS. I will say to the gentleman that national banks are commercial banks.

Mr. CLAYTON. All banks are commercial.

Mr. WEEKS. I beg the gentleman's pardon, but they are not.

Mr. CLAYTON. No; not technically speaking.

Mr. WEEKS. The purpose of national banks is to keep their funds loaned for short periods and not loan them for a longer time than six months. The demand for this legislation comes from the farmers of the country. They generally have not capital enough to make their crops and they have to go to a bank and borrow money to harvest them.

Mr. CLAYTON. I am familiar with all that operation, because I live in a country where that is sometimes done. I introduced into this Congress a bill similar to this one.

Mr. WEEKS. The only security they have is their farms. Now, they can not mortgage their farms to national banks, and they frequently have to go to some agent and borrow the money at exorbitant rates. It is the purpose of this legislation to allow the farmer to borrow money temporarily to harvest his crop and to enable the banks to be secured by the only security which the farmer has, namely, his farm.

Mr. CLAYTON. May I ask the gentleman this question: Did it not appear in the course of the investigation of the committee that the law prohibiting the acceptance of land or real estate as a security for a loan by a national bank was being evaded by some national banks, evading it in this way——

Mr. WEEKS. There was no evidence to that effect.

Mr. CLAYTON. I say evading it in this way: The borrower gives his note or some personal security, or perhaps an indorsement on the note, and then afterwards, perhaps on the same day, he gives a mortgage on his land as additional security. Is not that being done now in some sections of the country by national banks contrary to the law, and has not the Comptroller of the Currency reprimanded some of the banks for doing it?

Mr. WEEKS. There was absolutely no testimony before the committee to that effect.

Mr. CLAYTON. My information is that that has been done to some extent, and I think it is better that this law should pass authorizing a loan to be made, and hence I am in favor of this bill. I think the bill might have been improved, but I shall favor it as it is. This bill will give the farmer a better chance to borrow needed money on more favorable terms than he now can if existing law be strictly observed.

Mr. GARRETT. Mr. Speaker, may I ask the gentleman a question?

Mr. PRINCE. Mr. Speaker, I will yield five minutes or ten minutes to the gentleman from Massachusetts [Mr. WEEKS] in order that he may answer any questions.

Mr. GARRETT. In some sections of the country, and it is particularly true in my section in Tennessee, most of the loans that are made on real estate are what are called "time loans." Now, is not this limitation providing for no longer time than twelve months which has been placed on the bill likely to be dangerous in this way, that it will cause many farms to be sold at the expiration of twelve months where the borrower is unable to raise the money to pay the debt when it becomes due? I suppose, of course, that the debt could not be renewed.

Mr. WEEKS. There is no reason why the debt could not be renewed if a satisfactory reason were given for its renewal.

Mr. GARRETT. And with the renewal would there not have to be a new mortgage and involve that additional cost or expense?

Mr. WEEKS. Yes; the matter of a couple of dollars or so, that is all.

Mr. SHERLEY. I would like to ask the gentleman this question: Upon what theory a farmer is allowed to borrow money from a national bank upon his land, and the resident of a city is not permitted to borrow upon his city real estate as security?

Mr. WEEKS. I will say to the gentleman from Kentucky that, generally speaking, in cities there are savings banks and trust companies, and of course those institutions loan on real estate; but in the country districts, where the farmers reside, there are no trust companies, and in the South and West there are few savings banks, and therefore the only place the farmer can borrow money is from a national bank which may be in the neighborhood.

Mr. SHERLEY. Then the gentleman would make the rights of citizens depend upon the facilities that they may have to do a particular business?

Mr. WEEKS. I would make it depend upon the necessities of the case. In this bill they are limited to farm mortgages, because it was the purpose of the bill to prevent loaning on real estate that was being exploited for speculative purposes.

Mr. SHERLEY. Is there any reason why real estate in a city would not be just as safe security for a loan as real estate in the country?

Mr. WEEKS. There is no reason in the world why it is not.

Mr. SHERLEY. Is there any more risk to a national bank in loaning on good city property than on good country property?

Mr. WEEKS. Not if it is a properly secured loan.

Mr. SHERLEY. Then why the restriction?

Mr. WEEKS. The restriction is because this legislation is expedient. It is the only means the farmer has to get money. Now, as a matter of fact, under present conditions he goes to his bank to borrow money to harvest his crop, and he has no security except his farm. He gives his note to the bank without any security.

Mr. SHERLEY. The gentleman is making an assumption that does not always hold true. You are establishing a precedent whereby any particular class of men can by urging particular circumstances surrounding them have special legislation for themselves only to the exclusion of other citizens.

Mr. WEEKS. I will say to the gentleman from Kentucky, generally speaking, in cities and thickly populated communities, as I said before, there are savings banks and trust companies whose special function is to lend on real estate. They lend for a long time at low rates of interest. In this case which we are trying to cover there is no way for the farmer to get money where the bank will be secured, unless he gives his farm as security, and in this way the farmer will be able to get money at reasonable rates of interest for temporary purposes only.

Mr. GAINES of Tennessee. Do State banks loan on real estate?

Mr. WEEKS. They do.

Mr. GAINES of Tennessee. They do in my State.

Mr. MARSHALL. Is it not a fact this bill provides for lending money on the farm lands, exclusive of buildings?

Mr. WEEKS. Exclusive of buildings, and at one-half the valuation.

Mr. MARSHALL. Whereas in a city the building would be additional security.

Mr. WEEKS. Yes.

Mr. MARSHALL. And the necessity of keeping up the insurance adds an additional risk other than they would have in dealing with farm lands solely.

Mr. WEEKS. Yes.

Mr. MARSHALL. Because if by any oversight the insurance was neglected, or proved to be bad, there is an element of risk there which there is not in the other, so that a loan on farm lands is different from a loan on city lands.

Mr. PRINCE. Mr. Speaker, I yield five minutes to my colleague on the committee [Mr. POWERS].

Mr. POWERS. Mr. Speaker, I see no special objection to this bill, unless it is that it does not go far enough. I should see no special objection to it if it abolished all the restrictions as to the loaning of money by a national bank. Whatever reasons may have demanded them forty years ago, I doubt the necessity or wisdom of their continuance. I believe regulations hampering any business, as a rule, do more harm than good. I do not believe that there is a State in this nation where trust companies and State banks of any kind are established that puts any restriction upon the security upon which those banks may loan at least a part of their capital. I do not know any reason why the same rule which every State regards as a good one, acting in its individual capacity, might not be a proper one so far as national banks are concerned. I believe our national banking system is a good—not perfect—one. No human agencies are. It has given us a sound and safe currency. It has been a potent agency in enabling the Government to care for and refund the national debt at a low rate of interest. There has been a clamor against them in the past. It had no solid foundation to rest upon. They are no longer a political issue. The people have learned that national banks desire prosperity, not panics and commercial depression, to make money. If we can devise some means to make our currency a little more elastic, and I believe we can, at least for the present, it will amply supply all business wants.

If a small bank in a rural district has a surplus, as the law now is, and a farmer wants some of it to increase the amount of his crop, he can only get it by giving satisfactory indorsed notes, which he may not want to do, and sometimes, perhaps, may not be able to do. So the bank sends its surplus to its correspondent at some money center and gets some 2 per cent, whereas with the change this bill proposes it might get 6 per cent at home and be a great aid to production of agricultural wealth. Certainly there can be no question that these real estate loans are not safeguarded by ample security and are in the interest of the farmer, not the speculator.

Now, sir, when this national bank act was passed we had not perhaps so perfect a knowledge of banking as we have to-day. It was to some extent an experiment. Something had to be done. Banks were established more generally in large centers or cities, not in small country towns, and there is much force in what has been said by the gentleman from Massachusetts [Mr. WEEKS] that to-day persons living in large centers can obtain loans from trust companies established there by the State, which have authority to make them upon real estate. To-day, by an amendment of the national-bank act made a few years

ago, we have many small banks throughout the country with a capital of $25,000 and $50,000. It undoubtedly would be a great convenience for the farmers in the sections where these small banks are to be able to go to one of those banks to obtain a loan by mortgage upon their farm lands. In order to be conservative and prevent tying up the banks' funds for a long time the committee has insisted that that loan shall not be longer than for twelve months and that no bank shall loan on farm lands more than 25 per cent of its capital and surplus. There is no limitation on the right for a renewal if the borrower desires and the directors deem it advisable in whole or in part. At the end of twelve months the farmer would simply have to make his application and have it come up before the board of directors, and if the board decided it was proper and safe to continue the loan, as undoubtedly they would, if they could accommodate him—for all banks desire to oblige their customers for more or less or the same amount—he would get the renewal.

Mr. GARRETT. Will the gentleman from Maine yield for a question?

Mr. POWERS. Yes.

Mr. GARRETT. Does the gentleman think that renewal could be provided for in the first mortgage, so as to save the necessity for the second mortgage?

Mr. POWERS. I do not. I think a fair construction of this act necessarily prohibits any such provision or agreement and would make it unlawful. It makes it necessary, in order that the directors may subserve the interests of their banks, that the matter should come up de novo before them when a renewal is asked for.

Mr. GARRETT. One thing I am fearful of myself in regard to this is that it is almost providing by law that they must squeeze a man at the end of twelve months.

Mr. POWERS. Oh, no. I am not one of those who believe that it is the interest or desire of directors of national banks to injure anyone. It is a limitation necessary to prevent too long time loans.

Mr. GARRETT. I think not myself, but I was saying that it seems like it is almost making it their duty by law to squeeze the farmer whether they want to or not.

Mr. POWERS. It makes it their duty by law to compel the man, as he should, to come in and make a new application and present a reason why he wants a renewal of all or part of the loan, and that he can readily do.

Mr. GARRETT. I believe the law now is that a national bank if it acquire real estate other than that used in its business shall not hold it for a longer period than two years. This makes no change in that.

Mr. POWERS. None whatever.

Mr. GARRETT. Any real estate they might acquire by purchase to save themselves on a debt they could not hold for longer than two years.

Mr. POWERS. They could not hold it longer than the time now prescribed in the national banking laws. They would have to sell it as therein provided. Now, as to this being class legislation, as contended for by the gentleman from Kentucky [Mr. SHERLEY], I do not see it in exactly that light. In some respects a great many statutes may be termed class legislation. There is, you may say to-day, a species of favoritism in the banking laws. If I have $10,000 in bonds I can go to any bank with that collateral security and I can make a loan on it in any national bank, if they have the money. But if my friend has $10,000 worth of farm lands he can not go and borrow a dollar upon those lands. That is the conditon to-day. We purpose to put the farmer in the country in the same position to use his farm lands to procure a loan as the man in the city who has the bonds.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. POWERS. Yes.

Mr. SHERLEY. Is the exception due to the fact that there is a difference in the value of the security of farm lands as against city real estate, or is it due to the fact that you want to help simply one class of people?

Mr. POWERS. It is due to the fact that we desire to help a class of people that needs the help, for the reasons given by the gentleman from Massachusetts [Mr. WEEKS].

Mr. SHERLEY. Then it is class distinction, because it is for a class and not on account of the security.

Mr. POWERS. It is a distinction which will aid certain people who need it. There is mighty little legislation in this country for the farmer as compared with some other interests not near as important.

Mr. KENNEDY of Nebraska. Will the gentleman yield for another question?

Mr. POWERS. I want first to answer the gentleman from Kentucky. As I said before, I would take off all the limitations if I had my way, but I believe half a loaf is better than no bread, and that in this particular instance it would be good policy if we can not get more to grant what this bill provides for.

Mr. KENNEDY of Nebraska. I want to ask the gentleman why it is that in the amendment made to this bill the committee has excluded the owner of real estate in the city, no matter whether he has bonds to borrow money on or not?

Mr. POWERS. I think the gentleman from Massachusetts made the statement that there was no special need of including him, for he had ample opportunity to borrow from trust companies in his immediate vicinity if he wanted to do so.

Mr. KENNEDY of Nebraska. Suppose that national banks are situated in a city where there are no trust companies?

Mr. POWERS. It is not a supposable case.

Mr. KENNEDY of Nebraska. It is a supposable case.

Mr. POWERS. Where?

Mr. KENNEDY of Nebraska. Right in the city of Omaha, Nebr.

Mr. POWERS. I am not acquainted with Nebraska. I do not live in that State.

Mr. KENNEDY of Nebraska. I am acquainted with it. The owners of real estate in that city are entitled to the same protection as that to which the farmers are entitled.

Mr. POWERS. Are there any savings banks in the city of Omaha, Nebr.?

Mr. KENNEDY of Nebraska. One only.

Mr. POWERS. Where does all the great wealth of Nebraska center?

Mr. KENNEDY of Nebraska. A large part of it centers in the city and a large part in the farm, and all I am asking is that the owners of real estate in the cities shall have the same rights and the same privileges extended to the farmers.

Mr. POWERS. Would you deprive the farmers of the right to borrow because the city people do not have it?

Mr. KENNEDY of Nebraska. No; but if granted to the farmer you should grant it to the property owner in the city.

Mr. POWERS. I am in favor of that, but the majority of the committee was not.

Mr. GRAHAM. Would not this bill be more equitable and stronger on the floor of this House if the provision had been allowed in it in regard to real estate at large instead of farm land only?

Mr. POWERS. Personally I should have favored it that way, but that was not the view of the committee.

Mr. GRAHAM. I think the committee made a mistake. I think the bill would have been stronger if they had left it as it was originally.

Mr. POWERS. The amendments can be voted down by the House.

Mr. PRINCE. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, the general purposes of this bill I approve of. Some of its details I am not clearly familiar with and can not speak with regard to them.

But there is a situation in very many of the localities of the Central West that, in my judgment, ought to be alleviated. I live in a county that at the last national census contained 24,000 people. Yet, I ascertained that on one day in October last in the banks of that county there were deposits amounting to $3,180,000 that belonged largely to the farmers. One million of dollars nearly, I found from the statement of those banks, was under the head of "Due from other banks and bankers," and upon inquiry I found that that large sum of money was largely in the cities of Chicago and New York, sent there because there was no local demand for it under the possibilities that are opened to the banks to loan. The national banks can not loan it for a longer period than three months, and there was this surplus in the banks that could not be used for such loans.

There are two reasons why this act should become a law, in my judgment. One is for the accommodation of those people at home who want loans for a longer period than three months. The other is—and that is a more important one, because from that comes the peril to our finances—to keep this money out of the great money centers. When this money goes to New York there is no legitimate demand for it. That is, when I speak of legitimate demand I want to exclude from that category the stock speculations that are rife in all the business centers and that form a peril to our financial stability. This money from the country banks goes into the city banks, and its presence there is an encouragement of stock speculation. It is loaned in a way and to a class of people and on a class of security that it would not be loaned to if the banks were limited to the use of that money that belongs legitimately to their section of the country. All of the trouble that we hear of, all of the prognostications of com-

ing disaster, are, in my judgment, the result of loans to that class of speculators that have no right to consideration from well-established and well-organized banks. The money gets tied up, and then we hear about the necessity for raising large sums in the East to move the crops.

Let me suggest to you, gentlemen, that that is an entirely mythical situation. The people of the West, the region that produces the crops, do not rely upon New York or Chicago for the money to do their business. They have a surplus. We are constantly lenders, not borrowers, from these banks, and when this period of talk occurs these gentlemen of the East are but "shinning around" to find means for the return to the West money that western banks have placed with them and that they have been induced to loan for the illegitimate purpose of stock speculation. Now, if we can, by a modification of the laws, provide a market for this Iowa money, I will say, at home, it will be kept out of the city banks.

Now, whenever one of our people desires a long loan he gets eastern money, because he can not secure the money that belongs in his own locality for the reason that the bank can not give him the time that he needs and can not accept the security he is willing to give. Therefore, to my mind, the leading feature of this bill, namely, that one that authorizes the lending of 25 per cent of the capital of the bank on real estate security, is a wise provision. It will accommodate the man at home who wants a longer period than three months. It will prevent the perils that come to us from this overspeculation in stocks. Money that is now sent from my county to New York and that brings to the home bank 2 per cent, according to the report to-day, is being loaned in New York to a speculating class of doubtful borrowers at 22 per cent on call loans. There is the reason why all of these eastern gentlemen are so unwilling that we should have this needed legislation. I hope the bill will pass. [Applause.]

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. For the purpose of addressing myself to the bill pending before the House.

The SPEAKER. The gentleman from Illinois has the floor.

Mr. PRINCE. How much time does the gentleman desire?

Mr. WILLIAMS. About three or four minutes.

Mr. PRINCE. I yield to the gentleman five minutes.

Mr. WILLIAMS. Mr. Speaker, every student of the banking systems of the world knows that a banking system resting upon landed security is as a rule unsafe. I want to call the attention of the House to the restrictions that make this bill safe for the system while it is to the highest degree advantageous to the farmer.

In the first place, Mr. Speaker, as things are now the farmer can go to a State bank and borrow upon land. If there happens to be in a town two banks, one a national bank and the other a State bank, the cashier of the State bank knows that the farmer can not borrow except from him. He gets an opportunity to hold him up for a better security or larger interest. Under the restrictions in this bill giving the power to loan upon land the security will be sufficient. There are two provisos here to which I wish to call the attention of the House, one the restriction of time during which a loan may be outstanding upon a landed security, and that has been read to the House, and the other is this:

Provided further, That applications for loans upon notes, bonds, or other evidences of debt secured by mortgages and other instruments of security on unencumbered farm lands shall be made in writing and approved in writing by the majority of the board of directors.

That forces at least a majority of the board of directors to take personal cognizance of each of these loans, and to see to it that the amount loaned is commensurate with the value of the land, is not too much in proportion to the value of the land, and that all other conditions accompanying the loan recommend it as a safe loan to the bank. I do not desire to discuss it. One of the first things I ever did when I came to Congress, in the Fifty-third Congress, was to introduce a bill to enable national banks to lend money upon land. The farmers in every district in my State are in favor of this bill or of some bill like it. There is no reason, Mr. Speaker, why the property of the farmer should not be taken as security as well as the security of other people, providing it can be made into a liquid asset; and with these two provisions it can be made into a liquid asset, because the directors will see to it that the amount lent is so small in proportion to the value of the land that the money can be gotten immediately—even by forced sale—out of the land when the bank wants it. I hope the bill will pass, Mr. Speaker.

Mr. PRINCE. I yield five minutes to the gentleman from Missouri.

Mr. HILL of Connecticut rose.

Mr. PRINCE. Do you want some time?

Mr. HILL of Connecticut. I should like to have some.

Mr. PRINCE. You shall have it as soon as the gentleman from Missouri is through.

Mr. DE ARMOND. Mr. Speaker, in my judgment, this is a bill which ought not to pass. I think that the real issue raised by it is between the national banking system and the State banking system, and that the legislation, should the bill become a law, will be against the State banks, and will have the effect, and perhaps is designed to accomplish the end, of extending the national banking system at the expense of the various State bank systems. This I do not think to be good legislation. The national banks now have some advantages over State banks. The State banks have not the power to issue money. They can not buy bonds, deposit the bonds, get interest upon the bonds, and get back in currency the face value of the bonds. The national banks can do that. The supposed advantage to farming communities to come from this legislation is, I think, supposed, and not real. It is a fact that those who desire to borrow upon mortgage can, as things now are, borrow at less than bank rates.

Any man who has unencumbered real estate which he chooses to encumber with a mortgage as security for a loan can get the loan at a less rate, and upon better terms, through the various agencies of the country for such loaning of money than he can at any bank, State or national. It is well known everywhere that bank rates are higher than general mortgage rates. The effect of such legislation as is here urged (I need not talk about its object) will be to increase the number of national banks in the country, and decrease the number of State banks. The advantage to come to the farmer, who is the supposed beneficiary in this legislation, is purely suppositional, and, in my judgment, never will be realized in fact as the result of this legislation. It is well enough, I think, not to extend too fast or too far the powers or the functions of national banks.

The reasons, according to the report, which existed in the past for limiting national banks in making loans to the ordinary course of the banking business, I believe are existing still. The report says that the country has been settled up; that cities and towns have grown up, and farm lands are greatly advanced in value. That is given as a reason for changing the system. In my judgment it is no reason whatever. I believe the restriction was sound and beneficial in the first instance, and I believe that the soundness and good quality of it remain unimpaired.

Mr. PRINCE. I yield five minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL of Connecticut. I do not know that I can finish what I have to say in five minutes.

Mr. PRINCE. We are desirous to get along with this.

Mr. HILL of Connecticut. But it is a pretty important matter, and we have the rest of this week. I understand there is no appropriation bill ready.

Mr. PRINCE. How much time does the gentleman want?

Mr. HILL of Connecticut. I do not know. If the gentleman will yield time to me I will conclude in five minutes, if I can.

Mr. PRINCE. Very well; I will give the gentleman five minutes, and then will grant him an extension, if he needs it.

Mr. HILL of Connecticut. Mr. Speaker, I am utterly opposed to this proposition, for it will be an entering wedge for the destruction of the national banking system, in my judgment; and not only that, but it will be a panic breeder for the United States. The gentleman from Mississippi has rightly stated that the history of the world, from the organization of the banking systems of the world, has demonstrated that loans upon real estate by commercial banks have been unsound and unsafe. I lay it down as a fundamental proposition that no bank can receive deposits payable on demand and make real-estate loans with them. It is not a safe proposition.

When the national banking system was first organized, if I am not mistaken, there was no such provision in the law in regard to real estate as there is now. The law now is that real-estate mortgages or real-estate securities may be taken as security for debts previously incurred. But the makers of the national banking system found it absolutely necessary, after an experience of two, three, or four years—I do not remember the precise time—to put in this further limitation, that such real estate could not be held longer than five years. It must be sold.

Mr. LEWIS. The only way in which a national bank can take real-estate security now is where the note originally given turns out to be bad or doubtful, and they take the real estate as security.

Mr. HILL of Connecticut. To secure a loan previously made?

Mr. LEWIS. To make it stronger.

Mr. HILL of Connecticut. I understand that. The experience of the country was such that it became necessary to add this further provision, that such real estate must be sold and charged off from the books and not shown as an asset within five years from the time it was taken.

Now, with that experience staring us in the face, why should we deliberately go to work and open the door? That is not all. We are now probably near the moment of the consideration of a bill brought from the Banking and Currency Committee, of which I am not a member, providing for a large extension of the note circulation of this country. If the recommendation of the American Bankers' Association—not a New York Wall street committee, but a committee from all over the country—is concurred in, you will probably have the privilege of voting upon an increase of bank circulation of about $200,000,000. What is the necessity for that? Because during this year, during the past thirty days, rates of money have been 30 per cent. But my friend from Iowa says, "That is Wall street." Oh, yes; but what are the rates in Missouri; what are the rates in Montana; what are the commercial rates throughout the West? Ten per cent, 8 per cent. What is commercial paper selling for in New York? Six and one-half per cent, 7 per cent, 7½ per cent to-day. Does the Secretary of the Treasury, when he is repeatedly invited to relieve the situation, deposit the money in the Wall street banks? Not at all. He emphatically refuses to do that, but distributes it in the banks throughout the West, as he ought to do. Notwithstanding the hundreds of millions of dollars that are lying idle in the West, as claimed by the gentleman from Iowa, he is distributing the Government deposits in the West, and yet in the face of that you come in here and bring in a bill which will take $200,000,000 right out of the commercial funds of the country and make it possible to lock it up for an indefinite period in real-estate loans.

Mr. LEWIS. It is true that the Bankers' Association of the United States is asking Congress to pass a bill permitting banks to issue 37½ per cent credit money at 2½ per cent interest.

Mr. HILL of Connecticut. Do you need it?

Mr. LEWIS. I am not saying that.

Mr. HILL of Connecticut. Are you in favor of it?

Mr. LEWIS. I believe in a liberal amount of money, but I do not believe in it in that way.

Mr. HILL of Connecticut. Then why do you believe in taking $200,000,000 out of the commercial funds of the country and then voting for an increase of asset currency? You are practically substituting farm loans as security for your proposed asset currency in place of a Government-bond security, as now, and I can not vote for such a measure.

Mr. LEWIS. Why should not the farmers have it as well as the banks?

Mr. WEEKS. I would like to ask the gentleman what is the proportion of bank capital in this country in cities of 10,000 population?

Mr. HILL of Connecticut. That is a point that I was coming to. Why, Mr. Speaker, since 1900 some 3,500 small banks have been organized. Am I not right, I will ask the gentleman from Massachusetts?

Mr. WEEKS. I think so.

Mr. HILL of Connecticut. The facts exist as stated by the gentleman from Iowa. Banks with a capital of twenty-five to fifty thousand dollars, and deposits approaching $1,000,000 in some cases find it difficult to loan their funds. I say to you, gentlemen, that the one financial danger that stares this country in the face is the bank of small capital and enormous deposits. The only margin of safety to the depositor that he has is the amount of capital. That is all. That is the only margin of safety, and I am not talking about this question from a personal interest, for the bank in which I am an officer will never loan a dollar on real estate with all the bills that you may pass, and the bank that the gentleman from Massachusetts is associated with never will.

Mr. WEEKS. I think that is true.

Mr. HILL of Connecticut. And this proposition is a financial danger to this country. It has proved so in every country in the world. Why do you limit it to the farmers? Is not the real estate worth doubly and trebly more in the city of Omaha than it is outside? Why do you limit it simply to the farm? If you are going into it, why not go into it on a broad scale?

Mr. BRUMM. Would the gentleman favor going into it on a broad scale?

Mr. HILL of Connecticut. I am utterly opposed to the whole thing. The financial system of this country has provided one class of banks for loans on real estate. Your State banks can do it, your savings banks can do it, your insurance companies can do it, your individuals can do it. But the Government comes in and says, We will organize a commercial system of banks that shall not loan on anything except liquid assets. Gentlemen, it is a dangerous proposition for the banking system of this country to accept deposits on demand and make loans at twelve months on real estate.

Mr. BRUMM. Mr. Speaker, will the gentleman permit me to ask him a question?

Mr. HILL of Connecticut. Certainly.

Mr. BRUMM. Is it not true that the fact that banks in the country districts can not loan money on real estate is one reason why you have congestion of money in the moneyed centers certain periods and scarcity of money in certain other periods, and that that is the most dangerous problem that bankers and financiers are attempting to solve to-day, while if the country banks shall be permitted to make loans on real-estate security they will keep their money at home, and in that way have a more equal distribution of the money all over the country at all seasons of the year?

Mr. HILL of Connecticut. I will answer the gentleman's question. Take it through the greater part of the newer portion of the country the rates of interest are 10 per cent on commercial paper. Why does a bank from Montana or North Dakota send money to New York and leave it there at 2 per cent when it can loan it at 10 per cent at home?

Mr. BRUMM. Simply because they can not get the security.

Mr. HILL of Connecticut. Are they going to bring it back and loan it on the real estate at 10 per cent?

Mr. BRUMM. Simply because they can not get the security.

Mr. HILL of Connecticut. Not at all. The money they send to New York is reserve money which they put there to protect their depositors, and it is wise banking.

Mr. LEWIS. But oftentimes in the Western States—and it is true of the Southern States—during the crop time they have so much money out there that they can not loan it out.

Mr. HILL of Connecticut. Then why don't the rates of interest come down from 10 to 6 per cent?

Mr. LEWIS. Money is often loaned at 6 and 8 per cent.

Mr. HILL of Connecticut. They are loaning it at 8 and 9 and 10 and 12 per cent. Why don't they reduce the rate of interest and encourage business in their own locality by loaning the money out at 5 and 6 per cent as we do?

Mr. LEWIS. What was the rate on call loans in New York City yesterday?

Mr. GROSVENOR. Mr. Speaker, I would ask the gentleman from Connecticut where it is in the West that they loan money at 8 and 10 and 12 per cent?

Mr. HILL of Connecticut. I will ask any gentleman on this floor from any of the Western States what the rate of interest is at his home. What are they in Washington—from 8 to 10 per cent, are they not?

Several MEMBERS. No, no.

Mr. CHARLES B. LANDIS. I made a loan just before I left at 6 per cent.

Mr. HILL of Connecticut. That is because the gentleman stands in magnificent credit, both financially and politically.

Mr. BRUMM. No better credit than real estate would be.

Mr. HILL of Connecticut. I am speaking of the average rate of discounts in the West. It runs from 8 to 10 per cent, and so long as interest stands at such rates as that on commercial paper it is absolutely useless for any Representative from those States to talk about their banks loaning money on real estate at any less rate.

The SPEAKER. The time of the gentleman from Connecticut has expired. The time of the gentleman from Illinois [Mr. PRINCE] has also expired.

Mr. WEEKS. Mr. Speaker, I yield any time I may have to the gentleman from Illinois [Mr. PRINCE].

The SPEAKER. The gentleman from Illinois [Mr. PRINCE] is recognized for one hour, yielded to him by the gentleman from Massachusetts [Mr. WEEKS].

Mr. PRINCE. Mr. Speaker, I thank the gentleman from Massachusetts for the time, because I had given mine practically all away, both to those in favor of the bill and those in opposition. Do I understand that the gentleman from Connecticut wishes more time?

Mr. HILL of Connecticut. Yes.

Mr. PRINCE. How much time does the gentleman want?

Mr. HILL of Connecticut. Oh, I will be brief as I can. I will be through in five minutes, perhaps less.

Mr. PRINCE. I will yield five minutes more to the gentleman from Connecticut.

Mr. HILL of Connecticut. Mr. Speaker, I want to call the attention of Members of the House again to this proposition,

that this bill is the natural outgrowth of the system of small banks with enormous deposits, and that such a system is an unsafe one in itself. The retention of the reserve in the reserve centers—and it does not necessarily follow that that center is in New York, for that reserve may be kept in San Francisco, or St. Louis, or Chicago, or in any of the reserve centers—is required by law and the amount generally is determined by the law compelling a reserve of 15 per cent against the enormous deposits of which we have heard. The country bank does that and keeps it a little larger than is necessary, because they are getting 2 per cent interest on that portion of their deposits with the reserve agent, whereas on the amount they keep in the vaults of the bank they get no interest whatever. So that it is useless to talk, as I said, about the injustice of large deposits by the western banks in the reserve-city banks, because they are doing it for the protection of their depositors, and in addition to that they are getting their 2 per cent rate of interest. Of course they would not keep it there beyond the required reserve if they could loan it at home at 10 per cent. Now, to-day I recognize the fact that all over this country there is a magnificent boom, not only in real estate, but in everything else. Some of us who are a little gray-headed remember that this is not a new experience. We have seen it before, and some of us have suffered bitterly by reason of being let in on the top of the boom. The time is coming when the banks of this country that make their loans on real estate—the new banks, these young banks, these $25,000 banks with half a million to a million dollars of deposits—will be called upon to pay their depositors. How are they going to do it with twelve months' loans on real estate to 25 per cent of their capital? Twenty-five thousand dollars out of a million, with 25 per cent of their capital locked up in real estate and a million dollars of deposits to be handed out on demand!

Mr. WEEKS. Will the gentleman from Connecticut allow me to correct the statement he has just made?

Mr. HILL of Connecticut. Certainly; correct anything I say that is wrong.

Mr. WEEKS. You were speaking of a bank with $25,000 capital and a million dollars of deposits. That bank can only loan $6,250. You just stated it could loan $250,000.

Mr. HILL of Connecticut. I did not intend so to state. I understand the situation perfectly, but I say this, that in the case of a bank with a small capital, with its $6,250 loaned on real estate on twelve months' loans and which is responsible for a half million or more of call deposits when the time comes, that you can not afford to have your bank in that position. Now, the gentleman is a banker himself, and I want to ask him fairly and squarely if he believes that it is sound banking for deposits payable on demand to be invested in twelve months' loans?

Mr. WEEKS. As a director of a bank, I would not loan on——

Mr. HILL of Connecticut. Of course you would not. Can you conscientiously vote to allow other people to do what you would not do yourself?

Mr. WEEKS. I can, because I think the needs of the country require it, and——

Mr. HILL of Connecticut. Then the gentleman's conscience is more elastic than mine.

Mr. MARSHALL. Will the gentleman yield?

Mr. HILL of Connecticut. Certainly.

Mr. MARSHALL. When these hard times come and the bank needs to realize on its securities——

Mr. HILL of Connecticut. Yes.

Mr. MARSHALL. Does not the gentleman know that these very same mortgages on farm lands are the most salable and they are the best security that he can have to realize on?

Mr. HILL of Connecticut. I admit it, but that does not alter the fact they are not liquid securities and realizable at the moment. I admit the soundness and safeness of them, based, of course, on reasonable wisdom in valuation in making the loan originally.

Mr. MARSHALL. If that is true, what difference does it make whether the bank collects its money out of the borrower or whether it disposes of it in the market and realizes on it?

Mr. HILL of Connecticut. It can not pay its deposits, and when the line begins to break, it breaks all the way through.

Mr. MARSHALL. No, indeed——

The SPEAKER. The time of the gentleman has expired.

Mr. HILL of Connecticut. Just one moment. The proviso on page 2, "that any such loan on farm-lands security shall not be for a longer term than twelve months," amounts to nothing. Any board of directors, any president, with that proviso in there, will simply make the loan, say, for twelve months, and if he chooses, renew it on the same day for another twelve months.

Mr. PRINCE. Mr. Speaker, I now yield three minutes to the gentleman from North Dakota [Mr. GRONNA], and after he concludes I shall ask for the previous question on the bill and amendments to final passage.

Mr. GRONNA. Mr. Speaker, this bill is absolutely in the interest of the people in the West. It is in the interest not only of the banker but of the farmer or borrower. I am a banker myself in a small way, and I know that if this bill is passed it will help not only the farmers to get money at lower rates of interest, but it will help the bankers and the national banking institutions and enable them to loan their money on the best security that can possibly be had—security that no bank needs to lose a dollar on, if judiciously placed. I want to give you one illustration. I have a State bank with a $25,000 capital, and last winter when I tried to change it to a national bank I could not do it, because the securities in that bank were partly real estate. In some sections of the West—that, in the new-settled country—as you know, we are not rich. The farmers have a limited amount of personal property, and we take as collateral real-estate security in order to be secure and safe. When I applied to the Comptroller of the Currency for a charter for a national bank I was refused a charter because we had real-estate security, although under ordinary circumstances the personal security was ample, but under the present law no national bank is permitted to take real-estate security. I want to say to you that I have been interested in a national bank with a capital of $200,000, which was located in a city where they had no farm security, and the bank failed. I have been interested in banks in smaller towns with a capital of from ten thousand to twenty-five thousand dollars, and those banks are doing business to-day. So it does not necessarily follow that a bank with the largest capital is the safest.

Now, let me show you what it is doing to the farmer and the borrower. We will say that a farmer has but little personal property, he is obliged to pay the highest rate of interest to the banks; and why? Because the banker is not permitted to loan the money that belongs to the banks upon real estate; and I claim it is an injustice to the farmer and borrower, and it is unjust to the banker of the West, and I know that 99 per cent of the bankers there are in favor of this bill. I hope it will pass. [Applause.]

Mr. PRINCE. Mr. Speaker, I now move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. GILLESPIE. Division, Mr. Speaker.

The question was taken; and there were—ayes 113, noes 44.

Accordingly, the bill was ordered to be engrossed and read a third time; and was read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HILL of Connecticut. Division, Mr. Speaker.

The House divided; and there were—ayes 111, noes 51.

So the bill was passed.

The SPEAKER. Without objection, the amendment of the title to the bill will be agreed to.

There was no objection.

On motion of Mr. PRINCE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ROMAN CATHOLIC CHURCH IN PHILIPPINES.

The SPEAKER laid before the House the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I herewith submit to the Congress the report of the Secretary of War and of the Judge-Advocate-General in reference to the claims presented by the representatives of the Roman Catholic Church for amounts due from the United States to the various Roman Catholic churches in the islands for use and occupation by troops of the United States and for damages during such occupation. I cordially indorse all that is said in these reports, and earnestly hope that the amount recommended by the board will be immediately appropriated, in order to do what is really an act of substantial justice to the Roman Catholic churches of the Philippines, in accordance with the suggestion of the Secretary of War. It is not only a matter of equity that we should pay this sum, but for the reasons set forth by the Secretary of War it is very greatly to the interest of the people of the Philippine Islands that it should be paid. I have accordingly approved the action of the Secretary of War in directing that the same board be reconvened, or another convened, to report on the advisability of paying

additional sums to the Roman Catholic churches in the islands, in view of the damages inflicted upon them by reason of the war and by the insurrectos. I feel that this is peculiarly a case where in the interest of the Philippine people themselves it would be wise for the Congress to exercise a large liberality.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

The SPEAKER. The Chair is not prepared at this time to determine to which committee the message shall be referred.

Subsequently,

The SPEAKER. The Chair desires the attention of the House to the message of the President, touching "claims presented by the representatives of the Roman Catholic Church for amounts due from the United States to the various Roman Catholic churches in the island for use and occupation by troops of the United States, and for damages during such occupation," etc. The Chair is in doubt as to the proper reference of this message. Offhand, perhaps, under the rules, the proper reference would be to the Committee on War Claims; but from a broader view, touching the Philippines, the Chair is inclined to think possibly the substance of the rules would be more fully met by its reference to the Committee on Insular Affairs. If the House has a preference as to its reference——

Mr. PAYNE. Mr. Speaker, if it is in order, I move that it be referred to the Committee on Insular Affairs.

The SPEAKER. The gentleman from New York moves that the message be referred to the Committee on Insular Affairs.

The question was taken; and the motion was agreed to.

So the message was referred to the Committee on Insular Affairs, and ordered to be printed.

LEGISLATION FOR ALASKA.

The SPEAKER also laid before the House the following message from the President of the United States, which was read, referred to the Committee on Territories, and ordered to be printed:

To the Senate and House of Representatives:

I transmit the accompanying papers relative to the present needs of the Territory of Alaska in matters of legislation and government, and heartily commend the views of Governor Hoggatt to the favorable consideration of the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

NOTE.—Papers accompanied similar message to the Senate.

AUTHORITY TO DISMISS AN OFFICER OF THE NAVY IN TIME OF PEACE.

The SPEAKER also laid before the House the following message from the President of the United States, which was read, referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I feel it my duty to call your attention to the facts that, under the provisions of articles 36 and 37 of the Articles for the Government of the Navy, the President has no longer the authority to dismiss an officer of the Navy in time of peace unless in pursuance of a sentence of a general court-martial, and even in time of war his right of dismissal is practically subject to review by a court-martial to be assembled within six months, if the accused officer demands this court. The articles in question are in the terms following:

"ART. 36. No officer shall be dismissed from the naval service except by the order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a general court-martial or in mitigation thereof.

"ART. 37. When any officer dismissed by order of the President since 3d March, 1865, makes, in writing, an application for trial, setting forth, under oath, that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial to try such officer on the charges on which he shall have been dismissed; and if such court-martial shall not be convened within six months from the presentation of such application for trial, or if such court, being convened, shall not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void."

This condition of the law was called to my attention by a recent painful and humiliating incident. On May 9, 1905, an officer of the Navy was accused of behavior so indecent and disgusting as to show clearly his unfitness (if guilty, as charged) to hold a commission or associate with officers and gentlemen. The nature of the alleged misconduct and the lack of compulsory power in naval courts to enforce the attendance of civilian witnesses, as well as the locality where the offense was said to have been committed, caused a long and very unfortunate, although quite unavoidable, delay in his trial by court-martial, which did not occur until January 18, 1906. He was then convicted, but the court, while imposing a severe penalty, to my surprise, as well as that of the Navy Department, did not sentence the offender to dismissal from the service. The failure of the court to rid the Navy of one so clearly unfit to form a part of it was commented upon in appropriate terms by the Department, but it was then and has been since a source of profound regret to me that the law, as above set forth, made it impracticable for me to afford a remedy for this failure. Moreover, it is to be remembered that, owing to the inability of naval courts, as above explained, to compel the attendance of civilian witnesses, and the further fact that they have no authority to receive as evidence the depositions of absent witnesses, while the exigencies of the service may often cause officers and men cognizant of the facts to be employed in distant places at the time of the trial, there is great danger lest offenses of the nature charged against this man should go altogether unpunished. In this case it was found very difficult to overcome the natural reluctance of some of the witnesses to attend and testify.

I am convinced that the President should have the authority, upon his own initiative and responsibility, to dismiss any officer whom he thinks unworthy to remain in the service. I think there is no danger that this power would be abused, and if such danger exists at all it is so slight as to be altogether outweighed by the considerations of public policy which require this authority to be vested in the constitutional Commander in Chief of the Navy. I therefore strongly recommend that article 36, as hereinbefore given, be amended by omitting all of it after the words "general court-martial" where those words first occur therein and that article 37 be repealed.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

TREATMENT OF YELLOW FEVER.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Senate and House of Representatives:

The inclosed papers are transmitted to the Congress in the earnest hope that it will take suitable action in the matter. Major Reed's part in the experiments which resulted in teaching us how to cope with yellow fever was such as to render mankind his debtor; and this nation should in some proper fashion bear witness to this fact.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

NOTE.—Papers accompanied similar message to the Senate.

ANNUAL REPORT OF THE CIVIL SERVICE COMMISSION.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Reform in the Civil Service, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress the Twenty-third Annual Report of the United States Civil Service Commission.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

NOTE.—Papers accompanied similar message to the Senate.

MODERN TREATMENT OF CRIMINALS BY PROBATION.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a communication from Judge William H. De Lacey, setting forth some reasons why the more modern treatment of criminals by probation, so successfully tried in several of the States, should be adopted into the Federal procedure, together with a supplemental paper on the subject of child labor, to which I invite your especial attention.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

NOTE.—Papers accompanied similar message to the Senate.

HUGH DONNELLY.

By unanimous consent, at the request of Mr. OLCOTT, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Hugh Donnelly (H. R. 4150), Fifty-second Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, recommending that permission be given to certain officers of the Army and Navy to accept decorations from foreign governments—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending legislation to provide for printing a greater number of copies of the annual report of the Comptroller of the Currency—to the Committee on Printing, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of Commerce and Labor submitting an additional estimate of appropriations for light stations—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting a statement of receipts from proceeds of public property during the fiscal year ended June 30, 1906, which was not paid into the General Treasury—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Postmaster-General, submitting an account of the public property of his Department—to the Committee on

Expenditures in the Post-Office Department, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for the immigrant station at Ellis Island, New York—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an amended estimate of appropriations for the office of the Secretary of the Navy—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Agriculture submitting an estimate of appropriations for carrying out the provisions of the pure-food law during the current fiscal year—to the Committee on Appropriations, and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a detailed report of expenditures for contingent expenses for the fiscal year ended June 30, 1906—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a combined statement of receipts and expenditures of the Government for the fiscal year ended June 30, 1906—to the Committee on Appropriations, and ordered to be printed.

Annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1906—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting explanations in connection with estimates of appropriations for the fiscal year ended June 30, 1906—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting report of Special Agent Lincoln Hutchinson on trade conditions in Central America and on the west coast of South America—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting report of Special Agent Lincoln Hutchinson on trade conditions in Argentina, Paraguay, and Uruguay—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting the report of Special Agent Charles M. Pepper on trade conditions in Egypt and traffic through the Suez Canal—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of the Interior submitting a statement of receipts and disbursements in connection with the sale of town lots at Anadarko, Lawton, and Hobart, in Oklahoma—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Acting Commissioner of Indian Affairs, the rolls of certain Indian tribes in Oregon and Washington for use in reference to a certain agreement of August, 1851—to the Committee on Indian Affars, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, recommendations as to the allotment of lands in severalty to the Moqui Indians of Arizona—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting the annual report of the Maritime Canal Company of Nicaragua—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting the certificate of the governor and secretary of Arizona showing the result of the election of November 6, 1906, in that Territory on the question of joint statehood with New Mexico—to the Committee on the Territories, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a draft of a bill relating to allotments on the Jicarilla Indian Reservation in New Mexico—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Indian Affairs recommending the repeal of the law as to making quarterly transcripts of certain records—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, submitting, with a copy of a letter from the Commissioner of Indian Affairs, a recommendation as to the time of payment of certain moneys to Indians of Devils Lake Reservation—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a recommendation as to the payment of sums due the Osage Indians—to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MAYNARD: A bill (H. R. 21189) appropriating the sum of $1,000,000 as a loan to the Jamestown Exposition Company for the purpose of aiding in the payment of the cost of the construction, completion, and opening of the Jamestown Ter-Centennial Exposition on Hampton Roads, Virginia, on April 26, 1907, and to provide for the protection of the Government and insuring the repayment of the said sum of $1,000,000 by a first lien upon the gross receipts of the said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from the concessions after the opening of said exposition—to the Committee on Appropriations.

Also, a bill (H. R. 21190) to change the dates of the opening and closing of the international naval, marine, and military celebration to be held in the year 1907 on and near the waters of Hampton Roads, in the State of Virginia, so as to conform to the dates fixed by the Jamestown Exposition Company—to the Committee on Industrial Arts and Expositions.

By Mr. BROWNLOW: A bill (H. R. 21191) to increase salaries of rural free delivery carriers—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 21192) to provide for enlarging and improving the United States building at Bristol, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. MAHON: A bill (H. R. 21193) to provide for the erection of a public building at Chambersburg, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. CANDLER: A bill (H. R. 21194) to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns to construct dams and power stations on Bear River, on the southeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL (by request): A bill (H. R. 21195) to amend an act providing for a uniform system of bankruptcy throughout the United States—to the Committee on the Judiciary.

By Mr. SULZER: A bill (H. R. 21196) to regulate commerce with foreign nations, to make preference for the use of American freighting vessels, to extend the postal service by American steamships, and to promote American trade by sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. BRANTLEY: A bill (H. R. 21197) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.—to the Committee on Ways and Means.

By Mr. SHERLEY (by request): A bill (H. R. 21198) authorizing the Secretary of the Treasury to refund sums illegally collected for stamps used on export ships' manifests—to the Committee on Ways and Means.

By Mr. OVERSTREET of Georgia: A bill (H. R. 21199) for the relief of Daniel G. Heidt, jr.—to the Committee on Accounts.

By Mr. DALZELL: A bill (H. R. 21200) to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River, in Allegheny County, Pa.—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: A bill (H. R. 21201) fixing the salary of Members of Congress and Delegates and their necessary expenses, and for other purposes—to the Committee on Appropriations.

By Mr. MONDELL: A bill (H. R. 21202) fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same—to the Committee on the Public Lands.

By Mr. HUMPHREY of Washington: A bill (H. R. 21203)

appropriating money to be used in rebuilding and repairing the sawmill on the Tulalip Indian Reservation in Washington—to the Committee on Indian Affairs.

By Mr. WALDO: A bill (H. R. 21204) to amend section 4446 of the Revised Statutes, relating to licensed masters, mates, engineers, and pilots—to the Committee on the Merchant Marine and Fisheries.

By Mr. DIXON of Montana: A bill (H. R. 21205) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement—to the Committee on Indian Affairs.

By Mr. BARCHFELD: A bill (H. R. 21206) providing for the erection of a post-office building in the city of Pittsburg, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON: A bill (H. R. 21207) authorizing survey of the Choctawhatchee River, in the States of Alabama and Florida, up to Newton, Ala., and for other purposes—to the Committee on Rivers and Harbors.

By Mr. BROWNLOW: A bill (H. R. 21208) providing for the reorganization of the police force of the Congressional Library—to the Committee on Appropriations.

By Mr. MACON: A bill (H. R. 21209) to quiet the title of the State of Arkansas to certain swamp and overflowed lands—to the Committee on the Public Lands.

By Mr. PATTERSON of Tennessee: A bill (H. R. 21210) to establish a subtreasury at Memphis, Tenn.—to the Committee on Ways and Means.

By Mr. TOWNSEND: A bill (H. R. 21211)to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: A bill (H. R. 21212) to fix the rate of pension in certain cases—to the Committee on Invalid Pensions.

By Mr. BRICK: A joint resolution (H. J. Res. 191) proposing to amend the Constitution of the United States to authorize uniform laws on the subject of marriage and divorce, and to provide penalties for their enforcement—to the Committee on the Judiciary.

By Mr. DALZELL: A joint resolution (H. J. Res. 192) providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.—to the Committee on the District of Columbia.

By Mr. GRAHAM: A joint resolution (H. J. Res. 193) to provide for the printing of 50,000 copies each of the Special Report on the Diseases of the Horse and of the Special Report on the Diseases of Cattle—to the Committee on Printing.

By Mr. KAHN: A concurrent resolution (H. C. Res. 44) providing for the printing of 3,000 copies of the report of Brig. Gen. A. W. Greely on the relief operations of the Army in connection with the San Francisco disaster in April, 1906—to the Committee on Printing.

By Mr. CHARLES B. LANDIS: A resolution (H. Res. 642) providing for the printing of 10,000 copies of the President's message for the use of the Members of the House of Representatives—to the Committee on Printing.

By Mr. MONDELL: A resolution (H. Res. 643) requesting the Secretary of the Interior to transmit to the House certain information concerning public lands—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 21213) granting an increase of pension to Joseph Leonard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21214) granting an increase of pension to Samuel M. Dickson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21215) granting an increase of pension to Finley Brandon—to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 21216) granting an increase of pension to Eliza J. McCardel—to the Committee on Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 21217) for the relief of John J. Sanborn—to the Committee on the District of Columbia.

Also, a bill (H. R. 21218) granting a pension to William H. Anderson—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: A bill (H. R. 21219) for the relief of Jefferson Phillips, of Horse Creek, Walker County, Ala.—to the Committee on War Claims.

By Mr. BENNETT of Kentucky: A bill (H. R. 21220) granting a pension to Edward Heisler—to the Committee on Pensions.

Also, a bill (H. R. 21221) granting a pension to Charles Pratt—to the Committee on Pensions.

By Mr. BOWERSOCK: A bill (H. R. 21222) granting a pension to Lucy A. Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21223) granting a pension to John Opperman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21224) granting an increase of pension to Nat G. Barter—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 21225) authorizing the Secretary of War to bestow a medal of honor upon Albert Listenberger, late of Company F, Second Regiment Iowa Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. CAPRON: A bill (H. R. 21226) granting an increase of pension to John J. Card, alias John Carder—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 21227) granting a pension to Cora A. Lasley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21228) granting an increase of pension to Pleasant Crissip—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21229) granting an increase of pension to Levi W. Jamerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21230) granting an increase of pension to Milton Wymore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21231) granting an increase of pension to James W. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21232) granting an increase of pension to James P. Ferrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21233) granting an increase of pension to Charles Dewitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21234) granting an increase of pension to David A. Nations—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21235) granting an increase of pension to Emery Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21236) granting an increase of pension to Thomas W. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21237) granting an increase of pension to Benjamin Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21238) granting an increase of pension to John W. Gaham—to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 21239) granting an increase of pension to George W. Baley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21240) granting an increase of pension to Meredith T. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21241) granting an increase of pension to Watson L. Corner—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 21242) granting an increase of pension to John L. Cleary—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 21243) granting an increase of pension to Mathew Jellison—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 21244) granting an increase of pension to Levi E. Eldred—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21245) granting a pension to Augusta C. Simons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21246) granting a pension to Margaret Gilroy—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 21247) granting an increase of pension to Thomas J. Ayres—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21248) for the relief of Samuel Wininger—to the Committee on Military Affairs.

By Mr. DENBY: A bill (H. R. 21249) granting a pension to Minnie Scheele—to the Committee on Pensions.

Also, a bill (H. R. 21250) granting an increase of pension to Matilda F. Myler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21251) granting an increase of pension to John B. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21252) granting an increase of pension to John H. McMurtrie—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 21253) granting an increase of pension to Albert Tompkins—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 21254) granting an increase of pension to Nathaniel J. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21255) granting an increase of pension to Thomas McDowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21256) granting an increase of pension to William Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21257) granting an increase of pension to Thomas Morris—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 21258) granting an increase of pension to James Dopp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21259) granting an increase of pension to Ezra M. Rickert—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 21260) granting an increase of pension to Franklin Greenough—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 21261) granting an increase of pension to Orson M. Markcum—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 21262) granting an increase of pension to Margaret Adams—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 21263) for the relief of F. M. Yarbraugh—to the Committee on War Claims.

By Mr. GARBER: A bill (H. R. 21264) granting an increase of pension to David J. Wise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21265) granting an increase of pension to Levi E. Chenoweth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21266) granting an increase of pension to William Ridenour—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 21267) granting an increase of pension to Jerome B. Clark—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 21268) granting a pension to Rollin S. Belknap—to the Committee on Pensions.

Also, a bill (H. R. 21269) granting a pension to Albert W. Kelley—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 21270) granting an increase of pension to Ellen Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21271) granting an increase of pension to Mary A. Kimball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21272) granting an increase of pension to Dyer Copeland—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 21273) granting an increase of pension to Milton Stevens—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 21274) granting an increase of pension to Jeremiah Buffington—to the Committee on Pensions.

Also, a bill (H. R. 21275) granting an increase of pension to Marcuis L. Box—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 21276) granting an increase of pension to Christian Roessler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21277) granting an increase of pension to Robert Martin—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 21278) granting an increase of pension to Frank Hadcock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21279) granting an increase of pension to Martin Heiler—to the Committee on Pensions.

Also, a bill (H. R. 21280) granting an increase of pension to Isaac Cain—to the Committee on Invalid Pensions.

By Mr. KNOPF: A bill (H. R. 21281) granting an increase of pension to Catherine Ludwig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21282) granting an increase of pension to William J. McNamara—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21283) granting an increase of pension to Frederick De Planque—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21284) granting an increase of pension to William Earnest—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21285) granting an increase of pension to William Wayman—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 21286) for the relief of the estate of William J. Cussen—to the Committee on Claims.

By Mr. LEVER: A bill (H. R. 21287) granting a pension to David T. Kirby—to the Committee on Naval Affairs.

By Mr. LITTAUER: A bill (H. R. 21288) granting an increase of pension to William Oathout—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21289) granting an increase of pension to Jesse Lewis—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 21290) for the relief of Joseph Lambert—to the Committee on War Claims.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 21291) granting a pension to Susannah H. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21292) granting a pension to Kate Hough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21293) granting an increase of pension to William C. Todd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21294) granting an increase of pension to Lizzie D. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21295) granting an increase of pension to George D. Fitch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21296) to correct the military record of William W. Shivers—to the Committee on Military Affairs.

By Mr. McKINLEY of Illinois: A bill (H. R. 21297) granting a pension to John Patterson—to the Committee on Pensions.

By Mr. McKINNEY: A bill (H. R. 21298) granting an increase of pension to John A. Pence—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 21299) granting an increase of pension to Josiah H. Hurlbert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21300) granting an increase of pension to James W. Kasson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21301) granting an increase of pension to John Goodier—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 21302) granting an increase of pension to Nicolaus Kirsch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21303) granting an increase of pension to James Edward Bristol—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21304) granting an increase of pension to Jacob Kohl—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 21305) granting an increase of pension to Nathan Gallant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21306) granting an increase of pension to James Pool—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21307) granting an increase of pension to Samuel Fauver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21308) granting an increase of pension to John T. Hogg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21309) granting an increase of pension to Benjamin D. Chase—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21310) granting an increase of pension to Charles B. Wiggins—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 21311) for the relief of Anderson H. Ash—to the Committee on Claims.

Also, a bill (H. R. 21312) granting a pension to Ernst Boger—to the Committee on Pensions.

Also, a bill (H. R. 21313) granting a pension to James Keenan—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 21314) granting an increase of pension to Robert F. Patterson—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 21315) granting an increase of pension to George Leadbetter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21316) granting an increase of pension to Samuel Rhodes—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 21317) for the relief of Martha J. Sibley—to the Committee on War Claims.

Also, a bill (H. R. 21318) granting a pension to William M. Hall—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 21319) granting an increase of pension to Samuel S. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21320) granting an increase of pension to Melinda H. Hitchcock—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 21321) for the relief of L. P. Cayot—to the Committee on Military Affairs.

By Mr. SHEPPARD: A bill (H. R. 21322) granting an increase of pension to Elizabeth Wilson—to the Committee on Pensions.

Also, a bill (H. R. 21323) granting an increase of pension to Gottlob O. Greiner—to the Committee on Pensions.

By Mr. SHERMAN: A bill (H. R. 21324) granting an increase of pension to Thomas Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21325) granting an increase of pension to George O. Tibbitts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21326) granting an increase of pension to Thomas E. Hart—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 21327) for the relief of the estate of R. D. Murray—to the Committee on War Claims.

Also, a bill (H. R. 21328) granting a pension to Catharine E. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21329) granting an increase of pension to Clarica Underwood—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 21330) granting an

increase of pension to B. F. Montague—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 21331) granting an increase of pension to Robert O. Bradley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21332) granting an increase of pension to John R. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21333) granting an increase of pension to Samuel O. Fowler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21334) granting an increase of pension to Robert Langdale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21335) granting an increase of pension to Harvey S. Nettleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21336) granting an increase of pension to Herman Hoffmeister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21337) granting an increase of pension to Henry J. Barrows—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 21338) for the relief of Nick Decker—to the Committee on Claims.

Also, a bill (H. R. 21339) for the relief of Lydia Mahoney—to the Committee on Claims.

Also, a bill (H. R. 21340) granting an increase of pension to C. F. Hansdorf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21341) granting an increase of pension to Charles E. Chapel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21342) granting an increase of pension to Charles A. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21343) granting an increase of pension to James C. Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21344) granting an increase of pension to Edward S. Lightbourne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21345) to correct the military record of Andrew J. Weidle—to the Committee on Military Affairs.

By Mr. SULLIVAN: A bill (H. R. 21346) granting a pension to Thacher T. Baxter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21347) granting an increase of pension to Jeannette M. Guiney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21348) granting an increase of pension to William Seymour Alden—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 21349) granting an increase of pension to John Orale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21350) granting an increase of pension to James M. Chase—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21351) granting an increase of pension to Charles H. Turner—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 21352) granting a pension to Hester B. Parrish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21353) granting a pension to Sallie E. Sperring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21354) granting a pension to Mary Shutler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21355) granting an increase of pension to John Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21356) granting an increase of pension to Edward C. Miller—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 21357) granting a pension to Charles McCollister—to the Committee on Pensions.

Also, a bill (H. R. 21358) granting a pension to Abigal Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21359) granting a pension to John H. Moore—to the Committee on Pensions.

Also, a bill (H. R. 21360) granting a pension to Malona Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21361) granting an increase of pension to William H. Elder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21362) granting an increase of pension to Thomas J. Kemper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21363) granting an increase of pension to Albert Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21364) granting an increase of pension to Beneville Spangler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21365) granting an increase of pension to Thomas Irey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21366) granting an increase of pension to James S. Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21367) granting an increase of pension to Noah T. Shaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21368) granting an increase of pension to Thomas G. Badger—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 21369) for the relief of the estate of Thomas S. Howard, deceased—to the Committee on War Claims.

By Mr. UNDERWOOD: A bill (H. R. 21370) for the relief of Levi Adcock—to the Committee on War Claims.

By Mr. VAN WINKLE: A bill (H. R. 21371) granting an increase of pension to Elizabeth Deiterle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21372) granting an increase of pension to Eliza Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21373) granting an increase of pension to Carrie E. Cosgrove—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 21374) granting an increase of pension to Charles H. Hornan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21375) granting an increase of pension to John S. Cornwell—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 21376) granting an increase of pension to John W. Stichter—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of citizens of Pennsylvania, against abuses of power in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the Philadelphia Board of Trade, against the national bankruptcy law—to the Committee on the Judiciary.

By Mr. BABCOCK: Paper to accompany bill for relief of Mark W. Terrill—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: Paper to accompany bill for relief of Jefferson Phillips—to the Committee on War Claims.

By Mr. BARCHFELD: Petition of Iron City Council, No. 171, Junior Order United American Mechanics, of Pittsburg, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Board of Trade, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on Banking and Currency.

Also, petition of the American Musical Copyright League, against a copyright law inimical to the mechanical reproduction of music—to the Committee on Patents.

Also, petition of the Merchant Marine League, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BENNETT of Kentucky: Petition of Petersville Council, No. 90, and Oakview Council, No. 70, Junior Order United American Mechanics, of Unity, Ky., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BRADLEY: Petition of Highland Council, of Newburg, N. Y., and Ramapo Council, of Suffern, N. Y., for bill S. 4403, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CAPRON: Petition of John H. Matterson, superintendent of schools, Coventry, R. I., favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of John J. Card—to the Committee on Invalid Pensions.

Also, resolution of Local Union No. 516, United Textile Workers, of Peace Dale, R. I., in favor of the shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. COOPER of Pennsylvania: Petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. DALZELL: Paper to accompany bill for relief of James B. O. Horback—to the Committee on Invalid Pensions.

Also, petition of McKeesport Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Board of Trade, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. DE ARMOND: Paper to accompany bill for relief of Thomas J. Ayers—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the Philadelphia Board of Trade, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Association of Retail Druggists, of Atlanta, Ga., against antitrust laws being construed against cooperation of the smaller merchants—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of the Philadelphia Board of Trade, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Board of Trade, against repeal of bankruptcy law—to the Committee on the Judiciary.

By Mr. FLACK: Papers to accompany bills for relief of Ezra M. Rickert and Henry H. Davis—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the One hundred and thirteenth Illinois Veteran Volunteer Infantry Association, for an increase of rates of pension in certain cases—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of F. M. Yarbrough—to the Committee on War Claims.

By Mr. GRAHAM: Petition of the Merchant Marine League, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the executive committee of the Interchurch Conference on Federation, against abuses in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the American Musical Copyright League, against a copyright law preventing mechanical reproduction of music—to the Committee on Patents.

By Mr. GROSVENOR: Petition of the Philadelphia Board of Trade, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HARDWICK: Paper to accompany bill for relief of Jerome B. Clark—to the Committee on Invalid Pensions.

By Mr. KNAPP: Paper to accompany bill for relief of Martin Heiler—to the Committee on Pensions.

Also, papers to accompany bills for relief of Isaac Cain, Robert Lawrence, and William Wayman—to the Committee on Invalid Pensions.

By Mr. KNOPF: Paper to accompany bill for relief of Catherine Ludwig—to the Committee on Invalid Pensions.

By Mr. LAMB: Petition of Grove Council, No. 40, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of Posts Nos. 206 and 435, Grand Army of the Republic, Department of New York, for restoration of the canteen in State Home at Bath, N. Y.—to the Committee on Military Affairs.

Also, petition of the Philadelphia Board of Trade, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. LEE: Paper to accompany bill for relief of heirs of Elijah Lumpkin—to the Committee on War Claims.

By Mr. LLOYD: Petition of citizens of Excello, Mo., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of Harriet Laura Cady et al., favoring free postage on books for the blind—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Papers to accompany bills for relief of John R. Goodier, James W. Kasson, and Walter M. Rupert—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of John H. Allison—to the Committee on Invalid Pensions.

By Mr. PARKER: Paper to accompany bill for relief of Wilson Smith—to the Committee on Military Affairs.

By Mr. PEARRE: Petition of Jefferson Council, No. 127, and Saulte Mountain Council, No. 8, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of W. M. Hall—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Martha J. Sibley—to the Committee on War Claims.

Also, papers to accompany bills for relief of heirs of William D. Toone and William D. Bostick—to the Committee on War Claims.

By Mr. SHERMAN: Papers to accompany bills for relief of George O. Tibbitts and Thomas E. Hart—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Papers to accompany bills for relief of Clarica Underwood and Catherine E. Moore—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of estate of R. D. Murray—to the Committee on War Claims.

Also, paper to accompany bill for an appropriation for the benefit of a national cemetery near the city of Lebanon, Ky.—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Mark Smock—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of colored citizens of New Haven, Conn., assembled in a union thanksgiving service, protesting against the discharge of Companies B, C, and D of the Twenty-fifth United States Infantry—to the Committee on Military Affairs.

By Mr. SULZER: Petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of estate of Thomas S. Howard—to the Committee on War Claims.

By Mr. UNDERWOOD: Paper to accompany bill for relief of Levi Adcock—to the Committee on War Claims.

By Mr. VAN WINKLE: Petition of 150 citizens of New York, against liquor selling in any Government building, ship, or park—to the Committee on Alcoholic Liquor Traffic.

SENATE.

THURSDAY, *December 6, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. HALE. Mr. President, almost all the long record is one of bills introduced, and therefore I ask that the further reading of the Journal be dispensed with.

There being no objection, the further reading of the Journal was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ANNUAL REPORT OF COMPTROLLER OF CURRENCY.

The VICE-PRESIDENT laid before the Senate the Annual Report of the Comptroller of the Currency for the year ended October 31, 1906; which was referred to the Committee on Finance, and ordered to be printed.

LIBRARY OF CONGRESS.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Librarian of Congress, transmitting the annual report of the Librarian of Congress, together with the annual report of the superintendent of the Library building and grounds for the fiscal year ended June 30, 1906. The communication will be printed. The reports accompanying the communication will not be printed, but will be referred to the Committee on the Library in connection therewith.

MARITIME CANAL COMPANY OF NICARAGUA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Maritime Canal Company of Nicaragua; which, with the accompanying paper, was referred to the Committee on Interoceanic Canals, and ordered to be printed.

FOREST RESERVE LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in further response to the resolution of March 19, 1906, additional lists of persons, firms, and corporations who conveyed or relinquished to the United States lands within forest reserves, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

RESULT OF ELECTION IN ARIZONA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a certificate of the governor and the secretary of the Territory of Arizona, showing the result of the election held in that Territory on November 6, 1906, upon the question of joint statehood with New Mexico; which, with the accompanying papers, was referred to the Committee on Territories, and ordered to be printed.

RESULT OF ELECTION IN NEW MEXICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a certificate of the governor and the secretary of New Mexico, showing the result of the election held in that Territory on November 6, 1906, upon the question of joint statehood with Arizona; which, with the accompanying papers, was referred to the Committee on Territories, and ordered to be printed.

MOQUI INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, inclosing a letter from the Commissioner of Indian Affairs, with respect to the condition of the Moqui Indians of Arizona, together with the draft of a bill authorizing the allotment of lands to these Indians indi-

vidually; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

JICARILLA INDIAN RESERVATION LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, inclosing a letter from the Commissioner of Indian Affairs, together with the draft of a bill to quiet title to lands on the Jicarilla Reservation and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

ACCOUNTS OF INDIAN AGENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, submitting an amendment to repeal so much of section 10 of the act of March 3, 1875, as requires transcripts of the cash books to be forwarded quarterly by each Indian agent to the Commissioner of Indian Affairs; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

DEVILS LAKE INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, inclosing a copy of a letter from the Commissioner of Indian Affairs, recommending an amendment to article 3 of the act of April 27, 1904, authorizing the annual per capita payments to the Indians of the Devils Lake Reservation, in North Dakota, yet due, to be made in the month of April or May instead of in June; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

OSAGE INDIANS IN OKLAHOMA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, together with the draft of a bill recommending that the sum of $69,120, the amount due the Osage tribe of Indians in Oklahoma, be placed to their credit, at interest, on the books of the Treasury; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

COMMERCIAL ORGANIZATIONS AND AGRICULTURAL ASSOCIATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to the resolution of June 22, 1906, certain information concerning the list of national, State, and local commercial organizations, also national, State, and local agricultural associations of the United States; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate the following communications from the assistant clerk of the Court of Claims in the following causes:

In the cause of Henry Whelen *v.* The United States;

In the cause of Emily A. Gifford, widow of George P. Gifford, deceased, *v.* The United States;

In the cause of Frances R. Hunsicker, widow of Joseph L. Hunsicker, deceased, *v.* The United States;

In the cause of Mary S. McQuade and William A. Chambers, children of William Smith, deceased, *v.* The United States;

In the cause of Presley M. Rixey *v.* The United States;

In the cause of James M. Odend'hal, administrator of John W. Odend'hal, deceased, *v.* The United States;

In the cause of Winnie M. Stillwell, widow of James Stillwell, deceased, *v.* The United States;

In the cause of A. Nelson Bell *v.* The United States;

In the cause of George T. Douglass, son of Daniel T. Douglass, deceased, *v.* The United States;

In the cause of Alexander D. Damon *v.* The United States;

In the cause of Ferdinand G. Morrill *v.* The United States;

In the cause of Josephine A. Buell, widow of James W. Buell, deceased, *v.* The United States;

In the cause of Eleanor R. Swan and Charles B. Swan, heirs at law of Robert Swan, deceased, *v.* The United States;

In the cause of Ellen L. Faunce, widow of Peter Faunce, deceased, *v.* The United States;

In the cause of Fred White, son and heir at law of Edward W. White, deceased, *v.* The United States;

In the cause of Louisa C. Bell, widow of Edward B. Bell, deceased, *v.* The United States;

In the cause of Katharine M. Burnett, widow of Joseph C. Burnett, deceased, *v.* The United States;

In the cause of Frederick W. Wunderlick *v.* The United States;

In the cause of Clara B. Hassler, widow of Charles W. Hassler, deceased, *v.* The United States;

In the cause of Walter J. Mayer, Alfred J. Mayer, and Ida J. Mayer Storch, heirs of William H. Mayer, jr., deceased, *v.* The United States;

In the cause of Gilbert L. McGowan *v.* The United States; and

In the cause of Harriet S. Lyeth, administratrix of Clinton H. Lyeth, deceased, *v.* The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1804) providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 8124. An act to amend section 5136 of the Revised Statutes of the United States, permitting national banking associations to make loans on farm lands as security, and limiting the amount of such loans;

H. R. 11273. An act to incorporate The National German-American Alliance; and

H. R. 14587. An act to authorize the Secretary of the Treasury to issue duplicate gold certificates in lieu of ones lost or destroyed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the One hundred and thirteenth Illinois Veteran Volunteer Infantry Association, of Watseka, Ill., praying for the enactment of certain pension legislation; which was referred to the Committee on Pensions.

Mr. DEPEW presented a petition of the congregation of the Second German Baptist Church, of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a memorial of Huguenot Grange, No. 128, Patrons of Husbandry, of New Paltz, N. Y., remonstrating against the enactment of legislation providing for the free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of M. D. Pratt and 20 other citizens of Watertown, N. Y., remonstrating against the enactment of legislation requiring the closing of certain places of business in the District of Columbia on Sunday; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented memorials of sundry citizens of Chicago and Decatur, in the State of Illinois, remonstrating against the enactment of legislation to authorize the closing of certain places of business in the District of Columbia on Sunday; which were referred to the Committee on the District of Columbia.

Mr. BRANDEGEE presented a petition of the Connecticut Baptist Convention, at Hartford, Conn., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Affairs.

Mr. HOPKINS presented a petition of Mattoon Council, No. 1057, Knights of Columbus, of Mattoon, Ill., praying for the enactment of legislation providing a suitable memorial to the memory of Christopher Columbus; which was referred to the Committee on the Library.

He also presented a petition of the Christian Endeavor Society of Grace Church, of Naperville, Ill., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Farmington, Ill., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. HALE presented a memorial of Morning Light Grange,

Patrons of Husbandry, of Monroe, Me., remonstrating against any further appropriation being made for the free distribution of seed; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the board of aldermen of Biddeford, Me., praying for the enactment of legislation to acquire national forest reserves in the Appalachian Mountains and White Mountains, to be known as the "Appalachian Forest Reserve" and the "White Mountain Forest Reserve," respectively; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. DANIEL presented the petition of Joseph L. White, of Harpers Home, Va., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of William H. Willis, of Skipwith, Va., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

HISTORY OF THE CONGRESSIONAL CEMETERY.

Mr. BURKETT. As a member of the subcommittee of the Committee on the District of Columbia, to whom was referred a bill pertaining to the granting of certain streets in the limits of the Congressional Cemetery for burial purposes, I will state that the subcommittee has gone very considerably into the history and a search has been made of the laws and records pertaining to the Congressional Cemetery. The paper which has been prepared is needed by the committee, and perhaps others, in the further consideration of the bill. I ask that this compilation of records and statutes may be printed as a Senate document.

The VICE-PRESIDENT. The Senator from Nebraska reports from the Committee on the District of Columbia a paper entitled "History of the Congressional Cemetery," and asks that it may be printed as a document. Is there objection? The Chair hears none, and it is so ordered.

MARY LAJORD.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. NELSON, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Mary Lajord, widow of Thomas Lajord, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

PRESENTATION OF PRIVATE BILLS AND PETITIONS.

Mr. HALE. Mr. President, I have forgotten what is the scope of the rule of the last session with reference to pension bills. Can they be referred without a formal presentation?

The VICE-PRESIDENT. After the morning hour they may be referred by handing them to the Secretary of the Senate.

Mr. HALE. And also petitions?

The VICE-PRESIDENT. Petitions may also be handed in.

The rule adopted at the last session bearing upon this subject is, in part, as follows:

Senators having petitions, memorials, pension bills, bills for the payment of private claims, or for the correction of naval or military records to present after the morning hour may deliver them to the Secretary of the Senate, indorsing upon them their name and the reference or disposition to be made thereof, and said petitions, memorials, and bills shall, with the approval of the presiding officer, be entered on the Journal, etc.

BILLS INTRODUCED.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6833) granting an increase of pension to Bettie Vose;

A bill (S. 6834) granting an increase of pension to Betheul P. Gould; and

A bill (S. 6835) granting an increase of pension to George Maybury.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6836) granting an increase of pension to Edward P. Strickland;

A bill (S. 6837) granting an increase of pension to Elisha R. William;

A bill (S. 6838) granting an increase of pension to Samuel Shepherd; and

A bill (S. 6839) granting an increase of pension to Samuel Tyler.

Mr. CULLOM introduced a bill (S. 6840) to authorize continuance of the railroad siding into square No. 737, in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6841) granting an increase of pension to Mary A. Allen;

A bill (S. 6842) granting an increase of pension to Alonzo D. Lee;

A bill (S. 6843) granting an increase of pension to Harvey McCracken;

A bill (S. 6844) granting a pension to Joseph Freeman;

A bill (S. 6845) granting an increase of pension to Charles R. Moore;

A bill (S. 6846) granting an increase of pension to Edwin W. Parker;

A bill (S. 6847) granting an increase of pension to Ozni S. Perry;

A bill (S. 6848) granting an increase of pension to Edward Seeland;

A bill (S. 6849) granting an increase of pension to Cornelius Cereson;

A bill (S. 6850) granting an increase of pension to Hiram Lobdell;

A bill (S. 6851) granting an increase of pension to Ann E. Hack; and

A bill (S. 6852) granting an increase of pension to Jacob Bristol

Mr. McENERY introduced a bill (S. 6853) for the relief of the estate of Dominique Pochelu, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6854) for the relief of the trustees of Trinity Presbyterian Church, of Lavacca, Catahoula Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 6855) to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULBERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 6856) for the purchase of a site for a Federal building for the United States post-office at Bonham, Tex.;

A bill (S. 6857) for the purchase of a site for a Federal building for the United States post-office at Wichita Falls, Tex.;

A bill (S. 6858) for the purchase of a site for a Federal building for the United States post-office at Cameron, Tex.;

A bill (S. 6859) for the purchase of a site for a Federal building for the United States post-office at Terrell, Tex.;

A bill (S. 6860) for the purchase of a site for a Federal building for the United States post-office at Seguin, Tex.; and

A bill (S. 6861) for the purchase of a site for a Federal building for the United States post-office at Clarksville, Tex.

Mr. LATIMER introduced a bill (S. 6862) to provide for the purchase of a site and the erection of a building thereon at Orangeburg, in the State of South Carolina; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6863) to provide for the purchase of a site and the erection of a building thereon at Newberry, in the State of South Carolina; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DILLINGHAM introduced a bill (S. 6864) to correct the military record of David A. Backum; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read by their titles, and referred to the Committee on Pensions:

A bill (S. 6865) granting an increase of pension to George Nichols (with accompanying papers);

A bill (S. 6866) granting an increase of pension to Louisa D. White;

A bill (S. 6867) granting an increase of pension to Thomas Fisher; and

A bill (S. 6868) granting an increase of pension to Henry A. Minor.

Mr. ALLEE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6869) granting an increase of pension to Caroline W. Congdon; and

A bill (S. 6870) granting an increase of pension to William R. Cahoon.

Mr. BURROWS (by request) introduced a bill (S. 6871) re-

quiring the making of an affidavit for labor performed and improvements made during each year on each mining claim, or forfeiture for the noncompliance therewith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Territories.

Mr. FORAKER introduced a bill (S. 6872) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. BEVERIDGE introduced a bill (S. 6873) to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907," approved June 30, 1906; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. MORGAN introduced a bill (S. 6874) for the relief of the personal representatives of James Rhodes, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. LONG introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6875) granting an increase of pension to Lemuel T. Williams; and

A bill (S. 6876) granting an increase of pension to Jesse L. Pritchard.

Mr. KNOX introduced a bill (S. 6877) to increase the limit of cost for the purchase of site and erection of a public building at Charleroi, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 6878) to provide for the purchase of a site and the erection of a public building thereon at Berlin, in the State of New Hampshire; and

A bill (S. 6879) to provide for the purchase of a site and the erection of a public building thereon at Rochester, in the State of New Hampshire.

Mr. BACON introduced a bill (S. 6880) for the relief of the trustees of Lutheran Parsonage, of Effingham County, Ga.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6881) granting an increase of pension to Jefferson Bush;

A bill (S. 6882) granting an increase of pension to Elisha H. Stephens; and

A bill (S. 6883) granting an increase of pension to Thomas W. White.

Mr. CULLOM introduced a bill (S. 6884) for the repeal of the proviso in the act of March 14, 1900, which prohibits the issue or reissue to any national bank circulating notes of the denomination of $5 in excess of one-third in amount of its circulation outstanding; which was read twice by its title, and referred to the Committee on Finance.

Mr. HALE introduced a bill (S. 6885) granting an increase of pension to William H. Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6886) for the relief of the session of the Presbyterian Church of Greenwood, Prince William County, Va. (with accompanying papers);

A bill (S. 6887) for the relief of the trustees of the Primitive Baptist Church, of Front Royal, Va. (with accompanying papers);

A bill (S. 6888) for the relief of the trustees of the Jerusalem Baptist Church and the vestry of Zion Protestant Episcopal Church, of Fairfax Court House, Va. (with accompanying papers);

A bill (S. 6889) for the relief of the trustees of the Methodist Episcopal Church South, of Unison, Va. (with an accompanying paper);

A bill (S. 6890) for the relief of the trustees of the Trinity Methodist Episcopal Church South, of Catletts, Va. (with accompanying papers);

A bill (S. 6891) for the relief of the trustees of the Methodist Protestant Church of Fox Hill, Va.;

A bill (S. 6892) for the relief of the trustees of the Methodist Episcopal Church South, of Upperville, Va.;

A bill (S. 6893) for the relief of the heirs of Thomas N. Towson, deceased;

A bill (S. 6894) for the relief of the trustees of Cedar Grove Church, of Culpeper County, Va.; and

A bill (S. 6895) for the relief of the trustees of the Methodist Episcopal Church South, of Gravelly Run, Dinwiddie County, Va.

Mr. DANIEL introduced a bill (S. 6896) appropriating the sum of $1,000,000 as a loan to the Jamestown Exposition Company for the purpose of aiding in the payment of the cost of the construction, completion, and opening of the Jamestown Ter-Centennial Exposition on Hampton Roads, Virginia, on April 26, 1907, and to provide for the protection of the Government and insuring the repayment of the said sum of $1,000,000 by a first lien upon the gross receipts of the said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from concessions after the opening of said exposition; which was read twice by its title, and, with the accompanying paper, referred to the Select Committee on Industrial Expositions.

He also introduced a bill (S. 6897) to change the dates of the opening and closing of the international naval, marine, and military celebration to be held in the year 1907 on or near the waters of Hampton Roads in the State of Virginia, so as to conform to the dates fixed by the Jamestown Exposition Company; which was read twice by its title, and referred to the Select Committee on Industrial Expositions.

Mr. CULLOM introduced a joint resolution (S. R. 77) proposing an amendment to the Constitution in relation to the term of service of the President of the United States, and so forth; which was read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL CLERK FOR COMMITTEE ON INDIAN AFFAIRS.

Mr. CLAPP submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs be authorized to employ an additional clerk until March 4, 1907, who shall be paid at the rate of $120 per month out of the contingent fund of the Senate.

LUMBER TRADE INVESTIGATION.

Mr. KITTREDGE. I submit a resolution and ask that it be read and lie on the table.

The resolution was read, and ordered to lie on the table, as follows:

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, authorized and instructed immediately to inquire, investigate, and report to Congress, or to the President when Congress is not in session, from time to time as the investigation proceeds, as to the lumber trade or business of the United States which is the subject of interstate or foreign commerce and make full inquiry into the cause or causes of the high prices of lumber in its various stages of manufacture from the log; and the said investigation and inquiry shall be conducted with the particular object of ascertaining whether or not there exists among any corporations, companies, or persons engaged in the manufacture or sale of lumber any combination, conspiracy, trust, agreement, or contract intended to operate in restraint of lawful trade or commerce in lumber or to increase the market price of lumber in any part of the United States.

To carry out and give effect to the provisions of this resolution the Secretary shall have power to issue subpœnas, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officer in any State in the United States.

That the Secretary of Commerce and Labor be required to make the said investigation at his earliest possible convenience and to furnish the information above required from time to time and as soon as it can be done consistent with the performance of his public duties.

PANAMA RAILROAD.

Mr. MORGAN. Mr. President, if I am in order, I ask the Chair to lay before the Senate the resolution I offered on yesterday, with a view of submitting some remarks upon it.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTUS for Mr. MORGAN, as follows:

Resolved, That the Committee on Interoceanic Canals is directed to inquire and report by bill, or otherwise, whether any or what action of Congress is necessary to bring the alleged corporation of the Panama Railroad within the direct control of the Isthmian Canal Commission or of the Government of the United States.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. Certainly.

Mr. HALE. I do not wish to interfere with the Senator if he desires to debate his resolution. Of course we all understand that when a Senator introduces a resolution upon any subject and desires to speak upon it that courtesy is granted him. But I wanted to ask the Senator whether he proposes.

after his remarks, if he makes them, any action upon the resolution?

Mr. MORGAN. Not to-day.

Mr. HALE. The President has indicated that he will, at a very near day, submit to Congress a special message upon the subject of the Isthmian Canal, which he has personally investigated, so far as he was able to do so in a short time. In view of that I think the Senator will agree with me that as the message from the President, covering all subjects, and undoubtedly the subject of the Senator's resolution, will soon come in——

Mr. MONEY. If the Senator will excuse me, it is impossible to hear him here.

Mr. MORGAN. The remarks I expect to submit to the Senate to-day are exactly pertinent to the resolution I offered, and they relate to the Panama Railroad Company and the disposition the Congress of the United States ought to make of that very intricate, tangled, and difficult question. I presume the President's message will relate to the Panama Canal, and my speech does not.

Mr. BACON. We are equally in trouble about hearing the Senator from Alabama since he has gone over to be near the Senator from Maine. We can not hear what the Senator from Alabama says. We do not know in this part of the Chamber what has been said by either of the Senators.

Mr. MORGAN. The Senator from Maine, as I understand it, thinks that out of some courtesy to the President of the United States I ought to defer my remarks upon my resolution until the President's message comes in.

Mr. HALE. No; if the Senator will allow me, he is entirely wrong. I do not think the Senator should refrain from making his remarks on his resolution, but I do not think any action should be taken at this time.

Mr. MORGAN. No; I do not wish to take any action to-day.

Mr. HALE. If no action is contemplated by the Senator, I do not think there is any reason for interposing. I do not in any way seek to interfere with the Senator in his remarks.

Mr. MORGAN. All right.

Mr. President, I will ask that the Secretary again read the resolution.

The VICE-PRESIDENT. The Secretary will read the resolution at the request of the Senator from Alabama.

The Secretary again read the resolution, as follows:

Resolved, That the Committee on Interoceanic Canals is directed to inquire and report by bill, or otherwise, whether any or what action of Congress is necessary to bring the alleged corporation of the Panama Railroad within the direct control of the Isthmian Canal Commission or of the Government of the United States.

Mr. MORGAN. Mr. President, I wish to present some facts and pertinent observations on the subject of the Panama Railroad, not with a view to the control of its commercial operations by substituting new plans for the conduct of its business or of regulating such conduct, but to place it and its earnings and expenditures and its accountability and management in proper relations of lawful authority and responsibility to the Government of the United States.

I am thoroughly satisfied that no more important legislation connected with the Panama Canal requires the immediate attention of Congress, and this view of the subject includes the preservation of our honor and integrity in respect of our commerce with foreign countries.

To bring this feature of my statement directly to the consideration of Congress and to show its pressing importance, I will present one statement made by the Secretary of War in a recent communication made by him to the chairman of the Committee on Interoceanic Canals.

The Secretary of War, in a paper dated June 28, 1906, sent to Hon J. H. MILLARD, chairman of the Committee on Interoceanic Canals, to be incorporated in the hearings of the committee, in which he argues in favor of the maintenance of the present relations of the Panama Railroad Company to the Isthmian Canal Commission and the preservation of the present nominal existence of that company under its charter by the State of New York, says:

The whole road is therefore completely under the control of the Isthmian Canal Commission. Meantime the artificial entity of the railroad company is maintained, and most conveniently so, in order that it may discharge the duty of a common carrier doing a commercial business, which, under the existing treaty stipulations, the United States would have no right to evade or escape.

The Secretary of War does not state "the existing treaty stipulations" which "the United States would have no right to evade or escape," or how they would be evaded or escaped if the Canal Commission, chartered by Congress, should conduct or discharge the duty of a common carrier doing a commercial business.

I am not informed, except by the statement or allusions of the Secretary of War, that any treaty stipulations exist which prohibit the United States from engaging in the business of a common carrier or from discharging the duty of a common carrier engaged in commercial business, especially between its own home ports, as is the case between our continental and insular ports, and the ports of La Boca and Cristobal in the Canal Zone.

If there are treaty stipulations with foreign countries that contain such prohibitions as to the carrying of trade between foreign ports, I am not aware of them.

If such prohibitions exist in the stipulations of treaties with foreign powers, they are evaded and escaped by the maintenance of an "artificial entity"—a dead dummy—such as the Panama Railroad Company is, if evasion or escape from responsibility is sought by the United States. The idea that this Government stands in need of a legal fiction or an "artificial entity" to hold it to the discharge of its obligations or its duty as a common carrier, is not only fictitious, but it is by no means creditable.

The United States owns the charter, the property, and the stock of the Panama Railroad Company absolutely and without exception or reservation, and has enacted laws for the construction of a canal that will virtually destroy the great leading purposes for its creation, as they are declared in its charter. The opening of the canal will destroy the main object of its creation, as stated in its charter, which was to work out a concession from Colombia, now adopted and ratified by Panama, for a commercial railway, almost exclusively for foreign commerce, to connect the Atlantic and Pacific oceans or to bridge the Continental Divide between them at Panama.

When this great commercial purpose is abrogated by agreement between the owner of the railroad and the grantor of the concession, there is an end of the original uses and purposes declared in the New York charter, and a dissolution of the corporate franchise, at the option of the United States, as to all the world, except the creditors of the railroad company.

The United States is supreme sovereign over this property, under the Hay-Varilla treaty, as well as its sole and exclusive owner, and can pay, as it has already assumed, the debts of all creditors and compel a final liquidation of them at any day it may prescribed. No creditor could possibly have a standing in any court to make objection to or to contest the validity of such an act of Congress.

If Congress should enact a law for tearing up the Panama Railroad, no creditor could enjoin such a destruction of the property.

Certainly none could object to the assertion of the Secretary of War that this railroad company has become an "artificial entity." As such it must be considered, and not as a legal entity.

The device of mental ingenuity that has been employed to embalm the remains of the New York corporation as an "artificial entity" and to give it the semblance of legal validity has taxed to exhaustion the commercial-lawyer craft, the wrecker craft, and the promoters' craft of a brilliant mind, that has used this same corporation in many financial, strategic, and diplomatic exploits that have resulted in national strifes and bloodshed and in ruin to a vast number of innocent people.

I will refer to some of these facts in the course of my remarks and to some of the reasons why the continued use of the corporate name and powers of this company is preserved as an artificial entity.

The Secretary of War, in the statement to which I have referred, gives the following account of the legerdemain employed in constructing this artificial entity:

It hardly seems to me worth while to answer the suggestion with reference to the method by which directors are qualified to sit upon the board under the New York laws. One share of stock is sold by the Government to each director, who pays for the stock, and when he receives the certificate indorses it in blank and signs an irrevocable power of attorney to the United States to transfer it again to the United States on demand, the United States paying $10 to make valid and binding the option to take over the stock. In this way the director is qualified, and in this way the United States obtains power to obtain the share whenever it is needed and to qualify some one else for the director. The members of the Commission constitute the majority of the board of directors, the chairman of the Commission is the president of the road, and a majority of the executive committee are persons connected with the Commission and directly under the orders of the chairman or president.

The whole road is therefore completely under the control of the Isthmian Canal Commission. Meantime the artificial entity of the railroad company is maintained, and most conveniently so, in order that it may discharge the duty of a common carrier doing a commercial business, which under the existing treaty stipulations the United States would have no right to evade or escape.

The "artificial entity" is thus correctly, but very meagerly, described as to its origin and growth by the Secretary of War. It supplanted seven of the thirteen directors of the company who had no connection with the Panama Canal, and it very gradually took on an infusion of seven canal commissioners, and of new blood in the persons of Señor Obaldia, minister from Panama, and Farnham, clerk of Cromwell.

Cromwell stood to his colors and remained a stockholder, director, member of the executive committee, and general counsel of the Panama Railroad Company since 1893, and general counsel of the New Panama Canal Company since 1896, and general counsel of Panama in her infantile hours, and member and general counsel of the Panama legation at Washington. He holds these and other places connected with the Government of Panama to this day.

Cromwell was sole artificer of this "artificial entity," and he is the only known person who has any need for it. As general counsel his powers, coupled with those of director, and with those of Director Farnham and Director Obaldia, and his influence in other quarters, has been and is as nearly absolute in the control of the railroad as if he was sole owner of the entire stock of the company.

The many offices and functions of Mr. Cromwell, connected with the acquisition and control of the canal and railroad property in Panama, and with every stage of the history of that transaction, and his close advisory relations with the President and Secretary of War, which he has industriously and persistently pressed upon them, and his interference with other officers connected with the canal, and his participation, as the *diplomatic* agent of the Government of Panama, in negotiating a protocol, or modus vivendi, with the Secretary of War touching tariff duties, finance, postal affairs, and the rights and privileges of the United States in respect of supplying food to canal employees and laborers, signalize him as one of the persons referred to in the message of the President of January 8, 1906, in which he says:

I court the fullest, most exhaustive, and most searching investigation of any act of theirs, and if any one of them is ever shown to have done wrong, his punishment shall be exemplary.

The Senate responded to this invitation immediately, and on the 9th of January, 1906, adopted the following resolution:

Resolved, That the Committee on Interoceanic Canals, or any subcommittee thereof, be, and are hereby, authorized and directed to investigate all matters relating to the Panama Canal and the government of the Canal Zone and the management of the Panama Railroad Company, to send for persons and papers, and to administer oaths, and employ a stenographer to report such hearings; and that the committee be authorized to sit during the sessions or recess of the Senate, and that all expenses thereof be paid out of the contingent fund of the Senate.

The investigation of "all matters relating to the Panama Canal and the government of the Canal Zone and the management of the Panama Railroad Company" would necessarily include Director and General Counsel Cromwell, and the conspicuous adviser and actor in their most important affairs. The committee could no more overlook him in their investigations than it could neglect to inquire into the conduct and character of the seven Canal Commissioners whose names were sent to the Senate at the same time for confirmation, and were referred to it for investigation.

The conduct and character of all the officers and appointees were put in issue by earnest suggestions of the President. As character does not date from a special time or a special event, or a certain employment, the examination into character and the conduct of which it is the outgrowth is not limited to a given period of time.

Several of the most important men officially connected with the canal and railroad were examined before the committee, and the conspicuous interference of Mr. Cromwell in the business of officers of the canal was shown in their testimony. This was notably the fact in the testimony of John F. Wallace, chief engineer, who had resigned his office.

The committee continued its labors almost daily in the examination of witnesses from the 11th of January until the 26th of February, when Mr. Cromwell was called by direction of the chairman. On his appearance, in great form, he had a written statement, which showed much care in preparation. The opening was as follows:

Mr. CROMWELL. Mr. Chairman, I observe from the testimony before the committee that it is a matter of interest upon your part to more definitely learn the facts concerning certain subjects relating to Panama Canal affairs with which I have had anything to do since the purchase of the canal by the United States, and I thank you for the opportunity. My law firm, Sullivan & Cromwell, have been the general counsel of the Panama Railroad Company for over twelve years and of the New Panama Canal Company for nine years.

Mr. Cromwell, foreseeing the evil, like the wise man, hid himself behind the time limit, saying: "I observe from the testimony before the committee that it is a matter of interest upon your part to more definitely learn the facts relating to Panama Canal affairs with which I have had anything to do since the purchase of the canal by the United States, and I thank you for the opportunity."

Cromwell disclosed, as part of his written statement, facts and assertions that tended to impeach the testimony of John F. Wallace given before the committee on his previous examination; thereupon the following questions were asked the witness and his answers thereto were taken:

Senator MORGAN. Wait a moment, Mr. Cromwell.
Mr. CROMWELL (continuing). And with the view of an indefinite stay there.
Senator MORGAN. Wait a moment. Is it your purpose, in bringing forward this statement in respect of Mr. Wallace, to contradict and impeach him?
Mr. CROMWELL. I am stating facts.
Senator MORGAN. What is your purpose in bringing it forward? You have been asked no questions. What is your purpose in bringing this forward?
Mr. CROMWELL. I am stating facts, Senator.
Senator MORGAN. What is your purpose?
Mr. CROMWELL. The purpose indicated by the facts.
Senator MORGAN. That is to impeach and contradict him?
Mr. CROMWELL. It is to state the facts as they exist, and I suppose the committee desire the facts.
Senator MORGAN. Do you intend to contradict him?
Mr. CROMWELL. If the facts contradict him, he is contradicted.
Senator MORGAN. Do you intend to impeach him?
Mr. CROMWELL. If the facts impeach him, he is impeached.

The character of an impeaching witness is always in issue, and Mr. Cromwell, in his effort to impeach Wallace, invited scrutiny into his conduct, especially in respect of Panama Railroad and Panama Canal matters at any and all times when he was officially connected with those companies.

If there could be any legal or other reason for limiting his testimony to the period since the railroad and canal were taken over by the United States, he brushed it away when he voluntarily became a witness to impeach Wallace, and he opened up the investigation of his character and fitness to be a dummy stockholder in the railroad and a director thereof and a member of its executive committee and its general counsel to the limit of the demand for investigation which the President says he courted at the hands of Congress.

But in matters that are far more important to the people and Government of the United States and of Colombia, Panama, and France, Cromwell's conduct in dealing with the Panama Canal and railroad since his first connection with each of these corporations was such that the committee, under the orders of the Senate "to investigate all matters relating to the Panama Canal and the government of the Canal Zone and the management of the Panama Railroad Company" was bound to investigate.

While Cromwell's fitness for office is involved in all the history of his dealings with those corporations, the dangerous use he has made of such opportunities, both before and since their property was turned over to the United States, which he can continue to make, are matters that require investigation and action by Congress.

If the Panama Railroad Company is still a New York corporation, with the same powers and rights it possessed before the majority of the stock was obtained by the old Panama Canal Company, and if said rights and powers are legally unaffected by the ownership of the stock and property by the United States, the board of directors are not restricted in their independence of action by such ownership.

In this undeniable state of facts we can not fail to see that the door is wide open to the majority of the board of directors to make regulations as to the transportation of commerce, or of material for canal construction, or of laborers, or employees, or suplies of food, that would retard or prevent work on the canal for indefinite periods of time.

Should such things happen through the wicked recalcitrancy of directors or of the executive committee, or for reasons that are fully justified in law, morals, honesty, or public policy, what could the President, or Secretary of War, or the Canal Commission, or the superintendent of the railroad do to meet and overcome the difficulty and save the canal? The answer is that they could do nothing legally, or even by force. The Secretary of War, in his statement to the committee of the Senate, suggests that the directors who opposed the will of the President or the Commission would have their stock ownership canceled, and would thereby be disqualified as directors and their places could be filled by appointment. In this he fails to notice that the President has no power to appoint directors in a New York corporation.

Let us go a step further and assume that the recalcitrant railroad directors are Isthmian Canal Commissioners and that the President can remove them from office as commissioners and replace them with others that will obey his orders. We see that the case becomes still more difficult, because the substituted commissioners, acting on their conscience, may do the same thing for which the others were expelled from office.

In all these suppositions the courts would sustain the direct-

ors in the honest exercise of their official rights and powers and the President would be denied the power to prescribe to them a special line of conduct.

I have referred to such possible difficulties to ask the attention of the Senate to the remedy for such unnecessary conflict between the moribund New York corporation and the vital powers of the Canal Commission, which is to disregard the charter of the Panama Railroad Company in respect of all operations of the railroad and place the power where it rightfully belongs, in the conduct of the Isthmian Canal Commission.

I will assume, in supporting this suggestion, that there is always harmony of action, if not full agreement, between the President and the Isthmian Canal Commission; but if there should be discord between them it would still be true, under the Spooner law, that the President must construct the canal through the Isthmian Canal Commission and not without their concurrence or in spite of their refusal to consent to his plans or procedure. The importance of this check upon the power delegated to the President, that he shall construct the canal through the Commission, can not be overestimated. Without it any wild, arrogant, or ignorant person who may happen to be President could inflict injury upon the country that many generations of our people could not outlive. With this check reason and experience can be appealed to to prevent headlong folly or corrupt action.

The President is not permitted to construct the canal through or in harmony with a board of directors of the Panama Railroad Company. That instrumentality being an indisputable factor in the work of canal construction, and being the exclusive property of the United States, when Congress empowered the President to construct the canal through the Canal Commission it no more authorized him to take the rightful control of the railroad from the Commission and place it or leave it in a board of railroad directors than it authorized him to take up the railroad and dispense with its further use.

Above all, it is a blow at the entire work of railroad construction to place the motive power that controls it in the hands of persons, as directors, who are independent of the Commission and are mere agents of an independent New York corporation.

I have said that Cromwell and his following on the board of railroad directors can work mischief to the country that will cause us shame and millions of money. If he and his following were considered, or had the right to be considered as being in the foremost rank of trustworthy men, I would feel bound to point out these things and to warn my countrymen of the dangers that underlie them. The fact that changes in the railroad directorate are possible every year, and in the Canal Commission they have been very frequent, in either case the liability to put bad men in authority is perilous; and, next, the fact that there are no safeguards except impeachment and dismissal from office to protect the country from the Commissioners, and none whatever to protect the country from faithless directors.

In the contract proposed for the construction of the canal the rates of transportation of employees and of contractors and their families is one-half the rates charged to others for like services. The fixing of the rates is not provided for, but, under the New York charter, this is done by the board of directors.

The proposed contract binds the Government to keep up a line of ships between New York and Panama, and San Francisco and Panama, to furnish transportation for laborers and others at half rates, which means that the Government will pay half the costs of such transportation at reasonable rates. I refer to this as showing one item in which the railroad board of directors will control enormous commercial interests at discretion.

To further illustrate the great control that the railroad company exerts over foreign commerce I will quote from the deposition of Richard L. Walker (Hearings, pp. 3042–3043) the following statement of the steamship lines with which the Panama Railroad Company has special traffic agreements to share in their freight and passenger receipts at the rate of 25 per cent on every voyage for transportation across the Isthmus:

Senator MORGAN. I will get you, if you please, Mr. Walker, to give the names of the different steamship lines with whom you have this through billing arrangement to-day.

Mr. WALKER. The Royal Mail Steam Packet Company, from London, Southampton, and New York to Colon; the Leyland Line and the Harrison Line, from Liverpool to Colon; the Hamburg-Amerika Line, from Hamburg and Antwerp to Colon; the Compagnie Générale Transatlantique, from various ports of France to Colon; La Volace, from Italian and Mediterranean ports to Colon; the Compania Transatlantica, from Barcelona and Spanish ports to Colon; the Hamburg-Amerika Line, from New York to Colon; the United Fruit Company, from New Orleans to Colon; the Compania Sud Americana de Vapores, from the west coast of South America to Panama; the Pacific Steam Navigation Company, from the west coast of South America to Panama; the Pacific Mail Steamship Company, from San Francisco and the way ports of Mexico and South America to Panama. I think that is all.

I could add to this statement other very heavy transactions, yielding profits, that are controlled exclusively by the Panama Railroad Company without the knowledge of the members of the Commission, who hold nominal or perfunctory relations to the railroad company as members of the board of directors. As I am stating, in a general way, the abuses to which the Government is exposed through the operations of this railroad company—this "artificial entity"—I will not take time to go into the many instances in which the evidence shows that this free-lance corporation is robbing the people and the Government.

A blind confidence in Mr. Shonts as superintendent of the railroad and Mr. Drake as deputy of Mr. Shonts and Mr. Cromwell as general counsel and Mr. Farnham, his clerk, and Señor Obaldia, minister plenipotentiary from Panama, seems to have saved the Secretary of War from much trouble in superintending railroad matters and in giving out orders to the board of directors, as matters progressed; but it has frequently entailed upon him much perplexity in the post-factum examination of their doings and in revoking their action and excusing their misconduct. The general counsel seems to have been leading counsel in most of these flagrant offenses and is happy in receiving compliments where he deserved punishment.

The "statement" of the Secretary of War submitted to the chairman of the committee on the 28th of June, 1906, after the committee had agreed that no more testimony should be taken until December, I will ask leave to append to my remarks.

In that statement the Secretary enters upon a careful and elaborate defense of Mr. Cromwell against what he calls "suggestions" that had been made in the committee. These suggestions were only questions that were put to Cromwell and Drake while they were endeavoring to explain transactions of the board of directors of the railroad company, that were called to their attention. No argument or suggestion from any member of the committee to emphasize the gravity of the facts as they were detailed was necessary, and no charge was made that did not necessarily arise out of the facts stated by the witnesses.

It seems to me that the belated statement of the Secretary of War is an effort to explain away the facts, rather than to show that any incorrect "suggestions" as to the culpability of Cromwell had been made by any committeeman in the course of the examination.

Cromwell himself could not have written a more astute and plausible argument to excuse or justify these palpable wrongs and frauds against the Government. The fine distinctions he makes as to the rights of stockholders to distribute among themselves, as dividends, money that had been expended necessarily in betterments on the railroad before the United States had acquired the property and to pay these dividends out of cash in the treasury of the company, and by selling bonds of the company, is worthy of the nice inventive skill and the professional ethics of Cromwell.

The difficulty with the explanation of the Secretary of War is that it does not explain. It confuses the situation and is very like the efforts of Cromwell, Drake, and Deming in their testimony before the subcommittee of the Committee of the House on Interstate and Foreign Commerce in February, 1905, to explain how a cash dividend could be honestly declared and paid to stockholders out of money that had been expended in improvements and betterments on the property of the corporation two or three years before the declaration of the dividend. Their stock had been increased in value by such improvements and betterments, but they also wanted the money that had been so expended in addition.

Some of it, if not all of it, had been borrowed on bonds issued by the company, some of which bonds the company had paid and even destroyed, and others were still outstanding in the hands of purchasers. They left these debts unpaid and put the money in their pockets that should have been applied to them.

This was the first successful effort to disprove the truth of the homely adage, "One can not eat his pie and have it." Cromwell's neatest work of inventing plans of overreaching was done in this project of the railroad company to make the United States pay its debts, while they took the money from the Treasury that was owing to the bondholders and divided it among the stockholders. Cromwell seemed almost to have convinced the subcommittee of the House that the bookkeeping system that he so adroitly contrived to prove the justice of this robbery had actually converted the money that had been expended in betterments on the railroad one and two years previously so that it was in "liquid" cash in the treasury.

The lamp of Aladdin never wrought a more magical change of base earth into gold than was accomplished by this magic of bookkeeping. But it failed to deceive the able members of that subcommittee. In their report they left this matter open for

further consideration and confined their applause to the "conspicuously able, progressive, and businesslike management" by the officers of the Panama Railroad, and say that, "owing to the shortness of the session and the great press of business the committee has not been able to take all the testimony which it otherwise would have taken."

The Secretary's suggestion that they passed upon this inquiry is not supported by the record.

They express no opinion as to the dividends or the bonded debt, or financial condition of affairs of the railroad, or as to the bookkeeping tergiversations that Cromwell, Drake, and Deming had so laborously attempted to explain. The committee were alert, searching, and remarkably apt in searching for the truth of these unique and suspicious specimens of bookkeeping legerdemain, but did not have time to come to any conclusion about them, and they dropped it from their report and only reported the evidence.

It is on this state of the record that the Secretary of War bases the following statement:

> The charge against the management of the Panama Railroad Company that the dividends had been improperly declared and bonds improperly issued was first made by General Davis when he was governor of the Canal Zone, in a separate report, as a member of the Canal Commission. The report came to my attention in January, 1905. On January 12, 1905, the House of Representatives authorized the Committee on Interstate and Foreign Commerce, or any subcommittee thereof, to investigate the affairs of the Panama Railroad Company. On January 13, 1905, a committee was appointed, consisting of the following: Mr. SHACKLEFORD, Mr. LOVERING, Mr. ESCH, Mr. TOWNSEND, and Mr. ADAMSON.
>
> The subcommittee reported to Congress that "the testimony shows that the management by the officers and directors of the Panama Railroad has been conspicuously able, progressive, and businesslike." This report was made after the fullest investigation into the question of dividends declared and bonds issued, and in the light of the statement of General Davis in the report already referred to. All the officers of the road were examined by the subcommittee, who went to New York for the purpose, and who examined all the books of the company.
>
> It did not seem to me, after this report, that it was necessary for me further to investigate the question whether the Panama Canal Company was indebted to the United States for an unlawful and improper declaration of dividends before the United States received the canal company's stock in the railroad company. But the question has now been further mooted, and I have taken occasion to investigate the exact condition of affairs in the railroad company with reference to declaration of dividends and issue of bonds.

I think no one will be found to question the universal belief that no abler, wiser, truer, more honest, or more courageous man than Gen. George W. Davis has yet been placed on the Isthmian Canal Commission.

The Secretary could not have carefully read the report of the subcommittee of the House Committee on Interstate and Foreign Commerce before he made that statement.

In order to bring the truth of history to bear on Cromwell's handling of the Panama Railroad, so far as it is available under the screen of concealment that he has so far been able to throw over it, under the assumed shelter of privilege as a lawyer preserving the secrets of his client, in defiance of the rulings of the Senate Committee on Interoceanic Canals, I will make another quotation from the statement of the Secretary of War:

> The railroad company, prior to 1893, had made large net earnings, some of which were used in declaring dividends and others in constituting a sinking fund to redeem bonds. The last dividend was declared in January, 1893, from earnings in the previous years. In 1893 and 1894 there were losses instead of profits, due to attempted competition with the Pacific Mail Steamship Company. Profits began again in 1895. From January, 1895, until March, 1901, when a dividend of 2 per cent was declared, the directors adopted the policy of declaring no dividends whatever. They devoted their earnings, which were large for those six years, to the reduction of their bonded indebtedness and in part payment for the construction of the La Boca pier, which ultimately cost about $2,200,000, and other improvements that properly might be regarded as additions to the permanent plant and the capital of the company. The offer to sell the whole property of the canal company, including the shares in the railroad company, was made in January, 1902. Between the time of that offer and its actual acceptance by payment of the $40,000,000, May 7, 1904, the Panama Canal Company had added to its holdings 24 shares, which it transferred to the United States without an additional compensation over and above the price of $40,000,000.
>
> The proposition of the canal company to sell its property never became a binding contract by definite and unconditional acceptance of the United States until after the ratifications were exchanged and the treaty between Panama and the United States was proclaimed on February 26, 1904. Indeed, after that the stockholders of the Panama Canal Company had to authorize the sale, and the United States never became bound as upon contract before the proposed sale was completed by the payment of the money. It is hardly necessary for me to detail the occurrences between the first proposition in January, 1902, and the actual transfer, May 7, 1904; but it may be safely asserted that the Spooner Act, which was passed June 28, 1902, prevented the President from accepting the offer of the canal company until it was decided whether Colombia would grant the proper right of way, or until, in view of subsequent events, it was decided that the treaty with the Republic of Panama would be ratified by the Senate of the United States. In other words, the Panama Canal Company was in the attitude of one proposing to sell shares in a company whose proposal was not accepted, but remained open for acceptance until the time when the actual cash was paid.

This statement has the vigor of argument that a lawyer would employ in arguing his own cause and the savor of personal interest that I am sure the Secretary of War did not feel and the force of important constructions of the agreement for the sale of the canal and railroad properties that are antagonistic to the rights of the Government and are serious and unfortunate.

I infer that, in the heat of the Secretary's effort to shelter a friend who has been entangled in a doubtful situation by the testimony of Drake and others on hearings before the committee, he has argued with a zeal that outruns discretion.

But this statement of the Secretary of War opens the door to other inquiries that must be conducted by a comparison of known facts, proven by others, because Cromwell has so far refused to uncover them, and he alone in the United States is in possession of all the details that would explain the uses that have been made of the Panama Railroad in hostility to the laws, public policy, and interests of the Government and people of the United States.

No corporation has ever been made the instrument of more wrongdoing to the people who created it and to other peoples and governments. The Panama Canal Company was chartered by the State of New York on April 7, 1840. The incorporators were thirteen men of character, among the best citizens of the United States, with William H. Aspinwall as leader. The capital stock was $5,000,000, afterwards raised to $7,000,000, and the par of the shares was $100. There were thirteen directors, of whom five were a quorum. The directors were to appoint one of their number president, and all vacancies in the directorate were to be filled by them. The corporation was empowered to take over by purchase a concession made by New Granada to Aspinwall, Stevens, and Chauncey for a railroad connecting the oceans at Panama.

Section 9 provides that stockholders are personally liable to creditors for debts to the amount of the stock held by them.

This company opened the way to the treaty of 1846, which is the most important we ever had with an American state.

The railroad was constructed for a sum less than the capital stock. From 1852 to December, 1904, the net earnings of the company was $38,859,254.30.

In his deposition before the House committee, Cromwell stated as follows:

> Throughout that entire period there were, you see, but two years in which a deficit occurred. Those were the years 1893 and 1894, when the company was trying one of these experiments. This $38,000,000 is the colossal return of this property, managed as a combined railroad and steamship business.
>
> The CHAIRMAN (Mr. HEPBURN). How much has it diminished its debt during that time?
>
> Mr. CROMWELL. During that period, sir?
>
> The CHAIRMAN. Compare the debt of 1852 with the debt of to-day.
>
> Mr. CROMWELL. Mr. Chairman, there was no mortgage on the property in 1852. It was built with the proceeds of the stock, etc. The company has never issued but two mortgages in all its history.
>
> The CHAIRMAN. When were they issued?
>
> Mr. CROMWELL. The 7 per cent sterling mortgage was issued in 1867, and it matured in 1897. It was for $4,000,000. In 1897 it was replaced by the present 4½ per cent first mortgage issue. By applying earnings to that purpose we have gradually reduced that issue so that to-day there are outstanding but $3,159,000 bonds, of which the company itself owns in its own treasury, as treasury assets, $647,000, leaving only $2,372,000 in the hands of the public. Thus the original mortgage debt of $4,000,000 has been reduced to a net outstanding indebtedness of $2,372,000.
>
> The CHAIRMAN. When you say "this mortgage," you mean the last one?
>
> Mr. CROMWELL. Yes, sir; the present 4½ first mortgage.
>
> The CHAIRMAN. The older one was canceled?
>
> Mr. CROMWELL. Yes, sir; it was canceled in 1897 and replaced by the present one I have referred to. I made the sale of $2,000,000 of these bonds myself to Messrs. Vermilye & Co., bankers, of New York, as a member of the executive committee. I sold them at a good price, and from the proceeds of the sale of these 4½ per cent bonds, plus $705,000 cash out of the treasury, we paid off the balance due on the sterling mortgage.
>
> The Panama Railroad Company is never a borrower. Such a thing as issuing a note or bills payable, or anything of that character, is unknown to us. We are always a depositor of money at interest. For years and years, surely as long as I have been connected with the company, it has been a depositor at interest of moneys in the trust companies of New York, and it is at this moment. We seldom have a balance of less than $500,000 to $1,000,000 in cash. Our balance now is over $500,000 at this moment, after paying $350,000 in dividends on the first of this month. We discount for cash our accounts current for supplies as fast as we can, availing ourselves of every means of discount and economy in that way.

In 1880 De Lesseps came to the United States and organized the American committee, consisting of a member from each of the great New York houses of J. & W. Seligman, Drexel, Morgan & Co., and Winslow, Lanier & Co. Secretary of the Navy, Mr. Thompson, was induced to resign and accept the chairmanship of the American committee, according to the report of the House committee of the Fifty-sixth Congress, at a salary of $25,000 per annum. General Grant had declined the place.

The American committee purchased for the Panama Canal Company, in 1881, 68,500 shares of the stock of the Panama Railroad, at $250 per share, that had been selling for $150.

The committee of the House say in their report:

> The fact is that these three banking houses named above received, apparently for the loan of their names, and for nothing else, to this enterprise, the immense sum of 6,000,000 francs, or $1,200,000—$400,000 a piece, or $50,000 a year, was paid these houses without the knowledge of the chairman of that committee, who all the time supposed that he was the important factor in this enterprise and was himself receiving only half of that sum annually.

Such extravagance was a small feature as compared with the expenditure of $260,000,000 in less than ten years, with an alleged result of the excavation of two-fifths of the canal, and a debt for interest-bearing stock subscriptions and bonds of over 2,600,000,000 francs resting heavily on the stockholders and mainly the industrial people of France, or was, rather, a total loss to them.

The New Panama Canal Company took over all the assets of the old company, and was organized by a court of France under a law of the French Assembly dated July 1, 1893. Under this law France became sponsor for the new company, and distinctly violated the doctrine of all our Congressional resolutions—that no foreign government should construct a canal through the American Isthmus.

The French court organized the new company in pursuance of this statute, with a capital of 65,000,000 francs, under the stipulation that it should complete the canal according to the concessions from Colombia. This capitalization, of which 5,000,000 francs was given to Colombia for extending the concessions to the 31st of October, 1904, the remainder of the capital being $12,000,000, was only enough to show that it was a mere ruse, intended to deceive Colombia into quietude and to prevent her from forfeiting the entire concession. The promise to complete the canal was made by persons many of whom stood convicted in the courts of France for felonious frauds on the old company. They received pardon for their offenses along with their new charter. First and last they paid in about 75 per cent of their subscriptions for stock, and they or the purchasers of the stock from them have been paid $18,000,000 by the United States out of the $40,000,000 deal.

They have put in no money, issued no bonds or additional stock, and have spent about $9,000,000 in engineering and in scratching over the surface of the Culebra cut, while the dredged channel cut by the old company has been allowed to fill with silt at many places.

To make matters safe against any forfeiture of the canal (Wyse) concession by Colombia, the old company sold the Panama Railroad to this new company. If they completed the canal, they were to have the railroad without any money compensation. If they failed to complete the canal, they were to pay the old company $5,000,000 for it; but in no case could they sell it. Why was this strange feature introduced into this contract? It must have been because the railroad was a necessary part of the canal for construction purposes, but was protected from reverting to Colombia, under the Wyse concession, in case of its forfeiture, because it was under a New York charter and a separate concession, as to which there was no cause or ground of forfeiture. Mr. Attorney-General Knox, in his opinion on the subject of the canal, says the old and the New Panama Canal companies were partners in all the property after it was turned over to the new company. I quote what he says in his opinion, as follows:

> The essential nature of each of the two companies, the New Panama Canal Company and the old Panama Canal Company, is that of a voluntary partnership, their powers being similar to those of an individual Frenchman—an individual merchant corresponding to the new company and an individual who is not a merchant to the old company. These companies have, therefore, the same power to sell their property that an individual Frenchman would have, subject to the right of third parties to oppose the sale because of claims against the property for debts, etc.

The railroad was the only paying asset in the entire partnership, and it was carefully guarded against all comers. Sometimes the dividends were paid to the liquidator of the old company and sometimes to the president of the new company, but how they were divided will remain unknown until Mr. Cromwell consents to answer.

It was obvious from the time and under the circumstances attending the creation of the new company that there was no real purpose to complete the canal, and it was either to be forfeited to Colombia or disposed of to the United States—the only possible future owner.

The proposition to dump it onto the United States, under the charming idea of its "Americanization," was agreed upon by the directors of the new company on the 18th of November, 1898, and was communicated to the President of the United States by J. Bonnardel, president of the board of directors. It has been often printed, but I will append a copy to my remarks.

Cromwell was asked by Mr. Boyard, agent of the canal company, to become a director in the railroad company, and says he bought 14 shares to qualify himself and others for that office. (See hearings, pp. 1141 and 3062). This date was March 31, 1903. (Hearings, p. 3036.)

Cromwell was appointed general counsel of the railroad in 1893 and of the canal company in 1896. Bonnardel's plan of Americanization was made December 18, 1898, and Cromwell's programme is dated November 21, 1899.

These consecutive events show that the New Panama Canal Company in fact abandoned any purpose to complete the canal, if it ever had any, and to dump the property on the United States, and that Cromwell was appointed general counsel of the railroad and canal company for that purpose.

The desperation of this effort was manifest in the industry, overreaching, and recklessness with which it was followed up.

One point was necessary to be accomplished that caused Colombia to revolt against the demands of the canal company. It was a further prolongation of the Wyse concession from 1904 to 1910—six years. This was one of the professional jobs that Cromwell was to undertake as general counsel for the canal company. The prolongation was not wanted to complete the canal. It was wanted to give more time to exploit the plan for the Americanization of the canal.

The Hepburn bills were passing through the House in successive Congresses, and that fact made the necessity for the extension of the Wyse concession very urgent. Such an extension was a lease of life for the concession that Colombia could not destroy, with France to back the new company which it had created, for twelve years after the date of Bonnardel's offer to the United States, as president of the New Canal Company, on the 18th of November, 1898.

Without such extension it was impossible to get the United States to undertake such a work; or that Cromwell's New Jersey corporation of the "New Panama American Canal," or the company he attempted to organize in 1899, would undertake it, with only six years, or five years, of the life of the Wyse concession remaining.

With the hands of Colombia tied hard and fast, and with France to protect the New Panama Canal Company, it was a safe calculation that some disposition could be made of the canal property and the Panama Railroad that would be profitable to the stockholders of the new company, and Cromwell, as general counsel of the railroad and of the canal, struck out actively for such a result. He held the practical control of both companies and became the negotiator for Marroquin, President of Colombia, and for the canal and railroad properties to bring about a sale to the United States. How he acquired the power over the Government of Colombia to be associated with Concha, Marroquin's minister in the negotiation of the Hay-Concha treaty, he conceals from Congress by refusing to answer questions propounded to him by the Senate committee, on a pretext of professional privilege that could not possibly exist in his favor.

This project of forcing from Colombia an additional concession of time, from 1904 to 1910, led to civil war in Colombia that lasted from 1898 to 1903 and destroyed 100,000 lives and created a debt of $6,000,000. Cromwell was cognizant of the steps and proceedings that led to this civil war, as is shown by his letter to Secretary Hay of December 5, 1898, which I will append to my remarks.

I will now present a synopsis of the facts known to Cromwell, on which he based the statements in that letter, some of the most important of them being stated in the letter.

Sanclemente was elected President and Marroquin was elected Vice-President of Colombia in 1898 and entered office in the summer of that year. The Congress was elected and took office at the same period. The Congress was elected for two years. After Sanclemente was inducted into the Presidency the Panama Canal Company proposed to him to pay Colombia 5,000,000 francs ($1,000,000) for an extension of the Wyse concession from 1904 to 1910. He referred the offer to Congress, which was then in session, for ratification, as he was bound to do by the constitution of Colombia. Congress considered the offer and rejected it. Thereupon Sanclemente announced his purpose to ratify the contract as President and accept the 5,000,000 francs, notwithstanding the refusal of Congress to accept the agreement. Congress then declared his office vacant and adjourned sine die and did not again meet. Sanclemente declared Colombia to be in a state of siege and assumed dictatorial powers.

Civil war ensued in many of the provinces, and the Liberal party issued a manifesto.

On the 26th of April, 1900, Sanclemente accepted the 5,000,000

francs from the canal company and issued the decree granting the extension of the Wyse concession from the 31st of October, 1904, to the 31st of October, 1910. Soon after Sanclemente was removed from the Presidency by a decree of the supreme court on the ground that he had violated the constitution by residing away from Bogota, the capital of Colombia, and Marroquin, Vice-President, took office as President. Sanclemente died soon after he was thus deposed, and Marroquin prosecuted the civil war against the Liberals.

The Concha treaty was concluded, the Spooner law was enacted, and the Hay-Herran treaty was concluded and ratified by the Senate while civil war was flagrant in Colombia. It reached Panama, and the Liberal forces gained such victories as to disable Marroquin's forces, unaided, to hold the country.

Our Government took control of the Panama Railroad with the consent of that company to enforce the right of free transit granted in the treaty of 1846, and interposed its power to prevent the Liberals from attacking the city of Panama. The result was a capitulation that provided for the election of a new Congress for Colombia, with the express purpose of ratifying the Hay-Herran treaty.

That Congress met on June 20, 1903, and rejected the Hay-Herran treaty.

That act led to the alleged secession of Panama in November, 1903.

This synopsis of the facts shows that this civil war was the result of the rejection by act of Congress of the offer of the canal company to purchase the extension of the Wyse concession from 1904 to 1910, and the refusal of the people, after the civil war was ended by capitulation, to elect a Congress that would ratify the Hay-Herran treaty, which gave Colombia no voice or part in fixing the price of the sale of the canal and her reversionary rights in it and in the railroad to the United States, but treated the full ownership of both as being in the canal company.

Colombia was permitted to either accept or reject the price of the property fixed by the canal company and no more. She refused the terms, thereby incurring the angry hostility of the President of the United States and of Mr. Cromwell, and her temerity cost her the secession of Panama.

Cromwell's intimacy with Marroquin while he was prosecuting the bitter and bloody civil war to enforce Sanclemente's decree for a six years' further extension of the Wyse concession is shown by his letter that the President sent to Congress with the Concha treaty as an argument in its favor, which I will append to my remarks. His eulogy on the glorious attitude of Colombia, except for its fulsome and vapid exaggerations, would become any Spanish hidalgo who ever rattled his spurs or brandished his sword in vindication of his country's honor. Marroquin seems to have resented this officiousness when he refused to urge the ratification of the Hay-Herran treaty upon the Congress of 1903, and incurred the bitter resentment of the President of the United States.

Cromwell, in his examination before the committee, halted at his letter of December, 1898, to Mr. Hay, and, spreading the mantle of professional privilege, as a lawyer, to protect the sacredness of his secrets, refused to make any explanation of that letter or to state anything respecting his knowledge of, or his dealings with, affairs in Colombia until he asserted the fact that he had blossomed out as a Colombian diplomatist, in his letter expounding the Concha treaty. After that exposure he again closed his shell and refused to speak of his participation in the secession of Panama and the negotiation of the Hay-Varilla treaty. He even hides that transaction under the screen of professional privilege, as general counsel for the Panama Canal Company.

This work with Sanclemente and Marroquin, as to which he refused to testify, and a few visits to Paris for consultation, and his letter to Secretary Hay, and his services as counsel, witness, and lobbyist to put down the Hepburn bill in the House of Representatives is all the business he is willing to admit that he did for the Panama Canal Company.

For this he got an allowance for office expenses and for consultations with an engineer, including his fees, and he received not exceeding $200,000 in money for professional services during his employment by that company, and still has a large sum due from that company which he has been "too busy" to give his attention. No bill has been rendered for what is yet due, and no special contract exists for compensation. This service extended over seven years, nearly $30,000 per annum, besides his salary of $6,000 per annum paid by the railroad for eleven years, or $66,000; in all, $266,000.

I have traced Cromwell's line of conduct in his dealings with Colombia, which is not wholly concealed, in spite of his alleged professional privilege, that I might point out more distinctly his line of action, as director and as general counsel of the Panama Railroad, in aid of the purpose of the canal company to break its promise to complete the canal and to prevent Colombia from enjoying its rights under the Wyse concession.

The canal company had no doubt that the railroad, which had yielded more than $38,000,000 in net profits in a period of fifty years, was as good a piece of property as could be found in the world at a cost of $18,000,000. That sum is $1,000,000 in excess of all the cash that the stockholders paid into the New Panama Canal Company, viz, $12,000,000, and of the $5,000,000 they were to pay to the old company for the railroad if they failed to complete the canal.

In the event of such failure they would get back all the money they had paid into the treasury of the canal company and would get the railroad for $5,000,000. So that the transaction was perfectly safe, even if Colombia should acquire all the canal property by the forfeiture of the Wyse concession.

This forfeiture was certain, unless France should interpose to prevent it, for the New Panama Canal Company was neither able nor willing to complete the canal. From the beginning they had no such purpose. Their purpose was to "Americanize" the canal, as they called the dumping operation they planned to get rid of it. Obviously, then, all the value that the canal company could transfer to the railroad from canal work and property was so much saved from the grasp of Colombia, if the dumping operation failed.

In this feature of the operation the talents, skill, experience, and good nature of Cromwell as director, executive committeeman, and general counsel of the railroad company was valuable, and was not overpaid by the salary of $6,000 per annum and other valuable perquisites.

Among the earlier of many such operations was the sale of cars, locomotives, and other machinery that had accumulated on the hands of the canal company to the railroad company for $400,000. A purchase that the railroad company had no need to make, and would never have made from a stranger. This money was paid from the gross earnings of the railroad company.

The canal company sold wharfs and derricks to the railroad company and did much work in renewing its tracks and removing them, for which the railroad company paid out of its gross earnings.

The railroad bed was laid and equipped by the Aspinwall company from Colon to the city of Panama, and so continues to the present time. In its concession the railroad company was bound to extend its tracks to deep water at or near Perico Island, a distance of 3 miles. The canal company dug a channel for steamships, about 3 miles long and 30 feet deep, from a point near that island to the coast at La Boca, about 3 miles west of Panama City, and built a pier there for the handling and unloading of ships of the greatest dimensions that come to the Bay of Panama.

All that was done by the canal company was canal work, under the Wyse concession, and in case of its forfeiture it would revert to Colombia. To prevent this the canal company sold its ditch and pier and plant to the railroad company and was paid for it out of the gross earnings of the railroad and in bonds more than $2,122,000, thus placing that much of the canal property in the ownership of the railroad and out of the reach of forfeiture by Colombia, if the Wyse concession should be forfeited.

To make sure of this ownership of the canal property, through the ratification of the agreement by Colombia and Panama, and to secure the substitution of this agreement as a compliance with the terms of the concession of Colombia to the railroad company that it should build its track out to deep water from the terminus at Panama, the railroad company created a regular diplomatic mission to Bogota, on which, with others, a relative of Marroquin was appointed. The negotiations of these diplomatists were protracted, formal, and astute, and were under the supervision of Counsel Cromwell of the railroad company, who wrote many of the most difficult and intricate dispatches, some of which are spread at large upon the minutes of the railroad company. Drake's testimony gives quite an account of these negotiators and their doings and writings, and shows that the important ministers were officers or stockholders of the railroad company, or of the canal company, and sometimes of both companies. In this fraternization of these companies in a negotiation that added to the property of the railroad company and saved the canal company from the peril of its confiscation, the canal company gave the direction to the operations.

All this diplomatic play furnished the opportunity to Cromwell to draw near to Marroquin and to gain his consent, as President of Colombia, to the sale of the canal concession and

property to the United States on the terms and conditions of the Hay-Concha treaty, which was so greatly extolled in the letter of Cromwell which our President sent to Congress.

Finally, the La Boca matter was closed by heavy payments to Colombia and Panama, and the postponement of the right of Colombia to require the extension of the railroad track to deep water for thirty years. This was a strategic coup that cut Colombia off from claiming the reversion of the La Boca pier and ditch and the railroad leading to it, if the Wyse concession should be forfeited, leaving the railroad concession to stand as thus amended, but the railroad company had to pay all the costs of the campaign out of its gross earnngs or bonds.

This American corporation in French ownership and under the twin powers and advantages of an American lawyer, who was general counsel for the railroad company and the canal company, was used to hammer Colombia, who was our near friend since 1846, into terms that made her right to the reversion of the canal property under the Wyse concession of no avail or worth to her, because she had been tricked into a change in the situation by Cromwell's diplomacy that cut her off at least for thirty years from access with a canal to the Bay of Panama by any feasible route. The railroad under this new agreement held the only available route for a canal from Miraflores to the Bay of Panama at least for thirty years, and that ended the whole value of reversionary interest of Colombia under the Wyse concession, and its further forfeiture would have left her by way of reversion only the miserable scrap heap of metal and machinery scattered through the jungle that we have paid for under the head of "Errors and omissions" at an enormous cost. This is the result of the La Boca enterprise. That destroyed the canal route, under the Wyse concession, if it was forfeited to Colombia. In such an event it would belong to the Panama Railroad under the manipulation of Counsel-General Cromwell, but at an enormous cost.

Then bonds began to issue to the public from a company that had never owed a dollar that it could not pay prior to 1896, and deficits began to defame a corporation that had always had money for large dividends after heavy current expenditures.

From 1898 until the Spooner law was enacted Cromwell and Bô rushed their dumping policy until $40,000,000 was in sight for the canal company, of which the New Panama Canal Company would get $18,000,000 and the railroad. The contract of sale to the United States was to be completed even at the cost to Colombia of the loss of the State or Province of Panama. And it was lost to Colombia. A decree that is stronger than any law in the statutes or in the treaty books was made, and it brought the ownership of that Canal Zone and the railroad to the United States. Colombia was left out in the cold, in company with the débris of our broken treaty, and Panama "rose as one man" and got the $10,000,000 we had admitted to be due to Colombia.

While the railroad stock remained in the hands of the "two partners," as Mr. Attorney-General Knox describes the old and the New Panama Canal companies, the quiet robbery of the beehive began while the bees were preparing to leave it, and Mr. Cromwell was the king bee in the devastation.

He objected to the jurisdiction of the committee to inquire into any matter that was antecedent to the date of the sale of the property to the United States, forgetting that he had contended that Bô's offer of sale in January, 1902, was confirmed by the final sale that occurred in May, 1904, and was a part of it, and that he claimed that Bô's offer carried interest until it was confirmed. Mr. Secretary of War also uses this fallacy as a serious argument. Cromwell also forgot that while he was testifying before the committee he was, as counsel for the canal company, pressing a claim before the President as arbitrator for the work done on the canal from the date of Bô's offer until May 19, 1904, amounting to more than $1,000,000, which demand has been rejected by the President very recently.

This work was done in a way so perfunctory and at such waste of machinery that its value to the United States was almost nil. While doing it they allowed excavated parts of the canal that were dug and dredged by the old company to fill up, and our engineers assert that the machinery turned over to us was, and is, in a state of uselessness; and the great bulk of it has gone into a condition where it is of no value even as scrap iron. They say it would have been an advantage to our work if none of it had been left in the Canal Zone.

It was for this sort of work that the Secretary of War, in his statement, excused and justified the railroad company, under the advice of the "general counsel," in using money that should have been applied to the repair of the old steamships—the *Allança* and the *Finance*—that were laid up as being unseaworthy. The proposition is distinctly proved that the directors of the railroad company willfully and without excuse suffered its property to decay and deteriorate when they had plenty of money to keep it at least in the state of repair that it was in when M. Bô offered to sell it to the United States; and this depreciation ran riot from the time it was known that Bô's proposition to sell it for $40,000,000 to the United States was agreed to, in every and any event.

Bô's proposition was that of a desperate gambler who was playing for the forlorn hope of saving the New Panama Canal Company all the money it had expended on the canal for the purchase of pardons of felons and the remission of fines they had incurred in robbing the old company. M. Hutin, the director-general of the canal and railroad, had caused the property that was turned over to the new company to be valued by lawful and sworn appraisers. They valued it at $109,000,000. When the Walker Commission offered an estimate of $40,000,000 as the value of the property, Hutin refused to accept it and resigned his office, from which he was driven by M. Bô. He was elected president of the board of directors, and hastened to snap up Admiral Walker's tentative bid of $40,000,000 by cable. The throwing away of $69,000,000 in this reckless game left a debt due to the French people of more than $1,000,000,000. When they realized their loss and that the men who had wrecked the old company were pardoned for their crimes, on the promise to complete it for 40 per cent of its profits, and that the Government had opened this door to the final robbery of the people, Paris shook as if in the throes of an earthquake. Cabinet ministers resigned. The French Assembly was thrown into furious excitement, and De Lesseps, the greatest and least culpable of the canal officers, was condemned to the penitentiary while on his deathbed—a vicarious sufferer for the crimes of others.

The Walker Commission thought they could construct the canal at $5,000,000 saving under the cost of the Nicaragua route, and Cromwell stepped forward and accomplished his plan of Americanizing the Panama Canal by adding to the French debacle the robbery of Colombia, at the cost of civil war.

The directors of the railroad company, who had been chosen by the Panama Canal Company and the general counsel, remained in office from the time of Bô's offer to sell, and before that time, until the United States paid for the property on May 9, 1904, and after that time until April 1, 1905. Some Canal Commissioners were injected into the board, as places could be made for them by resignations, until April 1, 1906, when all the board were elected by order of the Secretary of War and are now subject to his orders in every official act.

It is a pardonable pride of authority he enjoys in being left to his own will, independently of Congress, in directing such a body of directors, and he would have had a peaceful reign but for the inexperienced Shonts and the uncontrollable Cromwell. He has steadily endeavored to repair the breaches of the law and the continuous forays they have made to secure profitable jobs for their friends, such as the postal arrangement, the tariff arrangement, and the supply of food to laborers for the benefit of the Panamanians.

In all these benevolences Cromwell led, representing the Government of Panama as general counsel and the Panama legation as general counsel, and the Panama Railroad, and also the Panama Canal Company. His generosity with the concessions he made for the United States fortunately had the support of an affluent Government, and his altruism had the support of our most generous President and our most amiable Secretary of War.

The statement of the Secretary, which I append to my remarks, does not refer to the Markel contract, or the doctoring of records, or the issue, unlawfully, of $600,000 in railroad bonds, or the borrowing of money on bonds to pay debts of the Canal Commission, or the use of canal funds to buy ships to let on void charter parties to the railroad company, or the convenience, that was substituted for the law, for handling the current income of railroad earnings, or the failure of the railroad company to account for its earnings and expenditures with the Treasury of the United States. All these and other like transactions have become as familiar as a chronic disorder that attracts neither the sympathy or attention of anyone except the sufferer. They had happened and passed over and are almost forgotten.

We are, happily, a forgetful and forgiving people as to all wrongs and evils that are nonusable for party purposes.

It was some other cases besides the piccadillos I have mentioned that had escaped the public attention until disclosed in the hearings that have called forth the great skill and ability of the Secretary of War to save Cromwell from himself by his statement.

I have noticed one point in that statement about the use of the money of the railroad company in paying dividends from

funds that had long before been expended in betterments and improvements on the property represented by the stock in the company.

I can not conceive of the justice or morality of a party who, after offering property for sale, when the offer is conditionally accepted, engages in the secret work of robbing the property of its value. It is not larceny, because the delivery has not been completed, but it is a meaner crime, because it involves a breach of trust.

I will append to my remarks the entire cable correspondence between the New Panama Canal Company and the Walker Commission, as reported by them, that Senators and others who are new to this subject may be informed. And also a letter and powers of attorney giving to Cromwell the power to renew the offer of the canal company to sell its property after the "Bô" proposal had failed by its own time limitations.

I have only time now to call earnest attention to these facts, with the observation that the Bô offer, which was conditionally accepted by Attorney-General Knox, was in the following words:

PARIS, *January 9, 1902.*

Admiral WALKER, *Washington, D. C.:*

The New Panama Canal Company declares that it is ready to accept for the totality, without exception, of its property and rights on the Isthmus the amount of $40,000,000, the above offer to remain in force up to March 4, 1903.

BÔ,
President of the Board.

This was accepted, but failed to materialize, because, according to the saying, "the rabbit must be caught before it is skinned."

Cromwell, nothing daunted, demanded of the Government of the United States a renewal of the agreement with the canal company, in the terms of the very remarkable document which I append to my remarks, sent to me by the Department of State.

There is no actual proof that this agreement was made with the President, but the history of events following it *show that it included the plan to assist Panama in her so-called "revolt" against Colombia.* What else can be the meaning of this clause, emphasized in italics, in the document lodged in the Department of State by Cromwell? I will quote it.

After reciting that the Bô agreement had expired on the 3d of March, 1903, by the want of ratification of the Hay-Herran treaty, he says:

It is mutually recognized that the ratification of the said treaty, in the form in which it is now pending, at a date anterior to March 4, 1903, is, by the parties, accepted as being in conformity with the offer, the acceptance, and the confirmation above mentioned. *This provision shall apply also to the conclusion of a treaty under another form, or in any way, which may be satisfactory to the United States, and which maintains, without modification, the provisions of articles 1 and 22 of the pending treaty.* It is understood that in any case the term above mentioned may be prolonged by mutual consent of the parties should occasion arise.

The treaty he speaks of is the Hay-Herran treaty, which was rejected by Colombia. The treaty, "in another form, or in any way," is an open threat against Colombia, whose honor he had extolled in his letter on the Conchas treaty.

Here is a clear forecast of the fact that Colombia would be forced to accept the Hay-Herran treaty or else lose Panama through its secession.

No other way to force the sale of the canal to the United States by the canal company was thought of or was imaginable except the then threatened secession of Panama. Thus Cromwell paraded the poisoned chalice before our Government that he was to assist in pressing to the lips of Colombia.

In every aspect of the situation the sale by the canal company of its property to the United States, including the Panama Railroad, was settled in January, 1902, under the Bô agreement, and was secretly continued under the Cromwell act of adoption in 1904.

In these two years, and even after March 9, 1904, when the sale to the United States was completed, the robbery of the treasury of the Panama Railroad went on under the leadership of Cromwell for the benefit of his other client, the Panama Canal Company. This alleged American added another to the list of insolent wrongs that had been inflicted on the United States by this New York corporation in the hands of a French company.

In the statement of the Secretary of War, which justifies these acts and many others of the Panama Railroad Company under the leadership of Cromwell, and is, virtually, a plea for his further continuance in power, I find the following foundation statement of principles and alleged facts upon which the Secretary relies:

The proposal to sell the property of the canal company and its shares of stock in the railroad company contained no representations as to the condition of the railroad company or its treasury or its stock or its bonds. The proposal was merely to sell the shares held by the Panama Canal Company in the Panama Railroad Company. Under these circumstances the question is what obligation there was on the part of the Panama Canal Company, as the largest stockholder in the Panama Railroad Company, to preserve the value of the shares which it proposed to transfer to the United States. In the first place it is to be noted that the price of $40,000,000 contained in the proposal did not carry with it interest, and that when the United States paid the fixed price in the proposal it therefore paid no interest. Strictly speaking, there was no contract obligation on the part of the Panama Canal Company to make the sale which it proposed to make in January, 1902, because there was no consideration for the option given which would make the proposal a binding one.

On the authority of the report of the Walker Commission, in explanation of the scope of the offer of M. Bô, which report is dated January 30, 1902, and is unquestionably the statement on which the Spooner law was based, I find that the railroad property, assets, outstanding liabilities, and credts are thus enumerated:

PARIS, *January 14, 1902—9.45 p. m.*

Admiral WALKER,
President Isthmian Canal Commission,
Corcoran Building, Washington:

We send by mail letter confirming cable 11th January, and, under registered package, judgment August 2, agreement with liquidator, and three extracts showing powers of board. All these documents are certified to by the United States consulate-general.

BÔ,
President of the Board.

The "totality, without exception, of its property and rights on the Isthmus," mentioned in the cablegram of January 9, includes the following classes of property:

1. LANDS NOT BUILT ON.

* * * * * *

2. BUILDINGS.

* * * * * *

3. PLANT.

* * * * * * *

4. WORK DONE.

* * * * * *

5. PANAMA RAILROAD.

Of the existing 70,000 shares of the Panama Railroad, the canal company will transfer to the United States all but about 1,100 shares. These latter are held by a few individuals residing in various parts of the United States and in Europe. As it will not be the policy of the United States to so manage the railroad as to secure a large revenue, it is probable that the holders of these shares will in time find it to their interest to dispose of them at the price fixed by the Commission for the other shares, viz, their par value. At par the value of the 68,863 shares to be transferred to the United States by the canal company is $6,886,300.

Against this property are mortgage bonds to the amount of $3,439,000. Of this amount, the company owns $871,000, which it has pledged as collateral for its debt to the Panama Canal Company described below, and it also holds in its treasury $1,064,000 subject to sale or cancellation, leaving outstanding in the hands of the public $1,504,000. The bonds bear 4½ per cent interest.

There are outstanding also $996,000 6 per cent sinking-fund subsidy bonds, but this liability is an amortization of the annual payment of $225,000 due the Colombian Government under its concession for the period ending November 1, 1910.

The railroad company owes $986,918 to the Panama Canal Company, mainly on account of the construction of the pier at La Boca.

Its total liabilities, therefore, are $2,490,918, not counting the sinking-fund subsidy bonds, for which the Colombian Government has received the benefit and for which it should make allowance to the United States in the negotiations for treaty rights.

Its cash assets January 15, 1902, were $438,569.33.

It owns three passenger and freight steamers of American registry, the *Alliança, Advance,* and *Finance,* of approximately 2,000 tons net each, which, together with a chartered steamer, the *Orizaba,* run between New York and Colon on a weekly schedule. For the past year it has operated a line of chartered steamers of American registry between San Francisco and Panama. These steamers, owned and chartered, on the Atlantic and Pacific constitute the Panama Railroad Steamship Line.

The railroad company owns an undivided half interest in the islands of Naos, Culebra, Perico, and Flamenco, in the Bay of Panama, the Pacific Mail Steamship Company being the joint owner.

Besides its right of way, terminals, wharves, and considerable areas of land, it owns nearly the whole of the town of Colon, the houses there being constructed under leases.

The railroad company has no operating contracts which can not be terminated in ninety days.

The work of constructing the canal will largely increase the business of the railroad, and will enable it to pay off its liabilities in a very few years. After the completion of the canal its commercial profits will probably cease, but it will have a value incidental to operating the canal.

How could it be that this item of cash assets January 15, 1902, $438,569.33, was put into that statement when "the proposal was merely to sell the shares held by the Panama Canal Company in the Panama Railroad Company?" It is either an impeachment of the veracity of the Walker Commission or of the statement made by the Secretary of War just quoted. It also reflects on Congress for acting on the facts as reported by the Walker Commission without taking notice that we were dealing with the worst set of sharps that had ever been pardoned out of penitentiary convictions by the French Government. I do not think it necessary to follow further the mistaken facts and very questionable conceptions of the moral duties of those who sell property for future delivery, dependent upon future events, to keep the property intact from spoliation

by the vender until the time arrives for the completion of the contract by delivery.

It is quite surprising to hear the Secretary put this proposition of common morality to Congress. He says that "under these circumstances the question is what obligation there was on the part of the Panama Canal Company, as the largest stockholder in the Panama Railroad Company, to preserve the value of the shares which it proposed to transfer to the United States." Such a question, "under the circumstances," is so coldly technical and so oblivious of the duties of these corporations, under the direction of Cromwell, who was general counsel of both companies and director in the railroad company, and was, as he swears, the negotiator of the Bō contract and of the contract, that concluded the purchase of the canal and railroad in a single transaction, that it surprises the country that it could be asked by the Secretary of War.

There was no part of this series of transactions that was not intimately known to Cromwell, including the report of the Walker Commission. If he had stated the doctrines and excuses set up for him by the Secretary of War, in his own testimony, no one would have believed him. As they are stated by the Secretary of War, evidently on information furnished by Cromwell, they must be taken cum grano salis.

Then follows a very complex statement and argument by the Secretary as to the magical bookkeeping by which investments in betterments and repairs that all railroad companies pay out of current earnings, when they are sufficient, are afterwards dug up and converted into cash in the treasury, and paid out to stockholders. This is the same puzzle that the House committee wrestled with and could not solve. This story is impeached on its face as a false excuse for a serious moral dereliction to the deception and injury of the United States. I leave it to the Senate to find any possible excuse for it in the statements of the Secretary of War.

The issue of bonds for the repair of steamers is a flagrant instance of pocketing money in dividends, salaries, and other expenditures that stood ready in the Treasury to pay for ship repairs, and leaving the cost of such repairs to hang over the railroad property as a liability to be paid by the United States. Crafty bookkeeping does not disguise the fact that this debt was created before the United States got control of the property to be paid after the $40,000,000 was paid by our Government.

The Secretary of War says, "I do not hesitate to say that I think it would have been much wiser if the company had not issued the $265,000 of bonds, but had paid the whole sum in cash, as it might easily have done, for it had at the time $700,000 in cash in the treasury."

The benefit of the doubt between wisdom and robbery in creating this debt, which the Secretary kindly gives to Cromwell, might be more tolerable if the $700,000 had not been distributed in dividends to the New Panama Canal Company, Cromwell's liberal patron, and to himself as a stockholder.

It is due to the Canal Commission to say that none of them were on the railroad board of directory when the bonds were issued to the Cramps for repairs to be put on the ships. When any of them went on the Commission they found the contracts in existence and executed in large part by the railroad company, and it was too late to annul them.

For a piece of fancy work in finance and bookkeeping, the repair of the *Alliança* and the *Finance* has been rarely outclassed.

I will not further comment on the statement of the Secretary of War in exoneration of Cromwell. I have only referred to it as a conclusive proof that the Panama Railroad Company, in the control of the French canal companies, has been the most reckless and predatory agency that ever assailed the commercial interests, the Treasury, and the honor of the United States.

The celebrated Huntington contracts with the Panama Railroad Company for the monopoly of the coastwise traffic crossing the Isthmus and the railroad traffic crossing the continent, which cost our Pacific coast people and others hundreds of millions of dollars, continued for about fifteen years, and went down under adverse legislation by Congress for about two years, when it was renewed with Cromwell's assistance, until it was suppressed recently by order of the President. But this arrangement, in principle, was renewed by agreements with foreign steamship lines, and is the same monopoly under terms that are somewhat different; but they still exclude the ships of all nations, including America, that are not in general lines of transportation companies, on both oceans, from the benefit of the cut rates. No independent vessel can get other than high local rates for railroad services across the Isthmus.

No nation was ever so badgered by its own domestic corporation as we have been by the Panama Railroad. It is time that these needless and unjust conditions had ended and that the Government was no longer in the shipping business under the sea flag of a dummy corporation. If the Commission or the Government are to engage in the business of common carriers by sea, let it be done openly and at a saving of something of the great expense now attending the maintenance of this New York corporation that the State of New York should have dissolved years ago when it became a party to a wicked and oppressive monopoly.

If reports from credible sources that have come to members of the committee are true, the Panama Railroad Company is quietly looking on at robberies of its income that are very startling. Let the committee ascertain and report the facts as to all matters connected with the questions presented in this resolution before the Senate that the Senate may know what is being done and what should be done by Congress and take action.

I would, in conclusion, invite the attention of the Senate to two features connected with the directorate of the railroad company. First, that the will of the President, or the Secretary of War, acting through the general manager or president of the Panama Railroad Company, is actually inviolable on the part of the directors. This seems to be true in effect, but it is unlawful and violative of the charter in fact and in effect. Congress can not afford to sustain such a despotism over men who are sworn to perform their duty according to law. The members of the Commission who are really forced to become directors in the railroad accept the will of the President of the United States in all matters as the act of the Government, as if it combined all the powers of government, legislative, executive, and judicial, and they obey it without inquiry.

If it can be considered safe and wise to concede such powers to the President, it is still to be considered that he may be in a minority on the Commission composed of men, some of whom are foreigners and others who would be more reliable and less dangerous if they were foreigners. Five members of the board of directors is a quorum to do business under the New York charter. There are six directors whom the President of the United States can not command to do his will without question. Five of them could, under favoring conditions, transact business that would put the Panama Railroad in a position of obstructive hostility to the canal for any cause.

Cromwell has carefully testified that the President of the United States has no power to dismiss a director for any cause. If he is correct as to the security of his official tenure, I would not willingly intrust to him or to any other reckless and ambitious man such powers in dealing with the Panama Railroad Company as have already reddened its career with blood and blackened it with fraud.

These five directors, Mr. President, grouped together, as they seem to be grouped together, under Cromwell's leadership, have got the power to-day to call a meeting, and, if five of them are present, three of that number can enact any law, establish any policy, effect any end that they may choose, destroy this canal work, and hold the Government of the United States in the leash until they can have their sweet will.

Am I to be expected to trust a man who has a record like Cromwell in the leadership of that possible three out of five in the management of this canal? Can this Congress be excused by the people of the United States from its duty to take hold of this question in the right way and prescribe by law what are the duties, rights, obligations, and powers of this railroad company, turning over the control of the whole matter into the hands of the Canal Commission and requiring them to do what the railroad company has never yet done—account to the Government of the United States for its dealings, its incomes and outgoes, and paying over balances in its hands into the Treasury of the United States?

We are hurrying along at a rapid gallop over this great, enormous volcano in that Canal Zone. When we come to absurdities, contradictions, dangers, like those that I have been pointing out to-day, with extreme difficulty to myself, we pass them over and say, "All is well; all is going right; the President of the United States is about to send a message here, after three days' observation, in which he will show that the canal is all right. It does not make any difference, Mr. MORGAN, or Mr. Anybody Else, what you have got to say about it or what the records prove about it or what the testimony that has been taken before this committee shows, it is all right; we are going ahead."

Gentlemen, you will not go much further until you stumble into a pit out of which you can not get. Thank God, I am not of the political majority of this House. It belongs to the other side. That the country must understand, and they will hold you responsible for this very queer, unsatisfactory, and danger-

ous condition. It is our right and our duty to enact a law by which this dummy, this shell, this mere corporate name that lingers on the statute books of New York, should be abrogated and thrown out of the way, and when that property which belongs to the United States Government should be taken control of by the United States Canal Commission and administered honestly, like other property under the laws of the United States and under that sort of accountability which requires every agent of the United States Government to pay in all amounts that are due to the Government and to have appropriations for such expenditures as it must make.

I beg pardon of the Senate for having delayed it to this extent; but I wanted, if I could, to call the attention of the Senate to some of the matters which are hanging along on this railroad route which we are trying to work that are of quite as much importance as it is, possibly, to have this canal constructed, which I think it will not be in the next twenty-five years.

APPENDIX 1.

JUNE 28, 1906.

MY DEAR SENATOR: I beg to acknowledge the receipt of your letter of June 19, in which you say that the Senate Canal Committee has adopted a resolution providing for my submission of a further statement to you, the same to be transmitted to each member of the committee for examination before ordering it to be incorporated in the record of the hearings on Panama matters. I avail myself of this opportunity in order that the time of the committee and my own in the last days of Congress shall not be occupied any more than is necessary with an oral hearing. I should have submitted this statement earlier, but supposed that I would be called again before this for further examination.

DIVIDENDS ON PANAMA STOCK.

The subjects which I wish to discuss had not been developed in the hearings before the committee when I made my previous statement. The first question is, whether the Panama Railroad Company, in 1903 and 1904, improperly declared dividends on the stock of the company in excess of net earnings and improperly paid for ordinary and current repairs to its steamers by an issue of bonds, instead of paying them, as they should have been paid, out of gross earnings. The relevancy of this question to the matter under investigation by the committee is to be found in the following circumstances:

In January, 1902, the Panama Canal Company owned 68,863 shares of the total 70,000 shares of the capital stock of the railroad company, and in that month its representative telegraphed to the Isthmian Canal Commission that it would sell all its property on the Isthmus, including the shares of stock in the Panama Railroad Company, for $40,000,000, and in fulfillment of that proposition it did, on May 7, 1904, transfer all its property, including its holdings in Panama stock, to the representatives of the United States. If during this interval, dividends were declared and paid on this stock in excess of the net earnings, and not out of profits, but out of the assets of the road, then it is claimed that the dividends received by the Panama Canal Company as stockholder, not out of profits, deprived the railroad company of assets which it should have had when the stock in the company was transferred to the United States; and as the United States by the transfer became the owner of sixty-nine seventieths of the stock, the loss to the United States was substantially equal to the loss in the assets of the company. If this claim be well founded, it would have justified the United States in abating from the $40,000,000 the $100,000 thus lost to the assets of the railroad company, or it would now be justified in bringing suit against the Panama Canal Company for this amount.

The charge against the management of the Panama Railroad Company that the dividends had been improperly declared and bonds improperly issued was first made by General Davis when he was governor of the Canal Zone, in a separate report, as a member of the Canal Commission. The report came to my attention in January, 1905. On January 12, 1905, the House of Representatives authorized the Committee on Interstate and Foreign Commerce, or any subcommittee thereof, to investigate the affairs of the Panama Railroad Company. On January 13, 1905, a subcommittee was appointed, consisting of the following: Mr. SHACKLEFORD, Mr. LOVERING, Mr. ESCH, Mr. TOWNSEND, and Mr. ADAMSON.

The subcommittee reported to Congress that "the testimony shows that the management by the officers and directors of the Panama Railroad has been conspicuously able, progressive, and businesslike." This report was made after the fullest investigation into the question of dividends declared and bonds issued, and in the light of the statement of General Davis in the report already referred to. All the officers of the road were examined by the subcommittee, who went to New York for the purpose, and who examined all the books of the company.

It did not seem to me, after this report, that it was necessary for me further to investigate the question whether the Panama Canal Company was indebted to the United States for an unlawful and improper declaration of dividends before the United States received the canal company's stock in the railroad company. But the question has now been further mooted, and I have taken occasion to investigate the exact condition of affairs in the railroad company with reference to declaration of dividends and issue of bonds.

The railroad company, prior to 1893, had made large net earnings, some of which were used in declaring dividends and others in constituting a sinking fund to redeem bonds. The last dividend was declared in January, 1893, from earnings in the previous years. In 1893 and 1894 there were losses instead of profits, due to attempted competition with the Pacific Mail Steamship Company. Profits began again in 1895. From January, 1895, until March, 1901, when a dividend of 2 per cent was declared, the directors adopted the policy of declaring no dividends whatever. They devoted their earnings, which were large for those six years, to the reduction of their bonded indebtedness and in part payment for the construction of the La Boca pier, which ultimately cost about $2,200,000, and other improvements that properly might be regarded as additions to the permanent plant and the capital of the company. The offer to sell the whole property of the canal company, including the shares in the railroad company, was made in January, 1902. Between the time of that offer and its actual acceptance by payment of the $40,000,000, May 7, 1904, the Panama Canal Company had added to its holdings 24 shares, which it transferred to the United States without an additional compensation over and above the price of $40,000,000.

The proposition of the canal company to sell its property never became a binding contract by definite and unconditional acceptance of the United States until after the ratifications were exchanged and the treaty between Panama and the United States was proclaimed on February 26, 1904. Indeed, after that the stockholders of the Panama Canal Company had to authorize the sale, and the United States never became bound as upon contract before the proposed sale was completed by the payment of the money. It is hardly necessary for me to detail the occurrences between the first proposition in January, 1902, and the actual transfer, May 7, 1904; but it may be safely asserted that the Spooner Act, which was passed June 28, 1902, prevented the President from accepting the offer of the canal company until it was decided whether Colombia would grant the proper right of way, or until, in view of subsequent events, it was decided that the treaty with the Republic of Panama would be ratified by the Senate of the United States. In other words, the Panama Canal Company was in the attitude of one proposing to sell shares in a company whose proposal was not accepted but remained open for acceptance until the time when the actual cash was paid.

The proposal to sell the property of the canal company and its shares of stock in the railroad company contained no representations as to the condition of the railroad company or its treasury or its stock or its bonds. The proposal was merely to sell the shares held by the Panama Canal Company in the Panama Railroad Company. Under these circumstances the question is, What obligation there was on the part of the Panama Canal Company, as the largest stockholder in the Panama Railroad Company, to preserve the value of the shares which it proposed to transfer to the United States? In the first place, it is to be noted that the price of $40,000,000 contained in the proposal did not carry with it interest, and that when the United States paid the price fixed in the proposal it therefore paid no interest. Strictly speaking, there was no contract obligation on the part of the Panama Canal Company to make the sale which it proposed to make in January, 1902, because there was no consideration for the option given which would make the proposal a binding one.

But let us assume, for the purpose of the argument, that there was a contract binding upon the Panama Canal Company to transfer all its shares in the Panama Railroad Company to the United States, entered into in January, 1902, and to be consummated in May, 1904. The fact that no interest was to be paid on the purchase price is conclusive to show that the Panama Canal Company was entitled to all the dividends on the shares of stock which it held in the Panama Railroad Company that might be legally declared by the directors of the company in accordance with its charter and general rules of law affecting the declaration of dividends by incorporated companies. Now, what is the rule with reference to the declaration of dividends? It is that a dividend may be declared out of the net earnings of the company, and there is no limitation whatever with respect to the time preceding the declaration of the dividend when those net earnings were earned, provided only that they are in the form of money in the treasury of the company when the dividends are declared and have not been permanently changed into capital either by expending them in increasing the permanent plant of the corporation or in reducing its indebtedness. Let us examine the facts to see whether the railroad company has violated this rule in any respect in its declaration of dividends.

The accounts of the company show that the available net earnings of the company, less the losses of 1893 and 1894, from January 1, 1893, to January 1, 1902, amounted to $2,072,359.42, and that out of that sum there was expended on capital account, for additions to permanent plant, $1,604,407.12, leaving a balance of net earnings unexpended and in the treasury of the company on January 1, 1902, of $467,952.30, less a dividend of 2 per cent, paid in March of 1901, of $140,000.

In other words, the available net earnings in the treasury of the company on January 1, 1902, amounted to $327,952.30. These net earnings, however, were represented by $304,919.80 cash, and twenty-two 4½ per cent bonds of the company, purchased in open market, of $23,032.50. For purposes of this discussion I shall consider that only the cash, to wit, $304,919.80, was available for dividends. On that day the current cash assets of the company in excess of current liabilities amounted to $861,020.45.

In 1902 the net earnings were $295,384.40, which added to the undivided profits or net earnings already in the treasury of $304,919.80, made $600,304.20. The dividends paid in 1902 were $280,000, leaving a balance of undivided profits of $320,304.20. During the year 1902, there were expended out of these profits $72,682.80 upon permanent plant, which reduced the balance on January 1, 1903, of unexpended profits to $247,621.40. This was in cash in the treasury. On January 1, 1903, the current cash assets, over and above the liabilities of the company, amounted to $894,924.49.

The net earnings for the year 1903 were $401,068.30, which added to the unexpended profits brought over from 1902 of $247,621.40 made the undivided profits available for the declaration of dividends during the year 1903, $646,689.70. The dividends declared and paid in 1903 amounted to $500,000, leaving a balance of $88,589.70 of undivided profits. There were, however, capital expenditures during the year 1903 of $20,701.67, leaving a balance of undivided profits on January 1, 1904, of $67,988.03 in cash. The current cash assets over and above the liabilities of the company on January 1, 1904, amounted to $722,668.15.

The net earnings of the period from January 1 to May 1, 1904, amounted to $216,813.03, which, added to $67,988.03, the undivided profits brought over from 1903, made the undivided profits available for a dividend on the 1st of May, 1904, $284,801.06. A dividend was paid on the 3d of May of $175,000, leaving a balance of $109,801.06. The current cash assets, over and above the liabilities of the company, on May 1, 1904, amounted to $826,344.30. There should be deducted $456.50 from the undivided profits charged to capital account for permanent improvement, leaving a balance of undivided profits, in cash in the company's treasury, of $109,344.56 on May 1, 1904. No dividends were declared or paid to the Panama Canal Company after this, and its stock was transferred to the United States on the 7th of May following.

The figures which I have given above were prepared for me by Mr. Rossbottom, the first assistant secretary of the railroad company, from the books of the company, and are indisputable. I append his statement hereto, marked "Exhibit 1." The figures show, therefore, that instead of the Panama Canal Company, as a stockholder in the railroad company, depriving the United States, as its transferee of

stock, of the benefit to it, of assets of the company by the declaration and payment of dividends in excess of net earnings, there was left in the treasury of the company $109,344.56 of undivided profits, which the Panama Canal Company might have properly declared as dividends, unless the next transaction that I am about to discuss would have prevented it.

BONDS FOR REPAIR AND RECONSTRUCTION OF STEAMERS.

In 1903, the steamships *Advance* and *Finance*, which were part of the fleet of the Panama Railroad Company, and in active service, became so much out of repair that the insurance companies would not class them as A1, and they had to be put out of commission, and the company was obliged to charter steamers to take their place, at the rate of about $16,000 a month.

In November, 1905, a contract was made with Cramp & Sons for the reconstruction of these steamers. (See p. 2918 et seq. of record of hearings before this committee.) The directors regarded this expense as properly chargeable to capital account, because it involves practically the rebuilding of the steamers; and therefore they made an agreement with Cramp by which they were to pay him, for the work to be done on them, $200,000 in 4½ per cent bonds of the company, which they had in the treasury unissued, and the remainder in cash.

The contract was not to be completed until July or August of 1904. The contract did not fix specifically the time or the total cost. As a matter of fact, it was not completed until some time in August, and the cost of the reconstruction was $370,000. Meantime, between the making of the contract in November, 1903, and August, 1904, the transfer of the shares of stock had been effected on May 7, 1904, from the Panama Canal Company to the United States, and three of the Isthmian Canal Commissioners had been elected members of the board of directors of the Panama Railroad Company—Admiral Walker and two others. Under the contract, 121 one thousand dollar bonds of the 200 had been delivered to Cramp & Sons for the part of the contract performed on the 7th of May, 1904.

The remainder of the 200 were delivered afterwards, but in August they were returned to the company, and instead of completing the arrangemnt with Cramp & Sons a new agreement was completed with Vermilye & Co., by which Vermilye & Co. took $265,000 of the bonds. With something over $100,000 from the treasury of the company, the whole payment to complete the contract was made in cash to Cramp & Sons, and there was thus added to the bonded indebtedness of the company $265,000.

I do not hesitate to say that I think it would have been much wiser if the company had not issued the $265,000 of bonds, but had paid the whole sum in cash, as it might easily have done, for it had at the time $700,000 in cash in its treasury. The report of the Commission for 1904 stated that "The company issued 265 bonds to the public to pay for the repairs to the *Advance* and *Finance*. These bonds were sold as required by contract made in October, 1903. The balance of the money was taken from a reserved fund of depreciation of steamers, amounting to $102,750." This statement in the report of the Commission is not exactly correct, because the contract made in October, 1903, only provided for the issue of 200 bonds of $1,000 each, and the transaction which was actually carried out was not in performance of that contract at all, but made with another party.

The transaction seems not to have met with criticism by the Congressional committee appointed to investigate it. As already said, the board was not under the control of the Secretary of War at the time those bonds were issued, because only three of the Commissioners were then members of the board of directors. The Government did not obtain complete control of the directorate by the election of all the directors until the annual meeting in April, 1905. It is now proposed to purchase all the outstanding 4½ per cent bonds of this issue, which will include, therefore, the 265 bonds.

I do not propose to inquire into the propriety of the company issuing bonds for such a purpose as that of reconstructing steamers. I am bound to admit that it is very questionable, for the reason that it does not add to the capital. It merely supplies a loss to the capital; and such bonds ought not to be issued certainly if dividends are to be declared out of the earnings which might have been used to pay for such reconstruction and making good the capital. But it is one thing to criticise the course of the company in this respect and another thing to show that it has effected any pecuniary injury at all to the United States of which the United States may properly complain. The only bonds issued between November, 1903, and May 7, 1904, were $121,000. Now, even if these repairs should have been paid out of the earnings of the company instead of by issuing bonds, and there was left a sufficient amount in the treasury of the company out of net earnings or any other fund properly applicable to the payment of the repairs to take up the bonds thus issued for repairs, the United States certainly had no reason to complain.

The fact is that, at the time of the transfer to the United States, there was in the treasury of the railroad company, as already shown, $109,344.56 of undivided net earnings, and there was also in the treasury, as stated in the report of the Commissioners, which I have cited above, and as shown in the statement of account given by Mr. Rossbottom, the sum of $102,750 in cash, which had been kept in the treasury for years as a fund to meet the depreciation in value of steamers and tugs, and therefore to be devoted to this very purpose. In other words, there was a fund in the treasury which would pay or take up not only the 120 bonds already issued, but the 200 bonds to be issued under the contract in force at the time of the transfer.

Certainly, therefore, the declaration of dividends out of other net earnings than these was not at all to the prejudice of the United States, and could not be made the basis either for an abatement in the price from the $40,000,000 or for a recovery of any sum from the Panama Canal Company. It is true that the cost of repairs reached unexpectedly $370,000; but repairs are current expenses to be paid as they fall due, and there was enough money in the treasury to pay all the repairs, payment for which had fallen due, and nearly $100,000 more at the time the United States became the chief stockholder.

PRICE PAID FOR OUTSTANDING STOCK.

The second subject, with respect to which I should like to submit a few remarks to the committee, is as to the wisdom of the purchase of the outstanding stock of the Panama Railroad Company at the prices which were paid. There is some evidence given by Mr. Drake in which he said that single shares of the company had been sold as low as 70 or 80 cents sometime prior to the purchase of the shares by the United States. He said that when anyone came into the office offering the stock in small quantities they usually sent the holder of the stock to one J. B. Manning, who bought it up at the price of 75 or 80 cents. Manning was the stockholder who held 234 shares at the time of the transfer to the United States and to whom we were obliged to pay $280 a share. I have had a transcript made of Mr. Manning's holdings of stock, as shown by the stock book, and it appears that he purchased no stock after 1902. Therefore it must have been before 1902 when he paid the price of 80 cents. It must be borne in mind that after that time the stock paid dividends. Prior to that time, for six or eight years, it had paid no dividends.

It is not surprising, therefore, that single shares of stock would sell as low as 75 or 80 cents by persons anxious to get rid of it, and whose interest was so small as not to make them careful of the price at which they disposed of it. The truth is that the price which the United States paid to the Panama Canal Company for sixty-nine seventieths of the whole capital stock was, as shown in the estimate of the Commission, at the rate of something over $100 a share. In the spring of 1904, 100 shares of the stock were offered to Admiral Walker, the chairman of the Commission, at $100 a share, and I authorized the purchase on this ground.

In January, 1905, when I gave the authority to Mr. Cromwell to make the purchases at $100 a share, a dividend of 5 per cent had been declared out of the earnings, and there was no reason to suppose that the value of the stock had decreased, because the United States needed the stock, as it was shown, and because the earnings had kept up. It is submitted that it would have been absurd for the United States, having paid more than $100 a share for sixty-nine seventieths, to seek to buy the outstanding shares at any less price per share.

In order that there may be no mistake or error in respect to the purchase, I beg to attach hereto, as "Exhibit 2," all the correspondence which I had with Mr. Cromwell, and all his accounts, in respect to the buying of the shares. One or two letters of this correspondence are already in the record, but for the sake of clearness I insert them in their proper order in this exhibit.

In testifying before this committee on the 25th of January, 1905, I said, on page 11 of the record of the evidence:

"* * * A gentleman came to me recently and told me that he thought he could get the shares, because of his familiarity with the company and its transactions, for par, with 5 per cent, and I authorized him to make the purchase if he could. But it is quite probable that some of those shares are in the hands of individuals in Wall street who think that they can be made valuable by using them for some other purpose than the benefit either of the Government or of the company; and I think we ought to have the power, by special proceedings, to condemn those shares in the State of New York. The company is a New York corporation, and unless we can control the railroad absolutely as an instrument for the construction of the canal, we shall have to build another railroad there."

Senator KNOX questioned the power to get rid of the minority stockholders by condemnation, and suggested that we ought to make an offer to the minority stockholders, with the statement that the Government was willing to buy the stock on the basis that the old dividends made it worth. He said:

"I think you would have them all coming in on that, would you not? You have an absolute power in the matter."

To which I replied:

"Suppose a dissentient stockholder comes in and says: 'Here is a great opportunity for the stockholders of this company. There is a work to be done down there, and this road is needed for that work.

"'The freight will be increased a hundredfold, and the revenues of the road, if the road is properly conducted—as we have a right to have it conducted under our franchise—will be such that we will probably earn 30 or 40 per cent dividends each year. Now, this majority stockholder property proposes to set us aside with an 8 per cent dividend or a 10 per cent dividend.' Certainly he has a right to be heard in a court of equity."

"Senator KNOX. But you certainly do not avoid that difficulty by condemning the stock, because he will raise all those questions on the condemnation proceedings to determine the value of the property.

"Secretary TAFT. Well, he may; but when we do get rid of him, then we have gotten rid of him, and the condemnation ends the business. If, on the other hand, you are going to lease, you will have constant litigation as to the fairness of your lease."

The subcommittee of the Interstate Commerce Committee of the House of Representatives, in their report, after a full investigation of the affairs of the company, made the following recommendations:

"The committee is of the opinion that the United States should secure ownership of the entire stock of the Panama Railroad Company."

It will be remembered that, at the instance of the President, the House of Representatives passed a law abolishing the Commission and making provision in the law for the condemnation of the outstanding stock of the Panama Railroad Company. When the bill came into the Senate objection was made to the abolition of the Commission, and because of the inability of the two Houses to agree the whole bill failed on the 4th of March, 1905, when that Congress ceased to be. By that time Mr. Cromwell had succeeded in obtaining substantially all the outstanding stock at $100 a share, except 234 shares held by J. B. Manning and three lots of 10 shares each held by persons whose agents were in Wall street and who had discussed with Mr. Manning the value of the stock, and had agreed with him that they would not accept the offer made by Mr. Cromwell under my authority of purchase at par. Mr. Manning, in the time of De Lesseps, had owned 100 shares of stock in the Panama Railroad Company, and sold it to the Panama Canal Company at what was equivalent to $280 a share. Thereafter he began to accumulate stock until, in 1902, he had 234 shares. I have taken occasion to find out Mr. Manning's business and his peculiarities and his circumstances in order to show why it was necessary to pay him $280 a share in order to get his stock.

Mr. Manning has an office on Wall street, and deals in unmarketable bonds and unmarketable stock, and has money enough to hold them until such time as persons interested in the enterprises desire to buy the bonds or stock, and then he exacts a good round price for them. His business is just exactly that of obtaining a nuisance value for odd shares of stock and bonds, a large majority of which are owned by some one who wishes to obtain complete control. He is a man reputed to be worth a million dollars or more, a very keen trader, one who knew the condition of the company, and knew that the company since 1893 had been accumulating its net earnings in shape of reduced indebtedness and enlargement of plant. He reasoned that the United States Government would need the road and that anyone who remained as stockholder might insist upon very large dividends due to the increased business given the road by the United States. He professed the desire not to sell his stock at all, but wished to be a partner in the road with the United States. I had several conversations with Mr. Cromwell on the subject of getting Mr. Manning's stock. After the 4th of March Mr. Cromwell thought that the failure of Congress

to authorize the condemnation of stock made it necessary to secure the stock at once, and at any price. Accordingly Mr. Cromwell called on Mr. Manning, determined to purchase the stock, and finally induced him to accept $280, the same price which De Lesseps has paid him. Lest he might back out of his contract, and without an opportunity to consult me, Mr. Cromwell drew his personal check for $65,000 necessary to make the purchase, sent it out and had it certified, and obtained the stock at once from Mr. Manning. He did the same thing with the holders of the other three lots of ten shares each, though he succeeded in getting them at $200.

Mr. Cromwell then came to me and said that he had bought these shares at a price which had been unauthorized, and that, therefore, if I declined to pay the price, he was willing to take them as his own property, but would turn them over to me at cost at any time, and would give the Government his irrevocable power of attorney to vote the stock until I could submit the matter to Congress. This was, as the correspondence shows, on the 8th of March. I took time to consider, consulting the President and also Senators ALLISON and SPOONER, and my recollection is that I spoke also to the Speaker of the House, but of this latter I can not be certain.

At my request, Senator SPOONER talked with Senator Gorman on the subject and explained the situation, and the unanimous advice was that the price was a small one to pay in order to obtain all the outstanding stock. Persons who have had any experience in attempting to secure all the shares of stock down to the last one in any corporation, with as many stockholders as this one, understand the great difficulty there is in obtaining it all, and the necessity for paying an exorbitant price to some one who is willing to use the exigency to enforce an unconscionable bargain.

The result is that for the 1,112 shares of stock outstanding, whose par value was about $111,200, we have had to pay a little less than $46,000 more than par. When we consider the great difficulties that would be presented in compelling the sale of this stock, the delay in the litigation that certainly would be involved, I must think that it was a very useful settlement for the United States. A dissentient stockholder would of course have objected to the United States using the railroad for its own purposes, and could have insisted that all the freight that it carried over the line, whether in the removal of the excavated material or in the transportation of equipment, must be at fairly reasonable commercial rates and that the profit of the transactions should be divided according to the holdings of the stock. Every arrangement effected would have been subject to examination by this dissentient stockholder, and might have been carried into a court of equity to prevent the United States from abusing its power as a majority stockholder. The advantage of getting rid of the nagging and the nuisance which would have been caused by such a stockholder, and the inevitable delay thus caused, measured in money value to the United States, far exceeds the $46,000 which we were obliged to pay to secure the last share of stock.

SHARES HELD BY DIRECTORS.

It hardly seems to me worth while to answer the suggestion with reference to the method by which directors are qualified to sit upon the board under the New York laws. One share of stock is sold by the Government to each director who pays for the stock, and when he receives the certificate indorses it in blank and signs an irrevocable power of attorney to the United States to transfer it again to the United States on demand, the United States paying $10 to make valid and binding the option to take over the stock. In this way the director is qualified, and in this way the United States obtains power to obtain the share whenever it is needed and to qualify some one else for the director. The members of the Commission constitute a majority of the board of directors, the chairman of the Commission is the president of the road, and a majority of the executive committee are persons connected with the Commission and directly under the orders of the chairman or president.

The whole road is therefore completely under the control of the Isthmian Canal Commission. Meantime the artificial entity of the railroad company is maintained, and most conveniently so, in order that it may discharge the duty of a common carrier doing a commercial business, which under the existing treaty stipulations the United States would have no right to evade or escape.

DELAY IN FILLING REQUISITIONS BY OLD COMMISSION.

Another matter to which I wish to refer is the criticism of the old Commission that it was derelict in making arrangements for a proper purchasing and forwarding bureau in this city. My recollection now is somewhat more distinct on this subject than when I was before the committee. I learned when I was on the Isthmus with Mr. Wallace and General Davis in December, 1904, of the delays in the purchases of material and equipment needed on the Isthmus, and discussed the matter with Admiral Walker. He told me that the great difficulty he had was in getting a proper man. Very soon after we returned from the Isthmus, however, he told me he had found a man. His name was Major Gallagher, and he was in the commissary department. There was some delay in assigning him, but he was assigned and began his duties on the 1st of February, relieving Mr. Redfern.

I ought further to say that after my return from the Isthmus in 1904 I sent down Dr. C. A. L. Reed, of Cincinnati, and Mr. Thomas T. Gaff, of Washington, to act as arbitrators in the assessing of the value of some land which the Commission desired to buy for residences and a hotel in Ancon, just outside of Panama. Doctor Reed is the president of the American Medical Association, and I suggested to him that he make a report to me upon the hygienic conditions which he found on the Isthmus.

He made such a report, but it was so extreme that I submitted it to the Commission for answer. Unfortunately the report was published by Doctor Reed. In this report it was charged that the delay and inefficiency of the Commission in filling the requisitions of the medical department on the Isthmus were the cause of the yellow fever. This was a serious charge, and the Commission was given full opportunity to answer. I think it only fair to the Commission in this record that Doctor Reed's charges and the answer of the Commission and the letter which I wrote forwarding the correspondence to the President should be put in this record. I therefore append it as Exhibit 3.

Very sincerely, yours,

WM. H. TAFT,
Secretary of War.

Hon. J. H. MILLARD,
Chairman Committee on Interoceanic Canals,
United States Senate.

(Inclosures.)

APPENDIX 2.

[Translation.]

[Compagnie Nouvelle du Canal de Panama, 7 Rue Louis le Grand, Paris. Capital, 65,000,000 francs.]

PARIS, *November 18, 1898.*

To the PRESIDENT OF THE UNITED STATES.

SIR: The New Panama Canal Company believes it to be its duty to respectfully submit the following statement:

It is common knowledge that in 1889 the Campagnie Universelle du Canal Interocéanique de Panama, the old company, fell into financial difficulties after about one-third of the canal had been finished. The rights of that company then passed judicial administration. A liquidator (receiver) was appointed by the judgment of the civil tribunal of the Seine under date of the 4th of February, 1889. During his administration (1889–1894) and with the authorization of the court, the greatest care was taken to preserve and maintain the work already done, and a prolongation was obtained from the Republic of Colombia of the time stipulated for the completion of the canal, thus preserving the rights of the company under its concession in their entirety.

In view of the advanced state of the work on the canal and the considerable sum (at least $150,000,000) actually expended for canal work, properly so called, and for installations and plant, the logical conclusion followed that the very large capital invested would be protected through a reorganization of the affairs, which took place successfully in the month of October, 1894. At that time and with this object in view the undersigned company was organized under the general laws of France. The company is a commercial association, formed exclusively upon private capital, and has no connection, alliance, or relation whatever with any government, except the relations established by the concessions which it holds from the Republic of Colombia. The board of directors of the company is an entirely new board and composed of gentlemen of independent positions, having no official relation with the old Panama company and for the most part identified with large financial and commercial enterprises.

Pursuant to judicial sale, authorized by the court as aforesaid, the undersigned company in 1894 became the sole owner of all the canal works, plant, material, concessions, and other property of the old company. The title of the undersigned to this property is therefore unquestionable, and has been officially recognized by the Government of Colombia.

Surveys had been made by the old company, but the new company, while making use of them, would not be bound by their conclusions. The board of directors resolved at the start to examine and study anew all the questions involved, making use of the most recent improvements in material and of the advances made in engineering.

It is needless for us to enumerate the difficulties and enormous expense involved in the choice of a definite plan for the execution of this work, which is one of the greatest undertakings of our time.

Different plans, equally practicable but varying in probable cost, have been studied. Many months have been spent in preparing, studying, and revising them. This work has not been done hastily and superficially. Engineers, chosen especially for their professional ability, have studied the question in all its details—technical, climatic, physical, geologic, and economic.

Though the skill of its own technical staff is worthy of the highest confidence, the undersigned company, out of abundant caution and in order to place beyond criticism the final conclusions, caused to be appointed an International Technical Commission, composed of engineers selected from different nationalities, a course which assures to the company the benefit of the widest possible experience, the severest judgment, and the most independent conclusions. The International Technical Commission is composed as follows:

M. Robaglia, president, inspector-general of roads and bridges (retired).

M. Bouvier, chairman, inspector-general of roads and bridges (retired).

General Abbot, United States Engineer Corps.

M. Castel, inspector-general of mines (retired).

M. Daymard, chief engineer of La Compagnie Transatlantique.

M. Fargue, inspector-general of roads and bridges (retired).

M. Fteley, chief engineer of the Croton Aqueduct, New York City.

M. Fulscher, private counselor to the minister of public works of Prussia, formerly technical director of the work of the Kiel Canal.

M. Hersent, civil engineer.

M. Hunter, chief engineer of the Manchester Canal.

M. Koch, councilor of public works of Germany; director of Technical Academy of Darmstadt; formerly member of the imperial commission of the Kiel Canal.

M. Jules Martin, inspector-general of roads and bridges (retired)

M. Skalskowski, formerly director of the department of mines to the minister of agriculture and lands of Russia.

M. Sosa, chief engineer, Colombia.

As to all statistical and economic questions, the new company established a special commission, presided over by M. Paul Leroy-Beaulieu, the eminent economist, and a member of the Institute of France.

It is certain that the members of these two commissions are the most distinguished and able men in their professions. No one of them would compromise his reputation and his honor, acquired by a long life of eminent services, by formulating conclusions upon unfounded, incomplete, superficial, or uncertain information.

By the closest study of the subject; by actual inspection of the works of the canal, made by several of its members; by full discussion and by frequent exchange of views; by subjecting every problem to the critical judgment of all, thus obtaining the most varied opinions; by all the methods and with all the care which the most advanced technical experience could suggest, this eminent commission of engineers has reached a unanimous conclusion, which has been officially communicated to this company, and upon which this company is pursuing the work of construction. These conclusions, signed by every member of the commission, establish the entire feasibility and practicability of completing the canal.

We do not doubt that you will be interested to learn the essential features of our plans, which have been prepared with so much labor and care, and confirmed by four years of continuous study.

1. The old company had already substituted for the proposed sea-level canal a system of locks. This principle, with important modifications and improvements, has been adopted by the new company.

2. The length of the canal from ocean to ocean is 46 miles.

3. The locks will not exceed four on each slope of the divide; all locks will have a rock foundation, and all will have doube lock chambers.

4. There is nothing in the physical conditions on the Isthmus to prevent a change from a canal with a system of locks to a sea-level canal should the latter seem desirable in the future.

5. The time of passage from ocean to ocean will be less than a day.

6. The harbors situated at either extremity (Panama and Colon) are not artificial harbors; they are natural harbors, safe and satisfactory, needing but slight improvement. This fact is known to all the world, thanks to commerce, which for almost fifty years has made use of the Panama route (the Panama Railroad).

7. Two-fifths of the work on the canal has been actually constructed; the remaining three-fifths is in a fair way of completion. During the last four years three or four thousand workmen, on an average, have been employed in working on the canal.

8. The company's concessions are unquestionable. The Republic of Colombia has given to the enterprise its cordial and sincere cooperation.

9. The existence and operation of the railroad, long established on the proposed line of the canal, greatly facilitates its construction.

10. No construction is planned which is not fully justified by practical experience.

Formerly the greatest difficulties were:

(*a*) The control of the floods of the Chagres River; and.

(*b*) The excavation of the Culebra cut.

The manner in which each of these difficulties is to be surmounted is shown with the greatest detail in the report of the technical commission, which we have the honor to present to you.

The condition of the new company is equally satisfactory. Its assets, including the work actually done on the canal, the buildings, the machinery, the material on hand, exceeds in value 500,000,000 francs, or $100,000,000, which valuation has been made by a special commission, of which the former director of the National Academy of Roads and Bridges of France was chairman. The company has no mortgage or bonded indebtedness. The property is free from all incumbrance. The company has no other debts than monthly pay rolls. Its cash reserve is largely in excess of its actual needs.

The undersigned company also invites your attention to the provisions of its concession, particularly articles 5 and 6, which reserves all rights to the Government of the United States secured by the treaty with the Republic of Colombia signed in 1846 and ratified in 1848.

We have the honor to be, your obedient servants,

J. BONNARDEL,
The President of the Board of Directors.

Certified by the secretary of the company.

ED. LAMPRE.

This was the opening gun of the campaign, and it was charged with smokeless powder, but the shot was fired at Nicaragua. It was heralded by Mr. Cromwell in a letter dated New York, 28th of November, 1898, addressed to Mr. Hay:

Mr. Cromwell to Mr. Hay.

NEW YORK, *December 5, 1898.*

MY DEAR SIR: I beg leave to confirm the telegram which I sent you at 10.45 this morning, as per inclosure.

Upon my return I learned through Director-General Hutin (who had preceded me to New York) that the measure which had just been acted on by one branch only of the Colombian Congress was a bill to authorize the executive to negotiate the terms of and to conclude a further prorogation of six years from 1904 for the completion of the canal, under a communication which the company had addressed to the Government, in the form of which I inclose you a translation.

You will note that the company specifically stated to the Government that the prorogation was not a matter of absolute necessity, but was desirable in the interests of commerce and navigation to enable an even deeper cut to be made (and which would reduce the number of locks to four), but which reduction would, of course, require more time than the plan adopted.

You will note that the bill proposed to confer power upon the executive, and this happened to arise under extraordinary political conditions in Bogota. As you have probably been advised through official channels, a serious difference has recently been existing between the House of Representatives of Colombia and the President, the House having passed formal resolution declaring the office of President vacant, and refusing to recognize the qualification of the President before the supreme court.

We therefore construe the action of the House of Representatives as only a part of the strife between the House and the President, and not a declaration of the policy of the nation or the Congress in respect of the Panama Canal, and as not evidencing hostility to the company itself. We are the more confirmed in this belief because of the uniform consideration and cordiality displayed by the Congress and the Government to the New Panama Canal Company, which we have no doubt their minister at Washington would fully confirm to you.

Our company has not the least apprehension regarding any prorogation of its concessions it may consider necessary in the future.

I have, etc., your obedient servant,

WM. NELSON CROMWELL,
Counsel New Panama Canal Company.

APPENDIX 3.

General bases with powers of consummation to Mr. Cromwell. New Panama Canal Company. Extract from the record of the minutes of the proceedings of the board of directors. Meeting of October 31, 1903. Left (at the Department) by Mr. William Nelson Cromwell November 21, 1903.

[English translation.]

Present: Messrs. BÔ, president; Monvoisin, vice-president; Terrier, vice-president; Georges Martin, secretary; Bourgois, director; Couvreux, director; Forot, director; Gueydan, director; Rischmann, director; Samper, delegate of the Colombian Government.

M. Gauton, liquidator of the Compagnie Universelle du Canal Interocéanique, was present at the meeting.

* * * * * * *

Mr. Cromwell, counsel of the company in the United States, has come to Paris to consider with the board of directors the measures which there may be occasion to take at this time on account of the delay of the ratification of the Hay-Herran treaty on the part of Colombia. He proposed to prepare a draft contract which should be submitted to the President of the United States and which would involve the continuance of the arrangements in force. This draft has been examined by M. Waldeck-Rousseau, and its text has been fixed in the following terms:

"General bases proposed by Mr. Cromwell for an understanding between the President of the United States and the new company, with a view to reaching the performance of the existing contract of March 3, 1903.

"Considering:

"1. The offer made by the new company, through President BÔ, on January 9 and 11, 1902;

"2. The acceptance by the President of the United States, through Attorney-General Knox, on the date of February 17, 1903;

"3. The agreement and confirmation of the new company, through Mr. Cromwell, its general counsel in America, under date of March 3, 1903; and

"4. The treaty of January 22, 1903;

"It is recognized that since the said date of March 3, 1903, the Senate of the United States has duly ratified the said treaty, but that this treaty is still pending in Colombia, awaiting ratification or some other decision; and that by reason of the foregoing (*and of various other important circumstances*) it is mutually desirable that certain details of the existing contract should be now settled.

"Consequently:

"I. It is mutually recognized that the ratification of the said treaty, in the form in which it is now pending, at a date anterior to March 4, 1905, is, by the parties, accepted as being in conformity with the offer, the acceptance, and the confirmation above mentioned. *This provision shall apply also to the conclusion of a treaty under another form, or in any way which may be satisfactory to the United States, and which maintains, without modification, the provisions of articles 1 and 22 of the pending treaty.* It is understood that in any case the term above mentioned may be prolonged by mutual consent of the parties should occasion arise.

"II. In the meantime the new company will continue the work of excavation of the canal in a manner in conformity with the plans adopted by the new company and by the Isthmian Canal Commission.

"III. This work of excavation shall be carried on under the inspection of a special commission, which shall be appointed by the President of the United States, to which commission the new company shall grant the fullest liberty and facilities for inspection, examination, and information, in order that if the United States carry out the purchase they may be in a position to continue the work themselves without delay.

"IV. The United States shall assume no obligation concerning this work of excavation and expenditure, unless the proposed purchase be carried out by them, and in that case their obligation shall be only that provided in the following article.

"V. In case of carrying out the proposed purchase, all questions of every nature, as well of fact as of law, relative to the claims of the new company for reimbursement for expenditures made by it after the work included in the estimate of the report of the Isthmian Canal Commission of November, 1901, *shall be submitted to the judgment and final decision of the President of the United States as sole arbiter.*"

This draft is *unanimously* adopted by the members present at the meeting. *M. Gautron* states that he also gives his approval.

Full powers are given to Mr. Cromwell to allow him to proceed with the President of the United States in the performance of this proposal.

The meeting adjourned at 4 o'clock.

Certified as agreeing with the record of proceedings.

M. BÔ,
The President of the Board of Directors.

ED. LAMPRE,
The Secretary-General.

[Translation.]

WASHINGTON, D. C., *March 23, 1900.*

Mr. SECRETARY OF STATE: I should be very grateful if you would kindly do me the honor to grant me an audience on to-morrow, March 24.

Be pleased to accept, Mr. Secretary of State, the assurances of my high consideration and devoted sentiments, together with my anticipated thanks.

M. HUTIN.

Hon. JOHN HAY, *Secretary of State, Washington, D. C.*

Note handed to Mr. John Hay, Secretary of State of the United States, at Washington, March 24, 1900.

The technical commission appointed by President McKinley in pursuance of the resolution of Congress of March 3, 1899, and presided over by Admiral Walker, will shortly be back in the United States, after examining on the spot the various routes suggested for the opening of a maritime way between the Atlantic and Pacific oceans.

The commission has gathered a large number of investigation documents that have been critically examined, probed, and completed by the personal observations of its members. It has now to draw up its report and formulate its conclusions.

It must be confessed that, whatever be the light in which it is examined, whatever the point of view from which it is considered, the problem of the interoceanic canal is an extremely complex question. Its true solution can only be found by seeking it with an impartial mind and an independent intellect.

It is permissible, however, to say truthfully that the manifold questions raised by the problem in both the technical and economical order have often been discussed under the influence of traditions and prejudices that progress and time have been so far unable to eradicate.

It would not be proper, on the other hand, to lay any stress here on the action and importance of the private interests which have in different quarters been involved in this considerable undertaking. We trust we may simply observe that they are worthy of consideration.

But the natural preponderance of certain national rights and interests and the supremacy of international interests must necessarily be borne in mind if the realization and the future of so great a work are to be insured.

Such are the general principles upon which the course followed by the new company of the Panama Canal was mapped out. In order to demonstrate this, it will be sufficient to recall the written and oral communications of the authorized representatives of the company to the President of the United States and to the Secretary of State in the months of November and December, 1898; the written statements handed to the Rivers and Harbors Committee of the House of Representatives and to the President of the United States on the 27th and 28th of February, 1899, and, lastly, the replies made to Admiral Walker, president of the Isthmian Canal Commission, which are set forth in the stenographic report of the last two sittings held at Paris by the said Commission.

In this convention two remarks will find their place here.

The first relates to the crisis which broke out in January, 1900, in the management of the new company of the Panama Canal. It has been alleged, in the furtherance of certain interests, that the declaration made in the United States in 1898 and 1899 by the board of directors of the company had not received the approval of a large group of parties in interest. This is absolutely erroneous. The truth is that for reasons which can not be usefully recited here there arose a conflict of powers. This conflict is now adjusted under conditions satisfactory to all parties.

The second remark bears upon the incorporation, under date of December 27, 1899, of a society styled "Panama Canal Company of America" under the laws of the State of New Jersey.

It is unnecessary for us to say that the new company of the Panama Canal, being, through its public declarations, in honor bound to reincorporate, under certain conditions in accordance with the laws of any one of the States of the Union, will not fail under any circumstances to discharge that obligation.

But it is obviously important that the freedom of action, not only of the new company, *but also that of the Government of the United States itself*, be reserved until such reincorporation shall be deemed expedient or become necessary.

This is why we hasten to declare that the Panama Canal Company of America holds no contract and has no legal tie with the new company of the Panama Canal.

As we observed at the outset, the Commission presided over by Admiral Walker has completed the first part of its labors.

We feel sure that it will concede that the new company of the Panama Canal did all that was in its power to facilitate its work.

We placed at its disposal, both at Paris and on the Isthmus, all the archives, all the documents that we had in our possession. We have laid before it as long and complete statements as its members may have desired of our technical plans as a whole, of our economical and statistical investigations, and, finally, of the general condition of our company.

We believe that our duty was thus fulfilled. We therefore venture, respectfully, to express our confidence that the Congress of the United States will not legislate and the Government will not come to a decision upon the question of the interoceanic canal until the report of the Commission shall have been filed.

In conclusion, we still have to consider the new situation created by the signing of the convention of February 5, 1900, between the United States and Great Britain.

The effect of Article I of the said convention is to reserve the final form to be given to the solution of the financial questions connected with the execution of the interoceanic canal.

The new company of the Panama Canal will necessarily be called upon to look into these questions at no very distant time. It will address such communications as may be appropriate on this point to the Government of the United States.

M. HUTIN,
President and General Director.

APPENDIX 4.

SULLIVAN & CROMWELL,
New York, March 31, 1903.

SIR: In connection with the presentation by Señor Jose Vicenté Concha, minister plenipotentiary and envoy extraordinary from the Republic of Colombia, of a proposed concessionary convention or treaty between the United States and Colombia, to further the completion, operation, control, and protection of the Panama Canal by the United States, I have been requested by the minister, in view of my relation to the subject as general counsel of the Panama Canal Company, and of my knowledge of the minister's views derived from our daily conferences in the preparation of the treaty, to submit the following reflections:

Colombia welcomes the United States to its territory, and will facilitate in every way reasonable within its power the consummation of the desires and needs of the United States for the completion, operation, maintenance, control, and protection of the interoceanic canal across its domain, subject, of course, to the sovereignty of Colombia, and a reasonable and just convention between the two nations.

Colombia views with admiration, as does the rest of the world, the splendid magnanimity, the far-seeing statesmanship, the virile and comprehensive policy which moves this people to construct the greatest undertaking which ever has engaged the attention of mankind, not for its own benefit alone, nor with selfish preference to its own commerce, but for the common benefit, upon equal terms and under universal neutrality in times of peace for all the peoples of the earth.

History does not furnish another instance of such national generosity, patriotism, and wisdom.

This could not but call out from Colombia the warmest response; and that nation takes pride in associating herself with an affair conducted upon such an elevated plane of national and international duty and concern.

The Isthmian Canal Commission, a most distinguished and able body, selected with much care by President McKinley to consider all possible isthmian canal routes and to determine which of them it is most to the interest of the United States to acquire, has reported unanimously that the Panama route is the most practicable and feasible route for an isthmian canal to be under the control, management, and ownership of the United States. Therefore the solution of the problem only involves two other conditions:

1. The sale by the New Panama Canal Company to the United States of the concession, property, and rights of the canal, with the shares of the Panama Railroad Company.

2. A new concessionary convention or treaty with Colombia.

3. The first of these two conditions already has been made easy of fulfillment in the formal acceptance by the New Panama Canal Company of the valuation fixed by the Isthmian Canal Commission—$40,000,000—and by its duly authorized proposal to the United States for a sale of the property at that price (subject, of course, to a satisfactory convention being arrived at between the United States and Colombia.)

The sole remaining condition, then, is the determination of the concessionary and treaty relations of the United States to a zone of territory across the Isthmus of Panama necessary for the consummation of the undertaking.

There has not been a moment in which Colombia has not entertained the keenest desire to further the designs of the United States, and this sentiment has prevailed under each succeeding administration in Colombia and alike in both of the great national parties who alternately have ruled that country.

This sentiment is neither new born nor inspired by hope of pecuniary gain. The two nations are old friends, and this feeling assumed practical form in 1846, when the treaty of that year was made, which expressly provided for the construction of this canal; in furtherance of which Colombia guaranteed to the United States the free transit of the Isthmus, and granted extraordinary concessions to the people and commerce of the United States, upon terms of perfect equality with its own citizens, while the United States, in turn, guaranteed the neutrality of the Isthmus and of the canal to be constructed upon it, as well as the sovereignty of Colombia over that territory.

It is a significant fact that this treaty of 1846–48, assuring to the United States especial rights and privileges upon the Isthmus of Panama in connection with any interoceanic canal or railroad across the Isthmus of Panama, antedates the Clayton-Bulwer treaty. The treaty of 1846–48 is in full force, as it has continued to be without change from the date of its execution.

Colombia has never made a treaty with any other nation upon the subject of an isthmian canal, although it was at liberty to do so.

These treaty ties cementing their joint design for the construction of a new highway for the world have held the two nations together in common interests and unbroken friendship for more than half a century.

By granting the concessions now owned by the New Panama Canal Company, and by furthering the construction of the canal to its present advanced stage of completion by the old and new Panama Canal companies, Colombia initiated the great work which now, happily, the United States may consummate.

While the minister of Colombia was in Washington for more than a year waiting for the moment when the subject could be seriously and attentively discussed, it is only since January 4, 1902, that anything could be definitely said or done; since then, and then only, was a definite proposal of sale made by the canal company. Immediately thereupon, however, the Government of Colombia, requiring the service of its then minister in other important fields, designated its minister of war, Señor Concha, as minister plenipotentiary and envoy extraordinary, to come at once from Bogota to Washington, charged with its ripest views and amplest instructions, to confer with the executive authorities of the United States, and, after exchange of information and opinions, to reach a satisfactory convention.

Minister Concha has devoted himself, since his arrival a few weeks ago, absorbingly to this task and is prepared to reach a conclusion with the executive officers of the Government.

He is fully empowered to negotiate and sign a treaty, subject only to the ratification of the Colombian Congress, as in like cases with all nations.

But Colombia is in the dark as to the precise desires and needs of the United States upon the subject, and Minister Concha can not, of course, anticipate in his first statement all the reasonable requirements of this Government. He wishes, however, to manifest in the most hearty manner the desire of his Government to facilitate the purposes of the United States, and this disposition is manifested by the comprehensive convention which he has this day submitted to you, but not as an ultimatum. The establishment of a canal convention involves, as you are so well aware, besides the utilization of a canal zone for the construction, operation, maintenance, control, and protection of a canal, railroad, and auxiliary works, as well as a grant renewable perpetually, and a consent to the sale by the New Panama Canal Company (all of which Colombia concedes in the convention submitted), but also numerous other grave questions relating to judicial procedure, punishment of crimes, the capture of criminals, sanitary and police regulations of Panama and Colon, proper regard to the vested interests upon the Isthmus, exemption of the United States from all forms of taxes, port charges, or other dues, etc. Quite aside from pecuniary matters, these are subjects which only can be examined and negotiated directly with you in person and are impossible of negotiation with the Houses of Congress.

Permit me to call attention to the facts that a canal convention in respect of the Isthmus of Panama necessarily involves considerations which do not relate to a section where there is but a wilderness, uninhabited by man, and producing no income to the nation. The convention respecting the Panama route covers a zone which has been the pathway of commerce across the continent for four hundred years, with important cities at its termini, with villages along the route, with a settled population, with considerable property, and with important vested interests to be taken into consideration.

All this represents an increment of value in civilizing influences, in means of protection, in expenditures of national funds for improvement and development, as well as in certitude of engineering plans, of all which the United States now may derive the benefit.

It would be neither in order nor fitting for the canal company or myself to express any views, one way or the other, upon any of the provisions of the proposed treaty, and our reserve in that regard will be noted. However, I beg to refer, by special request of the minister, to Article XXV of his proposed treaty, and which article relates to the pecuniary terms. Colombia is prepared to discuss, negotiate, and decide upon the precise sum or sums which may be reasonable for the United States to pay and for Columbia to ask; but as the subject is in the hands of Congress, and it seems impracticable at the moment to secure a definite expression of the views of the United States upon the subject, Colombia manifests its good faith and reasonableness by proposing that the annuity shall be only such sum as mutually may be agreed upon between the nations, or, failing in such agreement, such fair and reasonable amount as may be determined by a high commission presided over by the president of the International Peace Tribunal of The Hague, the remaining members being nominated in equal number by the two nations. Such annuity would only be fixed once in a hundred years.

The national requirements of Colombia make a payment of $7,000,000 desirable, and you will note the provisions on that head; but I also ask you to note that Colombia waives the annuity for the first fourteen years. This method insures to the United States the concessionary rights which it requires and which can not be affected or interrupted by any difference or delay respecting the ascertainment of the annuity. The United States is only required to pay such sum as it may agree upon, or as so may be determined to be fair and reasonable. Colombia does not ask more than what may be determined to be fair and reasonable, and surely the United States does not wish to do less than that.

I have the honor to be, Mr. Secretary,
Your obedient servant,

WM. NELSON CROMWELL,
General Counsel New Panama Canal Company.

Hon. JOHN HAY,
Secretary of State, Washington, D. C.

EMPLOYERS' LIABILITY BILL.

During the delivery of Mr. MORGAN's speech,

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be laid aside temporarily.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Alabama will proceed.

After the conclusion of Mr. MORGAN's speech,

ADMINISTRATION OF DISTRICT SCHOOL LAW.

Mr. FORAKER obtained the floor.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. GALLINGER. Before the resolution of the Senator from Ohio is laid before the Senate I ask the Senator if he will allow me to present the memorial of Rev. S. L. Carruthers and 16 other citizens of the District of Columbia, in reference to the administration of the school law in this District, in which they ask for an investigation by Congress. I do not commit myself in any way to the memorial.

Mr. LODGE. That is in violation of the rule.

The VICE-PRESIDENT. The Chair will suggest to the Senator——

Mr. GALLINGER. I am going to ask that the memorial be printed as a document, and I think under the rule I am entitled to do that. In other words, I am not presenting it as a petition. If the Chair holds that it is in violation of the rule to present this paper as a memorial at this time I will ask that it be printed as a document and referred to the Committee on the District of Columbia.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it will be so ordered.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I desire to call up, if I am in order to do so, resolution No. 180.

The VICE-PRESIDENT. The Senator from Ohio calls up for consideration the resolution named by him, which will be read.

The Secretary read the resolution submitted by Mr. PENROSE on the 3d instant, as follows:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interests, full information bearing upon the recent order dismissing from the military service of the United States three companies of the Twenty-fifth Regiment of Infantry, United States troops (colored).

Mr. DANIEL. Mr. President——

Mr. FORAKER. The resolution which the Secretary has read is the original resolution for which I have offered a substitute.

The VICE-PRESIDENT. Does the Senator from Ohio wish his amendment reported at length?

Mr. FORAKER. No; not necessarily.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio, which has been heretofore read.

Mr. FORAKER. Mr. President, the Senator from Pennsylvania [Mr. PENROSE] is present in the building, and I have sent for him. While waiting for his arrival, I yield to the Senator from Virginia [Mr. DANIEL], if I may be allowed to do so, who, I believe, desires to present some morning business.

Mr. DANIEL. Mr. President, I rise to morning business. I beg leave to offer two petitions and certain bills.

The VICE-PRESIDENT. Under the rule adopted at the last session of Congress it is not in order to interrupt the Senator from Ohio [Mr. FORAKER] for that purpose. The rule to which the Chair refers reads:

It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

Mr. DANIEL. Mr. President, may I be allowed to state that I did not interrupt the Senator from Ohio, but he reminded the Senate that he was waiting for the presence of a Senator on the other side, and yielded the floor to me without being requested to do so or being disturbed upon the floor, and I am, I think, in order.

The VICE-PRESIDENT. If the Senator from Ohio has yielded the floor, the Chair will recognize the Senator from Virginia.

Mr. FORAKER. I have not yielded the floor.

The VICE-PRESIDENT. Then the Chair is of the opinion——

Mr. FORAKER. I am sorry that I can not now accommodate the Senator from Virginia in view of the statement of the Chair.

Mr. DANIEL. I have no idea of violating the rule, Mr. President.

Mr. FORAKER. I want to retain the floor.

Mr. DANIEL. Very well.

Mr. PENROSE. Mr. President, I should like to call up my resolution, which I believe was the first one introduced on this subject.

Mr. FORAKER. The resolution is already called up. I will say to the Senator from Pennsylvania that I have called up in his absence the Senator's resolution and my substitute, and they are both now before the Senate. On yesterday, while the Senator was absent, these resolutions were before the Senate and there was some discussion then which I thought indicated that there might be an agreement arrived at. I do not want to interfere with the Senator's resolution, but I want to pass my own; and, if there is no objection to my resolution being considered independently, I am willing to have it so considered, and let the Senator's resolution be considered in that way.

Mr. PENROSE. Mr. President, that suggestion is entirely satisfactory to me. I said when the Senator from Ohio presented his resolution that it was not incompatible with mine, one being directed to the President and the other to the Secreary of War. I would suggest that the vote be taken on my rsolution, it having been first introduced; and if that shall be passed, that then the Senate consider the resolution of the Senator from Ohio.

Mr. FORAKER. I want it understood that there is a unanimous agreement that my resolution be presented independently as an original resolution, and that it will not be objected to so that it may have to go over; otherwise I shall insist on its being considered as a substitute for the resolution of the Senator from Pennsylvania.

Mr. PENROSE. I ask unanimous consent that that may be considered as the understanding—that we consider the Senator's resolution as an independent resolution, and not subject to go over on one objection.

Mr. WARREN. I wish to say if the resolution which I offered as a substitute, embodying the subject-matter of both resolutions, is considered as standing in the way of the plan proposed by the Senator from Pennsylvania [Mr. PENROSE], it may be laid aside for the purpose indicated by the Senator from Pennsylvania.

The VICE-PRESIDENT. Is there objection to the request that the amendment proposed by the Senator from Ohio [Mr. FORAKER] shall be regarded as an original resolution and be considered after the disposition of the resolution introduced by the Senator from Pennsylvania [Mr. PENROSE]? The Chair hears no objection; and it is so ordered.

Mr. PENROSE. Mr. President, so far as the resolution introduced by the Senator from Wyoming [Mr. WARREN] is concerned, I would be entirely satisfied with it, but as he has withdrawn it I suppose the only question before the Senate is on the adoption of my resolution.

Mr. SPOONER. Mr. President, the question is on the adoption of the resolution of the Senator from Pennsylvania [Mr. PENROSE], as I understand.

The VICE-PRESIDENT. The question is on the adoption of the resolution of the Senator from Pennsylvania.

Mr. SPOONER. Mr. President, I am opposed to the resolution offered by the Senator from Pennsylvania. My opposition to it is based entirely upon the form of it. This resolution does not, so far as the subject-matter goes, fall within the class of inquiries which the Senate has ever been accustomed to address to the President. It implies on its face, Mr. President, a doubt here which I think does not exist; as to whether the Senate is of right entitled to all the facts relating to the discharge of the three named companies or not. Always the Senate, in passing resolutions of inquiry addressed to Cabinet officers, except the Secretary of State, make them in form of *direction*, not *request*. It rarely has happened that a request has been addressed to any Cabinet officer where foreign relations were involved. Where such a resolution has been adopted it has been addressed to the President, with the qualification that he is requested to furnish the information only so far as, in his judgment, the transmission of it is compatible with the public interest.

There are reasons for that, Mr. President. The State Department stands upon an entirely different basis as to the

Congress from the other Departments. The conduct of our foreign relations is vested by the Constitution in the President. It would not be admissible at all that either House should have the power to force from the Secretary of State information connected with the negotiation of treaties, communications from foreign governments, and a variety of matters which, if made public, would result in very great harm in our foreign relations—matters so far within the control of the President that it has always been the practice, and it always will be the practice, to recognize the fact that there is of necessity information which it may not be compatible with the public interest should be transmitted to Congress—to the Senate or to the House.

There are other cases, not especially confined, Mr. President, to the State Department, or to foreign relations, where the President would be at liberty obviously to decline to transmit information to Congress or to either House of Congress. Of course, in time of war, the President being Commander in Chief of the Army and Navy, could not, and the War Department or the Navy Department could not, be required by either House to transmit plans of campaign or orders issued as to the destination of ships, or anything relating to the strategy of war, the public knowledge of which getting to the enemy would defeat the Government and its plans and enure to the benefit of an enemy.

There are still other cases. The Department of Justice would not be expected to transmit to either House the result of its investigations upon which some one had been indicted, and lay bare to the defendant the case of the Government. The confidential investigations in various departments of the Government should be, and have always been, treated by both Houses as confidential, and the President is entirely at liberty to permit by the Cabinet officer to whom the inquiry is addressed as much or as little information regarding them as he might see fit. I have no doubt the President would transmit everything upon this subject. My objection is to the form of the resolution. I think we ought to maintain the uniform practice upon the subject. I do not think, as to a matter upon which the Senate clearly has a right to be fully advised, it should depart from the usual form of directing the transmission by the Secretary of War or the Secretary of the Navy or the Secretary of the Interior, to adopt a resolution of request of the President, bearing upon its face a recognition of the fact that he is at liberty to withhold the information or to transmit such part of it as he shall see fit.

Mr. President, in time of peace as to matters relating to the organization and the administration of the Army there can be no secrecy. It is purely domestic public business, as to which the Congress has a right to know. I should be very much disappointed if in a matter of this kind the Senate should address the inquiry to the President, coupled, as it must be, with the suggestion that we doubt our right to the information. I think it is a bad precedent to establish. In such matters I think we ought to maintain the practice which, so far as I remember, hitherto has been unbroken. Therefore I am opposed to the form of the resolution of the Senator from Pennsylvania. I am in favor of the form of the resolution of the Senator from Ohio.

Mr. FORAKER. Mr. President, I desire only to say a word of the same general character as that which has been spoken by the Senator from Wisconsin [Mr. SPOONER]. My objection to the resolution offered on yesterday by the Senator from Wyoming [Mr. WARREN] was that under it the President would have a right to withhold information particularly called for by the resolution I had offered. Senators will observe when they come to look at that resolution that nothing is called for except only that which is specifically described, and that it is all of a character such as the Senate is clearly entitled to. No one has the right to withhold it from the knowledge of the Senate if the Senate asks for it. That was the only objection I had to having my resolution incorporated with the resolution offered by the Senator from Pennsylvania in a resolution such as was offered by the Senator from Wyoming [Mr. WARREN] on yesterday. The same objection, of course, lies to the suggestion which was made, also, by the Senator from Pennsylvania that we might unite the resolutions. If the Senate sees fit to adopt it, I have no objection to the resolution offered by the Senator from Pennsylvania; but I shall insist in any contingency upon the consideration of my own resolution as calling for information we are clearly entitled to without anybody giving his judgment whether or not it is our right to have it.

Mr. LODGE. Mr. President, on the matter of precedents I have only had a moment to look back. My memory was that we had sent many inquiries to the President which did not refer to foreign relations. On looking hastily back through a book from the Secretary's desk, I find in the Fifty-ninth Congress the following resolution, offered by the Senator from Minnesota [Mr. NELSON], was adopted:

Resolved, That the President is hereby requested, if not incompatible with the public interests, to transmit to the Senate the reports of the Keep Commission on Department methods, relating to official crop statistics and the investigation of the Twelfth Census report on agriculture.

It seems nothing could be more purely domestic than that. I find another, as follows:

Resolved, That the President be requested to furnish the Senate, if not incompatible with the best interests of the service, the petition and accompanying papers of certain officers of the Army, veterans of the civil war, retired from active service for disability contracted in the line of duty, and who have not yet received the benefits of the act of April 23, 1904.

Those are two very recent ones. I thought I remembered some relating to the Philippines, and I find there are some. This book only goes back to the Fifty-eighth Congress, but I find a resolution submitted by Mr. Hoar, as follows:

Resolved, That the President be requested, if not in his opinion incompatible with the public interest, to inform the Senate whether there be any law or regulation in force in the Philippine Islands which will prevent any native of those islands who may so desire, not under arrest and against whom no charge of any offense against the United States is pending, from coming to the United States and stating his views or desires as to the interest of his people to the President or either House of Congress.

Mr. SPOONER. When was that adopted?

Mr. LODGE. That was referred to the Committee on the Philippines, and printed. It was not adopted. The other two that I read were adopted. I have no doubt that others could be found. Certainly, I think that there can be no question that resolutions of inquiry have been addressed to the President on all possible subjects. In this case, he being Commander in Chief of the Army, it seems to me it is perfectly proper in form to address a resolution to him on a subject where he has taken direct action and about which there is a great deal of public feeling and has been a great deal of public discussion. It seems to me the proper way to get the facts before us is to make inquiry, not only of the War Department, but of the President himself, so that he may have an opportunity to state to Congress in the fullest official manner the reasons which actuated him in rendering this decision, which, of course, as we all know, is peculiarly his own.

Mr. WARREN. Mr. President, I take it for granted the President will find some way to put the Senate in possession of any information he has that he wishes to put before it. On the other hand, it seems to me entirely proper for the Senate to ask the President for such information as the Senate wants, and that he is the proper one to ask. And believing that the Senate and the country want all the information obtainable I am willing, if I have the opportunity, to vote for both resolutions, the one proposed by the Senator from Pennsylvania [Mr. PENROSE] and the one proposed by the Senator from Ohio [Mr. FORAKER]. I know of no rule against such action. I know of no custom against it. I know of no reason why we should not adopt both resolutions as presented here, though by all means we should indorse the one directed to the President whether or not we adopt the other one.

Mr. TELLER. Mr. President, the precedents cited by the senior Senator from Massachusetts [Mr. LODGE] might be increased in great number. For many years past, even during the war, it was a frequent occurrence to call on the President for information. I myself have been somewhat of a stickler in reference to the form of resolutions of inquiry. We request the President, and we direct the Cabinet officers; but, after all, the whole matter of communicating information to this body by Cabinet officers is absolutely under the control of the President. If the President declines or thinks such information should not be sent, it is not sent. We request the President for information, "if not incompatible with the public interest." That is merely a courteous form of making the request. If we left out the expression "if not incompatible with the public interest," he would still have authority to withhold any information. I think it will be found that the rule among Cabinet officers, whenever requests of delicacy or importance have been presented by Congress, has been to consult the President in relation thereto.

Mr. LODGE. Will the Senator allow me to ask him a question in that connection?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. TELLER. Certainly.

Mr. LODGE. My memory is that there have been cases within comparatively recent years where Cabinet officers having been directed by resolution of the Senate to send certain information to it, have withheld entirely, or withheld in part, such information by order of the President.

Mr. TELLER. Undoubtedly.

Mr. LODGE. I think it occurred under Mr. Cleveland on more than one occasion, and I think it has occurred in relation to the Department of the Interior quite recently, though I do not remember the exact date.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. TELLER. Yes.

Mr. CARMACK. I think that occurred in a former session of Congress when an answer to a resolution of mine asking the Secretary of the Treasury for certain information was declined on the ground that it would be incompatible with the best interests of the public service.

Mr. TELLER. Mr. President, there are undoubtedly a large number of precedents of that kind. I had occasion some time ago to consult the precedents running back forty or fifty years, and I have a very distinct recollection of a number of cases where Presidents have declined to communicate information both to the House and to the Senate.

I do not think there is any impropriety in our asking the President in a courteous, proper manner to communicate information to the Senate. I am under the impression, Mr. President, that the better practice would be to ask the Secretary of War, the Secretary of the Treasury, or the Secretary of the Navy, whoever it might be that had the matter under control, without annoying the President and adding to his work. But, so far as I am concerned, I am willing to vote for a resolution asking the President for information, or I am willing to vote for a resolution asking the Secretary of War for information; but I do not think we ought to ask them both. It seems to me we ought to confine ourselves to one or the other. I simply express my preference for the method of asking the Secretary of War, instead of asking the President. If the President or the Secretary of War wish to communicate on the subject, they know how to do so by direct message to this body.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. TELLER. Certainly.

Mr. LODGE. I was going to say that the resolution I read requesting the President for certain information in regard to veterans of the civil war was introduced by the Senator from Colorado [Mr. TELLER] himself.

Mr. CARTER. Mr. President, briefly, and principally to address myself to the Senator from Wisconsin [Mr. SPOONER], I think it may be taken for granted that as a matter of mere official ethics the address of the resolution of the Senator from Pennsylvania [Mr. PENROSE] to the President of the United States is deferential and correct. It must not be lost sight of that the President represents the executive department, a coordinate department of the Government. The right of the President, because of his character as Chief Executive of the Nation, charged with the conduct of our foreign affairs, to be the sole judge as to the communication to Congress of matters relating to our international affairs was well stated by the Senator from Wisconsin.

The Senator further proceeded to say that in case of actual war it would be obviously improper for the Senate to call upon the Commander in Chief of the Army and Navy for plans of battle or campaigns, for drafts of fortifications or lines of defense, or for any information which, if made public, might militate against the interests of the country. But the Senator undertakes to differentiate by saying that this is a time of peace, and, therefore, the directions of the President with reference to the Army must be under a different rule as relates to the legislative department from that which would obtain in time of war. The logic of that, I think, will not be apparent to the mind of the Senator from Wisconsin when he reflects upon the particular facts in this case as made known by current information. It is alleged, and not denied, that the troops engaged in the controversy concerning which we seek information actually committed murder in the State of Texas.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. CARTER. I do.

Mr. FORAKER. I do not know whether I correctly understood the Senator. I understood him to say that it is charged, and not denied, that the troops mentioned, or some of them, committed murder in the State of Texas. I want to say to the Senator that I am not surprised that he makes that statement, because that is the popular understanding as I gather from the newspapers; but, nevertheless, it is not true. The record shows that that charge is denied, and there is a great deal of testimony, if not the weight of testimony, in favor of the denial. But that is a matter upon which I do not wish to enter. It is a matter we can discuss after we get the facts for which the resolutions call, one of which facts is the testimony that has been submitted. We can then look it over and see what the state of facts is.

Mr. CARTER. It is not necessary to the elucidation of the point I desire to make that I should characterize the current report as correct or incorrect. I will merely state, then, that it is alleged, and not denied, that certain soldiers of the United States at a point in Texas disturbed the public peace.

Mr. FORAKER. Mr. President, if the Senator will allow me, that also is denied. The question which has been under consideration when the testimony has been taken has been whether or not the soldiers, or any of them, participated in this so-called "shooting up" of the town. The testimony does not clearly show that any of them did, and there is testimony to show that none of them did.

Mr. CARTER. Then, in order to reach an understanding——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. If the Senator from South Carolina will permit me, I will say that it is alleged——

Mr. FORAKER. Yes.

Mr. CARTER. That some disturbance occurred at a point in Texas for which soldiers of the United States were responsible.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. CARTER. Most assuredly I yield.

Mr. FORAKER. I do not wish to be overly particular about this, but I have seen so much of this statement, assuming that this, that, and the other thing has been done, that I feel called upon to set the Senator right in the hope that I may at the same time set a great many other people right.

Mr. CARTER. I will say to the Senator that I do not assume anything. I say it is alleged. Does the Senator from Ohio deny the fact that it is alleged?

Mr. FORAKER. I do not deny that it is alleged that troops belonging to this command were guilty of the offense to which the Senator refers, but what I want to get before the Senate is that it is denied, and there is a very strong lot of testimony in support of that denial. What the fact is I do not pretend to say. I want to get all the facts, and then we can find out.

Mr. CARTER. Then, Mr. President——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. I yield to the Senator from South Carolina.

Mr. TILLMAN. I was merely going to remark that I saw in the Washington Post this morning what purports to be an advance copy of something the Secretary of War will send to us in his annual report, and he has thought it of sufficient moment to give it to the press ahead of its official presentation. If I am not mistaken, I saw in that report, or that alleged report—we have to speak by the card this morning, it appears——

Mr. CARTER. The Senator had better put it that way.

Mr. TILLMAN. That the Secretary of War practically asserts what the Senator from Montana asserts; and the Secretary of War certainly would not give out to the newspapers, as an authoritative statement coming from him, a misstatement, would he?

Mr. FORAKER. Mr. President——

Mr. CARTER. I wish to interpolate, to the end that it may not be lost to the record, that the Senator from Montana has made no assertion in reference to the occurrence in Texas.

Mr. TILLMAN. I understand that what the Senator is alleging——

Mr. CARTER. The Senator stated that it was alleged in current reports. Beyond that the Senator from Montana asserted nothing.

Mr. TILLMAN. The Secretary of War alleges, or the newspapers allege that he alleges, that certain soldiers, ten or twenty, did shoot up the town of Brownsville, and the facts in regard to that transaction are what the Senator from Ohio is trying to get, and I hope the Senate will help him to get them.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. CARTER. I yield.

Mr. FORAKER. Just a moment, if the Senator will allow me. I also read in the morning papers what was reported to have been written by the Secretary of War, and I noticed the un-

qualified statement of the guilt of these men made by the Secretary of War, and it was because I noted that that I was more particular to interrupt the Senator from Montana than I otherwise would have been.

The Secretary of War, as I understand, does not pretend to have any information on this subject except only what is given in a pamphlet which has been printed by the War Department, setting forth all the testimony that has been taken in regard to this trouble, and setting forth also the reports of the several inspectors who have been there to investigate that trouble. This is what the Secretary of War had before him——

Mr. TILLMAN rose.

Mr. FORAKER. Only a line, if the Senator from South Carolina will allow me.

Mr. TILLMAN. I merely want to ask the Senator where he got the copy of that document. I have been trying to get something bearing on this subject.

Mr. FORAKER. I saw in the newspapers that the War Department had printed this document, and I sent there and asked if I might be favored with a copy, and they favored me. I have no doubt the Department will give the Senator one.

Mr. GALLINGER. One was sent to everybody.

Mr. LODGE. One was sent to every Senator.

Mr. TILLMAN. Mine has not come. I should like to have the Senator from Massachusetts give me his, if he has a copy of it.

Mr. FORAKER. Major Blocksom is the first inspector sent to Brownsville and the only one who went to Brownsville, and after he had been there and had carefully gone over the whole situation, and after he had examined all the witnesses and had inquired among the troops he saw fit to call upon, and after he had familiarized himself with the testimony taken by the citizens' committee, he wrote his report, in which occurs this statement:

> The officers appeared to be trying to find the criminals, but it is certainly unfortunate for the reputation of the battalion that they have as yet hardly discovered a single clue to such a terrible preconcerted crime committed by so many men.

Then on the 28th day of August, after he had completed his investigation and after the command had left there for El Reno, he reported to the War Department, to the Chief of Staff, saying, among other things:

> Almost no evidence against men arrested, though believe majority more or less guilty, etc.

Mr. CARTER. Mr. President——

Mr. FORAKER. If the Senator will bear with me for just a moment, running all through not only this report, but each of the other reports, is the same uncertainty as to the guilt, the same confession that there is no satisfactory evidence; and I do not hesitate to say that this evidence, on which is predicated the claim that these men are guilty of committing this crime, is the most incomplete, the most unsatisfactory, the most flimsy in character on which a conviction was ever rested to my knowledge. So, instead of saying there is against these men testimony which shows their guilt without doubt, just the opposite is true.

In addition to the character of this testimony, which is so unsatisfactory, is the contradictory testimony, negativing these charges, given by the noncommissioned officers who had charge of quarters, and who had charge of the guns, and who were in a situation to know what the truth was. I understand it will be no trouble to show that these are all men of good reputation for truth and veracity, who have the confidence, as the positions they hold indicate they have, of the officers who put them in those positions. Now, the testimony of all these men is of necessity entirely excluded by those who say there is no doubt whatever about the guilt.

But, as I say, I do not now desire to discuss this matter. When I get the facts I do want to present to the Senate an analysis of the testimony, to show the character of it, and to show how unsatisfactory and how insufficient it is to warrant the serious finding against these men, and especially the men who are conceded to be innocent and who are being punished under this order.

Mr. CARTER. Mr. President, I think the Senate will agree with me——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. I should like to make an observation just at this point, and then I shall be glad to yield.

The VICE-PRESIDENT. The Senator from Montana declines to yield.

Mr. CARTER. Mr. President, the Senator from Ohio challenged my statement that it was alleged that some disturbance occurred in the State of Texas with which troops of the United States were connected.

Mr. FORAKER. No; "responsible."

Mr. CARTER. I submit to the Senate that the Senator from Ohio has amply justified by his statement the fact that allegations were made and issues framed to which he very eloquently addresses himself.

I now yield to the Senator from Texas.

Mr. CULBERSON. Mr. President, by the courtesy of the Senator from Montana I desire to state that I agree with the Senator from Ohio that this is not the time to discuss the testimony. But I can not permit his observation to pass unchallenged that there is practically no testimony as to the guilt of these soldiers on the 13th of August at Brownsville.

Mr. FORAKER. If the Senator from Texas will pardon me, I did not say there was no testimony or practically no testimony.

Mr. CULBERSON. The Senator from Ohio said the weight of the testimony was to the contrary.

Mr. FORAKER. I said the testimony was insufficient, and that the weight of the testimony, if colored men are to be believed at all, is to the contrary.

Mr. CULBERSON. Occupying but a moment more of the time of the Senator from Montana, I desire to call attention to the fact that the Senator from Ohio omitted, doubtless inadvertently, to read fully from the report before him. I desire to read a paragraph from the report of the commanding officer at Fort Brown upon the subject, which the Senator no doubt has seen. I read from a telegram, dated August 15, to The Military Secretary, and signed C. W. Penrose, Major, Twenty-fifth Infantry, Commanding. The Senator from Ohio will find it at the bottom of page 12 of this pamphlet:

> Were it not for the damaging evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime.

That was based, Mr. President, upon their statement merely that they were not. Now, what does the major add to that?

> But with this fact so painfully before me I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand. I have the affidavits from three noncommissioned officers who were in charge of quarters on the day and night, and they swear positively the rifles were verified and the racks locked after drill (practice march of Companies B and D, drill of Company C), and the old guard returned to the quarters; that they never left the quarters, and that the keys to the locks of the racks were never out of their possession, and that the racks were not opened until call to arms sounded, and were then opened by them.
>
> From testimony gathered by the citizens' committee and given to me by Doctor Combe, I believe from seven to ten men were implicated in this matter. Some one of them must have had a key to the gun rack, and after check roll call was taken—for all were reported present at 11 p. m. roll call—they slipped out of quarters, did the shooting, returned while the companies were forming, and at some time during the early hours of the morning cleaned their rifles. This is made possible from the fact that the shooting all occurred within two short blocks of the barracks.

Mr. President, that is all I desire to say for the present, but I ought to have had the indulgence of the Senate while I gave to the Senate and to the country this statement of the commanding officer.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. FORAKER. Will the Senator from Montana yield to me for another moment?

Mr. CARTER. Certainly.

Mr. FORAKER. I wish to correct the impression which the Senator from Texas seems to have received from what I said. I did not say, as I understood him to repeat I had said, that there was no testimony. I said it was unsatisfactory, incomplete, and of a flimsy character, using some such expressions as those; and that I reiterate. I was not unmindful of the fact, when I made that statement, that Major Penrose, the commanding officer, had made this report. I had read it. But, Mr. President, I was, with that in mind, also remembering what the testimony is in this case and what I shall be able to show to Senators it is in this case when we come to analyze it and discuss it and compare it and point out its consistencies and its inconsistencies. I think Major Penrose, when he wrote that report, was of the opinion that certain of the men had unlocked the gun racks and had taken out the guns and had done this firing, and that that was the only way to account for the "shooting up" of the town; and it may be that that is the truth. I do not pretend to say. But I do say that the weight of testimony, if the colored men who have given their evidence under oath are to be believed, is to the contrary, and I think I can demonstrate that, and I think I can explain, too, why Major Penrose made that kind of a concession in the report he made.

Mr. CARTER. Mr. President, it was no part of my purpose to precipitate at this time a discussion on the merits of this controversy, with only limited information in the possession of

the Senate. The purpose of the resolution of the Senator from Pennsylvania [Mr. PENROSE], supplemented by that of the Senator from Ohio [Mr. FORAKER], is to secure full information concerning those transactions referred to in the respective resolutions. The only question before the Senate, as I understand, is that raised by the Senator from Wisconsin [Mr. SPOONER] concerning the manner of addressing the President of the United States in the resolution upon which we are about to vote. He objects to the words "if compatible with the public interest," thus leaving it, according to the phraseology, respectfully subject to the judgment of the President as to whether the information shall be given in whole or in part.

Now, the Senator from Wisconsin proceeds to say that this would be an entirely proper address to the President of the United States if we were engaged in actual war. This resolution refers to the management of the Army of the United States by its Commander in Chief, the President of the United States, and I suggest to the Senator that the form of address which would be proper in time of war can not be improper in time of peace.

The Senator upon reflection will realize—and I again approach dangerous ground—that it is alleged that in this case, in the transaction complained of, certain citizens of the State of Texas were murdered, and that the Army of the United States was in some manner, directly or indirectly, concerned in that murder. I submit to the Senator from Wisconsin that it is not improbable, under such circumstances, that the Department of Justice has been in correspondence with officials of the State of Texas with reference to the subject-matter of this alleged murder of citizens of that State. This resolution, if addressed to the President containing no limitation as to that discretion, or suggestion of it, would not only call upon the President to send to the Senate all the correspondence emanating from the War Department and the officers of the United States Army, but likewise all the information contained in the correspondence of the Department of Justice with officials of the State of Texas.

Now, it must be obvious, I think—along the line of reasoning suggested by the Senator—that it would be highly improper for us to ask the Department of Justice to convey to us information, which would thus become public, concerning a public transaction; that it would be highly improper to ask the President of the United States unqualifiedly to transmit to the Senate correspondence with officials of the State of Texas which involves or may involve the possible criminality of a soldier of the United States under the laws of that State. So, according to the reasoning of the Senator himself, I think it is quite obvious that the phraseology of the Senator from Pennsylvania in respectfully suggesting to the President that he may transmit this information, if, in his judgment, it is not incompatible with the public interest, is eminently appropriate in this particular case. I think the Senator from Pennsylvania weighed his words well and considered the situation fully when he framed the language of that resolution, which is in conformity, as I understand, with an ancient and almost unvarying line of precedents emanating from this body.

Mr. PENROSE. Mr. President, I have as high an opinion of the legal attainments and knowledge of precedents possessed by the Senator from Wisconsin [Mr. SPOONER] as has any member of this body, and I do not yield to him in any degree in my jealous regard for the prerogatives and privileges of the Senatorial office. But in the contention he makes in this matter I can not see that he has the slightest foundation in the line of precedents. The Senator from Massachusetts [Mr. LODGE] has referred to several of them. I have one here:

JANUARY 16, 1906.

Mr. TELLER submitted the following resolution:

Resolved, That the President be requested to furnish the Senate, if not incompatible with the best interests of the service, the petition and accompanying papers of certain officers of the Army, veterans of the civil war, retired from active service for disability contracted in the line of duty, and who have not yet received the benefits of the act of April 23, 1904.

A purely routine departmental matter, having no relation to the high constitutional and international relations referred to by the Senator from Wisconsin. On January 31 the President, in response to the Senate resolution, sent to this body a message of many pages, being Senate Document 179.

On May 28, 1906, Mr. NELSON submitted the following resolution:

Resolved, That the President is hereby requested, if not incompatible with the public interests, to transmit to the Senate the reports of the Keep Commission on Department methods, relating to official crop statistics and the investigation of the Twelfth Census report on agriculture.

In response to that resolution, which was passed by the Senate, the President sent a message, known as "Document No. 464," relating to a matter possessing none of those high qualifications—constitutional and international—referred to by the Senator from Wisconsin. I have here a number of other resolutions, but I will not take up the time of the Senate by more than referring to them.

The pending resolution was not hastily prepared by me, but was prepared after having examined a very large number of precedents in the Senate, and the phraseology is identical with those precedents. If the resolution differs from its predecessors, it is only in the element of its greater brevity and simplicity.

It occurred to me that the President, being the Commander in Chief of the Army of the United States, having assumed before the country sole responsibility for this act, having in the public mind, perhaps, incurred some disagreement with his own Secretary of War upon the subject, was the proper person and the only person to whom this body should submit a resolution requesting information; that it would be discourteous to him to go below or beyond him and ask the information from any other person than the one who was primarily responsible and the one who assumed the responsibility before the people of the country.

Mr. President, I introduced the resolution without guile, out of a natural relationship to a large colored constituency in the State of Pennsylvania, whose race prejudice has been aroused and who felt that perhaps an affront had been put upon them. I did not know that I was going to create such a disturbance in the minds of some of my colleagues as was developed when I heard the anguished tones of the Senator from Ohio informing this body that he had a similar resolution which he would like promptly to get before us.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. FORAKER. I did not catch the adjective which the Senator from Pennsylvania prefixed to my tones.

Mr. PENROSE. I had no political purpose to serve and no one to punish.

Mr. FORAKER. Mr. President——

Mr. PENROSE. I was in a legitimate mental attitude.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. PENROSE. I will be through in a minute, and then the Senator from Ohio can have the floor.

The VICE-PRESIDENT. The Senator from Pennsylvania declines to yield.

Mr. PENROSE. I was in a perfectly legitimate mental attitude, desiring to seek the truth, a condition of mind to which no reasonable man can object. Nor have I ever known a resolution solely, and in a bona fide spirit, intended for such a purpose to be objected to or delayed or to encounter technical objection or controversy.

I am myself investigating this matter, and if I find that these colored troops have been wronged, if injustice has been perpetrated, I will be as zealous and active as the Senator from Ohio or any other member of this body to see that that injustice is righted. If, on the other hand, grave felonies and misdemeanors and wrongs have been committed and the action of the Department is right, I will be found supporting the action of the Department. At the present time my only interest is to see that this matter is thoroughly cleared up, and that the great colored constituency of Pennsylvania will feel that there is no mystery or obscurity surrounding the subject, and that no injustice has been perpetrated upon their race.

Mr. FORAKER. Mr. President, I understood the Senator from Pennsylvania [Mr. PENROSE] to say that I had offered my resolution in angry tones.

Several SENATORS. Anguished.

Mr. FORAKER. What is it?

Mr. PENROSE. I referred more to a condition of anguish than of anger.

Mr. FORAKER. Oh, anguished. Mr. President, I was not aware that my tones indicated either anger or anguish. They certainly did not indicate either. I, in common with everybody else, I think, was taken by surprise when the Senator from Pennsylvania, violating all precedents, offered his resolution. I happened to have in my pocket the resolution which I had dictated to my stenographer, and which he had furnished to me, but which I had not had opportunity to look over, and not understanding and not liking the kind of resolution offered by the Senator from Pennsylvania, I offered mine as a substitute, and asked that it might go over until another day, when it could be properly considered. I have no purpose in view except only what the Senator from Pennsylvania says he has in view, to get the facts in order that the whole subject may be intelligently considered and acted upon here in the Senate, as I think it will have to be.

But, Mr. President, what I rose to say more particularly

than that is that I did not offer the resolution because it involved the race question. It is not necessary to consider that question at all, and I do not desire to consider that question, and have no thought to consider that question. In my opinion, it is a much broader and a much more serious and a much more important question than that. It is a question which concerns white men as well as colored men. It is a question which concerns the Army itself. What avail is it that the Congress may raise armies if, as fast as they are raised, the President may, if he sees fit to do so, disband them? If the President may disband one company he may disband three, as he has done here, and if he may discharge a whole battalion, he can do away with a regiment if he so likes, and if he can do away with a regiment, a brigade, and, as I say, the whole Army.

But that is not the most important question either, Mr. President, for I do not apprehend that any President would do anything like that. I believe it will be easy to show that no President has power to do any such thing and that no President would have disposition to do any such thing. The broader question is one of constitutional right. The President does have power, as the Secretary of War says in the statement published in the papers this morning, to grant discharges without honor in contradistinction to discharges that are dishonorable and to discharges that are honorable. But running through all authority, and necessarily so because of the spirit of our institutions as well as the letter of the law, is this rule, that no such discharge can be granted by any order, from the President down, when it rests upon a conviction of a felony punishable with imprisonment in the penitentiary under the laws of the United States and when as a result of such discharge punishment is inflicted as though it had been in pursuance of the sentence of a court-martial.

Whenever it comes to the point where men are charged with the commission of a criminal act they are entitled to a trial before they are condemned, and they have that right, although they may be enlisted men in the Army of the United States. They have it under our constitutional guaranties, and they have it according to the letter of the statute that is applicable. I shall point out, when the proper time comes, that the Congress of the United States has been careful, in enacting the Articles of War and other statutes for the government and regulation of the Army, to provide that there shall be no conviction of any enlisted man of any offense upon which a discharge can be predicated until he has had a trial before a court-martial or some other duly constituted tribunal.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. FORAKER. I yield.

Mr. WARREN. I assume, of course, that the Senator from Ohio realizes the fact that the President of the United States has power to reduce or increase the Army within certain limits, and that he has heretofore exercised it, decreasing it very materially?

Mr. FORAKER. Yes; and there arises another question, which I did not intend to address myself to now. The President has the right and the power under the law which we have enacted to increase the Army not beyond a named maximum and to decrease it not below a named minimum. If he undertake to decrease the Army below the minimum by discharging a battalion, if it have that result, his act for that reason would be unlawful.

But, Mr. President, I do not stand upon any mere statutory provision of that kind. I stand upon the broad proposition that no man in this country can be convicted of crime until he has had a right to be heard.

Now, how stands the case with these men? I have called attention to the fact in the remarks made a few minutes ago that these enlisted men and their officers, who were in charge of guns and quarters, have all testified under oath. If their testimony be true, no crime has been committed by any of these men, and it is only upon the theory that they have also committed perjury that the conclusion was reached upon which this action has been taken.

So these men are guilty, some of them of murder, if the case upon which the President has acted be established; others from the knowledge of that murder have been guilty of misprision of felony in refusing to tell about it, and others of them still, nearly all of them, have committed perjury in saying they had no knowledge of it. They can therefore be tried for three crimes, all of them involving moral turpitude and all of them involving punishment in the penitentiary.

Is it possible, Mr. President, that by an Executive order men can be so convicted and punished?

But look, if you will bear with me a moment, to the result of this order. The resolution I have offered points out—and I had that in my mind—that we have a statute which provides that when a man has served for thirty years faithfully and honorably he shall have a right to retire on three-quarters pay with a monthly allowance of $9 for clothing and subsistence. That can not be allowed to the man who is discharged without honor. It is only allowed to the man who is honorably discharged. I do not know how many men there are, but quite a number, I know, from the testimony which has been given, of those who have been discharged who would soon be entitled to be so retired. That is an important right. All retained pay is forfeited; so, too, their right to pensions.

Others have served more than twenty years and are entitled to membership in the Soldiers' Homes of the country. They lose that right. All of them, if honorably discharged, will be entitled to honorable burial, without cost to them, in national cemeteries. They lose that right. All this is not important, perhaps, to the Senator from Pennsylvania, but it is important to the men who have served so long and so faithfully to acquire these rights.

So I might go on enumerating other rights.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FORAKER. I will be through in a little bit, and the Senator can then take the floor and deal in questions of anguish or anger, as he may see fit.

So it is, Mr. President, that this broadens out, as I say, into a case where men are sent forth branded as criminals, threefold criminals—men who have committed murder or who have suppressed the knowledge of murder, although called upon by the legal authorities to give that knowledge, and men who have committed perjury. They are branded with all these crimes, and as a result of it they are stripped not only of honors, but also of property rights.

Now, I say, without any statutory provision on the subject, the Constitution itself protects them. No man can be deprived of life, liberty, or property without due process of law. Due process of law means in accordance with the law of the land. The law of the land says when a man is charged, although an enlisted man in the service of the United States, with the commission of an offense of that character he shall have a right to trial before a court-martial and the sentence shall be such as the court-martial may direct. That is the law of the case.

It was from considerations of that kind, without any desire, Mr. President, to make it a color question, without any desire to introduce into the discussion of the subject any of the race prejudice that we see so much of to our great regret here and there, evinced throughout the country, without any desire to find any fault with any body, but only that we might protect broad principles and protect men who are entitled to our protection in the enjoyment of their acquired rights that I introduced this resolution and specified the facts I want to obtain.

Mr. SCOTT. Will the Senator from Ohio allow me to ask him a question?

Mr. FORAKER. Certainly.

Mr. SCOTT. May I ask whether any of the white officers who had charge of these three companies were dismissed in the order?

Mr. FORAKER. No, Mr. President, no white officer is discharged. No white officer is really criticised. There is a sort of criticism made by Major Blocksom, the first inspector, as to one of the officers, but that he practically answers and says he does not insist upon it. They go clearly acquit. I think, Mr. President, they are entitled to go acquit until there is some evidence produced that somebody did the thing these men are charged with having done.

Now, the Senator talks about this testimony. There is a great deal of it I might read at length, but if Senators will bear with me a moment I will read just two or three samples. Here is the kind of testimony sent to the War Department, and which along with other testimony forms the predicate of this case of crime.

Mr. F. M. McCampbell's testimony:

I was on my way to the house on the night of the 13th, when we met some soldiers, and they turned the guns on us and asked us, "What are you sons of bitches hunting for?" I think it was a whole company. I did not see any white officer with them. I just saw the ranks of the soldiers. They went in the direction of town, and "We care very little if we shoot you full of holes," they said. Mr. Fielder was going to the hotel. I did not see any firing. I don't think there was a commissioned officer with the soldiers. That's all, about, I know. This happened right about behind the market. There must have been about fifty or sixty men in the company. Mr. Fielder was with me going to the Rio Grande Hotel at that time. That's all.

The testimony shows, and there is no dispute upon that point, that after the firing was over the commanding officer sent one of

the companies, consisting of fifty-two men, to patrol the town, and those are the soliders this man saw. Yet that is paraded as evidence that the soldiers did this shooting.

Mr. M. G. Dalling's testimony:

I am a State ranger. I have come into the possession of some information this morning, which I got from this soda-water man who sells soda water. He told me that this soda-water man had been told by a saloon man, who keeps a saloon in the edge of town, that some shooting had been done last night, and that Company C could have taken the whole town if they had wanted to, and that they could take the whole damn State.

Mr. G. W. H. Rucker's testimony:

About Monday night last, about half past 8 o'clock, I took two cases of soda water to saloon near edge of town. There were about thirty or forty negroes inside gambling, as near as I can ascertain about the crowd, and I heard three or four negroes making threats that they would die and go to heaven before they would go back into post, but do not know what the conversation was about. Yes; I know if I would see this soldier again I would recognize him. I could pick him out of a crowd. He was a soldier. Yesterday morning I passed this negro saloon, but nobody was there. At about 12 o'clock, it must have been, as I was picking up empty cases, I went to this saloon, and the proprietor told me that he did not need any "pop," as the boys had been having a little trouble with the citizens and they were all in the post. He is working for two soldiers who are in the post, who own the saloon. He said that if a gun had been fired last night that Company C could have come out without any orders, and would run every man out of town; that Company C could whip the whole State of Texas.

And so on for quantity. Now, here is the testimony of Mr. J. P. McDonald. Here is a right intelligent witness, but he contradicts in one respect the testimony of every man on whose testimony this finding is based. Mr. J. P. McDonald testified:

Question. We are here to get what information we can that will throw light on the circumstance.—Answer. I board on the little block next the garrison, about the middle. I knew there was bitter feeling in town and thought that if they caught any negro soldiers up town they might do them up. So I laid awake; never pulled off my shoes. When the first fire started I jumped up. There were from six to ten shots on Elizabeth street; then they ceased.

There is the testimony of a citizen of Brownsville, who laid awake because he was expecting trouble, and being awake and listening for them, he heard the first shots, and he has a right to testify intelligently upon that point. He tells us where the firing commenced—down on Elizabeth street. Other witnesses claim to have seen colored soldiers and that the firing commenced at the quarters inside the wall surrounding the post.

I might go on at great length, but I think I have gone far enough to show the general character of this testimony. Then, after this testimony there is testimony here that will be given proper attention at the proper time, of people who say what they saw; but, as I said, when I take it up to analyze it I will have something to say about that testimony which I do not want to say now.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. I yield for a moment.

Mr. CULBERSON. The Senator from Ohio in reading the testimony of this man McDonald undertakes to create the impression—in fact, I believe he makes a direct statement, which contradicts the other witnesses—by saying that the first shots were fired on Elizabeth street. The Senator is mistaken in that. He has misconstrued the testimony. The man said:

When the first fire started I jumped up. There were from six to ten shots on Elizabeth street; then they ceased.

Mr. FORAKER. I stand corrected, then. I was not aware that any witness had so testified.

Mr. CULBERSON. It is the same witness the Senator read from a moment ago.

Mr. FORAKER. What witness?

Mr. CULBERSON. McDonald.

Mr. FORAKER. Where does he say that?

Mr. CULBERSON. On page 29.

Mr. FORAKER. That is the same thing I stated.

Mr. CULBERSON. Precisely; but the Senator stated and he undertook to make the impression that this witness said the first shots fired were on Elizabeth street. He only states that from six to ten shots on that street were fired.

Mr. FORAKER. That is what I said. He said the firing commenced on Elizabeth street.

Mr. CULBERSON. That is a mistake. The Senator misreads the testimony of the witness. He says he was lying down when the first firing was heard. Then he adds that "there were from six to ten shots fired on Elizabeth street; then they ceased." Those were the last shots fired, Mr. President, and not the first.

Mr. FORAKER. Now, Mr. President, let us see if they were the last. The witness proceeds:

When the first fire started I jumped up. There were from six to ten shots on Elizabeth street; then they ceased. I went down the street to the next block and on to the alley and stopped on the corner. The shooting commenced again just inside the garrison wall.

So it was not the last. I may be in error about the effect I attach to the witness's statement, but I just happened to have my eye fall upon it as I was looking through the record, and, remembering what he had said, I thought that it would answer for an illustration as well as anything else.

But I would call the attention of the Senator at the proper time to the fact that this testimony is full of conflicts of that character, so full of conflicts that it is absolutely unreliable standing by itself, and I do not believe any jury in Christendom, unbiased, impartial, would find on such a state of evidence anybody guilty of the commission of any serious offense. When I say I do not believe a jury would find them guilty I mean in view of the weight that should be attached to testimony that is in conflict with that given by the troops themselves. They testify in such a way that it would be impossible for any man in that command to have done this shooting.

But about that I do not wish to be understood as taking any positive position. I am only pointing out that there is grave conflict in this testimony, and that no man who is careful as to what he says has a right to say, in view of this state of evidence, that there is no doubt whatever as to the guilt of these men. There is doubt about it—serious doubt. I commenced the reading of it under the impression that there was no doubt. I took that as granted. I supposed, as a matter of course, from what I had seen in the papers and what I had seen of the action which had been taken, that upon satisfactory testimony it had been established that there was that guilt. But when I got through with the testimony, starting in with a perfectly open mind, I came out with grave doubt about it. Now, I want all the facts I can get, for it is a serious, broad, far-reaching matter. When we have all the facts my resolution calls for, we can consider the matter intelligently.

Mr. TELLER. Mr. President, it is quite apparent that we can not intelligently discuss this question, not having the information we ought to have. It seems to me the only question is how we shall get the proper information. I understand the objection made by the Senator from Wisconsin [Mr. SPOONER] was practically the question of order, whether the resolution of the Senator from Pennsylvania [Mr. PENROSE] was in order or not. I think he will probably not insist upon that.

The resolution of the Senator from Ohio [Mr. FORAKER] calls for more than the resolution of the Senator from Pennsylvania. It calls for specific information upon the part of the Secretary of War and it calls for the form of the dismissal. I do not know whether any Senators have seen it. I know I have not, and I am not aware what it is. I believe we will get more information directly from the Secretary than from the President, unless the President sees fit to refer the whole matter to the Secretary.

Mr. President, this is a subject that is being pretty actively discussed. I have on my table here now a resolution from a very respectable meeting of colored people in Colorado. Some of them I know to be very respectable people. They are greatly excited, because they are going upon the theory that the President has done something to these people because they were colored. I do not myself suppose that there is anything in that at all.

These colored soldiers were charged with a grave offense. If they had been white men and had been guilty of what is charged they were guilty of, the President would have been certainly justified in proceeding as far as his constitutional authority would allow him to proceed. I do not know myself whether he has proceeded beyond that point or not. I know it is asserted in some circles by some people that he has gone beyond it. That is a matter which I think we could discuss better after we have the form of the discharge and have had an opportunity to look into all the conditions and study the statutes upon this subject.

It seems to me, Mr. President, that the thing to do is to get a report of all the facts and send them to some proper committee, which will be, I suppose, the Committee on Military Affairs as a matter of course. I do not believe that you will ever come to any proper conclusion about it except by some such tribunal as that.

I wish the Senator from Pennsylvania would withdraw his resolution and allow the resolution of the Senator from Ohio to pass, and dispose of this question in what I think would be a satisfactory way to everybody. If the Senator insists upon it, I do not know that we can pass both resolutions. I do not think it would be exactly courteous to ask the President for one thing and the Secretary of War for another.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. TELLER. I yield.

Mr. PENROSE. I understand the friends of both resolutions are satisfied with the arrangement suggested, that both resolutions be passed.

Mr. TELLER. Very well; I have no further remarks to make on the subject.

Mr. SPOONER. Mr. President, I desire to submit a few observations.

I agree entirely with the Senator from Colorado [Mr. TELLER] that this discussion of the merits of the question is entirely premature. For one I intend to withhold any discussion of it until the incoming of a report which puts the Senate officially in possession of all the facts in relation to it.

The Senator from Colorado is mistaken in supposing that I made any point of order against the resolution offered by the Senator from Pennsylvania. I did not. I objected to the form of the resolution—that is, I objected to a resolution addressed to the President as unusual. I still adhere, Mr. President, to that objection as a matter of proper practice, although there is nothing in the Constitution to prohibit it, nothing in the rules of the Senate to prohibit it. It is entirely competent for the Senate to pass it.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. SPOONER. Certainly.

Mr. PENROSE. I should like to ask the Senator on that point whether he contradicts the statement made by me and the Senator from Massachusetts [Mr. LODGE] that there are numerous precedents of the Senate justifying this course. His present objection is purely theoretical and critical of a bad practice in the past as much as in the present.

Mr. SPOONER. I will get to that. Mr. President, I have not examined the precedents. I speak from my recollection as to the almost uniform practice of the Senate during a period of nearly sixteen years in which I have been a member of the body. It appears that resolutions addressed to the President have been introduced and passed—one offered by the Senator from Colorado [Mr. TELLER]. I rather think it must have been inadvertently done, because it was not a subject upon which, so far as I recollect the scope of the resolution, there could have been any possibility of the Executive withholding information from the Senate. The general practice of the Senate has been—and it is a good practice, an almost universal practice, except in those cases where the nature of the subject is such as to warrant the belief that all of the information may not properly and safely be communicated to either House of Congress—not to address the resolution of inquiry to the President, but to address it to the Secretary of the appropriate Department, making it a direction instead of a request.

The precedent cited by the Senator from Massachusetts relative to a request upon the President for a copy of the report of the Keep Commission does not fall at all within the exception. The Keep Commission was not a commission authorized by law. It was a commission appointed by the President composed of officials selected from the various Departments to investigate the methods of the Executive Departments of the Government and to report to the President for his information, as I recollect it.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. SPOONER. Certainly.

Mr. CARTER. I should like to ask the Senator from Wisconsin if that portion of the resolution should be amended, thus calling upon the President for all the correspondence and all the facts, whether he would deem it proper to call upon the President, without qualification, to communicate to the Senate, and therefore to the public, the correspondence, if any there be, between the Department of Justice and the legally constituted authorities of the State of Texas with reference to the commission of crimes in that State by soldiers of the United States liable to punishment under State law, if such communication would militate against the ends of justice?

Mr. SPOONER. The Senator from Montana has utterly misapprehended my objection to this resolution. He insists that my objection is because of the presence in it of the words "if not incompatible with the public interests." He is quite mistaken. I know quite well that propriety demands that when a request for information is addressed to the President—and that is why I think such requests are limited, and has been in general practice, to the cases which I indicated when I first spoke—it is always qualified, so far as I recollect, by these words. My preference for the resolution of the Senator from Ohio is because, being a request for detailed information, our right to which is beyond question, it is addressed to the Secretary of War, and contains no evidence that the Senate doubts its right to the information.

I do not take it to be open to debate, Mr. President, that the Senate has a right to obtain from the War Department copies of discharges, records of courts-martial—everything relating to the domestic administration of the Army not connected with plans of campaign or of war.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. SPOONER. I do.

Mr. CARTER. Then I wish to state that I clearly and distinctly understood the Senator from Wisconsin to object to the words "if not incompatible with the public interests" in this form of resolution.

Mr. SPOONER. Mr. President, I objected to the resolution because it requires those words and implies in the resolution itself a doubt upon the part of the Senate whether or not this information might be properly withheld from the Senate. That is my objection.

Mr. CARTER. The objection of the Senator was to the addressing of any resolution to the President on the subject.

Mr. SPOONER. For that reason. The almost universal rule of the Senate has been to address no inquiries to the President of the United States without those words; I remember no exception, where the nature of the subject of inquiry was such as to make it perfectly apparent that the Senate or the House was entitled of right to all the information covered by it, the direction, not the request, has been made as an almost universal rule upon the appropriate Cabinet officer, instead of by resolution of inquiry addressed to the President.

I said there were some exceptions, and there are. Foreign relations constitute one exception; the movement or plan of campaign of the Army or the Navy in time of war constitutes another, because even a child would know that the Commander in Chief, under our Constitution, must have the discretion in order to insure the safety of the Republic and the success of our arms, to exercise discretion and to withhold, if his judgment so dictates, information which would endanger the public interest if it were given to the public. The Senator from Montana, with a logic the like of which I have never known him to indulge in before, seemed to think that there is no distinction, and can be none, between the information which the Senate or the House is entitled to have in relation to the Army in time of war and in time of peace.

It does not at all follow, Mr. President, because certain inquiries as to the Army must be in time of war addressed to the President, and he have discretion to withhold or to transmit information, that in time of peace, upon every imaginable subject connected with the administration of the Army, it is proper, or comports with the dignity of the Senate or of the other House as legislative bodies in all cases to address inquiries to the President, qualified as courtesy requires such inquiries to be.

Mr. CARTER. Now, Mr. President——

Mr. SPOONER. I want to get through.

Mr. CARTER. I wish to address the Senator a question at that point.

Mr. SPOONER. Very well.

Mr. CARTER. It is well known that we are expending very large sums of money on our coast defenses.

Mr. SPOONER. Certainly.

Mr. CARTER. I will ask the Senator if he thinks in time of peace it is proper for the legislative department of the Government to make public all the plans of defense that are being prepared in case of war by calling on the Secretary of War or the President to disclose such information?

Mr. SPOONER. The Senator gets back to my path—that is, that the question is to be resolved with reference to the subject-matter. I admitted it, and I admit it now. I must admit that there are numerous cases in which absolute direction upon one of the Departments or upon a Cabinet officer is subject of right, I mean, to a declination by order of the President to that officer to afford the information. But that argues nothing upon a subject like this or upon the subject generally embodied in the resolution of inquiry by the Senate and by the House. We could not call upon the Attorney-General to send to the Senate copies of papers which he has acquired through investigation to be used in the trial of a gang of counterfeiters or to be used in the trial of cases prosecuted under the antitrust law for the obvious reason, Mr. President, that it would lead possibly to the defeat of the Government's litigation. You can not put your side of the case into the hands of your opponent.

If an investigation has been made by the Treasury Department with reference to the apprehension of men who are smugglers, Congress could not expect the President to permit the information to be sent to the Senate or the House, and warning thereby be given to those whom the Government seeks to apprehend.

There are many such cases. Is this a case of that kind? Congress, Mr. President, fixes the size of the Army. The Army is the Army of the people of the United States. It is created by act of Congress. The rules for its government are entirely within the jurisdiction of Congress. The grounds upon which men may be discharged is within the constitutional capacity of the Congress. Whether any man can be discharged for offense without a trial is entirely within the constitutional competency of Congress. Whether the President shall be given the right to dismiss an officer at will without trial is for Congress to say. The Army is supported by moneys appropriated by Congress. The manner of the expenditure of those moneys Congress has a right to know. I do not make any doubt whatever, Mr. President, that it is within the constitutional right of the House or of the Senate either, acting in a legislative capacity upon this subject, to direct the Secretary of War to transmit to the Senate or to the House all information within his jurisdiction upon the subject of the discharge of the three colored companies.

Now, Mr. President, the foundations of the Union will not be shaken whichever of these resolutions is adopted, or if both be adopted. I am surprised that the Senator from Wyoming [Mr. WARREN] withdrew his resolution. They all three might have been adopted. The Senator from Pennsylvania thinks it improper that both should be adopted. He offered his resolution in the form which he employed addressed to the President—the form is proper if the resolution is to be addressed to the President at all—because the Senator thought it would not be within the proprieties, it having been the President's act, to address it to his subordinate, the Secretary of War.

I do not stop to discuss the question of propriety; but it is very proper, some Senators think, to pass both of the resolutions. The Senator from Massachusetts [Mr. LODGE] seems to think so; the Senator from Montana [Mr. CARTER] seems to think so.

There never has been, within my knowledge, a President who is more frank with both bodies of Congress than the present Executive. The objection is based upon principle and was made because I believe it is the dignified and proper course for both bodies to pursue as to subjects upon which the House or the Senate is entitled manifestly to the information to make a direction in the usual way upon the appropriate Cabinet officer.

I think it will look rather absurd—I shall not further object to it, Mr. President—to pass the resolution calling upon the President, if not incompatible with the public interests, for full information bearing upon the subject, and also to pass the resolution of the Senator from Ohio, *directing* the Secretary of War, who has probably received most of these papers from the President, to furnish all information upon the subject on file in the War Department. But that is a matter for the Senate to determine.

Mr. TELLER. Mr. President, I do not wish to prolong this debate, but the Senator from Wisconsin [Mr. SPOONER] seems to think that the resolution which I introduced some time ago must have been inadvertently introduced. I presume the files of this Senate will show a great many resolutions of mine of a similar kind. I want to say to the Senator, as a matter of history, that if he will take the trouble to go into the question of the right of the Senate and of the other House to call upon the Executive for information, he will find that in the early history of the country such requests went directly to the President. If he will take the pains to go back fifty years he will find that it was a common occurrence, and I will venture to say there has not been a President since the days of Washington who has not been called upon by the Senate and the other House for information.

During the exciting times immediately after the civil war, when Andrew Johnson was President of the United States, a great number of such resolutions from the House and the Senate were day after day directed to the President. Sometimes he furnished the information and sometimes he did not. If he did not furnish it, he would say that he did not think it was compatible with the public interests that he should do so. In such cases I believe he always courteously declined.

When we call upon the President for information, we request him; when we call upon the Secretary of War, we direct him. Suppose the Secretary of War fails to reply. Where is the power of the Senate to compel him? He is a subordinate of the President. He is the mouthpiece of the President in many ways. He becomes the mouthpiece of the President because of his special knowledge in regard to certain matters. You call upon the man who is supposed to know most about the subject concerning which information is desired. If you want to know about public lands or about pensions, you call upon the Secretary of the Interior; but if you want to know about military affairs, you call upon the Secretary of War. There is, however, no way by which you can compel the Secretary of War to reply, unless by impeachment, and we can not institute such proceedings, for, under the Constitution, they must originate in the House of Representatives.

There is nothing unusual in the resolution of the Senator from Pennsylvania. As I said before, the resolution of the Senator from Ohio calls upon the Secretary of War for information that is not in the hands of the President, and therefore I prefer the form of his resolution. At the end of his resolution there is a request for an order issued to Major Penrose. Probably that order is not in the keeping of the President, but is in the keeping of the Secretary of War. It seems to me there is an unnecessary question of propriety raised here. I do not myself want to admit that when the Senate wants information it can not call upon the Executive for it. I do not care whether it is in one Department or another or whether it is solely under the control of the President. You may call upon him for information affecting matters of foreign diplomacy, but he is not obliged to answer; sometimes he would be derelict in duty if he did answer; but it must be fairly presumed that the Senate of the United States will never call upon the President for information which ought not to be given to the country. If he says "I do not consider it compatible with the public interests that I should give it," that is the end of the controversy.

Mr. WARREN. I want to ask the Senator a question before he takes his seat.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. Certainly.

Mr. WARREN. The Senator from Colorado has been a distinguished Cabinet officer, and I want to put this question to him: In the present case the President, by the Constitution, is clearly Commander in Chief of the Army—in other words, he is the highest officer of the Army. He bears a relation to the Army and Navy that he does not bear as to other Departments. It seems to me that information regarding this particular case lies not only with the Secretary of War, but undoubtedly with the Department of Justice as well. Therefore I want to ask the Senator from Colorado if, when we make an inquiry of the President, he will not, as a matter of course, call upon the different Departments for such information as he chooses to furnish, whereas if we call upon the Secretary of War alone, he furnishes only that which his Department has? If so, it seems to me in this case—while I am ready to vote for both resolutions—if we are to select one and vote for only one, it should be the one calling upon the President, first, because he has control over both of these Departments that may have evidence; second, he is the Commander in Chief of the Army and its highest authority, and, third, this action concerning the discharge of troops is the action of the President, in the absence from the city at the time of the Secretary of War, and therefore the President is the highest authority to appeal to and the man above all others who is able to furnish us the information we want.

Mr. TELLER. I think the Senator has answered his own question, and I think he is correct about it.

Mr. CULBERSON. Mr. President, on yesterday I offered an amendment to the resolution of the Senator from Ohio [Mr. FORAKER]; which he accepted. Since then that resolution has been detached in a parliamentary sense from the resolution of the Senator from Pennsylvania [Mr. PENROSE], and I do not know which one of these resolutions will be adopted by the Senate. Therefore, I beg to offer the same amendment to the resolution of the Senator from Pennsylvania which I offered yesterday to that of the Senator from Ohio, modified to suit an inquiry addressed to the President of the United States.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment to the resolution of the Senator from Pennsylvania [Mr. PENROSE]; which will be stated by the Secretary.

The SECRETARY. It is proposed to add after the last word of the resolution of Mr. PENROSE the following:

> The President is also requested to send to the Senate a copy of the order issued to Maj. C. W. Penrose, Twenty-fifth United States Infantry, directing him not to deliver to the civil authorities of Texas certain men of his command charged with assault to murder and murder, at Brownsville, Tex., August 13, 1906, and referred to by Major Penrose in his letter of August 24, 1906, to Capt. W. J. McDonald, of the Texas rangers.

Mr. PENROSE. I accept the amendment of the Senator from Texas.

The VICE-PRESIDENT. The resolution will be so modified. The question is on agreeing to the resolution proposed by the Senator from Pennsylvania [Mr. PENROSE] as modified.

The resolution as modified was agreed to.

Mr. FORAKER. I understand that resolution No. 181 is also before the Senate.

The VICE-PRESIDENT. It is. The question is on agreeing to the resolution proposed by the Senator from Ohio [Mr. FORAKER].

The resolution was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

H. R. 8124. An act to amend section 5136 of the Revised Statutes of the United States, permitting national banking associations to make loans on farm lands as security, and limiting the amount of such loans;

H. R. 11273. An act to incorporate the National German-American Alliance; and

H. R. 14587. An act to authorize the Secretary of the Treasury to issue duplicate gold certificates in lieu of ones lost or destroyed.

GAMBLING IN THE TERRITORIES.

Mr. BURNHAM. Mr. President, I expect to be away from the city for a time, and I therefore ask unanimous consent for the present consideration of Order of Business No. 1264.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 10853) to prohibit gambling in the Territories.

Mr. TELLER. I should like to inquire what the Senator wants to do with the bill?

Mr. BURNHAM. I desire to have it considered. I will say that when it is taken up I will offer an amendment which, I understand, will remove all the objections which have been made to the bill. The amendment which I intend to propose will lessen the amount of the penalty and, I think, make the bill free from all objections.

Mr. TELLER. Does the Senator expect to put the bill on its passage this evening?

Mr. BURNHAM. It is a bill that has passed the other House in substance, and so I want it passed by the Senate.

Mr. TELLER. I do not know what the bill is, but I think it is an inopportune time to take it up with the expectation of passing it to-night.

Mr. BURNHAM. I want to say that it is a bill in harmony with the law in every State of the Union and in some of the Territories, and I think when the Senator reads it he will find no cause of objection.

Mr. BLACKBURN. Allow me to ask the Senator from New Hampshire if this is what is known as the "antigambling bill?"

Mr. BURNHAM. It is the antigambling bill.

Mr. BLACKBURN. I object to its being considered at this hour of the day, Mr. President.

The VICE-PRESIDENT. Objection being made, the bill will go over.

JAMESTOWN EXPOSITION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. DANIEL. I hope the Senator will allow me to offer morning business.

Mr. LODGE. I will temporarily withdraw the motion and yield to the Senator.

[Mr. DANIEL thereupon introduced two bills, which will be found under the appropriate heading.]

Mr. DANIEL. In connection with the second bill, I present a statement which I ask may be printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The statement referred to is as follows:

STATEMENT AS TO THE TERCENTENNIAL JAMESTOWN CELEBRATION.

At the time of the inauguration of the proposed tercentennial celebration it had the earnest indorsement of the President and many of our leading men who are familiar with American history who were in sympathy with the idea of celebrating in the unique manner proposed the greatest event in American history, second only to the discovery by Columbus. The idea was new to many in this country, and there was some doubt in the minds of some men in Congress, as well as in those outside, as to the magnitude which the celebration would assume.

The capital that was subscribed and the appropriations that were made were thought to be in keeping with the probable demands of the occasion. Since then, however, as the information has spread throughout the country and the proclamation of the President has been transmitted to foreign countries, there has been a general appreciation of the importance of the event and the great opportunity it presents not only for an historical celebration, a great naval and military gathering, but also the opportunity for bringing together the representatives of the various States of the Union at the place of its birth for social intercourse and the exchange of courtesies, but also for the exhibition of the products of the various States and for a collective gathering of objects of historical interest.

ACCEPTANCE OF INVITATION BY MANY NATIONS.

About nearly all of the leading nations of the world have accepted this Government's invitation to be represented by their ships and detachments of their soldiers, prominent among which are the following: Great Britain, France, Germany, Spain, Italy, Japan, Russia, Belgium, Switzerland, Venezuela, Denmark, Sweden, and others.

PARTICIPATION OF THE STATES.

About twenty of the States have taken legislative action for the appointment of commissions for erection of State buildings and the exhibit of their products at the exposition and about ten more now have the matter under consideration, to be consummated in the sessions of their legislatures.

Among those who have provided for buildings at the exposition are the following:

Massachusetts building now in course of construction; Connecticut building is nearly completed, and also Rhode Island building; Vermont, which, it is believed, has never voted money for its participation at any exposition, has just appropriated $10,000 for a building at the Jamestown Exposition. Maine has appointed a commission with authority to erect a building from funds to be subscribed by its citizens. Negotiations are now pending with New Hampshire, with good prospect of her participation, she being the only remaining one of the original thirteen States to fall into line.

Pennsylvania has erected a replica of Independence Hall, and it is now nearly ready for occupancy on the grounds.

New York has contracted for the erection of a very handsome building over 200 feet in length.

The New Jersey building, which is completed, is a reproduction of General Washington's headquarters at Morristown.

The governor of Delaware has visited the exposition grounds, selected a site, had prepared a plan for a building, and a strong movement has been inaugurated for the necessary appropriation from the legislature which is about to assemble.

The Maryland building is practically completed for use, and also those for Virginia, Missouri, Ohio, and South Dakota.

The Ohio building is a reproduction of "Adena," the home of the first governor.

North Carolina, South Carolina, Georgia, and Louisiana have all appointed commissioners and made necessary appropriations for buildings and exhibits.

Florida has appointed a commission to erect a building and prepare an exhibit which is to be paid for by private subscriptions, which are now being made.

In West Virginia, pending the assembling of the legislature, the governor has appointed a very able commission, who have selected a site and are now about to begin the erection of a building, the cost of which is guaranteed by ex-Senator Henry G. Davis, pending an appropriation from the legislature.

In Kentucky a popular subscription is being made for $40,000 with which to reproduce the fort of Daniel Boone, and in it to make an exhibit of her resources.

The States of Oregon, Montana, and Washington have selected the site for a building, which it is expected the three States will unite in building for the exhibit of their resources.

Advices lately received from the governor of California indicate that his State will, when the legislature assembles in January, make suitable provision for representation.

Wisconsin and Michigan have appointed commissions with instructions to select sites and report the amount requisite for the representation of their respective States for consideration at the sessions of their legislature in January.

Several of the remaining States have the matter now under consideration and are expected to act at their January sessions, and several of those States which made appropriations in the early stages of preparations have bills prepared to increase their appropriations. Prominent among these are the States of Rhode Island, North Carolina, Illinois, and New York.

PARTICIPATION OF PATRIOTIC, FRATERNAL, AND OTHER ORGANIZATIONS.

Outside of the legislative action of the States there has been a widespread interest among the patriotic and fraternal organizations of the country, several of which have not only decided to hold their annual conventions at the exposition in 1907, but are erecting buildings on the grounds. The Daughters of the Revolution are among them. The Pocahontas Memorial Association and the Society of Virginia Antiquities are interesting themselves actively.

Among these also are the Travelers' Protective Association, composed of the traveling salesmen of this country; and one of the strongest and most progressive orders in the country, the Modern Woodmen of the World, an organization which has a membership in the United States of over half a million; the Eagles, a beneficial organization with a very large membership which assembles in its national annual convention with twenty to thirty thousand people.

Among the religious organizations which are to meet at the exposition next year one of the strongest numerically is the "Disciples of Christ," which organization has selected a site and has decided to build on the exposition grounds.

CONVENTIONS TO BE HELD AT THE EXPOSITION.

Between eighty and one hundred of these organizations have already in their national conventions this year adjourned to meet at the exposition in 1907.

YACHTS, BOATS, AND YACHT RACES—CUPS TENDERED BY THE KING OF ENGLAND, THE EMPEROR OF GERMANY, THE PRESIDENT OF THE UNITED STATES, AND SIR THOMAS LIPTON.

In the sporting world of Europe and America preparations are being made for the assembling in Hampton Roads of a great gathering of yachts and motor boats. I am informed that cups have been tendered for the yacht races by the King of England, the Emperor of Germany, the President of the United States, and by Sir Thomas Lipton.

AERONAUTICAL EXHIBITION BY THE JAMESTOWN CONGRESS OF AERONAUTS.

Exhibitions and competitions under the auspices of the Jamestown Congress of Aeronauts, of which Dr. Alexander Graham Bell, of Washington, is the president. The most prominent men in Europe and America are interested in the development of this organization and will be in attendance on this congress.

ATHLETIC GAMES.

The athletic associations of the country are also arranging a series of functions and great athletic games at the exposition, under the auspices of their national organizations.

INDUSTRIAL AND COMMERCIAL AND MUNICIPAL EXHIBITS.

Along industrial and commercial lines not only are a large number of the leading manufacturers of the country either erecting buildings of their own upon the exposition grounds or are arranging for space in the exposition buildings, already so much space having been provided for exhibits as was provided at the Buffalo Pan-American Exposition, but many of the prominent cities of the East, in their corporate capacity, are endeavoring to secure space for the collective exhibition of the manufactures of their several cities.

Among these are the cities of Philadelphia, Baltimore, Washington, Boston, Hartford, Milwaukee, Richmond, Roanoke, and Lynchburg.

In the State of Ohio a popular movement has been organized and funds are being subscribed for the erection of a building which will cost over $100,000, in which will be exhibited alone the manufactured products of that State.

MILITARY ORGANIZATIONS.

Owing to the advices which the exposition company has received from various States indicating their intention to send their military organizations to participate in this tercentennial celebration, it has been ascertained that the land originally set apart for military purposes is insufficient, and it has been necessary to acquire additional territory.

ENLARGEMENT OF PLAN AND OF ACCOMMODATIONS NECESSARY.

The widespread interest which has been manifested in the United States, and which appears to be increasing as the celebration approaches, has made it necessary for those who are charged with the responsibility of the celebration to enlarge upon their original plans in order to afford the necessary accommodation to those who are applying for it and to creditably represent the nation in the celebration of her tercentennial anniversary.

This widespread interest also indicates the great concourse of people who are likely to assemble on the shores of Hampton Roads next year, assuring to the exposition a revenue beyond their original expectations. This concourse seems the more probable when it is realized that half the population of the United States is within twenty-four hours' ride of the city of Norfolk, and the transportation is afforded by a number of trunk-line railroads and coastwise steamship lines.

GREAT ATTENDANCE INDICATED AND TEMPORARY LOAN SECURED BY RECEIPTS AND INCOME.

To meet the demands upon them it has been found necessary by the exposition company to ask Congress at this time to make a loan of $1,000,000, to be expended in the completion of the exposition, pledging for the return of the loan a portion of the gate receipts and income from concessions on the exposition grounds in the same manner as the Louisiana Purchase Exposition did in connection with the loan of $4,600,000 made to it by this Government.

The great attendance which is now indicated at this exposition it is believed will indicate an income of something like $4,000,000 from gate receipts and concessions. The exposition company is therefore believed to be safe in assuming the obligation of returning to this Government the $1,000,000 asked for, and is willing that the Government provide the same safeguards for the repayment of this money as were provided at St. Louis.

EXECUTIVE SESSION.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. For what purpose?

Mr. BURKETT. I want to ask to have a bill passed.

Mr. LODGE. I think it is rather late to take up the Calendar. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

PRINTING OF ILLUSTRATIONS.

While the doors were closed the following order was made:

Ordered, That the illustrations accompanying the communication from the Secretary of the Interior, transmitting a report from the commissioner of the interior for Porto Rico for the fiscal year ended June 30, 1906; the communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the commissioner of education for Porto Rico for the fiscal year ended June 30, 1906, and the memorial of N. E. Dawson, of Chicago, Ill., on the question of a reform in spelling, setting forth a plan for imparting aptitude in spelling by means of a simplified key to pronounciation applicable to all languages, and suggesting measures for extending a knowledge of it over the nation, presented yesterday, be printed with the documents.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned, the adjournment being until Monday, December 10, 1906, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 6, 1906.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Herbert G. Squiers, of New York, former envoy extraordinary and minister plenipotentiary to Cuba, to be envoy extraordinary and minister plenipotentiary of the United States to Panama.

CONSULS.

Albert W. Brickwood, jr., of Arizona, lately vice and deputy consul at Nogales, to be consul of class 8 at Puerto Cortes, Honduras.

George A. Bucklin, jr., of Oklahoma, to be consul of the United States of class 9 at Glauchau, Saxony.

James G. Carter, of Georgia, lately consul of class 9 at Sivas, to be consul of the United States of class 8 at Tamatave, Madagascar.

Julius D. Dreher, of South Carolina, to be consul of the United States of class 9 at Tahiti, Society Islands.

Ernest L. Harris, of Illinois, lately consul of class 6 at Chemnitz, to be consul of the United States of class 6 at Smyrna, Turkey.

Will L. Lowrie, of Illinois, to be consul of the United States of class 8 at Weimar, Germany.

Thomas H. Norton, of Ohio, lately consul of class 6 at Smyrna, to be consul of the United States of class 6 at Chemnitz, Saxony.

John H. Shirley, of Illinois, lately consul of class 9 at Sura, to be consul of the United States of class 9 at Charlottetown, Prince Edward Island.

SECRETARIES OF EMBASSY.

H. Percival Dodge, of Massachusetts, lately secretary of the embassy at Berlin, to be secretary of the embassy of the United States at Tokyo, Japan.

Spencer F. Eddy, of Illinois, lately secretary of the embassy at St. Petersburg, to be secretary of the embassy of the United States at Berlin, Germany.

George Post Wheeler, of Washington, to be second secretary of the embassy of the United States at Tokyo, Japan.

Basil Miles, of Pennsylvania, to be third secretary of the embassy of the United States at St. Petersburg, Russia.

Paxton Hibben, of Indiana, lately third secretary of the embassy at St. Petersburg, to be second secretary of the embassy at Mexico, Mexico.

SECRETARIES OF LEGATION.

Fred Morris Dearing, of Missouri, to be second secretary of the legation of the United States at Habana, Cuba.

William Heimke, of New York, lately second secretary of the embassy at Mexico, to be secretary of the legation of the United States at Bogota, Colombia.

Charles S. Wilson, of Maine, lately secretary of the legation to Greece and Montenegro and of the diplomatic agency in Bulgaria, to be secretary of the legation of the United States at Habana, Cuba.

M. Marshall Langhorne, of Virginia, former commercial agent at Dalny, to be secretary of the legation of the United States at Christiania, Norway.

COLLECTORS OF CUSTOMS.

Clark W. Carnahan, of Oregon, to be collector of customs for the district of Oregon, in the State of Oregon.

Dascar O. Newberry, of North Carolina, to be collector of customs for the district of Albemarle, in the State of North Carolina.

Jesse F. Warren, of Florida, to be collector of customs for the district of Apalachicola, in the State of Florida.

APPRAISER OF MERCHANDISE.

Winthrop T. Hodges, of Massachusetts, to be appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Stanley Vincent Parker, of Ohio, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Joseph Tillotson Drake, of New York, to be third lieutenant in the Revenue-Cutter Service of the United States.

Lloyd Toulmin Chalker, of Connecticut, to be a third lieutenant in the Revenue-Cutter Service of the United States.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Daniel Jason Ainsworth to be a captain in the Revenue-Cutter Service of the United States, to rank as such from July 8, 1906.

First Lieut. James Henry Brown to be a captain in the Revenue-Cutter Service of the United States, to rank as such from July 10, 1906.

First Lieut. John Ernest Reinburg to be a captain in the Revenue-Cutter Service of the United States, to rank as such from September 15, 1906.

Second Lieut. Albert Henry Buhner to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 10, 1906.

Second Lieut. Charles William Cairnes to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 15, 1906.

Second Lieut. John Mel to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 8, 1906.

APPOINTMENTS IN PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Robert Alexander Herring, of Mississippi, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

William W. Miller, of Tennessee, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Friench Simpson, of Texas, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Robert A. C. Wollenberg, of Michigan, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

POSTMASTERS.

ARKANSAS.

Tillie J. Bruce to be postmaster at Piggott, in the county of Clay and State of Arkansas.

Joel A. Harper to be postmaster at Rector, in the county of Clay and State of Arkansas.

COLORADO.

George A. Herrington to be postmaster at Montrose, in the county of Montrose and State of Colorado.

Mabel E. Strout to be postmaster at Ouray, in the county of Ouray and State of Colorado.

IDAHO.

William S. Brainard to be postmaster at Wardner, in the county of Shoshone and State of Idaho.

ILLINOIS.

Welby B. Carleton to be postmaster at Hinsdale, in the county of Dupage and State of Illinois.

Henry B. Harvey to be postmaster at Cissna Park, in the county of Iroquois and State of Illinois.

Frank Woolley to be postmaster at Saybrook, in the county of McLean and State of Illinois.

INDIANA.

Daniel Conaway to be postmaster at Cayuga, in the county of Vermilion and State of Indiana.

KENTUCKY.

Dood Adair to be postmaster at Hawesville, in the county of Hancock and State of Kentucky.

MAINE.

Mary E. Clark to be postmaster at Bingham, in the county of Somerset and State of Maine.

Mary E. Frye to be postmaster at Fryeburg, in the county of Oxford and State of Maine.

Harry R. Hichborn to be postmaster at Stockton Springs, in the county of Waldo and State of Maine.

Theophilus H. Sproul to be postmaster at Winterport, in the county of Waldo and State of Maine.

MARYLAND.

Alfred H. Hambleton to be postmaster at St. Michaels, in the county of Talbot and State of Maryland.

MASSACHUSETTS.

Andrew N. Maxon to be postmaster at Blackstone, in the county of Worcester and State of Massachusetts.

Simeon L. Smith to be postmaster at Orleans, in the county of Barnstable and State of Massachusetts.

MICHIGAN.

Oscar P. Carver to be postmaster at Traverse City, in the county of Grand Traverse and State of Michigan.

MINNESOTA.

Joseph H. Feeter to be postmaster at Bird Island, in the county of Renville and State of Minnesota.

N. Eilertson to be postmaster at Mount Iron, in the county of St. Louis and State of Minnesota.

MISSOURI.

U. S. Grant Evans to be postmaster at Farmington, in the county of St. Francois and State of Missouri.

MONTANA.

Max Jacobs to be postmaster at East Helena, in the county of Lewis and Clark and State of Montana.

NEW MEXICO.

Albert L. Breeding to be postmaster at Texico, in the county of Roosevelt and Territory of New Mexico.

RHODE ISLAND.

F. Edgar Crumb to be postmaster at Riverside, in the county of Providence and State of Rhode Island.

VIRGINIA.

Verlin M. Scott to be postmaster at Saltville, in the county of Smyth and State of Virginia.

WEST VIRGINIA.

William H. Lautz to be postmaster at Pennsboro, in the county of Ritchie and State of West Virginia.

WISCONSIN.

John J. O'Connell to be postmaster at Marinette, in the county of Marinette and State of Wisconsin.

WYOMING.

Henry D. Ashley to be postmaster at Encampment, in the county of Carbon and State of Wyoming.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 6, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE APPOINTMENTS.

The SPEAKER announced the following committee appointments:

Mr. GILHAMS, to the Committee on Revision of the Laws and to the Committee on Industrial Arts and Expositions.

Mr. COLE, to the Committee on Agriculture.

Mr. BANNON, to the Committee on the Judiciary.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the next committee.

The Committee on the Merchant Marine and Fisheries was called.

COASTWISE PILOTAGE.

Mr. LITTLEFIELD. Mr. Speaker, by direction of the Committee on the Merchant Marine and Fisheries, I call up the bill (H. R. 5281) to remove discriminations against American sailing vessels in the coasting trade.

The SPEAKER. The gentleman from Maine [Mr. LITTLEFIELD], on behalf of the Committee on the Merchant Marine and Fisheries, calls up the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 4442 of the Revised Statutes be, and is hereby, amended by adding thereto the following: "Whenever the master or mate of a sailing vessel of the United States employed in the coastwise trade claiming to be a skillful pilot offers himself for a license, the inspectors shall make diligent inquiry as to his character and merits, and if satisfied from personal examination of the applicant, with the proof that he offers, that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license for the term of five years to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, intemperance, or the willful violation of any of the provisions of this title."

SEC. 2. That section 4444 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4444. No State or municipal government shall impose upon pilots of vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this title; nor shall any pilot charges be levied by any such authority upon any vessel piloted as provided by this title, nor upon any vessel of the United States employed in the coastwise trade being towed into or out of any port of the United States by a vessel under command of a pilot licensed for such port under the laws of the United States, and in no case shall the fees charged for the pilotage of any vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in this title shall be construed to annul or affect any regulations established by the laws of any State requiring vessels entering or leaving a port in any such State other than coastwise vessels to take a pilot duly licensed or authorized by the laws of such State or of a State situate upon the waters of such State."

SEC. 3. That section 4237 be, and is hereby, amended to read as follows:

"SEC. 4237. No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by machinery or sail, or against national vessels of the United States; and all existing regulations or provisions making any such discrimination are annulled and abrogated."

SEC. 4. That this act shall take effect six months after its passage.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent that we may be allowed two hours on a side for debate, the time on the other side to be controlled by the gentleman from Kentucky [Mr. SHERLEY] and the time on this side to be controlled by myself.

The SPEAKER. The gentleman from Maine asks unanimous consent that debate upon this bill to close in four hours, two hours to be controlled by himself and two hours by the gentleman from Kentucky [Mr. SHERLEY]. Is there objection?

There was no objection.

Mr. LITTLEFIELD. Mr. Speaker, I yield fifteen minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, it is not my intention to attempt to discuss the details of this bill. I shall leave that for those who follow after me; but I do wish to call the attention of the House to a few of the main features of this bill.

Let it be understood at the beginning that this bill does not intend to abolish pilotage where there is any necessity of having a pilot. The very name of the present system, "compulsory pilotage," is repugnant to the American conscience, and it means what the term implies in its fullest and worst form. It means that ships must and do pay pilots for services they do not want and for services that the pilots do not perform. It means that one man owns a business and another is given the privilege of levying a tribute upon it without giving anything in return.

The object of this bill is to prevent such tribute from being laid upon American sailing vessels; to prevent these vessels from being compelled to pay large sums of money for which they receive nothing in return; to relieve these vessels from the unjust burden of paying pilots whose services are not needed and not given; to allow these sailing vessels in time of storm to enter American ports in order to save life and property without being compelled to pay this unjust tribute.

Some most astonishing facts were presented before the committee, and not disputed, as to the workings of this system. A sailing ship enters one of these ports, no pilot is needed, none is used, but unless these vessels pay a pilotage they are libeled and held. The safety of the vessel and the protection of property does not enter into the calculation. The only thing necessary is to pay the pilotage. A vessel comes into one of these ports towed by a tug, the owner of which is liable for damages if any injury is sustained by the vessel, yet that vessel must pay for a pilot. True, such pilot is a mere fiction. He is never seen and he renders no service, but he must be paid. To require a pilot on a sail vessel that is towed into port is just as much needed and fully as idiotic as it would be to require an additional engineer on each one of the coaches of a passenger train.

To demonstrate the absolute iniquity of this system, let me relate a few undisputed facts. In some of the States where this system prevails a license is issued to a vessel; then this vessel can sail in and out of the ports covered without pilots. By this act of the legislature the ports are rendered absolutely safe. The dangerous bars are removed. By this act of the legislature a captain of such vessel is immediately endowed with a knowledge of all the dangerous shoals and tides and channels about which so much eloquence and oratory has been wasted. By this act of the legislature the waters are calmed, the storms abated, the winds die, all danger to life and property is dispelled. Talk about an act of God! The Deity would not dare to enter into competition with the legislatures of these States. Does any man want any further evidence to absolutely demonstrate to him that there is no necessity for compulsory pilotage in these ports?

Take one more illustration of the workings of this system: For eighteen years sail vessels have gone in and out of the harbor of Norfolk, and in all that time no pilot has been aboard any one of them, yet they have all paid pilotage. Last year these sail vessels entering this port paid more than $60,000 pilotage. This loot was divided among the pilots of that port, yet not a single pilot performed any service and not a pilot was on board of any of these ships; yet these pilots, for absolutely no service, receive about $10,000 each per year, and all the labor they perform is to collect this legalized blackmail and divide the spoils between them. Nowhere under the flag to-day is there another system as unjust, as vicious, as unjustifiable as this remnant of piracy, known as the compulsory pilotage law. Not only do they levy this tribute, but American vessels seem to be the especial prey of these pilots. It is shown by the evidence introduced before our committee——

Mr. YOUNG. Will the gentleman tell us where these pilotage fees go?

Mr. HUMPHREY of Washington. They go to the pilots. If gentlemen will excuse me, I do not wish to be interrupted until I get through with the discussion, and then I am willing to answer any questions. These pilots are not even just in their iniquity. It was shown by the evidence introduced before our committee, and shown by the receipts signed by the pilots themselves, that they charge an American vessel in the same port three times as much as they charge a vessel flying a foreign flag. What position are these men in to come here appealing to this Government to protect them, when their patriotism is measured solely by dollars?

Another fact I wish to call to the attention of the House is that the pilot charges in these ports are the highest in the world. In these ports the pilot charges are four times what they are in Cuba and five times what they are in Canada. According to the testimony before our committee——

Mr. FOSS. Who fixes the pilotage charges?

Mr. HUMPHREY of Washington. They are fixed by the pilots themselves, and they change them.

Mr. SHERLEY. Will the gentleman from Washington yield? I know he does not desire to allow that statement to go in the RECORD. Is it not a fact that they are fixed by the State law in their respective States?

Mr. HUMPHREY of Washington. That same question arose in regard to the port at Tampa, and when the question was asked how they were fixed, it was not answered, and we have not been able to ascertain; but this fact is shown, by the receipts of the pilots themselves, that they charge American vessels three times what they charge a foreign vessel, and that fact has not been explained or denied. If the States fix the charges, how do they make this discrimination, and if the State fixes the charges, how are they able to charge a foreign vessel less than they charge an American vessel?

Mr. FOSS. Is the charge for the same service? Do they charge the American vessels three times as much as the foreign vessels for the same service?

Mr. HUMPHREY of Washington. For the same service, in the same ports, for the same character of vessel, they charge the American three times as much as they charge the foreign vessel. And, as I have stated, that fact remains unanswered and unexplained; although they promised to explain it, they have never done so.

About 130 men, according to the evidence, are affected by this bill, and their representatives, or those who pretend to represent them, come before us and say that this bill, if passed, will take away the income of these men. They do not claim that it will take away their employment, for no man contends that they have any employment to be taken away or that they give any service in return for the compensation they receive.

Mr. MADDEN. Does the gentleman wish to be understood that these pilots are licensed to perform duties never performed?

Mr. HUMPHREY of Washington. Yes, sir; I do. They perform no duty whatever on many of the sail vessels. There has not been one on a sail vessel in the port of Norfolk for eighteen years; and yet every vessel has paid heavy pilotage fees. I mean exactly this, that these pilots are paid for duties they do not perform. So if you pass the bill, while you may take away the income of these men, you do not take away their employment. You might just as well stand here and ask this body not to pass a bill prohibiting highway robbery because it might take away the employment of certain estimable gentlemen.

In the olden times they used to issue licenses—indulgences—to highwaymen, and I have no doubt that when the time came to take that privilege away those highwaymen made the point that to do so would rob them of their income, and they might do it with almost as much justification as is done in this case, when these pilots come and ask us not to take away this right because it will destroy their income.

Certainly nothing more is wanted to demonstrate that the existence of this system is absolutely indefensible. But let me ask you to remember, in addition to the facts already given, that in the port of Norfolk, where for eighteen years no pilot has been aboard of any sail vessel that has gone in and out, and yet no accident has occurred due to their absence. Of all the many vessels that have gone in and out of these ports without pilots in accordance with the privilege given by State licenses, not one of these has suffered from their absence. Of all the vessels that have gone in and out of these ports without pilots, rather than wait for them or be bothered and annoyed by them, no accident has happened because of their absence.

Let it be remembered that of all the thousands of sail vessels that have gone in and out of these ports for years, that have paid for pilots that they did not use, that no necessity has been shown for their services, and that by running without them not one ship has been lost, not one ship has been damaged, not one dollar's worth of property destroyed, not one life lost. You tell me that with that record there is any excuse for the continuance of compulsory pilotage in these ports? If vessels for years sail in and out of these ports without pilots, and in all that time not a vessel is wrecked, not an accident occurs, not a dollar's worth of property destroyed, not a life endangered, will some one please stand up and tell me how much safer or better or what advantage it would be to commerce or to human life to have had these pilots. How any man can look these facts in the face and then defend this proposition on any ground of necessity or justice without blushing surpasses my comprehension.

I am well aware of the ground of defense that is made for this system. Again the ghost of States rights walks, sheeted

and grinning—filling with fear a few timid souls. It is urged that as these States want it, regardless of its merit, it should be retained. Unfortunately this tribute is mostly, if not entirely, levied upon vessels owned by men that do not live in the States that permit the system. That this is a subject with which the General Government has full power to deal none will deny. Then shall we permit this outrage simply because the States cry out to be let alone?

The argument is advanced that the local government understands the situation better than we understand it. That they can deal with it better. That they should not be interfered with. This is the argument that every tyrannical government on earth has always advanced as an excuse for oppression and outrages on the weak and the helpless. This was the argument that was advanced in favor of slavery in this country for more than half a century. This is the argument that England advanced as a defense for the nameless outrages permitted upon the wretched people of Ireland. This is the defense made by Russia for her bloody murder of the helpless Jews. This is the defense made by Turkey for her slaughter of the Christians. This is the defense that Spain gives for her cruelties and atrocities that shocked and startled the civilized world in Cuba. When the United States pointed to the awful evidence, the whitening skeletons, the grinning skulls of 200,000 noncombatants, mostly women and children, that had suffered the awful death of slow starvation, Spain replied: "You do not know the situation as we know it. Leave the situation for us to solve. We can take care of it better than you. All we ask is to be let alone." So these States, when we point to the thousands of unearned money and the large salaries of men who do nothing; to the fact that vessels can go in and out without pilots if they will but pay this graft; to the written licenses proving that the system is unnecessary and can not be justified; to the discrimination against American vessels in favor of foreign vessels. When we point to these infamies, they do not attempt to justify them, but they give the excuse that is always given for an inexcusable outrage: They say you do not understand the situation. "We can best tend to our own affairs. Let us alone." This is the only real reason for the opposition to this bill.

Mr. Speaker, as the States have not dealt with it, as they have refused to do their duty, then I ask, Is that any excuse why we should not do ours?

Now, if there are any gentlemen who wish to ask any questions I shall be glad to answer them.

Mr. CRUMPACKER. Mr. Speaker, I would like some information in regard to the bill. It seems to me to be an attempt on the part of the Federal Government to regulate in part only the pilotage service. Would it not be better for the Government to take charge of the entire service? This bill simply applies to sailing vessels, and only those who are fortunate enough to have masters or mates who may pass the examination may escape these onerous burdens of which the gentleman has been informing the House. The bill has no application to foreign boats at all. Ought not the whole matter to be left to the States, or ought not the Federal Government to take charge of the whole business? That is a query in my mind, and it seems to me quite a serious objection to the bill under consideration. It provides for part Federal regulation and part local regulation. It seems to me it is unbusinesslike on that account.

Mr. HUMPHREY of Washington. This bill provides for abolishing compulsory pilotage upon American sailing vessels in certain of these ports, and these are the only ports in the United States where it has not been abolished. That is the reason why it is local.

Mr. MANN. But I do not find any ports named in the bill.

Mr. HUMPHREY of Washington. Well, it affects only a few ports.

Mr. MANN. There are no ports named in the bill. This bill is general and applies only to sailing vessels in the coastwise trade.

Mr. HUMPHREY of Washington. The ports I have mentioned are the only ports affected.

Mr. MANN. Does the gentleman think foreign vessels should be compelled still to pay these unjust and burdensome charges?

Mr. HUMPHREY of Washington. I am not concerning myself about foreign vessels at this time. It will be time enough when we take care of American vessels to care for the foreign vessels. As far as I am concerned, I would like to see the burden made heavier on the foreign vessels until it would give the American vessels an equal opportunity to do the business of this country. [Applause.]

Mr. MANN. That is a selfish motive on the part of the gentleman.

Mr. HUMPHREY of Washington. Yes; I am always selfish in favor of American vessels.

Mr. MANN. Representing the coastwise districts. There are some Members of the House who do not live on either the Atlantic or the Pacific coast.

Mr. HUMPHREY of Washington. Yes; and there are some Members who do not seem to realize that there is a Pacific or an Atlantic coast.

Mr. MANN. And there are some who do not seem to realize the Atlantic and the Pacific coasts are not the whole thing. That is something which it is difficult to make the gentlemen who live on the coast realize. [Applause and laughter.]

Mr. HUMPHREY of Washington. Yes; and some gentlemen do not seem to know there is any coast or any interest when it comes to any legislation that does not directly affect the cornfields. [Laughter.]

The SPEAKER. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Speaker, I hope that when I shall have used ten minutes' time I shall be notified. Gentlemen, there is an old saying that is very true, that "hard cases make bad laws," and if we needed an illustration of that saying we would have it in this proposed legislation. There is also a difference between facts and declamation, and there is a difference between selfishness for American interests and selfishness for certain American interests. Now, this bill proposes to abolish State pilotage. The gentleman from Washington began his statement by saying that it did not propose to do that. Technically he is right. There is nothing in the bill that says the States may not maintain a system of pilotage, but taking away the compensation that the pilot earns will effectively destroy the State-pilotage system, and the gentlemen who are favoring this bill know that to be a fact. Now, the present law has been the law of America from the beginning of the country. It has always been considered, frequently stated by the Supreme Court, that pilotage was a matter peculiarly within the knowledge and care of the States; that they themselves could best determine what the needs were at their particular harbors and localities, and so long as the national law remained silent that it was perfectly proper for the States to institute pilotage systems. They have instituted those systems, and under the laws passed by the State legislatures they have fixed the compensation, have regulated the duties of pilots, and have made it compulsory upon them that in fair weather and foul they should be outside the bar prepared to meet any vessel and give it succor. The Northern States had this pilotage system, and continued it until recent years. After a while they found that their income from pilotage on foreign vessels was more than sufficient to maintain their pilotage system, and then they abolished the system so far as it related to coastwise vessels. Now, that exercise of judgment on their part, which they did exercise freely, they want to deny to the Southern States, where foreign commerce has not grown to such an amount as to support the pilotage system.

They want to say to the Southern States, "You must now do away with charging pilotage on coastwise vessels and permit us to come into your harbor free, although we charged it as long as the exigencies of the case made it necessary and only abolished it when our foreign commerce was sufficient to enable us to get along without it." Now, it is manifest that it is to the interest of every State to reduce its pilotage charges as much as possible. There is no place hurt quite so much and no people hurt quite so much as the place and the residents thereof where pilotage laws are enforced. If Virginia or South Carolina or Florida have unfair pilotage laws they suffer more than any other people. Any handicap upon the freedom of commerce coming into and going out of their ports affects them of necessity more than it can affect anybody else. Now, we have a peculiar illustration of greed in this case. The advocates of this bill, after having got, at their own request, concessions made in favor of certain classes of vessels and in favor of a license system instead of pilotage fees, have the effrontery to come in upon this floor and urge that the concession that was granted at their own request shall be made the ground of repealing the law in favor of pilotage systems in the South. If there is anything wrong in the license system, if there is anything wrong in the system which exempts these vessels, the proper and fair programme would be to bring a bill in here doing away with that and putting them back under the system that they were originally under and which was only changed at their own instance and request. The gentleman speaks of Norfolk, Va., and tells us that sail vessels have been coming in there for eighteen years without carrying a pilot, but he does not tell you that it was the result of their own request and own instance that they, rather than pay pilotage charges, were

willing to take the risk to life and property and pay a general license fee; so that to accommodate them, they being willing to assume these risks under this license system, the concession was granted, and now gentlemen come and urge upon us that fact as a reason why we should abolish the whole system. Now, there is also a distinction that will occur to any fair-minded man between a sailing vessel and a steam vessel. There are times when all vessels need pilots, but the times are very much greater in regard to sailing vessels than in regard to steam vessels.

The steam vessel is always subject to control and can follow the channel easily. It can be navigated with a skill and directness impossible with a sailing vessel. A sailing vessel is subject to the winds and currents in a way the steam vessel is not, and it is infinitely more important that a sailing vessel should have a pilot to bring it into a narrow, changing harbor than a steam vessel. These harbors change from week to week and month to month. Any man at all familiar with either the facts or the evidence produced before the committee knows that that is of necessity true, and yet they propose to license pilots by the Federal navigation officers who have no particular knowledge and could not have of the various ports of America; and they seem to think that a man who is a pilot in the sense of being able to navigate a vessel on the high seas will be a pilot in the sense of being able to come into any particular harbor. There has always been a recognition of the distinction between these classes of pilots, between those who are necessary because of their knowledge of a particular locality and those who have simply the knowledge that is necessary to navigate a vessel.

Mr. RUSSELL. Will the gentleman permit a question?

Mr. SHERLEY. Certainly.

Mr. RUSSELL. The statement was made just a few moments ago that in these pilotage charges American vessels are often charged three times as much as foreign vessels. What is the information of the gentleman from Kentucky in regard to that?

Mr. SHERLEY. So far as I know—and I speak from memory of a year ago, not having opportunity to refresh it—there was but one case brought to the attention of the committee, and that the matter was immediately taken hold of by the National Pilots' Association. But my answer to the gentleman about that is this, that he can not come here and ask us because of a hardship in a particular case to make a law that will abolish pilotage in all other cases. The gentleman can not contend with any show of knowledge of the fact that that is an existing condition all over the South. Every State has absolute control over its pilotage system. Every State can and will abolish the pilotage system when it is to the interest of the State and to the interest of life and property that it be done. The movement is already beginning in the South. There are certain ports in the South that have abolished it—ports where they are finding their foreign trade sufficient to maintain pilotage without the requirement of fees from coastwise vessels. Just as in the North the pilotage system was changed gradually by State after State accordingly as the facts justified it, so will it be done in the South.

But now we are asked not to give them the opportunity to change when the facts warrant it, but to force them to dispense with it now. How will it affect those States? Most of their commerce grows out of vessels engaged in coastwise trade. The amount of pilotage that they could obtain from foreign commerce would not be sufficient to maintain the pilots. The advocates of the bill are willing under this act to keep in effect all of the State laws that require compulsory action on the part of the pilots. They are willing to have the State say to the pilot: "You must go out and succor any vessel, no matter what the condition of the weather, and if you do not do it you shall be fined." They are willing to have all the burdens imposed upon the pilots, but they are not willing that they should have any compensation. They tell you that because they can usually go into ports without a pilot, that therefore the pilotage system should be abolished. The same reasoning would abolish the fire system in every city in the land, because you do not have fires all the time. You have got the pilotage system there ready day and night in good season and bad to take charge of those ships, where having a pilot means the safety of life and the safety of property. Many a vessel now, looking to greed rather than safety, stays outside and endures the weather or storm rather than pay a reasonable pilotage fee. No man believes more than I do in freedom of trade. No man believes more than I do in doing away with all restrictions to trade. I have had a quarrel with a good many gentlemen on that side of the House on the proposition ever since I have been here, but the sort of charge that is necessary for the protection of life and the protection of property is an entirely different charge from one that may be put on trade for the benefit of a special class. Pilotage fees belong to this first kind of charge upon commerce. It is only a handicap in the sense that all of us are handicapped by taxation for protection against fire. Here the whole system must be taxed for the sake of protection against the loss of life and the loss of cargo. The facts will show that there have been in those States where they have done away with the compulsory pilotage a very much larger number of shipwrecks and a greater loss of cargo and life than there have been in the Southern States where the pilotage system is in vogue. The facts themselves justify the retention of these systems.

Mr. Speaker, how much time have I consumed?

The SPEAKER. The ten minutes are up.

Mr. SHERLEY. Then I reserve the balance of my time.

Mr. LITTLEFIELD. Mr. Speaker, I yield fifteen minutes to the gentleman from Wisconsin [Mr. MINOR].

Mr. MINOR. Mr. Speaker, I believe the first bill that I took any special interest in when coming to this House in 1895 was a bill identical in its provisions with the one now before us. I was then assigned to the Committee on Merchant Marine and Fisheries, and we considered that bill thoroughly, having it before us perhaps a month, with frequent meetings. I took the other side of this question at that time, and joined in a minority report from that committee, believing, as I did then and as I now know, that the time had not quite come when we might safely enact this legislation. The time to which I refer was the first session of the Fifty-fourth Congress. Then, as I say, I joined the minority in opposing this legislation.

My reasons for it at that time have now vanished. We then found that the Navy Department were opposed to the legislation because of the incompleteness of the harbors in those South Atlantic States. We found the War Department, through the Engineer Corps, were opposed to the legislation because of the incompleteness of the harbors. We found every marine insurance company opposing the bill because they believed it was not to their interest to have pilotage abolished, thereby increasing the danger that would come to the floating property that visited these ports. We found those engaged in the manufacture of lumber and the shipping of lumber and other products of the South were opposed to it, and assigned the same reason—the incompleteness of the harbors of the South.

To-day, and for four years last past, these reasons have not been urged. None of these interests have appeared to oppose this legislation. On the contrary, the demand for the passage of this legislation is not alone from the North Atlantic coast to-day, but from the South as well. It comes from the insurance companies, it comes from the shippers, and it comes from everyone interested in the maritime welfare of our coastwise trade. I believe that after expending $56,000,000, as we have done in these southern harbors, to make them deeper and more commodious, the time has come to abolish compulsory pilotage on sailing vessels. If it has not come, then, in the name of common sense, how many more million dollars must we pour into those southern ports in order to make their harbors sufficiently commodious and safe, with depth of water sure and permanent enough to dispense with local pilots that are now employed in these southern ports?

Mr. SHERLEY. Will the gentleman allow me to ask him a question?

Mr. MINOR. If the gentleman will make it short.

Mr. SHERLEY. I would like to ask the gentleman this question: In Georgia, where there has been a deepening of the harbor to twice the depth which it originally had, the bar outside has lengthened greatly and makes the pilotage much more a necessity than before.

Mr. MINOR. In reply to the gentleman, I desire to say that during the last session of this body, when the matter was before our committee, we sent over to the Coast and Geodetic Survey and brought a chart into the committee room, and there was not a man, I do not care whether he was from the North or the South, that could show a change in bars for the last four years. The bars that they are talking about down there are entire myths. It is a bar which has gradually slipped off into deep water. The fact is that the bars have all gone ashore, so that the bars down there are on the dry land, and not in the water. [Laughter.]

Now, how does this bar pilotage system work? You take the State of Virginia as a sample, and this illustrates what I am now about to exploit and will explain the whole thing so far as the necessity for bar pilotage in that State is concerned. A captain can go into the port of Norfolk and for 10 cents on the measured tonnage of his vessel he can buy the right to navigate all the ports in the State of Virginia for one year. It does not matter whether there is a woman or boy in charge of the vessel or no one in charge of the vessel, because the question of competency is not raised. It is not required that any qualification

shall be shown before he can get the right to navigate all the ports in the State of Virginia. If he pays in advance 10 cents a ton, he gets a license. That proves conclusively that a pilot is not a necessity. Furthermore, it is proof positive that the harbors are deep and commodious, and that this bill should pass.

Take another illustration. Two vessels come through the Capes, both bound up the Potomac River. They have been spoken by the pilot outside of the Capes. One of them is bound for Alexandria, 7 miles below here, and the other for the city of Washington. The vessel that is bound for the city of Washington pays no pilotage, but the vessel dropped off at Alexandria has got to pay her regular pilotage or a pilotage license of 10 cents a ton for the entire year, though no bar pilot has been on board of her. Is there any sense in it?

Now, it will be told us that this bill will endanger human life. I suggest for your information that these sailing vessels do not carry passengers. They have crews numbering from 8 to 10 men. The steam vessel, that does not have to submit to compulsory pilotage, carries the human freight.

A steam vessel may come into one of those southern ports, carrying 200 passengers and a cargo valued at half a million dollars and drawing 20 feet of water, without a pilot. You transfer that same captain that brought her in, whose competency is unquestioned, whose skill is undoubted, to a sail vessel drawing just half the number of feet, namely, 10, and he has got to pay a pilot. Is there any sense in it? And where is the necessity to continue this thing?

Then again they have tugs down there in those southern ports, strong, powerful, abundantly able to take care of all the shipping that comes, and unless a vessel has a leading wind—that is, a fair wind, she will remain outside until the tug comes and gets her, and when that tug puts a line on that vessel it is the duty of the captain of the vessel to obey the orders of the captain of the tug, because he is licensed by the United States, he is competent to handle his own boat as well as the vessel he has in tow, and if that vessel disobeys his orders, namely, to follow the tug or to port or starboard the helm as the command may be from him, he assumes all liability and releases the tug from any obligation. The tug, if she is large and powerful, draws as much water as the vessel does when she is loaded, so that the vessel may safely follow where the tug leads. The result is that no vessel leaves a southern port without one of these tugs taking her outside, and the charge of those tugs, that cost from fifty to a hundred thousand dollars apiece, with twelve men in the crew, is often and often only one-third of the charge of the fellow who goes aboard as a bar pilot and toasts his shins in the cook's galley of the vessel. That is a fact.

Now, there is not one vessel in ten visiting the southern ports but what her captain is competent to pilot his vessel into harbor, and therefore he needs no pilot, and he takes no pilot. But if he has been spoken outside by a pilot the pilot walks to the dock and collects the bill. Has the Congress of the United States ever heard of anything so infamous? I pronounce it today pure and simple graft, and I told the president of the Bar Pilots' Association four years ago that never again could I oppose this legislation. I said, "The time has passed when there is necessity for your organization to exist;" and he told me himself that he did not blame me or any Congressman for taking that position. He recognized the truth and force of what I said. He is as fair and square a man as ever lived. He is here working for himself and for those he represents, and he is doing it honorably and fairly, but that does not make it right. If you are going to enact legislation for the preservation of life, then you should include the steam vessels and compel them to pay a bar pilot the same as you do your sailing vessel, but you dare not do that, though the steam vessels are the ones that carry the human freight.

A noted labor leader came before our committee and said that he opposed this bill on the ground that it endangered human life. There is nothing in that argument. It falls of its own weight, because, as you know, the steamer carries the passengers and not the sail vessel.

Now, how does it work as regards freight charges? The steamer was exempted from this pilotage charge in 1871. The great shipment from the southern ports is lumber. Steamers carry from one-fourth to one-third of all the lumber manufactured and exported from those ports. They pay no pilotage, but the sail vessels competing with them do pay the pilotage every trip they make, and the steamer makes the freight on lumber, and the sail vessel has got to come to it or go out of those ports empty. If she comes to their terms and loads, she must pay the pilot. Ah, gentlemen, that is an infamy. Is this General Government going to continue to pour its millions of dollars into the improvement of the harbors of those Southern States and compel sailing vessels to pay tribute to local pilots? I say to you now, from observation, I know that those ports are perfectly safe. I know that they have a sufficient depth of water. I know there is no necessity for this organization to exist any longer, when their only mission is to compel vessels to pay them whether they employ the pilots or not. I say that time has gone by. I call the attention of the River and Harbor Committee to the fact that if, after the expenditure of all this money, more than fifty millions, you have not perfected those harbors so as to dispense with the necessity for these men you had better let go and compel them to take care of themselves—let them keep up their own harbors and light their coasts and keep their system of bar pilotage to themselves if they desire to do so.

Now, I do not know that there is very much more to say in this matter. I know that vessels have gone into those southern ports and traded there during an entire year (and they did not make many trips, by the way), but their pilotage bills in some cases amounted to $459, and the net earnings left to the owner of the vessel at the end of the season were only $350. I know vessels that have gone down there and paid $200 for tug service for a year and paid the bar pilot four and five hundred dollars a year. And what did he do? Two-thirds of the time he was not aboard the vessel at all, but at home; he simply had spoken to the captain outside, and the captain, who was thoroughly competent, refused his services and had taken the vessel in. Will you perpetuate such a system as that, you gentlemen who ought to be interested in the southern ports? If you are bound and determined to do it, and I were a member of the River and Harbor Committee, I would cut down your appropriations accordingly. [Applause.]

Mr. FOSS. I understood the gentleman to state that he found a year ago that the War Department and the Navy Department were unfavorable to this legislation.

Mr. MINOR. Oh, that was way back in 1896.

Mr. FOSS. Does the gentleman know how they feel about it now?

Mr. MINOR. I have seen reports of commanders of battle ships saying that they have gone into these ports and have found them of ample depth and capacity, large enough to hold the entire Navy, and that there was no need of any bar pilots. Formerly they did require a pilot in the early days, when the channels were crooked and tortuous and the shoals were constantly shifting. At that time there had been no improvements outside, and every norther that came shifted the bars. They needed a pilot in those days. In 1896 the Navy Department was against this bill, and so was I.

Mr. GRONNA. Mr. Speaker, I want to ask a question for information. Is it true that American vessels have been discriminated against?

Mr. MINOR. That was the testimony before the committee, and not disputed.

Mr. SHERLEY. Mr. Speaker, before I yield time to another gentleman, as I shall in a moment, I will say in answer to the question just asked by the gentleman from North Dakota, that the Supreme Court of the United States has on two occasions, to my knowledge, and I think more, expressly held invalid and unconstitutional laws that undertook to discriminate between vessels of one State and those of another; and it is as absolutely impossible to pass that sort of a law as it is to legislate a tax on imports from one State to another. Mr. Speaker, I now yield ten minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. LITTLEFIELD. If the gentleman will excuse me, I will say that while the law is as stated by the gentleman from Kentucky, the evidence before the committee, uncontradicted, was that there were gross abuses in the line of discrimination against American vessels under this compulsory pilotage system.

Mr. SPARKMAN. The gentleman does not mean to say that that discrimination is in the State laws?

Mr. LITTLEFIELD. The evidence before the committee was uncontradicted that there were gross discriminations against American coastwise vessels under this compulsory pilotage system. I could read now the statement of the president of the association, in which he himself admits that he made a contract discriminating against coastwise vessels under this legislation, although it might be unlawful.

Mr. SHERLEY. The gentleman knows that there are violations of all sorts of laws and that the commission of a crime does not justify a change of law. Mr. Speaker, I again yield ten minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, it has been stated by the distinguished gentleman from Wisconsin [Mr. MINOR] that a demand has been made by owners and masters and insurance companies for legislation seeking to abolish compulsory pilotage. No one says that there is any demand being made for this legislation by the people of the United States who believe in the

protection of life and property. There ought not, from a humanitarian standpoint, it seems to me, to be any legislation enacted which would allow, if you please, any master of any vessel to enter into a port without a pilot. It is unfair to assume that the master of a vessel going into a foreign channel, knowing nothing whatever about the currents of the channel or its course, can safely pilot that vessel to its destination.

Mr. HUMPHREY of Washington. Is the gentleman aware of the fact that thousands of vessels do go in and out without a pilot, and that not one accident has occurred in them?

Mr. MADDEN. It may be true that thousands of vessels do enter various harbors throughout the country.

Mr. HUMPHREY of Washington. I mean these particular ones.

Mr. MADDEN. It may also be true that no accident has occurred in recent years. It is also true that the *Slocum* was running in the East River, New York, with a large number of excursionists; that it had no pilot; that the captain was unable to manage the vessel, and every person who was on board the vessel, or nearly every person, lost his or her life.

It is also true, as this report shows, that in 1853 the ship *New Era* appeared off the New Jersey coast with a load of immigrants from Antwerp. Its captain was hailed by a pilot, but refused to take one. He declared that even if it did take him until next day he was fully capable of piloting his own ship into the harbor. That night a tempest arose. Before daylight the ship was a total wreck. Hundreds of lives were lost. Four hundred and eight bodies drifted ashore and were buried in a huge grave on the site of what is now Asbury Park.

It is true, too, that this was in 1853; but why hesitate to protect the lives of the people who may be compelled to ride on board ships because the last serious accident occurring from that cause was in 1853? Better by far that every vessel sailing in the coastwise trade should be compelled to pay exorbitant pilotage fees than that in the next century one life should be lost by reason of the failure of the vessel to carry a pilot to direct it safely to its destination. I believe, Mr. Speaker, that if such legislation is to be enacted it should be enacted by the States. This is a matter over which the States have jurisdiction. If it is to be enacted it should also include steam vessels. The men who favor this bill favor it because the sailing vessels to which it applies come from the section of the nation from which they hail.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield for a question?

Mr. MADDEN. Not because they believe it is in the interest of commerce, not because they believe the pilotage charges are unjust, not because they believe the pilotage charges should be dispensed with, but simply to give an opportunity to men owning sailing vessels to make more money than they now make. Because of their avarice they seek to jeopardize the lives of the men, the women, and the children who are compelled in their movements from one place to another to ride on board these ships. I believe, Mr. Speaker, that the bill ought not to pass. [Applause.]

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. HUMPHREY of Washington. I would like to have the gentleman state to the House how many passengers are carried upon these sailing vessels?

Mr. MADDEN. I do not believe that I know any more about it than does the gentleman who asks the question.

Mr. HUMPHREY of Washington. He does not know as much.

Mr. MADDEN. The men who are employed and running vessels are just as important as men and women who are riding as passengers. Because a man happens to follow the avocation of a sailor, that is no reason why his life is not as dear to him and to his family as is the life of the greatest man in the country. [Applause.]

Mr. SCOTT. May I ask the gentleman a question?

Mr. MADDEN. Yes.

Mr. SCOTT. I understood some other speaker on this bill to say that no pilotage charge is made for steam vessels.

Mr. MADDEN. That is true, as far as I can understand.

Mr. SCOTT. I should like to ask the gentleman the reason why a sailing vessel should be charged and a steam vessel should be excused from that charge.

Mr. MADDEN. If there is any reason why a pilotage charge should be made against one vessel, it should pertain to all vessels. If they want a bill which meets the wishes of the American people, it seems to me they will provide that the pilotage charge be made against the steam vessel as well as the sailing vessel. The captain of a steamship is no more qualified to run that ship into a strange harbor than is the captain of a sailing vessel, and neither captain should be allowed to do it under any circumstances.

Mr. SCOTT. Is the rule in regard to steam vessels the result of a State law?

Mr. MADDEN. All State laws.

Mr. BONYNGE. Oh, no.

Mr. MADDEN. Yes, they are.

Mr. DAVIDSON. Would the gentleman state, therefore, that legislation should be enacted to compel compulsory pilotage in all the seaboards, on all the coasts, and on the Lakes as well.

Mr. MADDEN. No; I do not make that claim.

Mr. DAVIDSON. Then why should there be compulsory pilotage on certain southern harbors, when there is no necessity for compulsory pilotage on the northern Atlantic coast, in the Pacific coast harbors, or on the Lakes in order to save life and property?

Mr. MADDEN. Because these harbors are not so dangerous. There are no tortuous channels, no shallow streams, no shifting bars, and the States, realizing this condition, have not enacted any law requiring compulsory pilotage. The States in which compulsory pilotage prevails understand the needs of their communities better than we do, and they ought to be allowed to enact laws to govern the question.

Mr. DAVIDSON. One other question, if the gentleman will permit. Is it not a fact that the north Atlantic coast States did have compulsory pilotage, and from time to time they have repealed those laws because it was unnecessary to continue them?

Mr. MADDEN. I believe that is so.

Mr. DAVIDSON. And if that is true because of the improvement of the north Atlantic coast harbors—and we know that the south Atlantic coast harbors have been improved in substantially the same manner, to the same depth of water—why should the compulsory pilotage be necessary in the Southern States?

Mr. MADDEN. Let the Southern States have the same rights in connection with legislation of this character that the Northern States have assumed to have. That is my answer to that question.

Mr. LITTLEFIELD. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Briefly, Mr. Speaker, I will explain why I am in favor of this bill. First, let me say to the gentleman who has just spoken on the subject: He said that the men who were interested in this bill were interested for no other motive except the fact that there were vessel ownerships in the district from which they came. I want to say to the gentleman that he is sadly mistaken. There are no vessels on salt water that sail between ports south of Old Point Comfort and the Southern States to Texas that are owned by anybody from the State from which I have the honor to come. I have no interest in any vessel property anywhere, either on fresh water or salt water. I am in favor of the bill because I believe that it repeals a law that permits men to heap injustice upon parties who own vessels sailing into those ports. Before the bill came before the Committee on Merchant Marine and Fisheries I had some correspondence with men who were opposed to the measure, in which I had in a measure stated that I would oppose the bill, but when hearings were given to men interested on both sides of the subject, I told Mr. O'Brien, who represented the Pilots' Association, that I would not support the bill, but later told him that unless he could to my satisfaction answer statements and testimony presented to the committee, showing that there were injustices heaped upon men who owned vessels sailing into those ports, that I would be compelled to support the measure, and that I would use every effort to give him every opportunity to answer those questions. He failed to do it in any respect, although given ample time. One vessel owner who appeared before that committee showed that he had a vessel sailing into a Gulf port, as I now remember it, carrying lumber to and from those ports, which were compelled to pay $150 pilotage fees when foreign vessels of equal capacity, drawing no more water, were permitted to sail in and out for a charge of $40.

Mr. HUMPHREY of Washington. That was at Tampa, Fla.

Mr. FORDNEY. And at Gulf ports also. I have the names of vessels here, and I will call attention to one of them, the *Gertrude Bartlett*, a foreign ship. The testimony shows she paid $40 pilotage fee. The *S. M. Bird* was assessed a hundred and fifty dollars for like services. The owner of that ship went to the Pilots' Association and presented his claim, showing that he was charged more than other vessels of like capacity, and offered to settle the case by paying $75. His ship was libeled and tied up at the dock, and he could not even

get a tug to take it out. The answer came from the captain of the tug that it would be a violation of the law to take that ship out, and especially contrary to the pilotage law.

Mr. DRISCOLL. I would like to know who has power to regulate this matter?

Mr. FORDNEY. A commission, as a gentleman stated, representing the Pilots' Association.

Mr. SHERLEY. Does not the gentleman know the pilotage law of the different States is the result of the action of the legislatures of those different States and that they have full control to make or change any law?

Mr. FORDNEY. I know only, my dear friend, just what was stated to the committee. Mr. Pendleton, a vessel owner well informed on the subject, gave testimony. I have it here of record where a vessel was libeled, and he had to give bond.

Mr. SHERLEY. The gentleman has not answered my question. It only requires a yes or no answer.

Mr. FORDNEY. I do not know what the law is, but I know what the practice is.

Mr. SHERLEY. Then the gentleman would take a violation of the law as an argument for this House to believe that was the law.

Mr. FORDNEY. I want the House to understand me on this subject. Mr. O'Brien was given opportunity to answer to my satisfaction why this extortion was allowed, and he failed to do it, and because there is a law that will permit a set of men to extract from another man, contrary to the law, a sum of money and compel him to pay it, I favor this bill. I have no interest in vessels. I am supporting the bill in the interest of simple justice.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. LITTLEFIELD. Does the gentleman desire more time?

Mr. FORDNEY. Three or four minutes.

Mr. LITTLEFIELD. I yield three minutes to the gentleman from Michigan.

Mr. FORDNEY. Now, it may be claimed by some men that the reason why one vessel is charged $40 and the other a hundred and fifty dollars might be on account of their carrying capacity. The vessel *Gertrude Bartlett* carried 28,000 feet of lumber more than the other vessel; that is all. In one instance Mr. Pendleton stated before the committee, and that statement is in the records, that the profits on his cargo amounted to $32 and the pilotage was $40.

Mr. Speaker, there is nowhere else in the United States where the law compels a vessel owner to employ a pilot. There is nowhere else in the United States where there is more danger to life and less loss of life than at those ports. Other ports on the Pacific and Atlantic coasts are not compelled by law to hire a pilot, but they do hire a pilot in these ports referred to, and notwithstanding the fact that the captain of a tug is a pilot himself, competent to take a vessel over the bar, a vessel owner is also obliged to employ a pilot to ride upon the tug beside of the captain, and he pays not only a tug hire, but a pilotage charge as well. All men who sail or who own vessel property are interested in the saving of the lives of the sailors as well as passengers. However, there are no passengers to speak of on sail vessels. They go on steamships. The loss of life is among the sailors.

Mr. PRINCE. Mr. Speaker, will the gentleman yield for one question?

Mr. FORDNEY. Yes, sir.

Mr. PRINCE. Has there been request on the part of any national or State quarantine association for this legislation?

Mr. FORDNEY. Not that I know of.

Mr. PRINCE. Has there been any request on the part of any chamber of commerce for this legislation?

Mr. FORDNEY. Oh, there may be lots of them. I am not just familiar with the requests that have been made.

Mr. PRINCE. Has there been any request on the part of any labor organization in this country for this legislation?

Mr. FORDNEY. It does not make any difference to me whether there is any request from any labor organization or not so long as the measure appeals to me to be one of justice, sir. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Speaker, I yield fifteen minutes to the gentleman from Georgia [Mr. BRANTLEY].

Mr. BRANTLEY. Mr. Speaker, it was my privilege during the last session to consume some considerable time in the discussion of this identical bill, and I put into the RECORD at that time a much more comprehensive discussion of the questions involved than I can hope to do in the time allotted me to-day. I will be glad if those who are interested will look now at what I then said.

This is a bad bill. It is bad in principle and it is bad in its effect if enacted into law. No one questions the jurisdiction or the power of Congress to regulate pilotage. When the attempt is made to bring about such regulation we will meet that question. It is not now involved, and although some gentlemen say they favor this bill because they favor Federal regulation of pilots, I wish to call the attention of the House to the fact that this bill does not seek to regulate pilotage by Federal laws or otherwise, but the only effect of it if passed would be to, not directly, but indirectly, destroy the pilotage systems of the Southern States now existing; to substitute no system by the Federal Government in its place, and to leave these States with their hands tied and unable to provide any other system of pilotage in lieu of the one destroyed. Mr. Speaker, the principle of compulsory pilotage is upheld the world over. It has been repeatedly sustained by the decisions of our Supreme Court and sustained and enforced in many other countries of the world.

What this bill seeks to do is not to abolish compulsory pilotage—for it is still to be authorized, notwithstanding the passage of this bill, against all foreign vessels—but this bill is to prevent compulsory pilotage being enforced against coastwise sailing vessels. What, now, would be the effect of such a law? Back yonder, thirty-five years ago—in 1871—Congress prohibited compulsory pilotage against steam vessels engaged in the coasting trade, and it is now proposed to supplement that legislation by prohibiting compulsory pilotage against sailing vessels engaged in the coasting trade, and with what result? With the result that the system of pilotage we now have in my State—the State of Georgia—would fail. Why? Because there would be no funds with which to support it. Our system of pilotage is maintained by fees paid by the vessels that receive the benefit of it and for whose protection it was inaugurated. We had at my port—the port of Brunswick, Ga.—last year some forty millions of commerce. Perhaps 75 per cent of it was domestic or coastwise business, handled in large part by sailing vessels. We have a great port and a great commerce, amply protected by competent pilots, but if you relegate us to pilotage fees from foreign vessels to maintain our pilotage system we can not maintain it, for there will not be sufficient revenue from that source for the purpose. What is true of Georgia is true of other Southern States.

When this Government first started, in the very first Congress it was deliberately enacted that in the matter of pilotage each State should be free to make such laws as it saw fit. From that first Congress to this, the second session of the Fifty-ninth, that rule has not been changed. Each coast State during all these years has enacted pilotage laws to suit its needs and as necessary to protect its commerce. Until those States on the eastern coast had gradually builded up their foreign trade so that they had foreign vessels enough to support their pilots, they maintained, the most of them, compulsory pilotage against sailing vessels in the coasting trade. Each State has been free to establish or abolish compulsory pilotage as it saw fit, and at all times to legislate in this regard as the interests of its commerce justified or authorized it to do. All that we ask for my State to-day is the privilege enjoyed by all States heretofore of changing our pilotage system whenever in our judgment it is wise to do so.

Mr. Speaker, this bill is entitled "A bill to remove discrimination against American sailing vessels." The plea is made that it is a bill directed against discrimination, and yet in its very essence it is a bill to impose discriminations of fundamental character against those States in the Union which are not fortunate enough at this time to have a sufficient number of foreign vessels coming into their ports with which to maintain a pilotage system. A more unjust, unfair, and inequitable measure was never proposed in the American Congress. It is no justification for it to say that Congress has already released coastwise steamers from compulsory pilotage. The vessel under steam is under control and can feel its way; the vessel under sail can not do so. The one as a rule plies regularly between certain ports; the other does not; neither is there any real competition between sail and steam. In slow freight steam can not now compete with sail, and, pilotage or no pilotage, sail can never compete with steam where dispatch and certainty of time of delivery are necessary.

Mr. Speaker, it is an absurdity to talk about any State or any port imposing or maintaining for any length of time unreasonable pilotage fees. When it does so it injures its commerce. Each State is a competitor with every other State, each port is a competitor with every other port, and each State and each port is going to make its charges against commerce just as low as it can consistently with the proper protection of that commerce. Each individual State can better be relied upon to pro-

tect its commerce than can the United States, and knows better what protection is needed.

Mr. DRISCOLL. Will the gentleman allow me to ask him a question? It has been said here that we have a condition whereby different rates are imposed and collected as pilotage from ships of the same capacity. I have been trying to find out by what authority pilots are allowed to collect discriminating rates against ships of the same capacity, and especially why they discriminate against American vessels in favor of foreign vessels, if the facts are so.

Mr. BRANTLEY. In answer to the gentleman, if he does not know it already, I will inform him that in each of the States with whose laws I am familiar the matter of pilotage is regulated and fixed by law—by acts of the State legislature. I have heard no complaint that any State has enacted bad laws or laws authorizing the discriminations to which the gentleman refers. I have heard some complaint to the effect that at one or two ports discriminations had been made, but in each instance such discriminations have been shown to be in direct violation of the laws of the State, and nothing is simpler and nothing easier than to correct such discriminations, if persisted in, by an appeal to the courts.

Furthermore, no complaint of this character has been made, so far as I know, that has not been investigated or is not now being investigated by those competent to correct any and all abuses. But I would say to my friend that he can not maintain the proposition that because, for instance, the State of Mississippi, or some other State, does not enforce its pilotage laws he is justified in abolishing the pilotage laws of my State, against which no complaint of discrimination exists.

The proposition before us is to wipe out all the pilotage laws of all the States because, forsooth, at some port the State laws regulating its pilotage system have not been fairly or properly enforced.

Mr. Speaker, I am concerned in the maintenance and protection of the commerce of my port and my State. Now, we get down to this proposition: Do we need pilots to protect our commerce? No man will gainsay the proposition that we do. No one has attempted to do so. It being conceded that pilots are necessary, the next question is how to secure them, how to support them. We can only support them by paying them fees. Who is to pay those fees? In all justice and fairness the fees should be paid by the vessels coming into the ports—the vessels that the pilots are on duty to protect. Oh, gentlemen say it is a great outrage for a vessel that does not use a pilot to be taxed with pilotage fees. Let me say to such as take that view, go down to the coast of Georgia and inform yourselves on the subject—look over our laws and see on the statute book who can become a pilot. See that not only must he be a man of good moral character, but must undergo a period of years of apprenticeship before he is qualified to serve as a pilot, and when he does become a pilot, see what are his duties. The law says to him that he must stay on the outside of the bar. What about this compulsory pilotage that he collects? He does not collect it unless, outside the bar, he tenders his services to the vessel coming in. He can not stay at home at his fireside and tax the vessel with his fees, for the law says he must be on the outside—across the bar—in deep water; that he must be there in storm as well as in fair weather, by night as well as by day—be there on the watch to serve when his services are needed; and if he stays there, I ask you why shouldn't he be paid for doing so?

Mr. PALMER. Will you allow me to call your attention to this statement in the report, and ask you whether it is true?

> The system of compounding for pilot fees exists in Virginia and Georgia and reduces the business to one of revenue alone to the pilot, as it licenses the vessel and proceeds upon the theory that the services of the pilot are not in any sense necessary to the vessel.

That is found on page 49. Is that true—that a vessel can get a license for a sum of money paid into the hands of the Pilot Association down there and enter and depart from these harbors without a pilot?

Mr. BRANTLEY. Mr. Speaker, in answer to my friend from Pennsylvania I want to say to him that, in the interest of making commerce as inexpensive as possible at my port and the ports of Georgia, a concession was made to the vessel owner by which, under certain conditions and certain regulations, certain vessels coming regularly into our ports may pay so much per year as a license fee, the money to go to the support and maintenance of the pilots of the port.

Mr. PALMER. They get fees from such vessels without rendering any service?

Mr. BRANTLEY. They may not render any service, trip after trip, to a particular vessel, but they are on duty ready to give assistance if by chance it should be needed.

Mr. PALMER. But they do get a fee from the vessel for services they do not render?

Mr. BRANTLEY. They get the license fee paid by the vessel.

Mr. LITTLEFIELD. And all of this element of protection to life and property is entirely eliminated so far as the pilotage system is concerned. Is not that true?

Mr. BRANTLEY. It is not true.

Mr. LITTLEFIELD. I should like to know, if the vessel has no pilot, under your system, how the pilot, under your system, does the vessel any good?

Mr. BRANTLEY. Mr. Speaker, I would think that if any man on this floor ought to understand this question it would be my friend from Maine.

Mr. LITTLEFIELD. Well, I hope I do.

Mr. BRANTLEY. Under the license system our pilotage system is maintained. We have pilots and they remain outside the bar, and although vessels may and do come in which do not need them, they are there when their services are needed, and the day comes to all vessels when the services of a pilot are absolutely necessary.

Mr. LITTLEFIELD. For the purpose of ascertaining whether I really do understand anything about it, let me ask my question again. I understand you to address your remarks now to the system in general. My question was addressed (I had hoped to make myself understood, but it seems I was not) to the specific vessel that had the license. With reference to that vessel, quo ad that vessel, where does the element of protection to life and property as to that vessel come in under your system?

Mr. BRANTLEY. The answer is very simple. As to that particular vessel the element of protection comes in this way—that under the license system the pilot is maintained on the bar to protect that particular vessel in time of storm, when it does need the services of a pilot. If the Congress should follow the lead of the gentleman from Maine, the pilot would not be there when the time came that his services were necessary, so that under our system each particular vessel is protected by the mere presence of the pilot on the bar. The master of the vessel has no hesitancy in seeking a cargo at our port, because he knows that if the weather is thick and the wind high when he reaches the entrance to our harbor there will be found a pilot competent and ready to take him inside. We can not require the pilot to be there, require him to undergo years of apprenticeship, to purchase, equip, and maintain his own pilot boat, to risk his life, to remain at sea in foul as well as fair weather, and not provide adequate compensation for him. You can do one of two things—abolish pilots altogether or provide reasonable compensation in return for duties required.

On our Georgia coast the mainland is low and in thick weather can not be seen. There are shoals projecting far out to sea, and mariners have to be cautious when the weather is not fair. The pilot boat stationed just across the bar is always there to direct not only the vessel needing a pilot, but the vessel not needing him, where the entrance to the channel is. We have ever found the pilot necessary, and we want the privilege of keeping him at the expense of those whose property he protects until the time comes when we can either dispense with his services or have sufficient foreign shipping to support him.

Mr. DRISCOLL. The gentleman said that in case of a storm the pilot was out there, outside the bar, prepared and ready and willing to pilot the ship in. Is any extra charge imposed in case he does pilot that ship in?

Mr. BRANTLEY. Not a penny.

Mr. DRISCOLL. I mean the ship that has paid the license by the year.

Mr. BRANTLEY. Not a penny.

Mr. DRISCOLL. No extra charge?

Mr. BRANTLEY. Not a penny. A vessel is piloted in in time of storm for the same money that it is piloted in in fair weather.

Mr. DRISCOLL. But I am speaking of those who have paid a license, and therefore are not required to take a pilot except when they wish him.

Mr. BRANTLEY. If they take a pilot, they pay him.

Mr. DRISCOLL. They pay extra for the pilot that they take to pilot them in during the storm?

Mr. BRANTLEY. They do not pay extra. They pay the pilot for his services when they take him, but if they have this license they do not pay any pilot fees when they do not have a pilot. The license fees, which are small, exempt them from all pilotage charges, except where they actually use a pilot.

[The time of Mr. BRANTLEY having expired, Mr. SHERLEY yielded to him five minutes.]

Mr. BRANTLEY. Mr. Speaker, I just want to say, in conclusion, that this bill is so manifestly unfair upon its face, is such a manifest discrimination against certain of the States of

this Union, that although it has been introduced in this House year after year for a quarter of a century——

Mr. BARTLETT. More than thirty years.

Mr. BRANTLEY. It has always received the stamp of disapproval in the American Congress, because the American Congress has stood against discrimination and in favor of equality of treatment of all the States. We would be glad in my State if we could make commerce absolutely free, but we believe that the duty is incumbent upon us to protect commerce at our ports, if we would invite it to come there, and we know that the necessity exists to have pilots to bring vessels into our ports. They may come in at times without needing the services of a pilot, but the day comes for each and all of them when the pilot is hailed as a savior, when his services are of inestimable value, and we want to have him there against the time when his services are needed. We want at all times to regulate the matter for ourselves. If any of the people of my State have any fault to find with our pilotage system, they have but to appeal to the legislature of the State to have any changes made that appear necessary or proper to make.

Mr. Speaker, this bill is entitled "A bill to remove discriminations against sailing vessels." The plea is made that the sailing vessel is discriminated against, and that its owners must be allowed to make more money. Yet turn to the hearings before the honorable committee having this bill in charge and read there where the leading advocate of the passage of this bill—himself a shipowner—testifies that he has gradually increased his ship holdings from year to year until he has a controlling interest in more than one hundred of these sailing vessels. Evidently he has found it a business profitable under our laws as they now exist, and yet in order to make it still more profitable he would sacrifice and imperil the commerce of my port and imperil the lives of the men who serve on his vessels. There is no excuse or justification for this bill except to put money into the pockets of a few people.

There is no industry in the world that is to-day so protected, so taken care of, so watched over and looked after as the coastwise sailing business of this country. We are expending millions for its benefit every year. We have removed all competition from abroad with the men engaged in it; we have given them an absolute monopoly. We spend millions to deepen our harbors and deepen our channels for them; we build light-houses and station light vessels for them; we set up buoys and range lights for them; we tax them nothing for these great aids to their business, and yet when my State asks that they contribute something to the protection of the lives they employ and the protection of the commerce they handle, and the protection of the good name of our ports, they rise up and say: "No; we are the favored children of the nation, and you must not tax us anything." That the sailing vessel is the great beneficiary of improved harbors and deeper channels is easily demonstrated. At the port of Brunswick, Ga., the coastwise steamers draw from 14 to 18 feet of water, while it is a matter of almost daily occurrence for sailing vessels drawing 19, 20, and 21 feet of water, and sometimes more, to enter our harbor. It is to accommodate the deep-draft sailing vessel that we are constantly seeking to deepen our channel. It is to protect the sailing vessel that pilots are primarily needed, and it is but small return for them to make for all that is done in their behalf to assume the burden of paying these pilots. I hope this bill will be defeated. [Applause.]

Mr. SMALL. Mr. Speaker, I am unable to agree with the distinguished gentleman from Georgia [Mr. BRANTLEY] who has just spoken, and who contends that this is a bad bill. Upon the contrary, I think that the commercial interests of the entire country, and, I am sure, the commercial interests of the South, as illustrated by our coastwise trade, will be benefited by the passage of this particular legislation.

Substantially this bill provides that the masters or mates of all sailing vessels may be licensed under the authority of the United States to pilot any vessel within certain limits and that the authority granted by such license shall not be limited by any State regulation. The purpose is to make the acceptance of a pilot by a sail vessel optional instead of compulsory. The bill does not apply to foreign vessels, but only to American vessels engaged in the coastwise trade. By the act of 1871 all steamers were relieved from compulsory pilotage, and the purpose of this bill, as the title implies, is to remove this discrimination against sail vessels and put them on an equality with vessels propelled by steam. With the commercial growth of our country, with the constant improvement of our harbors by providing a greater depth of water and by marking the channels with day and night beacons, the tendency has been to remove all burdens upon our coastwise shipping, and this is true because any burden upon interstate trade is ultimately borne by the consumer and because the necessity which formerly existed for compulsory pilotage has ceased. Compulsory pilotage has been abolished by the action of the several States upon the Great Lakes, upon the Pacific coast, and upon the North Atlantic coast above Cape Henry. This burden—and I think I can show it is an unnecessary burden—is only imposed in the ports between Cape Henry and Galveston.

Until about three years ago I was opposed to this legislation, not upon its merits, but because I clung tenaciously to the opinion which actuates so many of its opponents, that the regulation of pilotage should be left with the several States. In truth, this is the only reason which can be advanced against this bill. Since the foundation of our Government it has been our policy to leave these matters to the several States, but like so many other subjects affecting our domestic trade and commerce conditions have so changed as to demand uniformity of legislation and regulation and to demand that Congress shall assert its unquestioned jurisdiction. No one denies the authority of Congress to enact this legislation. At the best it is only a question of policy and of commercial necessity. I would be the last person to invade upon any vital question the reserved rights of the States, but this legislation not only follows beaten paths, and for which there are numerous precedents, but it is in line with the admitted trend of legislation to make uniform and consistent all laws affecting interstate trade. The only manner in which this result can be accomplished is through Congressional action.

Does the necessity exist for this legislation, or ought the South Atlantic and Gulf States to be permitted longer to regulate pilotage? I think the time has arrived when the States ought voluntarily to surrender these privileges or in default thereof that Congress should assert its jurisdiction. If pilotage was ever a local question, that time has passed. There was a period in our history when it was strenuously contended that Congress had no power to appropriate money for the improvement of our waterways or harbors, but now public sentiment everywhere has yielded this position, and no one questions that the maintenance of our harbors is a function of Congress. The harbor of New York is not the property of the Empire State, but of the country. Hampton Roads, in its magnificent area, is not the property of Virginia, but is the pride of every American. Galveston, with its enormous shipping and great tonnage, does not alone belong to Texas. In so far as these ports and others are useful for commerce, to this extent does every State in the Union possess an interest in them. Every burden upon interstate commerce in these ports, every obstacle to the freest movement of steamers and vessels should be removed, and every encouragement for their use by American shippers should be afforded. Commerce can and should be as free as is consistent with safety.

If these burdens in the way of pilotage regulations imposed under the authority of any State are not only unnecessary, but the charges are extortionate and are harsh and inconsistent, and particularly if they foster a monopoly, then the necessity for Congressional action is imperative. I think that all of these onerous conditions exist at the several ports between Cape Henry and Galveston, and in a more or less drastic form.

Mr. BRANTLEY. Will the gentleman from North Carolina yield for a question?

Mr. SMALL. Certainly.

Mr. BRANTLEY. Is it not true that the port of Wilmington, N. C., has abolished compulsory pilotage fees?

Mr. SMALL. Yes.

Mr. BRANTLEY. And that the change of the position of the gentleman on this question changed with the action of the port of his State?

Mr. SMALL. I will answer the gentleman.

Mr. BRANTLEY. If the gentleman will pardon me, I want to ask another question in that connection. Is it not true that following the declaration that Wilmington is a free port its lumber business in a large measure got away from it, and has been away since it has been a free port? Then I want to ask the gentleman further if abolishing compulsory pilotage in Wilmington has resulted in giving this port an advantage over every other southern port that has not abolished pilotage fees, why isn't it for the interest of Wilmington to have this bill defeated and compulsory pilotage maintained at the other southern ports?

Mr. SMALL. Mr. Speaker, answering the question of the gentleman, I will say that Wilmington, N. C., is the principal port of my State, and that the legislature of North Carolina has made it a free port; but that was not the controlling reason which actuated me in coming to a belief in the merits of this legislation. It is not true that the coastwise trade of the port of Wilmington, either in lumber or any other commodity,

has decreased since it has become a free port, but upon the contrary there is evidence the other way, which has been presented, if I am not mistaken, to the committee.

Mr. LITTLEFIELD. Mr. Speaker, I can hand the gentleman a letter, if he desires it, to the effect that the trade has not fallen off.

Mr. SMALL. I would be glad to have it. There is evidence to the effect that the commerce of Wilmington has shown a healthy increase since these discriminations were removed from sailing vessels engaged in the coastwise trade.

Mr. LITTLEFIELD. There is a letter from the president of the chamber of commerce, which I hand to the gentleman.

Mr. SMALL. Yes; here is a letter which I will read. It is from Mr. J. A. Taylor, president of the chamber of commerce of that city, and is as follows:

THE WILMINGTON CHAMBER OF COMMERCE,
Wilmington, N. C., March 21, 1906.

Hon. CHARLES E. LITTLEFIELD,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to the minority report on the Littlefield bill, beg to call your attention to figures on page 78 purporting to represent the relative shipments from Charleston, S. C., Georgetown, S. C., and Wilmington, N. C., for the years 1904 and 1905, in which the Wilmington shipments of lumber to New York are represented as having fallen off more than 4,000,000 feet. This statement is intended to convey the impression that shipments received at New York are practically the total output of this commodity from Wilmington, and a lamer argument we can not well conceive. For your information, beg to say that the shipments of lumber from Wilmington for 1904 were 40,000,000 feet, and for 1905, 46,000,000 feet, and this notwithstanding that one of the principal mills was shut down for five months, due to a boiler explosion. It is estimated that lumber shipments from Wilmington for 1906 will exceed 60,000,000 feet, or an increase over 1904 of 50 per cent. New York no longer receives the proportion of shipments that it formerly enjoyed, and if the signers of the minority report had been as zealous in ascertaining facts as they were in putting forth a misleading argument they would never have appended their signatures to a report so easily refuted.

On this same page appears this clause: "Cause, reduced freight, as the freight always pays the pilotage." This is the conclusion of the argument and is the capstone to the contention that a free port suffers a loss of commerce. In the same paragraph the action of Wilmington in abolishing compulsory pilotage is represented as a short-sighted step on the part of a few grasping shippers. As a matter of fact, the Wilmington Chamber of Commerce, by unanimous vote, condemned compulsory pilotage, and the members of the chamber raised a large fund to prosecute repeal before the State legislature. The subscribers to this fund embraced, with three exceptions, every manufacturer and wholesale dealer in Wilmington.

For your further information I will state that ten pilots are now engaged in the business at this port, and the service is more satisfactory and efficient than it has been for more than ten years. There has not been a single disaster to shipping chargeable to the abolition of compulsory pilotage or to inefficient pilotage service, and the commercial interests of Wilmington are highly pleased with the results of the free port.

I hope that you will feel at liberty to use this letter in meeting the erroneous assumptions in the minority report.

Yours, respectfully,

J. A. TAYLOR, *President.*

I will state that the act of the legislature making Wilmington a free port took effect in March, 1905.

Mr. PATTERSON of North Carolina. Mr. Speaker, representing the Wilmington district, I would like to ask the gentleman if the statistics from the Department of Commerce and Labor do not show that there is an actual falling off in the shipments of lumber from Wilmington since it was made a free port, and if those statistics do not show an increase from Charleston and Georgetown?

Mr. SMALL. If the gentleman has any such statistics, he can produce them in his own time and then they can be answered. I have not any to that effect. I was but recently in Wilmington, and there I found among the commercial interests of that port a unanimity of sentiment in favor of a continuance of the law making the city of Wilmington a free port.

Mr. PATTERSON of North Carolina. I desire to say simply that those facts are so, and I tried to get from Mr. Taylor his explanation, but have not been able to do so—that is, as to the falling off.

Mr. LITTLEFIELD. What was the statement of the gentleman?

Mr. SMALL. The gentleman from North Carolina, my colleague, stated that the statistics of the Department of Commerce and Labor showed there had been a falling off in the coastwise trade since the city of Wilmington was made a free port.

Mr. PATTERSON of North Carolina. On lumber only.

Mr. LITTLEFIELD. May I ask if the gentleman questions the credibility of Mr. Taylor, who writes the letter which the gentleman from North Carolina [Mr. SMALL] has read?

Mr. PATTERSON of North Carolina. No; I do not, nor do I question the credibility of the Secretary of the Department of Commerce and Labor.

Mr. LITTLEFIELD. May I ask the gentleman if it does not embarrass him if he questions the intelligence and credibility of Mr. J. A. Taylor?

Mr. PATTERSON of North Carolina. Not at all. He is an honorable gentleman. He is in favor of this bill. Yet the largest shipper there is opposed to it.

Mr. LITTLEFIELD. That does not change the fact—the circumstance that these people are for or against the legislation.

Mr. SMALL. I will say to the gentleman that the shipper to whom he refers, the firm of Alexander Sprunt & Son, is engaged exclusively in the foreign trade, as I understand.

Mr. LITTLEFIELD. And they want the coastwise trade to pay to help them out in the foreign trade.

Mr. PATTERSON of North Carolina. Before the matter is closed I would just like to say that my own opinion about the falling off is that it is due to the destruction of our forests, and not because Wilmington is made a free port.

Mr. SMALL. I am obliged to the gentleman for that statement.

Mr. PATTERSON of North Carolina. That is my own opinion.

Mr. SPARKMAN. Mr. Speaker, I understand the gentleman to say that the State of North Carolina, through its legislature, made Wilmington a port of entry.

Mr. SMALL. A free port.

Mr. SPARKMAN. A free port, I would say; and that it did so because it evidently found that the foreign shipping was sufficient to sustain the pilot system there, I presume.

Mr. SMALL. I do not understand that that entered substantially into the reasons controlling the commercial interests of Wilmington in a movement for a free port.

Mr. SPARKMAN. Whatever the reason may have been, does not the gentleman think the balance of the Southern States or any State in the Union can also be trusted to do the right thing whenever the time comes for doing it?

Mr. SMALL. I will say, in answer to the gentleman, that the only possible merit in the opposition to this bill is the contention that it should be left to the State, and I think the time has come when the Congress of the United States, in the interest of interstate commerce and freedom of trade, should remove this discrimination against the coastwise trade.

Mr. HARDWICK. May I ask the gentleman a question?

Mr. SMALL. Certainly.

Mr. HARDWICK. I want to ask you this: Why will not the same argument made by my friend from Florida apply, and why did it not apply, to quarantine just as well?

Mr. SPARKMAN. I can answer that——

Mr. SMALL. Oh, the question of quarantine has been thrashed out, and a majority of this Congress has admitted that it was the duty of the United States to take jurisdiction.

Mr. BRANTLEY. What objection has the gentleman from North Carolina to allowing the State of Georgia to do as the State of North Carolina did, abolish compulsory pilotage at its pleasure and not at the command of the Government of the United States?

Mr. SMALL. Without reflection upon the Empire State of Georgia I might suggest that Georgia is not as wise as North Carolina and may not do it, and therefore the Congress of the United States ought to step in and free commerce from this restriction. [Applause.]

Mr. BRANTLEY. Will the gentleman let me suggest just there that if his State has been more wise, and you have got an advantage over Georgia, then why do not you keep it? Have you not made a mistake and want to pull us in the hole with you?

Mr. SMALL. I hope the gentleman will not think that in North Carolina we are so narrow we would withhold the benefits we are enjoying from the great State of Georgia and her ports. We are liberal in these matters and we wish to extend the benefit to every port of the country. Now, as to one question propounded by the gentleman from Georgia, my friend Mr. BRANTLEY. He intimated that the reason for my position at this time was because Wilmington was the chief port and a free port. I would not intimate that the gentleman represents the pilots of his ports. I would not represent that other gentlemen here, residents or representing districts which have ports in them in States which recognize compulsory pilotage, are representing their ports alone. I will give them credit for a wider range of vision in this matter than to say they represent their particular ports or particular section.

Substantially every reason which was adduced in favor of a system of compulsory pilotage at each separate port has been eliminated in the course of our commercial growth and in the extension of our domestic trade. Many beautiful sentiments have been written in praise of the heroism of the pilots as they brave the storms upon the ocean, seeking the luckless vessel and bringing her safely into port. Under the old conditions the pilots were desired by the masters and in stress of weather they were a necessity. But by no wild stretch of the imagination

can such sentimental reasons be advanced to-day in favor of the present system. Steamers are not required to take pilots and yet strange vessels frequently demand their services. The master and pilot of a sail vessel accustomed to trade with more or less frequency at the same port are just as well acquainted with the channel as is the local pilot. So that the arguments of the gentleman from Illinois [Mr. MADDEN] and several other gentlemen who have appealed to the sentiment of Members are dealing not with the present but with the past.

Let me illustrate some of the inconsistencies in the application of compulsory pilotage. At Cape Henry a sailing vessel entering Hampton Roads and bound for Norfolk or Newport News must take a pilot or pay the fee. If she is bound for Baltimore she is not so compelled, although subject to the same conditions, because Baltimore is a free port. If the same vessel is bound for Alexandria she must take a pilot, but if her destination is the city of Washington, just a few miles farther, it is optional. Can such inconsistencies be explained?

Again, a practice exists at Cape Henry, and I believe to the same degree substantially at the other ports where pilotage is compulsory, by which an annual license for a consideration is issued to a vessel, and which relieves such vessel from the necessity of taking a pilot during the life of the license. Mind you, the license is not to some skillful and intelligent pilot on the sail vessel, but it is issued in the name of the vessel itself. It is, therefore, a fair inference that at least one purpose of compulsory pilotage is to raise revenue for the pilots rather than to protect shipping or conserve the interests of the port.

It has been said in this debate that the object of this legislation is to benefit owners of sail vessels in the State of Maine. I am unwilling to believe that none of the sail vessels engaged in trade with the South Atlantic and Gulf ports are owned by the southern people, but if every such vessel was owned in the State of Maine such fact would not justify unnecessary discrimination against and unnecessary exaction upon such vessels engaged in the trade. These vessels are the instrumentalities of commerce, and are not only entitled to freedom of movement, but every dollar extorted from them is necessarily added to the freight charges and is paid by the southern owner of the lumber or cross-ties or other material so transmitted by them. It was said by one gentleman, Mr. BRANTLEY, I believe, that this bill was intended to put money in the pockets of a few individuals—referring to the vessel owners. This was an unfortunate allusion. The representative of the pilots stated that this legislation would not affect more than 1,000 pilots, and there was evidence before the committee to the effect that the number would not exceed 130. It has been shown that wherever a compulsory pilotage system exists that the number of pilots is limited; that they are well organized; that they receive large incomes, and it is well known that they have maintained at this capital one or more intelligent and distinguished representatives to protect their interests. Evidently it can be said upon the best authority that those opposed to this legislation are seeking, perhaps unconsciously, to maintain a profitable monopoly at a few ports.

May I call attention to another form of discrimination? The kind of vessel which has more than any other revolutionized water-borne trade and reduced the cost of movement to a minimum is that of barge transportation. Therefore every encouragement should be afforded, and yet a tug entering the harbor from Hampton Roads with a tow of, say, three barges, need not take a pilot, but each barge is compelled to accept a pilot or pay the fees for an annual license. How can this be justified?

We have heard in this discussion some panegyrics upon labor. It is said that the pilots belong to the American Federation of Labor, and that this fact may prejudice this bill. How the pilots under modern conditions come to be associated with any labor organization is one of the unfathomable mysteries. At least a goodly portion of them sit in comfortable offices and collect the vessel licenses, with occasional visits to their State capitals while the legislature is in session in order to relieve the monotony of the daily grind. Instead of being laborers, they resemble more the traditional lily, "which toils not, neither does it spin." If I had authority I should at once institute an inquiry in order to ascertain how these pilots were mustered into the ranks of labor, and I am sure some skillful legerdemain would be discovered.

If compulsory pilotage is necessary, then who should be in favor of it? I should say that the vessel owners would favor the system for the protection of their property. I would say that the owners of the cargoes of such vessels would advocate it. I would also suggest that the marine underwriters would be zealous friends of the system. But in all the hearings before that committee I have seen no evidence that any one of these interests was opposed to this bill, but, on the contrary, they are advocating its passage.

Fortunately, I represent my own constituency in the position I have advocated. Millions of feet of lumber are manufactured in eastern North Carolina, and large quantities are shipped to Norfolk and there transferred to sail vessels or barges and thence transported to Philadelphia and other northern ports. I think every manufacturer and shipper of lumber in my Congressional district has written to me asking me to support this bill. They are not interested in maintaining the compulsory pilotage system at Cape Henry, and they realize that its maintenance imposes upon them an unnecessary exaction.

Mr. Speaker, I have endeavored to consider this legislation alone from the viewpoint of public duty. I am sorry that many of the southern Members and Democrats differ with me. I yield to no man in loyalty to the South and to the tenets of the Democratic party, and in supporting this measure I make no sacrifice of either. Whenever I can do so consistently and in the line of duty I stand for that legislation which makes for commercial growth, for industrial activity, and for the development of the rich resources of the South. Any legislation which tends to freedom of commerce, which increases the number of vessels engaged in our coastwise trade, and which lightens the cost of transportation will tend to increase our prosperity. Obstacles may temporarily be thrown in the way, but in the march of progress they will ultimately be removed. [Applause.]

Mr. BRANTLEY. Mr. Speaker, by direction of the gentleman from Kentucky [Mr. SHERLEY], I yield ten minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, I shall not undertake in the few remarks which I shall submit upon this bill, to go into details. That would be impossible in the short time I am allowed. While no one questions the authority of Congress to deal with this matter, the fact remains that ever since the formation of the Government Congress has deemed it wise not to interfere with the States along this line. This bill has been presented at almost every Congress for possibly thirty or forty years, and the Congress has never seen fit yet to take from the States the control of this subject. Why should Congress do so now? What particular reason exists now for this bill? Who is demanding the passage of this bill? Not the people at interest; not those of the States where these ports are located, but the cry for the abolition of compulsory pilotage by Congress comes from the shipowners of the State of Maine. Now, Mr. Speaker, if this bill should pass it would absolutely destroy the pilotage system of the State of Florida, which I in part represent upon this floor. A bill to repeal compulsory pilotage has been repeatedly introduced in the Florida legislature, and it has failed of passage every time, because our people recognize that the commerce from foreign nations coming to our ports is so exceedingly small that it could not possibly maintain an efficient pilotage system in any of those ports. There is another thing that gentlemen should remember. The channel in southern ports, particularly with us, is constantly changing on account of the shifting sands. They are not like the ports of rock-ribbed New England, that remain the same all the time, and it is absolutely essential that pilots thoroughly familiar with the channel should be on hand to guide these vessels safely into and out of our ports. It is necessary in the interest of human life, it is necessary in the interest of the preservation of property; and, I say, Mr. Speaker, that the saving of one human life, the saving of one human being, is worth more to the country than every dollar that these shipowners would be taxed.

I want to say, too, Mr. Speaker, it seems to me that the main reason assigned for the necessity for this bill is the fact that there have been some acts of injustice somewhere. Here and there isolated wrong has been perpetrated; here and there instances of hardship upon some shipowner have occurred. That does not demand the abolition of the law; that does not demand the destruction of the system. It ought to be regulated; its inequalities and injustices ought to be cured; but it does not demand the entire abolition of the system and the denial to the ports of my State of the right to maintain a pilotage system. Why not do with Florida as has been done with the State of North Carolina? Let us go on under this system until our foreign commerce has reached that point where we can voluntarily abolish it, as they have done at the port of Wilmington; and it will be abolished whenever our foreign commerce reaches such a volume as to maintain an effective system of pilotage in our ports.

This pilotage system as we have it, too, Mr. Speaker, is a great aid to us in matters of quarantine. The pilot, I say, is always, as has been so eloquently said by the gentleman from Georgia, outside. He is the first man who comes into contact with a vessel seeking entrance into our ports. If there be any disease on board he discovers the fact before the vessel enters our port. He discovers and reports that fact, and it is valuable

to the quarantine system. Mind you, Mr. Speaker, there is no demand in my State for the passage of this bill. It is true that some gentlemen have sent telegrams to the committee, and so forth; but the sentiment of the people, the overwhelming sentiment of the people in my State, is in opposition to this bill.

Probably the largest shipper at Jacksonville, which is the largest city in my State and in my district, is the Cummer Lumber Company, people who represent over $2,000,000 in lumber, turpentine, and other interests, and they are absolutely opposed to the passage of this bill. In 1905 I believe they sent a telegram here supporting it, but last winter the Cummer Lumber Company put themselves on record as opposed to this bill and are anxious that it be not passed by Congress. So I say there is no demand there for it. The only demand comes from the shipowner of Maine. The only demand comes from him, and only to save a few dollars, regardless of the danger to human life, regardless of the danger in the destruction of property, and regardless of the rights of labor in this country.

Mr. HUMPHREY of Washington. Will the gentleman permit a question?

Mr. CLARK of Florida. Certainly.

Mr. HUMPHREY of Washington. Is the gentleman able to show where there has been any loss of life or any injury to the vessels that have gone in and out of these ports without a pilot?

Mr. CLARK of Florida. I will say to the gentleman that I can not state from memory, but I know there have been a good many.

Mr. HUMPHREY of Washington. That challenge was made before our committee to those who oppose this bill, and it was shown that not a single vessel was injured, not a life was lost, and no danger to property happened on any vessel out of the thousands that had gone in and out of these ports without a pilot; and yet to-day the gentleman is opposed to the passage of this bill, as he says, in the interest of the protection of life and property. I fail to see what basis the gentleman has for his argument that it is for the protection of life and property, because the testimony shows that where they employed pilots there were lives that were endangered and vessels that were injured.

Mr. CLARK of Florida. I do not doubt the gentleman's statement; but, Mr. Speaker, I oppose it upon this proposition—that the pilot living at the port, there every day and every night, knowing every possible change in the channel, is bound to know more about it than the pilot upon a vessel coming into that port once a year.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. Will the gentleman allow me to ask him one question?

Mr. CLARK of Florida. I will if I have the time.

Mr. SHERLEY. I yield five minutes more to the gentleman.

Mr. HUMPHREY of Washington. Suppose, as in the case of Norfolk, where a pilot never leaves the shore, and only sits in his office and collects the pilotage, and as has been shown by the evidence before the committee, that there has not been a pilot on a sailing vessel in that port in eighteen years, how do they learn it by simply sitting in their offices ashore and simply collecting the revenue?

Mr. CLARK of Florida. I presume the gentleman who represents the Norfolk district can take care of that. I am speaking solely for my own constituency, and I know that at the port of Jacksonville and Pensacola and other Florida ports there is a body of pilots inferior to none in all this country and true to their trust. They do not sit in carpeted offices and draw a salary, but in sunshine and in storm the Florida pilot is outside of the bar seeking only to assure to property and to life a safe guidance into the port; and I say to the gentleman again that I know that so far as our own pilots are concerned—the Pensacola pilot and the Jacksonville pilot and the other Florida pilots—they know more about our own ports in a minute than the pilots on one of these Maine schooners will know about those ports in forty years, because they stay out there.

Mr. HUMPHREY of Washington. Will the gentleman allow me to ask him one more question?

Mr. CLARK of Florida. Certainly.

Mr. HUMPHREY of Washington. After the eloquent eulogy you have pronounced on the pilots of Florida, will you please explain why, under the pilotage system of Florida, they charge American vessels three times as much for the same service as they do to the foreign vessel at the same port?

Mr. CLARK of Florida. Mr. Speaker, I said at the opening of my remarks that there might be occasions where injustices or wrongs have been done, but I stand here to urge these gentlemen to correct it. But because there is one wrong or one injustice, because here and there you can point out one individual act of injustice, do not destroy the whole system that means so much to us.

Mr. LITTLEFIELD. May I ask the gentleman a question?

Mr. CLARK of Florida. Certainly.

Mr. LITTLEFIELD. It appeared before the committee that the acts of injustice and discrimination were repeated and continuous, and that as a matter of fact there was more discrimination than there was regular treatment. Now, why not join with us in wiping out the system that renders that kind of conduct possible?

Mr. CLARK of Florida. If the gentleman wants to wipe out systems that are objectionable, where injustice creeps in and wrong is triumphant, then why does not the gentleman join with me to adjust the inequalities of the Dingley bill? [Applause on the Democratic side.]

Mr. LITTLEFIELD. "The gentleman from Maine" will be perfectly ready to debate that interesting proposition with the gentleman from Florida at any time when the occasion arises, but that does not answer my question.

Mr. CLARK of Florida. All right. The gentleman is now talking about existing wrongs.

Mr. LITTLEFIELD. Is that all the answer the gentleman can make to my question?

Mr. CLARK of Florida. I say to the gentleman from Maine that I am ready to do my part in aiding him to wipe out any inequality that may exist, but I am not willing to destroy a system that has done so much for us and promises so much for us in the future. This Congress ought not to treat us differently from the way in which they have treated the other States of the Union. They have waited upon them all to abolish compulsory pilotage when their foreign commerce justified it. They waited upon North Carolina until such time as their foreign commerce justified it. When ours reaches that point we are ready to join hands with the gentleman from Maine in repealing compulsory pilotage. [Applause.]

Mr. SHERLEY. Will the gentleman from Maine use some of his time?

Mr. LITTLEFIELD. I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, in 1896 this bill was pending in the House of Representatives, and for a reason which I gave at the time I voted against its passage. Eighteen hundred and ninety-six was a time of starvation, and it was represented to the House of Representatives that if we should abolish this subsidy, or whatever else you may call it, one hundred and twenty-odd pilots and their families would suffer during the coming winter. I made a speech in opposition to the bill, putting it upon that ground, and asking, in reply to the pressure made by Mr. Dingley, that he postpone the passage of the bill until a better condition should justify the action of Congress. From that day to this, and, indeed, going back to 1892, every Administration of the Federal Government, through its proper officer, has appealed to Congress to repeal this discriminating charge. Now is the first time since 1896 that a bill has been presented before the House for its passage. At the time of the original discussion of this matter there was not the condition that exists at the present time.

It is a most astonishing thing that which we have here disclosed. First, every business man in the great cities of the South who has spoken has appealed for the passage of this bill. I am amazed to hear the gentleman from Jacksonville [Mr. CLARK of Florida], whose home is in Jacksonville, speak in opposition to this bill, when apparently as many business men as there probably are in the city of Jacksonville have appealed for its passage, and their names are signed to the memorial to Congress.

It is a new development in commercial trade that there shall be handed over to a little organization of men the power to license or refuse to license the shipping of the American people. The long lease of power that this little coterie has had has emboldened these men until it now appears that in more than a majority of cases they never touch the wheel of a ship, and in very many cases they never go on board the ship. They sit there in an organized body and issue licenses by the year to the owner of a ship or a half dozen ships. They say to him, "It is very true now, you have your own pilots. You understand how to come into these ports. Give us so many dollars, and you need not take a pilot at all." If there is any gentleman here who wishes to question that, here are the receipts for money and here are the statements of the men themselves that they do not go on board of the ships. They simply issue to the owners of the ship a permit for a year, for $500, $300, or $200, and the owner of the ship makes his own arrangement for the piloting of the ship, but pays this tribute to this organization. What do you call that? What would that be called

in these days of "muck raking?" An honest man with a cargo going into the port of Norfolk, attempting to enter the James River, is charged a percentage of his cargo in value, and sometimes the majority of the profit of his cargo, in order that he may sail up that harbor, and furnish his own pilot. He takes a receipt for the money, and in that receipt they say that they did not go aboard of the ship, but "spoke her." "Spoke her!" In other parlance, they "touched" her. [Laughter.] From Norfolk to Eastport, Me., there is no such condition, there is no such charge. From the north coast of the Pacific, clear down to the extreme southern part of California, there is no such condition. It is just this little piece of property down there that is just now coming here and asking the Government of the United States to loan them $1,000,000 to run a show down there, so that their pilots can "touch" every vessel that comes into that show. [Laughter and applause.] We will cross that bridge when we come to it.

What is there that justifies this condition? North Carolina and the whole business men of Florida protest against it. Here they are by hundreds, representing millions and millions of dollars of property; here they are asking Congress to take off of their commerce a burden that is not the slightest benefit to them.

The very eloquent gentleman on the other side who talked about the pilots being out there to save property and save lives does not undertake to say how it happened that they themselves certify over and over, continually, from the beginning of the year to the end of it, that they simply charged the ship and did not go aboard of her at all.

We spend millions of dollars making the harbors of our coast easy of access; we spend vast sums of money to dig out the obstructions of our harbors; we spend vast sums of money to light our harbors, and we have got these harbors. Take the harbor of Norfolk. Is there any necessity for any especial skilled pilot to steer a ship into the harbor of Norfolk? Does anybody suppose that they could make the masters of these vessels, southern men, men who have built up this business in that harbor—convince them of the necessity of having a special pilot when the captains can go into these harbors at any hour of the day or night with absolute safety under the light and with the depth of water that is furnished them by the Government?

Why, Mr. Speaker, there is no excuse for this tax. It is a distinct tax and burden for nothing. What other occupation in life is there that compels a man with his little schooner, with no life on board of it, perhaps, that is not as skilled as the pilot himself, to pay a tax for the privilege of entering one of the harbors of the United States? For the credit of our country be it said that it affects no place north of the harbor of Norfolk and no place on the great Pacific coast, including the dangerous entry to Columbia River and of all the other rivers and harbors along the Pacific coast. It exists nowhere else than in these few ports that are entered by the commerce I have spoken of.

Take the harbor of Galveston, to-day second in importance of exports to the greatest in the United States; second only to New York in its export trade. Do they require in that magnificent harbor that has cost this Government untold millions of dollars—do these shipowners require that there shall be put upon that sailing vessel skilled men? Who is interested in saving the lives on board ship so much as the owner of the ship—who next to him but the captain and the men who are handling the ship itself? The whole of this, Mr. Speaker, is an unnecessary burden upon this commerce, and if gentlemen want to see how heavy it is, take this report and read it and you will find that many a ship loaded with the products of industry of laboring men has been taxed more than one-half of the profits of the three weeks' trip in order that they may sail into a harbor, and no pilot ever touched a wheel on the ship. [Applause.]

Mr. SHERLEY. Mr. Speaker, I now yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I represent a district that nowhere touches the coast. I have no pilots in my district and no shipping interests, but we are very much interested in commerce. My district is one of the largest manufacturing districts in the South. We ship a large amount of the products of our manufactories abroad. We are interested in foreign shipping, and I am going to vote against this bill, because I believe it will interfere with our commerce, exactly for the opposite reason that the gentleman from Ohio [Mr. GROSVENOR] says he is going to vote for it. I say to this House that I believe we in Alabama are better able to judge what will advance or improve or foster the commerce of Alabama than some gentlemen living in some other State. From Fort Morgan, at the mouth of Mobile Bay, to the port of Mobile is 18 miles. It is a channel where it is absolutely necessary to have a trained pilot to bring a ship from Fort Morgan to Mobile. It is true that a great many of these coastwise vessels engaged in the trade up and down the coast have men or masters aboard them who are thoroughly trained and thoroughly competent to bring a vessel through the channel at Fort Morgan and carry it to Mobile Harbor without any danger, with perfect safety to the vessel, but when foreign vessels come from foreign ports to Mobile to receive the commerce that the State of Alabama carries there to have taken abroad in these ships, of necessity they have no pilot aboard or master or captain who can steer that ship from Fort Morgan to Mobile city and deliver it in safety. Therefore unless we intend to abandon our foreign commerce entirely it is necessary for us to maintain the pilotage system. Now, how can you do it? The custom the world over has been to charge the vessels that come into a port the fees for pilotage, and our people who are on the ground, who understand the situation, who know the amount of commerce, are maintaining this system of pilotage of all vessels coming there, because they find if we only charge pilotage on the foreign vessels at the rate we are charging to-day we would not get enough in return to support the system, and if we charge enough on the foreign vessels to support the system without maintaining the tax on the commerce between the States, on the coastwise trade vessels, then the tax would be so great on the foreign vessels that we would drive the foreign ships away from our harbors. I can say to you that I have no personal desire in the matter to maintain a system of compulsory pilotage, but I do want to maintain a system that will let foreign ships come into our port and carry our iron and steel and cotton to the foreign markets of the world, and I believe that if you pass this bill and take away the right to tax the coastwise vessels for pilotage, you will put the pilotage fees so high on the foreign vessels that you will drive many of them away from southern ports, and thereby prevent us from engaging in that share of foreign commerce that we are entitled to. Therefore I shall not support the bill.

Mr. SHERLEY. Mr. Speaker, I now yield five minutes to the gentleman from Florida [Mr. LAMAR].

Mr. LAMAR. Mr. Speaker, I shall vote against this bill because it is both unnecessary and unjust. If the gentleman from Maine [Mr. LITTLEFIELD] desires to prevent discrimination, excessive charges, and injustices on the part of the pilots against shippers or the shipping trade, if any there be, then let him introduce a bill here to correct those excesses and limit those tolls and not destroy at one fell swoop the entire system, built up with the approbation of the American people. I remember that upon the attempt on the part of this House to regulate railway extortionate and discriminatory rates the gentleman from Maine [Mr. LITTLEFIELD] was not so zealous in behalf of that bill as he is here in protesting against an alleged injustice done to American shipping by pilots of my State or of any other State.

Mr. Speaker, the bill is unjust from the simple fact that it destroys at one fell swoop, as it were, the property rights grown up under this system with the approbation of the American people. It has been said by the Supreme Court of the United States that the services of a pilot is as necessary to the vessel as are the services of the captain and the crew. That has been the sentiment of the American people, and to destroy it at one blow, as it were, without notice, is unjust. Will the House stand for an unnecessary act? Will it stand for an unjust act? Mr. Speaker, the men who will suffer if this bill is passed are the laboring people of the country. I have no disposition to twit the distinguished gentleman from Maine [Mr. LITTLEFIELD]. He is just out of a tilt with the American Federation of Labor. He is "still in the ring," and I shall not even suggest that he came out of that tilt "a little disfigured;" but this bill comes upon the meeting of this Congress early, swift upon its convening, and the gentleman is just out of a serious collision with laboring men, not only in his district, but all over the country.

I would not do the gentleman the injustice to suggest that the rapidity with which this bill comes forward at this time might spring, even in the slightest, out of feelings engendered by that conflict, but I will say that, holding the views that the gentleman does with regard to the propriety of this bill and its justice, it may be that his advocacy of it is accentuated a little by the scars of that conflict, recent as it has been. The gentleman from Maine, I repeat, was more solicitous, from my understanding of his words upon the railroad rate bill, to preserve those powerful discriminatory corporations from regulation by law than he was to enforce upon them the remedial statutes that this Congress finally stood for. The success of his efforts on the railroad rate bill would have been to relieve those powerful corporations from regulaton by law of a strin-

gent character. But he comes here with a piece of legislation that is aimed, not at powerful corporations, but at defenseless laboring men. The American Congress in its decision between the large and powerful shipping interests of this country and the laboring interests should hesitate before it passes this bill. Not only because those interests are laboring interests, but because those interests are poor, and hence they are not capable of withstanding the immediate effect of this crushing piece of legislation, which breaks down their means of livlihood at one blow, which destroys all the property accumulated for years past by the sanction of American public sentiment. I shall vote against the bill.

Mr. SHERLEY. I will ask the gentleman from Maine to yield some of his time.

Mr. LITTLEFIELD. I yield ten minutes to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, those of us who live in the interior of the country are not concerned as to this measure in whatever way it may affect the interests of the pilots on one side or vessel owners on the other. We are really interested only as it may affect the broad national interests or the national commerce, and it is because I do believe it does affect both that I want to be recorded by my vote and by my voice in favor of the passage of this bill. It is a matter of national policy nowadays to have the interstate and foreign commerce—the commerce of this country—controlled by the national authority, and unless there be the very strongest reason and necessity for State control of any portion of it, the national authority and regulation should prevail. I have had the honor to serve six years upon the Committee on Merchant Marine and Fisheries. In my youth I lived upon the Atlantic coast and know something about maritime conditions, and from my experiences I believe that the present system of pilotage in the South, the system of compulsory pilotage, is not necessary for the protection of life and property entering those ports. If it is not absolutely necessary for State systems and control, then the general national policy of Federal control of these maritime matters should prevail. It is the only safe, fair, and progressive method of doing this business. Unquestionably the present system of compulsory pilotage under State laws is a burden upon interstate commerce, and wherever it interferes with the free movement of commerce, wherever it is an unnecessary or an unjust charge upon national commerce, Congress should remove the burden, and remove it by the enactment of just such a bill as is now before this House. The present system of compulsory pilotage also causes the grossest discriminations against the most helpless class of our maritime traffic. Under the act of 1871 ships propelled by steam were removed from the payment of compulsory pilotage in the South, leaving the whole burden of maintaining this system upon the sailing vessels and vessels in foreign trade; and if there is any one class of business that needs protection, if there is any one class of business that needs encouragement by this Congress and by the country, it is the sailing vessels of the country. Nearly every maritime nation in the world protects and encourages and develops sailing vessels in their various nations. It is by means of these sailing vessels that real sailors are made. They are the nursery for the sailors of the Navy; they are the nursery for the real protection of our country and our coasts, and it is a matter and should be a matter of broad national policy to encourage the building, encourage the maintenance, encourage the operation of sailing vessels. Now, the present system is the worst kind of discouragement, the worst kind of discrimination against sailing vessels. It discriminates against them by placing a burden on them and not on their competitors; it takes away a large portion of their earnings to support a worthy class which should be borne by the whole shipping interest or not borne by any class. For that reason, as a Member from the interior, as one who is only interested in the broad national aspect of this question, I am in favor of giving sailing vessels an equal chance with steamships on our southern coasts. It is objected strongly on this floor that this compulsory pilotage system should be continued as a matter of safety.

In the State from which I came originally they have as rocky coasts, as forbidding harbors, as hard conditions of navigation as in any part of the world, and yet they do not have compulsory pilotage there and do not need it. They have but little foreign commerce with which to maintain any kind of a pilotage system and do not need it. The conditions in the South are easier than they are on the Atlantic coast, and yet the system of doing business there is the worst sort of discouragement to those interests of navigation which ought to be fostered by this Congress and by the country. For these reasons, as a Member from the interior, I am strongly in favor of the passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. LITTLEFIELD. Mr. Speaker, how much time did the gentleman from Minnesota [Mr. STEVENS] have left?

The SPEAKER pro tempore. Five minutes.

Mr. SHERLEY. Mr. Speaker, I yield ten minutes to the gentleman from South Carolina [Mr. LEGARE].

Mr. LEGARE. Mr. Speaker and gentlemen of the House, I am very glad that after struggling for a number of years over this matter it has at last been brought into the House, where we can settle it definitely, squarely, and for all time. In discussing it, it is necessary for me to first call your attention to the fact that it is absolutely nonpolitical and nonpartisan. No branch of the National Government is asking for this legislation, no body or set of men in any part of the country are coming before you and asking for this legislation, but to the contrary, so far as I can ascertain—and believe me, gentlemen, I have followed very carefully this question for the past four years—so far as I can ascertain this bill originated with one particular individual or firm of shipowners of which he is a member, one who has followed it closely year in and year out, and one whom I heard say in the presence of the members of the Committee on Merchant Marine and Fisheries that he was the controlling owner of more than 100 sailing vessels—a Mr. Pendleton. In other words, gentlemen, you are called upon to settle a question not asked for by the Administration or by any part of the Administration, or by any one single set of men or individuals, but rather a movement which has been instigated, fought for, and lobbied for by a single firm of shipowners.

You must first understand the nature of this business and the reasons why those of us who stand here to-day representing southern ports are asking you to kill this bill. You have been led to believe that a pilot is practically a nabob who sits in his office and draws an enormous salary without doing service for it.

Gentlemen, I want to tell you that that is absolutely untrue. I am speaking now for the port of Charleston, there where we have in the neighborhood of twenty pilots, there where every commercial organization and body of business men have signed a petition asking that this bill be killed; and I am telling you not what I heard some one say before the committee, not quoting evidence delivered there, but I am telling you what I know to be absolutely true, because I took the trouble to go upon the high seas with these men and to stay with them in their pilot boats—morning, noon, and night, in clear weather and in foul—to study this question and to know whether those people in whose behalf I am speaking here to-day were doing right or wrong, and whether they were violating the law or whether they were applying it honestly and conscientiously.

In order to explain the service which they render, let me say to you that they have a sailboat, a two-masted schooner, and that vessel is required to stay at sea and look out for incoming vessels morning, noon, and night, and that they are always on watch—always on guard. Not only that, but they make soundings of our channel every day, week in and week out. Each day they drop their lead lines and make new soundings, and thus keep thoroughly posted as to the shifting of those sandbar channels in order that they may be able to safely deliver a vessel into port. I have been with them at sea when the wind was blowing a gale. I have seen a vessel coming in, when they would take a pilot and place him in a little skiff, and taking the skiff at both ends, pitch it absolutely into the sea in order that he may get aboard of the incoming vessel, take hold of the wheel, and carry her safely into port. At no time is that harbor left unprotected.

Now, it may be true that the gentleman from Maine [Mr. LITTLEFIELD] needs no pilot. It may be true that in the northern part of this country they need no pilot. Why? Simply because they have a magnificent harbor, a rock-bottom channel, a channel which never shifts and which is the same to-morrow, next day, and next year. With us, gentlemen, it is different. My friend the gentleman from Ohio [Mr. GROSVENOR] spoke of the enormous amount of money spent for improvements by the United States Government in order to deepen, to widen, and to expand these channels. That is all true, and it is all the more necessary, therefore, I say to you, that we should guard what the Government has done. The time is not yet ripe when we can abandon those channels.

It is necessary at this time, until these channels have been further widened and completed, and not until completed can we say to any and every vessel, "Come into the harbor and you do not need a pilot;" but at the present time if a vessel grounds in my harbor and goes down there, and the sand piles up higher and higher, that harbor is forever blocked and barred. They have an instance down there now, where in cutting a channel they struck in their dredging an old schooner that had sunk there many years ago. They blew it up without any effect.

They did everything in their power to get that schooner out of the channel and make a clear channel there, but failed, and she lies there to-day, and they were finally compelled to change the course of the channel. They were compelled to go around the schooner in order to make that channel.

Now, then, gentlemen, I say you run a danger if you remove this pilot system, if you abolish the pilots, if you take them away from our ports by the passage of this law. If, in time, a vessel shall go down there the hundreds of thousands of dollars that have been spent by the United States Government will have been wasted.

Much stress has been laid on the fact that there has been discrimination between American and foreign vessels by the pilots. I want to say to you gentlemen that that was an individual case. I want further to say that if I knew there was discrimination by the pilots of this country between foreign vessels and vessels carrying the United States flag I would vote for this bill, although I knew it would destroy commerce in my community. But this is an individual case solely and simply. There is a wrong done there. There is crime committed in every association, in every profession, in every body and class of men. Lawyers often commit wrong and violate the law. Even in law-making bodies we find men who violate the law. But they have ferreted out one or two instances of wrongdoing on the part of the pilots, that which the pilots themselves, or a large majority of the pilots, are opposed to, and they astutely come into this House and say that this great wrong has been committed, hold it up to you to arouse your patriotism, your prejudice, and your enthusiam by telling you that they are discriminating in favor of foreign vessels. Gentlemen, as a matter of fact that is absolutely untrue, except in this individual case, which was ferreted out and corrected.

I understand that the gentleman from Wisconsin [Mr. MINOR] has spoken in favor of this bill and enthusiastically urged its passage. I want to say to you, gentlemen, that this fight has been going on for years, and up to the last session of Congress the gentleman from Wisconsin [Mr. MINOR] was one of the strongest opponents of this bill. I want to read the report made in 1900 by the gentleman from Wisconsin [Mr. MINOR]. I want to quote some language that he then used to you. In fact, I can use no stronger language, I can use no better language, I can use no stronger logic and reasoning to you as to why this bill should not pass than the very language of the gentleman from Wisconsin, who was opposed to this bill up to one year ago. In making his report he said:

> Under the fostering care of the several States, by virtue of the recognition by Congress of the pilotage laws thereof, a system of pilotage has grown up that is almost perfect. The pilot laws of the several States will be found in the report of the Commissioner of Navigation for 1885 (Treasury Department Document No. 756), and a most cursory examination of these laws will demonstrate that all that human ingenuity can devise has been devised to render the pilots what they should be, viz, competent, capable, painstaking, careful men, thoroughly acquainted with their respective bars and harbors, able to navigate, without danger or risk to the lives and property intrusted to their care, all vessels seeking to enter or leave their respective ports.

This fell from the pen of the gentleman who addressed you in favor of this bill this morning. He went on to say:

> The charts issued by the Coast and Geodetic Survey, while probably correct at time of issue and publication, become uncertain and unreliable—

And, gentlemen, that is true. It was true then when the gentleman from Wisconsin wrote it, and it is true to-day—

> The charts issued by the Coast and Geodetic Survey, while probably correct at time of issue and publication, become uncertain and unreliable in those sections of our common country where the bars and channels are of sand, which is constantly shifting and changing by reason of the force of tides and wind.

He says that—

> A sand bar is constantly changing, and the only protection to lives and property in navigating thereover is the accurate knowledge of the condition thereof, acquired by constant soundings and observations, which are by the several State pilotage laws required to be made by the pilots.

He also says:

> Under the pilotage system as it now exists the pilots constitute the coast guard necessary to commerce, and in addition thereto they always cooperate with the quarantine authorities in maintaining efficient quarantines, to the great benefit of the public health. This cooperation and the value thereof have at all times been recognized by the Marine-Hospital Service.

He goes on to say—

> This bill—

And mark you, gentlemen, what he said then is true to-day. It is the same bill, almost in the same words, and he tells you that—

> This bill proposes to destroy this system and to take the control of this important service from the hands of those most interested in its efficiency, by whom it has been brought to its present satisfactory condition—

Listen, gentlemen, to what the gentleman from Wisconsin said then—

> and to confide it to those who, whatever ability they may have in other respects, can not be said to have had any experience whatever with the duties and requirements of this important service.

Mr. LITTLEFIELD. Mr. Speaker, will the gentleman allow me a moment?

Mr. LEGARE. Certainly.

Mr. LITTLEFIELD. Will the gentleman be kind enough to give the date of that report?

Mr. LEGARE. 1900. The gentleman from Wisconsin [Mr. MINOR] signed a similar report in 1896. This is the language that he used in 1900.

Mr. LITTLEFIELD. Did the gentleman hear the statement made by the gentleman from Wisconsin [Mr. MINOR] giving the reasons why he had changed his views in connection with that matter?

Mr. LEGARE. Well, I suppose the gentleman had to give some reason.

Mr. LITTLEFIELD. I beg the gentleman's pardon. I simply asked if he had heard the statement of the gentleman from Wisconsin.

Mr. LEGARE. I did not listen very particularly.

Mr. LITTLEFIELD. Well, that is all, if the gentleman did not listen.

Mr. LEGARE. I suppose the gentleman from Wisconsin had to give some reason, but it does seem to me that it would take a very strong reason——

Mr. BARTLETT. Better reasons than he gave.

Mr. LEGARE. It will take a very strong reason to change, in this short time, from that report and to advocate exactly the opposite position. Not only that, Mr. Speaker and gentlemen of the House, but I believe that, no matter *what reasons* he gave here to-day, the reasons that he gave in the report from which I have quoted are stronger and better than the reasons given here to-day. [Applause on the Democratic side.] He goes on to say:

> Is it not safer to continue this important matter in the hands of those who have successfully built up the system which is conceded to yield the best possible results, a system which has been evolved in the past one hundred years until to-day it is almost perfection?
>
> "*Perfection*," gentlemen!
>
> Local pride in a matter of such great importance is a powerful factor. Every seaport desires to be known not only as a safe port, but as having a safe entrance, competent pilots, and low port charges. This reputation is essential to the prosperity of each port, and the history of the operation of the pilot laws of the several States demonstrates that in the hands of the local authorities the best results have been and are obtained.

Now, then, we are not asking much of you to-day, gentlemen on the other side of this House. We of the South have had almost half a century of hard times and struggle in our effort to forge to the front once more. We have gradually built up and prospered. To-day we are in such shape that we are taking care of our commerce to our satisfaction, to your satisfaction, to the satisfaction of this entire Union. I stand here backed by every business man of any consequence and every commercial body in my town and in my district, and I say to you that we do not want this bill to pass. I say to you that down there in the State of South Carolina we know best what we need. Believe me, we are not going to turn ships away from our ports. Believe me, we want them there. We are struggling to bring them there. We know better than you know what we need down there. [Applause.]

[The time of Mr. LEGARE having expired, Mr. SHERLEY yielded to him five minutes.]

Mr. LEGARE. We know better than you know what we need down there. We are studying these matters and are in touch with them from day to day.

Our legislature passed upon this particular matter. We are yearly framing laws to govern this matter, and from time to time we have made pilotage lighter through our laws. In time, gentlemen of the House, we will take away the pilotage, but let us be the judges. Do not come down there and try to crush any enterprise that we are trying to build up. That is all we are asking of you.

I want to say that, as a matter of fact, I can better give an exact summary of the reasons why this bill should not pass by using the language of the gentleman from Wisconsin [Mr. MINOR] who this morning so ably advocated the opposite side of the question, but who a short while back, when with us in this matter, said in his report that the bill should not become a law because—

> First. The measure is opposed to the settled judgment of Congress as exhibited by our legislative history from August 9, 1789, to the present time.
>
> Second. We believe that this bill, if passed, would tend to endanger life and property by the abrogation of the wise provisions of the laws

of the several States governing the duties, obligations, and liabilities of pilots appointed under the law.

Third. The proposed legislation would entirely overcome the pilotage system in the United States, and would leave many ports without pilots.

Fourth. All of the shipowners and marine underwriters who have expressed themselves to the committee are opposed to the measure, and their views are entitled to great weight.

Fifth. The Steamboat-Inspection Service is now overburdened, and, as an entirety, is without knowledge as to the requirements in regard to bar pilots at the several ports.

Sixth. The system of pilotage is best controlled and governed by those residing in the community contiguous to the place where the piloting is to be done, and it can not intelligently be governed, controlled, and regulated from a distance.

Seventh. No reason whatever is assigned for the overturning of the present system, which has proved, and is now proving, itself entirely satisfactory to all interested in ships and shipping.

Now, gentlemen of this House, I want to say to you that I am standing here and asking you to allow us to settle this question down there in the South for ourselves. Believe me that we will not turn any enterprise from our doors. To the contrary, we are reaching out all the time, trying to build up our commerce, both foreign and native. I say, further, that whenever you hear of these great charges made by the pilots' association, whenever you hear about how they are fleecing the poor shipowner, I want to say that that is in each instance a violation of a State law, a crime, an offense in violation of the law of the State in which it is done; that all these things are regulated by the laws of our State and of other States. You hear of enormous charges. Why, if a vessel owner stands idly by and permits a single individual pilot, or a bunch of pilots, in any part of the country, to violate the laws of his State and rob him of that to which they are not entitled, he deserves to be robbed, for he has his redress in the courts of the land. You might as well tell me, because some Member of Congress went out here and committed a crime, that we should destroy this great American system of government; that we should do away with the Congress of the United States and the Senate because some one member commits a crime in some part of the country.

Gentlemen, do not listen to or be carried away by the statement that in an individual case some pilot, or some one or two or more pilots in some sections of the country, violated the laws of his State and of the country and made an overcharge or discriminated against American vessels. Believe me when I tell you, in conclusion, that I myself, as opposed as I am to this bill, would be the first man in this House to vote in its favor if I thought for a single instant that these pilots were as a mass or a whole discriminating against American vessels carrying the Stars and Stripes. [Applause.]

Mr. LITTLEFIELD. Mr. Speaker, I now yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I want to read a statement made by a company of Charleston, S. C., which manufactures and ships from 120,000,000 to 130,000,000 feet of lumber annually and operates systems of vessels, barges, and tugboats on a large scale:

ATLANTIC COAST LUMBER CORPORATION,
Georgetown, S. C., January 10, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.

DEAR SIR: We wired you to-day as follows:

"As manufacturers, shippers, and owners of vessels and steamers we desire to state that we favor the passage of the Littlefield bill abolishishing the compulsory pilotage bill, as same works a hardship, injures business, and is unnecessary,"

and now beg to confirm same.

We not only manufacture and ship from 120,000,000 to 130,000,000 feet of lumber annually, but also operate steamers, vessels, barges, and tugboats on a large scale. To our minds the compulsory pilotage system entails an unnecessary expense each year which we have to pay on account of the toll levied upon the vessels, barges, and steamers, whether they use the pilotage or not. This system is a relic of the old days and has lost its usefulness, having originated when we had no improved harbors or coast surveys or modern light-houses. Its necessity for existence having now ceased, its usefulness also, it has decidedly become a menace rather than a benefit. In canvassing our local shippers we find that they, with the marine insurance companies, favor the Littlefield bill enthusiastically. We sincerely trust that this bill may be favorably reported by your committee and passed by the Congress.

Yours, very truly,

ATLANTIC COAST LUMBER CORPORATION,
By RAYMOND S. FARR, *General Manager.*

BRADLEY, S. C., *January 11, 1906.*

Hon. CHAS. H. GROSVENOR, *Washington, D. C.:*

I indorse the opinion that compulsory pilotage on coasting vessels is unnecessary and greatly cripples business. We earnestly desire passage of Littlefield bill to abolish same.

F. P. RUSH.

CHARLESTON, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage coasting vessels means 20 cents per thousand feet loss to us, against Georgia shippers. We want Littlefield bill passed.

ANDERSON LUMBER COMPANY.

LUMBER, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill abolishing same.

THE WILLIAMS & MCKEITHAN LUMBER COMPANY.

GEORGETOWN, S. C., *January 11, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We ship 15,000,000 feet lumber by water annually, and strongly urge passage Littlefield bill abolishing compulsory pilotage.

GARDNER & LACEY LUMBER COMPANY.

COLUMBIA, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels.

LEAPHART LUMBER COMPANY.

CHARLESTON, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage on coasting vessels very damaging to business. Would urge passage of Littlefield bill abolishing same.

LEAPHEART LUMBER COMPANY.

ALCOLU, S. C., *January 9, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We strongly recommend passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. It is needless expense and no longer necessary.

D. W. ALDERMAN & SONS CO.

GREENWOOD, S. C., *January 9, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We believe compulsory pilotage on coasting vessels will be injurious to business. We favor passage of Littlefield bill abolishing same.

W. J. SNEAD LUMBER COMPANY.

ELLIOTT, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage coasting vessels unnecessary and injurious to business. We strongly urge passage Littlefield bill abolishing same.

ELLIOTT LUMBER COMPANY.

SUMTER, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We beg favorable consideration of Littlefield bill abolishing compulsory pilotage on coasting vessels as of utmost importance.

ROCKY BLUFF LUMBER COMPANY.

CHARLESTON, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage coasting vessels unnecessary; injurious to business; urge passage of Littlefield bill.

A. J. BARTON.

DARLINGTON, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels unnecessary and injurious to our business. I strongly urge passage of Littlefield bill abolishing same.

S. H. WILDS, *Lumberman.*

SUMTER, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
House of Representatives, Washington, D. C.:

Compulsory pilotage on coasting vessels is both injurious and unnecesary to business. We therefore strongly urge passage of Littlefield bill abolishing same.

SUMTER LUMBER COMPANY.

SELLERS, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coast vessels, which is an unnecessary tax on this trade.

TILGHMAN LUMBER COMPANY.

SALEM, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We understand Littlefield bill abolishing compulsory pilotage on coasting vessels will be before your committee to-morrow. Compulsory pilotage is not only unnecessary, but is a menace rather than a benefit to business. We strongly urge passage of Littlefield bill.

THE WILSON LUMBER COMPANY.

EFFINGHAM, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We are strongly in favor of Littlefield bill abolishing compulsory pilotage on coasting vessels. Is detrimental to business.

DARGAN LUMBER COMPANY.

DILLON, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage on coasting vessels unnecessary and injurious to business. We approve Littlefield bill abolishing same.

BETHEA LUMBER COMPANY.

DAVIS STATION, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels, as it is unnecessary and injurious to business.

C. M. DAVIS LUMBER COMPANY.

CHERAW, S. C., *January 9, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.

DEAR SIR: We notice that the Littlefield bill for abolishing compulsory pilotage on coasting vessels will come up for discussion before your committee this week. We want to urge the passage of this bill.

We are sure that the present laws on the subject were made to suit conditions that do not exist to-day, and are now, under the changed conditions, working injury and hardship to business, particularly the lumber business.

Yours, very truly,

WM. GODFREY & CO.

MANDEVILLE, S. C., *January 11, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is injurious to business and we think very unnecessary. We strongly urge passage of Littlefield bill abolishing same.

ACME LUMBER CO.

GEORGETOWN, S. C., *February 17, 1905.*

Messrs. WINYAH LUMBER COMPANY,
Georgetown, S. C.

DEAR SIRS: As compulsory pilotage on coasting vessels trading to southern points is now being fought in Congress, I would like to give my experience of thirteen years out and in of Georgetown, S. C. It is not once out of six months that I get a bar pilot outside of the bar buoy. They have no boat suitable to cruise outside, and it is only in very moderate weather or when they go out in a tug that they are seen outside of the jetties. The work is done mostly by the towboats, that have experienced captains, and the pilot takes a free ride to town, and any sailor that can steer a course can steer to follow a tug. The pilots claim that on schooners going to sea loaded they are needed on board the vessels to see that they are kept in the proper channel, and yet I have seen vessels grounded when they would put the blame all on the captain of the tug and not know themselves when the vessel was in deepest water. To prove the presence of a pilot is not necessary on a vessel—hundreds of vessels are towed up and down the Black, Pee Dee, and Waccamaw rivers, both light and loaded, both day and night, in shallow water and narrower channels than in the bay, with only their vessel crews on board, and not one vessel in fifty ever had any trouble in any way. The service of a pilot is not necessary to any vessel making this port with a good chart, and as there is a telephone system from the light-house to the city a tug can always be had, if not at the bar, in a very short time.

The expenses of towing are quite heavy, and with the additional expense of pilots makes port charges very high. The present rate of pilotage is the same as it has been for many years, and lumber freights were nearly double what they are to-day when the rates were made. And to-day we pay from $10 to $12 per man more for sailors, the same for mates and stewards, 25 to 30 per cent more for provisions, and the rates for stevedoring increasing almost every year. Vessel expenses are also higher, and yet we have less freights to meet their expenses. With the present business of about 12,000,000 feet of lumber per month shipped from here, anyone can readily see that it takes many vessels to carry it, and the plain facts are that we are supporting a class of pilots in comparative luxury for no services at all. Again, some ports have pilot licenses for one year. Why should we walk up to their offices and pay them from $25 to $200 for the privilege of handling our own vessels, when there are no better pilots than the captains who are going in and out every month for years? I think the pilotage system in this port the worst system in the South, and we are surely paying a bill for little or no services rendered. This seems to be the experience of about all the vessels coming in here, and I hope they will express their opinion on it.

A. J. SLOCUM,
Schooner City of Georgetown.

SUMTER, S. C., *January 12, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Kindly put forth your best efforts to urge passage Littlefield bill abolishing compulsory pilotage. It is unnecessary and detrimental to our business.

H. G. MCLAURIN, Jr.

GEORGETOWN, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Dewey, Washington, D. C.:

As manufacturers, shippers, and owners of vessels and steamers, we desire to state that we favor the passage of the Littlefield bill abolishing the compulsory pilotage system, as same works a hardship, injures business, and is unnecessary.

ATLANTIC COAST LUMBER CORPORATION.

ST. GEORGE, S. C., *January 11, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

It is to the general interest, lumber industry especially, that the Littlefield pilotage bill be passed, and we respectfully urge your support of same.

DORCHESTER LUMBER COMPANY.

SUMTER, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We urge passage Littlefield bill abolishing compulsory pilotage on coasting vessels. Present system injures business greatly.

C. M. BETTS & CO.

TIMMONSVILLE, S. C., *January 10, 1906.*

Hon. CHAS. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill about abolishing it.

TIMMONSVILLE LUMBER COMPANY.

WALHALLA, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR, M. C.,
Washington:

The passage of Littlefield bill to prevent compulsory pilotage and posting vessels will locally benefit business of this section.

BROWN LUMBER COMPANY.

SUMTER, S. C., *January 9, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Think compulsory pilotage on vessels unnecessary and hurtful to business. Sincerely hope passage of Littlefield bill will be effected.

JNO. H. SIZER LUMBER COMPANY.

MANNING, S. C., *January 10, 1906.*

Hon. CHAS. GROSVENOR,
Washington, D. C.:

We are opposed to compulsory pilotage on coasting vessels, and will be glad to see the Littlefield bill passed abolishing same.

THOMAS & BRADHAM.

GREELEYVILLE, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We consider compulsory pilotage of coasting vessels unnecessary and injurious to business, and strongly urge the passage of Littlefield bill abolishing same.

MALLARD LUMBER COMPANY.

HARTSVILLE, S. C., *January 12, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill.

LEE & TILLOTSON.

SUMTER, S. C., *January 13, 1906.*

Hon. C. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage unnecessary on coasting vessels. Do all possible to pass Littlefield bill abolishing same.

PENNSYLVANIA LUMBER CO.

WISACKY, S. C., *January 11, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.

Urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. I deem bill wise and helpful to business.

ROBT. M. COOPER.

ALCOLU, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

DEAR SIR: We have wired you as follows:

"We strongly recommend passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. It is needless expense and no longer necessary."

The present compulsory pilotage system seems to be doing neither manufacturer, shipper, shipowner, or the consumer any good, but all of whom seem to be paying their pro rata share of this unnecessary expense in the high freight rates, which could be reduced if this toll were removed.

Under the present improved conditions of our harbor it would seem that there is no longer any necessity for this expense, and we sincerely hope that it will be abolished.

Yours, very truly,

D. W. ALDERMAN & SONS CO.,
By R. J. ALDERMAN, *Treasurer.*

RICHMOND, VA., *January 10, 1906.*

CHAS. H. GROSVENOR,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.:

The Richmond Chamber of Commerce is absolutely opposed to the existing pilot laws of Virginia, and has endeavored frequently, but in vain, to have them suitably amended to present conditions. Failing in that effort, it has favored Federal control of the question of pilotage, recognizing that it is a matter properly within the jurisdiction of the General Government, and that the States exercising the function of control in most instances have regulated it in the interests of monopoly and to the serious detriment of the commerce of the country, both foreign and coastwise.

R. A. DUNLOP,
Secretary the Richmond Chamber of Commerce.

Mr. LEGARE. Will the gentleman yield for a statement?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. LITTLEFIELD. Well, I would suggest to the gentleman from South Carolina that he make it in his own time.

Mr. SHERLEY. Mr. Speaker, I yield to the gentleman five minutes, or so much time thereof as he may require.

Mr. LEGARE. Mr. Speaker, in answer to the statement made and the letters read by the gentleman from Ohio [Mr. GROSVENOR] I want to say I investigated those letters. I received several such letters myself. They are signed by lumber people here and there about South Carolina, and those lumber people ship their lumber in vessels owned by this very gentleman, Mr. Pendleton, who has been agitating and lobbying this matter through for several years; they ship their lumber in his vessels. I investigated some of the letters particularly. The gentleman read one from Davis Station. I wrote to a gentleman in Davis Station and asked him why he had written me the letter—he, too, is a lumberman—and I told him my reason why I was opposed to this bill. He wrote me back that he had never signed such a letter; that it was a forgery. I have his reply. I suppose that all of them were sent out in the same way, originating with this shipowning company, sent to the same people, and we all know that the vast majority of people will sign almost any letter and send it to their Congressman.

Mr. GROSVENOR. Does the gentleman from South Carolina say that these telegrams that I have just read are all forgeries?

Mr. LEGARE. Oh, no; not by any means. The vast majority have been signed and sent to me and to him.

Mr. GROSVENOR. One of them, the gentleman says, wrote that he never signed such a letter. Well, he did not send any letter at all. He sent a telegram.

Mr. LEGARE. I got a letter from him myself, and he wrote me that he had never signed that letter; that somebody else signed his name, and that it was a forgery. Who inspired the telegram? Why was there such a hurry?

Mr. GROSVENOR. I will state that I feel sorry to find that in the State of South Carolina there are such a set of rascals as that.

Mr. LEGARE. Oh, well, the gentleman from Ohio [Mr. GROSVENOR] published a paper last year telling about a lot of rascals in *another* State in this Union—his own. [Applause and laughter.]

Mr. LITTLEFIELD. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. MINOR].

Mr. MINOR. Mr. Speaker, I desire to say to the gentleman from South Carolina [Mr. LEGARE], who has just been addressing the House, that if he was present when I opened the few remarks I submitted on this question this morning he knows as well as other Members of this House that I frankly stated that I took the other side of this question in the beginning. I took the other side of this question in 1896, in 1898, and in 1900. I did not change my mind, nor think of changing my mind, until the gentleman's own constituents changed their minds and said that this system was not any longer necessary. I did not change my mind until the War Department, the Navy Department, and the insurance companies reversed their positions, for the reason that the harbors of the South are pronounced to be as good as the harbors of the North, and that we need no pilot system of this kind there, and it is not believed that we need any such system in the South Atlantic States. That is the universal judgment submitted to this House by letters and telegrams from manufacturing interests in the gentleman's own State and city.

Mr. LEGARE. Will the gentleman yield for a moment?

Mr. MINOR. No; I have only three minutes. I want to say further to the gentleman that outside of this Chamber there is not a southern Member of this House who will not advertise to the whole United States that they have the best harbors, or equally as good harbors, as any in the Northern States. If that be true, why is it that the Northern States do not inaugurate this system; and if it is not true, then what are you talking about? Mr. Speaker, finally I want to say to the gentleman that I did sign that report and that it is the strongest presentation of his side that has been submitted to-day; and what he has read from my report is the valuable part of his speech. I was right in my position then, and I am right in my position to-day, notwithstanding the fact that the gentleman attempts to tear that report to pieces, but uses it to justify his position now by my position taken eleven years ago. I am just as earnest in my conviction now as I was when that report was drafted and I signed it. I saved the pilots on this floor in 1896, and the pilots themselves know it, and I believe I was right in doing it; and I am just as earnest for the passage of this law now when the necessity no longer exists for the continuance of this graft system as I was when I signed that report. Wise men with sufficient reasons will change their minds, and there is another class of men who never change them. [Applause.]

Mr. LEGARE. Mr. Speaker, I just want to say that I accept the gentleman's apology; that is all.

Mr. MINOR. Mr. Speaker, I ask unanimous consent to add a statement prepared at the Department of Commerce and Labor by the Commissioner of Navigation, showing the increase of entrances and clearances of vessels engaged in the foreign trade to and from the southern ports where this unjust system prevails. Let it be understood that under existing law vessels, both steam and sail, must pay a pilot when entering ports of the United States, if they are engaged in the foreign trade. We are making no objections to this, but we do strenuously object to the levying of this tribute on the American sailing fleet.

Combined entries and clearances in the foreign trade.

Port.	1874.		1884.	
	No. of vessels.	Net tonnage.	No. of vessels.	Net tonnage.
Norfolk and Newport News	115	69,345	146	131,572
Savannah	536	294,722	547	326,739
Charleston, S. C.	290	113,540	505	246,652
Pensacola	525	353,362	898	571,784
Mobile	194	102,788	407	233,316
New Orleans	1,503	1,089,732	1,577	1,368,091
Galveston			402	259,035
Brunswick, Ga.	304	151,898	479	235,341
Total	3,467	2,175,387	4,961	3,372,580

Port.	1894.		1904.	
	No. of vessels.	Net tonnage.	No. of vessels.	Net tonnage.
Norfolk and Newport News	437	627,701	530	1,061,788
Savannah	648	552,176	311	492,088
Charleston, S. C.	236	198,427	74	94,053
Pensacola	871	793,058	772	1,130,385
Mobile	842	407,368	1,515	1,182,852
New Orleans	1,806	2,063,789	1,903	3,064,909
Galveston	408	527,592	821	1,786,733
Brunswick, Ga.	376	290,379	266	254,107
Total	5,624	5,460,490	6,192	9,066,915

SOME OF THE REASONS WHY H. R. 5281, A BILL TO REMOVE DISCRIMINATIONS AGAINST AMERICAN SAILING VESSELS TRADING BETWEEN THE STATES, SHOULD BECOME A LAW.

1. It removes a heavy and unnecessary burden from trade between the States.

2. It completes the act of 1871, giving to American sail vessels in the coasting trade (as said act gave to steamers in that trade) the right when in charge of United States pilots, to enter and leave American harbors without paying for additional State pilot services neither rendered nor required.

3. It gives the coasting sail vessels the same rights in the harbors between Norfolk and Galveston that they already have on the Pacific coast, the Great Lakes, the Atlantic coast north of Virginia, and on all American rivers.

4. It stops an unnecessary and heavy drain of pilot taxes which are discouraging the building of medium-sized sail vessels, and thus destroying the class of carriers to the disadvantage of shippers and consumers which from their size are essential to the business of these ports.

5. It in no way interferes with the general pilot system of the country, which applies to all vessels in the foreign trade, but merely provides that American sail vessels engaged in trade between the States, when in charge of a duly licensed United States pilot, or in tow of a tug, which under existing laws must have two such pilots on board, may enter and leave these ports, as they do in other parts of the country, without paying for additional State pilots not employed.

6. It provides that these sail vessels must either have a United States pilot in charge or must accept and pay for a State pilot, thus insuring all safety to life and property. Every marine insurance company that has expressed an opinion on the bill favors it.

7. It is an exercise of power specially granted to and previously exercised by Congress and removes a manifestly unjust discrimination against American sail vessels in the coasting trade.

8. Steamers and sail vessels are on a perfect equality as to pilotage in the foreign trade. Why should sail be discriminated against in the coasting trade, hampering traffic between the States?

9. The total amount of these unnecessary pilot taxes collected since Congress relieved steamboats of this burden is greater than the present value of the entire Atlantic sail fleet to-day.

10. Ten years ago we had 35 per cent more sail tonnage in this trade along the Atlantic coast than we have now, while during that same period the same class of shipping on the Pacific coast, where there are no compulsory charges, has increased 100 per cent.

11. Steamboat corporations that make through rates on freight with Southern railroads have always opposed this bill, because the coasting sail vessels, if they were relieved of these heavy pilot charges, which often amount to more than the net earnings of a voyage, would compel these steamers to reduce their present freight rates.

12. If it be said that State pilots are necessary for these coasting sailing vessels, then the abolishment of this compulsory feature will not affect the income of the pilots, for they will be employed just the same, and under this proposed and also existing law they must be paid the full regular fees. But if it be said that the abolishment of this compulsory feature of the law will impair or destroy their pilot system, it is a complete admission that these State pilots are not required by these coasting sail vessels, because if they were they would be employed, and if not needed or employed, why should they be paid?

13. The pilots themselves state that they will relieve the coasting sail vessels of these burdens as soon as the fees from vessels in the foreign trade are large enough to satisfy them, a clear recognition of the fact that these compulsory pilot charges are levied not for the protection of the vessels so charged, but for the pilots.

14. In ten southern districts, viz, Norfolk and Newport News, Va.; Charleston, S. C.; Savannah, Ga.; Key West, Fla.; Pensacola, Fla.; Mobile, Ala.; Mississippi, New Orleans, and Galveston, Tex., the net

tonnage of vessels entering and clearing in the foreign trade was as follows:

1874	2,195,418
1884	3,363,643
1894	5,700,382
1904	9,884,008

The percentage of increase from 1874 to 1904 in these ten southern ports was 350 per cent, while the increase at all other seaports of the United States was 115 per cent. The expenditures by the Government for improvements of harbors and approaches at the above-named ten ports amounts to $39,431,979.59.

15. The entrances and clearances of tonnage engaged in the foreign trade alone at those ten ports above named is now much larger than was the tonnage of vessels engaged in the foreign trade, together with the coastwise sailing vessels, there in 1894, is twice as great as was that combined tonnage in 1884 and three times as great as was that combined tonnage in 1874—and yet the pilot system existed all right during those years.

16. More than 80 per cent of the ports of the United States have no compulsory pilotage in the coastwise trade, and more than 75 per cent of these ports have far less foreign business than these Southern ports, yet there is no lack of pilots when required.

17. If a general system of pilotage were required it is obviously unjust to compel the class of carriers which do not require it to maintain it, while their competitors go free; and it is manifest that any unnecessary charge on transportation is a burden which affects producers and consumers alike and ought not to exist however much it may be favored by men who desire unearned incomes.

18. In view of the fact that the Federal Government has appropriated and expended such enormous sums to improve these southern harbors, making them ample in size, channels sufficient in width, and deep enough to float all classes and sizes of vessels that enter and clear at these ports, it is evident that the necessity no longer exists of compelling sailing vessels in the coastwise trade that require the least depth of water to longer submit to this unreasonable levy of pilot fees. If this fact is disputed by the opponents of this bill, then it is respectfully submitted to the Congress that authorizes these princely appropriations, is it not time to consider the unwisdom of going farther by appropriating money that seems to have fallen short of accomplishing the object sought?

19. All the shippers of the South, all the lumber dealers of the North, and great commercial bodies like chambers of commerce of Richmond, Va., Wilmington, N. C., New York, and Boston all strongly indorse this bill, which is manifestly in the interest of freer trade between the States.

20. At the hearing before the Merchant Marine and Fisheries Committee on January 12, 1906, Mr. Andrew Furuseth, the official representative of the International Seamen's Union and the American Federation of Labor, stated:

"It is true in our opinion that there is a discrimination against the sailing vessels. It is also true in our opinion that the passage of this bill which is now submitted would not destroy the efficiency of the pilotage system in the different ports where compulsory pilotage is necessary."

Mr. LITTLEFIELD. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Speaker, I desire only five minutes. I have not had the good fortune to hear the discussion upon this bill nor time to give any considerable attention to the report, but I am strongly in favor of the passage of the measure. In the first place, it is not fair to have different regulations in different States with reference to the provisions under which boats engaged in interstate trade may enter.

The Congress of the United States makes appropriation for the improvement of harbors, and now in a majority of the States there is no compulsory pilotage under State authority. If it is a good thing to have such regulations as exist in Virginia and South Carolina it is a good thing in every State of the Union; it is a good thing not only on the Atlantic and the Gulf, but on the Lakes and on the Pacific. Now, let us see what is the logical result of the present system. By day or by night, in stormy weather or in fair weather, in channels which are broad and ample, as well as in those which are narrow and tortuous, there is in those States a law that a boat to enter the harbor must have a pilot, and must pay him. Why, to reduce it to one sentence, pilotage must be paid whether the service rendered is necessary or not, whether any service at all is rendered. Take the leading port of the South in point of tonnage, which is Norfolk. I am informed that for years a pilot has not even gone upon a sailing vessel entering that harbor, and yet in the last year $60,000 was paid to pilots in that harbor—for what? For tribute. What is it except a levy upon commerce, an unfair discrimination against sailing vessels, an unfair collection under the authority of law by those who hold a monopoly in the harbor. Now, I am not going to argue here that we should leave in all cases to the owners of vessels the question of having a pilot or not having a pilot. There may be harbors where that may be required. But that could be worked out under national regulation by those who will act impartially for the whole country. The absurdity under the present system is the one to which I have called attention, that whether needed or not, in a broad, ample harbor or in an inferior one, the same regulation is enforced, and I submit that that is entirely unjust and unfair.

I yield back the balance of my time to the gentleman from Maine.

Mr. SHERLEY. Will the Chair announce what time remains to the respective sides?

The SPEAKER pro tempore. The gentleman from Maine has thirty-eight minutes remaining and the gentleman from Kentucky has twenty-nine minutes remaining.

Mr. LITTLEFIELD. I will yield five minutes, Mr. Speaker, to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I investigated this subject pretty carefully ten years ago. I was of the opinion then, and strongly, that this outrage upon commerce ought to be abolished, and from what I have gathered from the report of the committee—and I have had very little time to examine it—I find that the abuses which existed then have been intensified as the years have proceeded. Gentlemen say, Why not leave this whole question to the States? That it is a proper matter for the States. Why do the States improve the harbors? Do they open channels and keep them open? Do they provide light-houses? Do they provide safe entrances to these harbors? It would be just as good an argument to say it should be left to the States to maintain these harbors as to say it should be left to the States to require that a pilot should be employed whether he is of any service or not. It has been the theory of this Government from the adoption of the Constitution that there should be no taxes imposed upon commerce between the States, as in the case mentioned just now by the gentleman from Ohio of the port of Norfolk, where they charge $60,000 a year—a levy pure and simple—upon commerce coming into that port from other ports of the Union. It is simply and is nothing else than a tax upon commerce between the States. No service is performed, nothing is done. The vessel owner pilots his vessel into the harbor, the captain of the sailing vessel sails his vessel into the harbor, but still this outrageous charge is made. Then discriminations are made in the same port; discrimination is made against the vessels coming from another State and in favor of vessels coming from a foreign country, from New Brunswick, for instance, as appears in evidence before the committee. Shall we permit this thing to go on? The Constitution authorized Congress to take charge of this matter completely, and in the act of Congress giving it to the States we reserved the right to regulate it ourselves. Now, as years have gone by it clearly appears that we should regulate it, that these charges may be uniform, that these regulations may be uniform, that there shall be no discriminations, that when a port is made so easy of access that there is no more difficulty of taking a vessel in than there is of steering a carriage up through Pennsylvania avenue there should be no tax, no levy upon vessels entering such a port.

It is not a matter simply for the State and the commerce coming into the State. It is an interstate matter. All of the States are interested. The port from which the vessels sail is more interested even than the port into which the vessel comes. Why, then, should Congress follow simply in the lead of these few men who are getting these large fees from year to year, oftentimes for services never rendered? Why not look out for the greatest good to all of the people of the United States? The time that has passed since I first studied this question has only strengthened my conviction that it is the duty of Congress to remove these barriers from commerce by passing this bill.

Mr. LITTLEFIELD. Mr. Speaker, I reserve the balance of my time. How much have I left now?

The SPEAKER. The gentleman from Maine [Mr. LITTLEFIELD] has thirty-four minutes remaining.

Mr. SHERLEY. Mr. Speaker, I yield to the gentleman from Illinois [Mr. WHARTON] five minutes.

Mr. WHARTON. Mr. Speaker, I come from a district which does not hold human life cheap, and I believe that all protection and safeguards possible which can be given to those wayfarers on the high seas, even though it cost a little money, should be given, and I believe that the people who are interested in the passage or defeat of this bill are the people who own ships and the pilots who are guiding the ships into the harbors of these ports. I believe that the man who takes his life in his hands and is compelled to go out there on the high seas in stormy weather at the call of duty, which is always dangerous, to safely guide the ships to a haven of safety, is worthy of his hire and is entitled to some compensation. This is a matter which is of interest peculiarly to the people of one locality, and the people of one locality have decreed by their legislatures that it shall be managed in this way, and if there is any desire for a change on the part of those people, it seems to me that it can be done nicely in the same legislature that created the laws. Yet they now come to this Federal body of lawmakers and ask them to make laws governing the entrance of ships into these harbors and against the expressed will of the interested States. I believe the place to govern this matter is back there in the locality which is most interested and who have the power to repeal the law if it is unpopular. And there is only one reason to my mind why I

should be turned against my honest convictions concerning this bill, and that is that the agitation against its passage is favored by that arch enemy of the principles of veracity, that arch demagogue and liar, Samuel Gompers, who willfully and maliciously misstated and falsely misrepresented my attitude and vote on the eight-hour proposition in connection with the Panama Canal last session. But I have decided not to let that interfere with my position upon this question, but to vote as my honest convictions demand and as I believe the rights and exigencies of this case demand. If anybody is interested in legislation such as proposed and desires to have this law repealed and a new one enacted, they should go back there to the legislature which created the law. I believe in the best possible protection to shipping. And the man who is a passenger on a boat at the mercy of wind and weather should be given the best protection possible, and that protection can best be given by the pilot who knows the condition of the harbor, the man who has made a lifelong study of the conditions of that particular harbor into which he has to pilot these ships. I believe that he, and not the master of the schooner, who may know nothing at all of the conditions of the harbor, should be the one to guide and pilot that boat to safety, and for that reason I will vote against this bill and in the interest of honest labor and protection to human life. I thank you. [Applause.]

Mr. MAYNARD. Mr. Speaker, the attacks that have been made upon the pilotage system by the advocates of this bill have been chiefly directed at the system of pilotage maintained at the port of Norfolk, in the State of Virginia. And I want to say that I am surprised at the ignorance I find prevalent upon the floor among the Members as to the fixing of pilot charges in the various States. I have heard it boldly asserted by the advocates of the bill in conversation upon the floor of the House that the pilots fix their own fees. I want to say, Mr. Speaker, even if this were true, the gentlemen who contend that the pilots fix their own fees when a client comes to them with a case charge for their services and fix their own fees. When they make an arrangement to deliver a lecture at Chautauqua they fix their own fee, and it would not be unjust if pilots, for the service they render, did fix their own charge, which would be just and adequate. But I want to correct the impression that seems to prevail here that this is true. The pilots of Virginia and the pilots of the other southern ports are not a band of highwaymen upon the high seas holding up the commerce at the point of a gun, demanding unlawful tribute for the services they perform.

I have here the Code of Virginia, which fixes the rate of pilotage, and in another section—section 1985—"penalty on pilots for receiving unlawful fees." It says:

> If a pilot demand or receive for any service less than the lawful fees, he shall forfeit the amount of the lawful fees, which may be recovered by any person who will claim the same, by warrant or by motion, one-half of which recovery shall be paid to the board of commissioners, and may, moreover, be suspended by said board not exceeding six months. If any pilot demand and receive greater fees than are allowed by law, he shall forfeit to the master or owner double the amount of the fees paid to him in any such case, to be recovered in the same manner.

It seems to me, Mr. Speaker, that that would dispose of the rumors that have been circulated on the floor of this House that the pilots are a band of highwaymen, holding up commerce and demanding at the point of a pistol a tribute on commerce which is unjust.

I want to say, Mr. Speaker, there have been charges made in private conversation, and openly in speeches upon this floor, that the pilots of the ports of Norfolk and Portsmouth get large and extortionate fees for the service they perform for commerce—that they receive salaries aggregating anywhere, as was said by one Member, from $5,000 to $10,000 a year. It is easy to charge anything. Mere assertion is not proof, and if there is any man who advocates the passage of this bill on that ground, let him produce the proof as to what the pilots of Norfolk do receive. They receive nothing like this amount.

Mr. LITTLEFIELD. Will the gentleman say how much they do receive? We tried to find out in our committee, but the pilots have been very cautious to keep it to themselves.

Mr. MAYNARD. I am coming to that. It does seem to me that the advocates of this bill should have waited until they found out what these pilots in Norfolk did receive before they charge that they receive sums of between five and ten thousand dollars. I do not believe that the pilots have received anything like that sum. I do not believe they receive a sum that would amount to more than $300 a month.

Mr. LITTLEFIELD. The gentleman says that he does not believe. Has he got any information? Now, that is just exactly where they have been on this proposition; everybody said they did not believe it. Now, do you know what it is?

Mr. MAYNARD. I said I do not.

Mr. LITTLEFIELD. Oh, I see.

Mr. MAYNARD. But I heard the charge on the floor.

Mr. LITTLEFIELD. Now, I will tell you what Congressman WACHTER, from Maryland, said they received——

Mr. MAYNARD. I have not much time.

Mr. LITTLEFIELD. I beg your pardon. I was informed by Mr. WACHTER last year they did receive $9,000. Now, that comes nearer to being information than anything you have. That is all the information we have.

Mr. MAYNARD. You say that Congressman WACHTER told you that they received that amount?

Mr. LITTLEFIELD. Congressman WACHTER said that he was told that they received $9,000 a year.

Mr. MAYNARD. Did he say that he knew that as a fact or as a rumor heard in the lobby?

Mr. LITTLEFIELD. He gave that as some information he had received in Baltimore. I do not believe that it originated with him.

Mr. MAYNARD. Any statement that Congressman WACHTER would make on his own knowledge I am ready to believe; and I am prepared to believe now—and I am sorry Congressman WACHTER is not present so that he could answer here—I am prepared to believe that if he were here he would tell this House that that was his belief, based on the rumors heard around the lobby and from reports of rumors going around the lobby about Virginia pilots getting that, and not that it was a matter that he knows of his own knowledge.

Mr. LITTLEFIELD. Well, I stated that the gentleman from Maryland [Mr. WACHTER] had said that he got his information in Baltimore, and not around the lobby. What disposition will you make of that part of it?

Mr. MAYNARD. I come from the home of the Virginia pilots, and I have not been able, I state frankly, to say just what they have received, but probably the people of Baltimore know more about that than the people of Norfolk. But I do not believe they know it; I do not believe they get anywhere near that sum. I do not believe what they do get will average $300 a month.

Mr. SHERLEY. Mr. Speaker, I yield ten minutes to the gentleman from Florida [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Speaker, this is a measure that ought not to pass this House. Its avowed purpose is to destroy compulsory pilotage on coastwise sailing vessels. Its effect will be, if it becomes a law, to destroy the splendid pilot systems at many and to seriously cripple them at other ports in all the Gulf and the Atlantic ports south of Norfolk, Va.

Now, I had supposed it would not be necessary for anyone at this late day to stand upon this floor and urge the importance to commerce of the pilot systems of the South or anywhere else in the country; but I understood the gentleman from Ohio [Mr. GROSVENOR] to say a little while ago (and, if true, that would really be the only ground upon which this legislation could be justified) that there was no further use whatever for the pilot anywhere in the country. The other gentleman from Ohio, however, admitted that there was use for them, perhaps, in some of the ports, without mentioning the ports so in need of them.

Now, Mr. Speaker, gentlemen ought to know that notwithstanding the various ports throughout the country have been, many of them, very greatly improved by deepening and widening their channels, yet pari passu with the improvement of those harbors the vessels entering them have also been increased in tonnage and draft, rendering the difficulties of navigation, so far as these larger vessels are concerned, as great as before the improvements were made, so that there is as great necessity for pilots in the navigation of those harbors as at any time in their commercial history. The gentleman from Maine [Mr. LITTLEFIELD], however, would not, perhaps, seek to justify his action upon any such grounds.

He will probably, as heretofore, base it upon the ground that the foreign shipping would be sufficient in these South Atlantic and Gulf ports to keep up the pilot systems there. I want to say to you that in my judgment that will not be the case, that while in two or three of the ports to be affected by this bill these pilot systems can perhaps be maintained by foreign shipping, Wilmington being one of them, in all the others they will either be destroyed absolutely or seriously crippled, as the pilotage on foreign shipping alone will not be sufficient to sustain them.

Now, why was the law changed so far as steamboats were concerned, as it was in 1871? The reason was that the steamboat does not need the use of a pilot as much as a sailing vessel. Another reason was that it costs more to run and operate a steamboat, seven or eight times as much, than it does to operate a sailing vessel, thus giving, it was no doubt thought, the sail-

ing vessel a great advantage of the steamboat, and the idea no doubt was to place them more nearly upon an equality by exempting coastwise steam vessels from compulsory pilotage. No one, perhaps, dreamed that the passage of that law would discriminate against sail vessels, and in my judgment there was none, nor is there any now. In my opinion the removal of compulsory pilotage from steam vessels did not begin to equalize the advantages the sailing vessel had and still has over the vessel propelled by steam.

I had occasion to submit some remarks upon the floor of this House last session on this bill and to deal at some length with this feature. The contention was then being made as now that the sailing vessel running into these southern waters was earning nothing, and could not be made to pay, and yet I called attention to a long list of sailing vessels from New England trading in these southern ports which the owners claimed were coining money and paying handsome dividends.

Now, Mr. Speaker, a remark was made by some gentleman a while ago about exorbitant charges in a few individual instances. I also either heard or saw the statement in the testimony taken at the hearings on this bill that $140 was charged one vessel for pilotage, and that after paying that charge and other charges it had only some $300 left to distribute among the owners. But when I looked further I found that the other charges in addition to the pilot charges amounted to $1,700. And yet the gentleman testifying, the owner of the vessel, seemed to think his whole trouble came from the pilot charges of about $140, as I now remember.

Now, so far as the local discrimination is concerned, the laws of the States fix the pilot charges, either directly by saying what they shall be, as in Florida, for instance, or indirectly through boards of pilot commissioners authorized by State laws to do that very thing; and, sir, I know of no State law, nor has any been pointed out, which makes or authorizes such discriminations. If, therefore, there has been any discrimination, it has been made by individual pilots here and there; and to say that this pilot system, which a gentleman now on the other side in a former Congress stated was the finest in the world, should be destroyed because, forsooth, some individual has violated the laws of his State is folly. As well might we condemn the whole penal code because a few evil-minded persons now and then should violate some of its provisions. I said to the gentleman who is pressing the bill not later than day before yesterday that if he would exhibit one-tenth of the energy he has put forth in favor of this bill in having the parties violating State pilotage laws, if such there be, prosecuted in the States where such discriminations are made, he would have no cause for complaint. But he seems to prefer to come here.

Now, Mr. Speaker, I wish to refer to just one other matter and I think I am done. Something was said about the States of Georgia and Virginia having license laws. It ill becomes the gentlemen who favor this bill to charge that up against the opponents of the measure, because it was done in the interest of the shipping of those ports. The legislatures of those States said to the shipowners: "You think you can occasionally pilot your vessels into the ports of this State, and that you may not at all times need a State pilot. Very well. But if you are to have a pilot ready when you do need him, he must be paid in some way. So if you will pay a certain amount toward keeping up the system, we will permit your vessel to come in without paying for a pilot, except when you avail yourself of his services." But this bill does nothing of that kind, and if you pass this measure, I want to say to you that when the storm comes and ships are in peril the pilot will not be there to serve them.

Let me say again, Mr. Speaker, that there is little in the matter of the harbor improvements to justify the passage of this bill. Pilots are needed, nevertheless. Take my own port, for instance, that of Tampa, where much improvement has been made, and there is not a foot of the way from the entrance of that harbor up to the dock at either Port Tampa or Tampa, a distance of 30 or 35 miles, where a ship can pass without a pilot. The channel is narrow at many places, requiring a skillful pilot all the while to take the ship to the dock and out to sea again. Then, again, at many of the ports and harbors the bars are constantly shifting, requiring soundings daily to determine the condition of the channel. [Applause.] I now yield back the remainder of my time.

Mr. LACEY. Will the gentleman from Florida answer one question before he sits down?

Mr. SPARKMAN. I will yield to the gentleman.

Mr. LACEY. I would like to ask the gentleman why is it that these gentlemen living in the localities where the pilotage burden is are opposed to taking it off? Does it not follow that if it is cast on your commerce the gentlemen residing in that locality are more interested in taking it off than the people living outside or up in Maine?

Mr. SPARKMAN. Exactly, and when the time comes when it can be taken off with safety to the commerce it will certainly be done, just as it has been done by the States north of the Potomac and by North Carolina in the case of Wilmington.

Mr. SHERLEY. Mr. Speaker, I shall not burden the House with any very lengthy speech in conclusion; but, like any debate of any length, there is a tendency to get away from the real issue, and especialy when it is in skillful hands, and I must compliment my friends of the opposition on the way that they have thrown their strength upon individual instances of wrongdoing without addressing themselves to the real question at issue.

There is, perhaps, no man in this House who receives, or more deservedly receives, consideration than the distinguished gentleman from Ohio [Mr. BURTON], the chairman of the Committee on Rivers and Harbors. So I was glad to hear him say in his opening remarks that he had not looked into this matter, but that he simply spoke his impressions, because I knew what was about to follow did not properly represent the situation, and that if he had made a more complete study he himself would have seen it. It is not a case of substituting a national system for a State system. It is a case of abolishing all system in certain places or localities. The gentleman commends the bill to the House on the ground that there are to be different regulations in different places.

Mr. BURTON of Ohio. Will the gentleman allow me an interruption?

Mr. SHERLEY. Certainly.

Mr. BURTON of Ohio. The gentleman would not misrepresent my position?

Mr. SHERLEY. Certainly not.

Mr. BURTON of Ohio. What I meant and thought that I so expressed myself was that if it was necessary to have regulation in ports, they should be national regulations, but that ordinarily it was safe to leave that to the individual judgment of the owner of the boat.

Mr. SHERLEY. I answer the gentleman by saying that when he brings in a bill providing for national regulation we will meet that issue, but it is premature now. The present bill does not undertake to substitute any system. It does permit the licensing of pilots and giving them permission to carry ships into all ports without employing special pilots. Does the gentleman believe for an instant that the men at the head of the Navigation Bureau have themselves the knowledge to determine by examination whether any particular pilot, who may be a very good pilot on the high seas, has the peculiar local knowledge necessary to carry a ship into a tortuous channel?

Now, the fact is that in the State whence this bill originates and where its chief champion lives they have pilots, because they know, as every man of sense must know, that you are bound to have pilots under certain conditions. They do not need to tax the coastwise trade in order to support their pilots and in order to maintain a system, because they have sufficient revenue growing out of the trade with foreign countries. Yet the South, which is not able to maintain by tax upon foreign commerce only a pilotage system, is to be denied the opportunity and the means of maintaining that system. So I say to the House that the question you are to vote upon is not whether you want a system of national pilotage; it is whether you want in the South any pilotage or not. And I have yet to see the man who is willing to stand up and say that pilotage should be done away with. Oh, a great fuss is made about individual abuses. I think they ought to be corrected.

I believe that if some of the gentlemen who have been so active in lobbying for this bill here would turn their energies to some of the State legislatures they would find, if the abuses they speak of exist, that they would be remedied. But are you going to punish those States, are you going to punish those communities where they have a proper system of pilotage because somebody else does not happen to have a good one and because the law is violated? If violation of the law is justification of a change of law, we will have to write our entire statute law over again. The appeal is simply made on behalf of a certain class of shipowners. The sailing-vessel owners complain of a discrimination. If I were the owner of a sailing vessel I would come to Congress asking a repeal of the law that exempted the steam vessel from pilotage charge rather than undertake to be exempted myself.

To-day there are no people who are better protected than the sailing-vessel owners. They have no competition practically by the steam vessels, because the two engage in carrying different kinds of freight, one carrying fast freight where certainty of speedy delivery is necessary, the other carrying slow

freight, where it is not necessary; and any man knows, and the testimony will show, that the sailing vessels can more than hold their own. They can carry more cheaply than the steam vessels, and the fact that they have been able to bring such powerful influences to their aid, to get so many large lumber people back of them, is evidence of their wonderful prosperity.

But the argument is made that because there is a license system—and, by the way, the license system applies only in certain of the States and not all—therefore you must abolish pilotage. I do not believe in the license system, but how did it come about? These very men who to-day are using it as an argument are the men who got it introduced. They said: "Our pilots have the particular knowledge necessary, and we are willing to take the risk, and if you will let us pay a license it will be satisfactory." Now, one of the reasons for taxing the coastwise trade at all is because the foreign trade is not sufficient to pay for the support of the pilots and pilotage system, and so these States, unwisely, I think, but still at the instance of the very men who are advocating this bill, agreed to permit licensing some of them and thus help to maintain the pilotage system. This condition would then arise, that while in fair weather and under ordinary circumstances by paying a license they could come in without harm, yet the paying of that license, together with other pilotage charges enabled a pilotage system to be kept up, so that in fair season and foul pilots were always there on the bar ready to take these vessels in, and when storm came and stress of weather that made pilots necessary the licensed ships had the advantage of having a pilot there.

Why, the logic of the gentleman's argument would go to the abolition of every system of fire protection in the land; that because a man did not have a fire every day and did not have need of a fire engine and its company, therefore he should not be taxed. He is taxed because it is necessary for them always to be ready, day and night. And so the shipping entering into a port is taxed because it is necessary in order to maintain a pilotage that may be ready day and night, fair weather or foul. In closing this debate I hope the Members of the House will bear in mind the real issue. I know the distinguished gentleman from Maine [Mr. LITTLEFIELD]; I know the wonderful advantage he has in a closing argument. I know how enthusiastic he is about this particular bill. It has been brought close home to him. I do not object to that; but during his ingenious argument I wish you to bear in mind that you are not substituting one system for another; you are abolishing a system.

Bear in mind that you are denying to the Southern States what was given to Maine. As long as Maine was struggling, as long as her foreign commerce did not yield enough to maintain a pilotage system, she taxed the coastwise trade, and so did all the other Northern States; but when in the fullness of their prosperity they reached a point where they did not have to do it they abolished it. And why? Out of magnanimity? No; they abolished it because every community and every section that is intelligent wants to do away as rapidly as it can with any impediment upon trade or freedom of trade. The South is anxious to get away from any hindrance and will do it when she can, but she asks you to-day not to hold her up and say because of an abuse here or an abuse there, that can be corrected by the States in which they exist, that you are going to deprive her of the only means she has got for the continuance of a pilotage system necessary for the preservation of life and property. [Applause.]

Mr. LITTLEFIELD. Mr. Speaker, in asking the attention of the House during the time, now limited, for the close of the debate, I would be very glad indeed if I could have careful attention, because I desire to call attention to what seems to me to be the salient and important considerations involved in the determination of this matter. From Old Point Comfort to the Rio Grande is the only locality in the United States where American citizens are required to pay for service that is not needed or rendered. From Old Point Comfort north to Eastport, Me., and from British Columbia to Mexico on the Pacific coast there is free pilotage, and no sailing vessel, coastwise, and no coastwise steam vessel in that territory is required to pay compensation for any service that is not rendered. This bill, Mr. Speaker, proposes to place the territory between Old Point Comfort and the Rio Grande simply upon a precise level, so far as the rights of sailing vessels are concerned, with the balance of the United States. In 1871 the American Congress relieved the steam coastwise tonnage from the payment of compulsory pilotage in the territory in the South to which I have referred, and from that time until now the steam coastwise tonnage has had that advantage and handicap over the sailing coastwise tonnage in that territory. If this bill passes it will leave the sailing tonnage in that territory upon an equality with steam tonnage. It will place the individuals owning the sail fleet on a par with the corporations owning the steam fleet.

Now, bearing upon the question of protection to life and property—and I will call attention to that in detail a little later—I ask you to note that life and property, from Old Point Comfort to Eastport, Me., the most dangerous part of all the Atlantic coast and more dangerous than the Pacific or Southern coast, for a great many years have been adequately protected under a system of free pilotage. No gentleman has been heard yet to rise in his place and say that in that territory of free pilotage, where a vessel takes a pilot when she needs one—and when she needs one takes one and pays for it—that in that territory, from Old Point Comfort to Eastport, or from British Columbia to Mexico, upon the Pacific coast, there has been any danger involved in free pilotage to life, person, or property. There has not been such a suggestion, and if it had been made it would not be borne out by the facts. If free pilotage is adequate in these sections for the protection of life and property, why would it not be in this territory in question, especially as I shall show that there is plenty of foreign tonnage to maintain all pilotage that is necessary?

Now, if this bill passes, it will simply prohibit the imposition of compulsory pilotage upon the sailing fleet within this territory. It also further provides, bearing upon the question of protection to life and property, for a pilot to be selected and examined and licensed by an inspection board, to be carried on every sailing coastwise vessel that gets the exemption from compulsory pilotage, so that the bill itself undertakes to protect and does protect the persons and the property that may be upon the sailing coastwise fleet by providing for their use a proper pilot properly licensed. The suggestion that this bill would impair the protection of persons is, moreover, obviously absurd in view of the fact that the sail fleet does not carry passengers and that the steam coastwise fleet, which is not required to take these pilots, carries all the passengers that are carried by the coastwise fleet.

Now, I should say just a word for the purpose of removing more or less misunderstanding that perhaps may have arisen in connection with this proposed legislation. A great many people have had the opinion that this bill in some way affected the pilotage system outside of this particular territory. It has been suggested that it was an effort to assume national control of the whole pilotage system of the United States. By reason of the fact that another bill has been pending before the committee that undertook to prohibit the employment of pilots under certain circumstances upon vessels, it has been suggested that this bill was subject to that criticism, and by reason of that misunderstanding the pilots' associations in various parts of the country have seen fit to register their opposition to the legislation, not understanding that this bill, if it becomes a law, would not have the slightest effect upon the pilotage system in any other part of the United States. In San Francisco, for instance, it would have no effect whatever. Pilots would continue to operate in San Francisco hereafter precisely as now. They have free pilotage there for the coastwise trade. It would continue to be free, and the passage of this legislation would not affect in any way or in any degree the relation the pilots elsewhere sustain to the merchant marine. It is true that there are pilots in other sections of the country. It is also true—and I am glad to call the attention of the gentleman from Kentucky to the fact—that there are pilots under the free system and that they have been properly and adequately maintained under the free system and have properly and adequately protected life, person, and property.

Now, a little bit later I am going to contrast this section of the country we have now under discussion with the balance of the Atlantic coast bearing upon this question of the efficiency of the respective systems.

TWO NATIONAL ADMINISTRATIONS SUPPORT THIS BILL.

Before I reach that, however, let me say that there is a trifle of a misapprehension or misunderstanding as to the interests that are in favor of this legislation. Let me remark that there are other people besides the "gentleman from Maine" and the Representatives from Maine and vessel owners in the New England States or in New York, and I may say right here, by way of passing, that Mr. Pendleton, who has been alluded to once in a while in the debate, does not happen to be a citizen of Maine, but resides in New York, and all the vessels which he is interested in are largely located there and are operated from there. But let me call your attention to the fact that while my friend from South Carolina suggests that there is no Administration influence behind this legislation, that there was nobody asking for this legislation, in substance, except, perhaps, "the gentleman from Maine;" let me call his attention to the fact that in 1895 the Commissioner

of Navigation, who did not then and does not now reside in the State of Maine, and who was not then and is not now controlled by people in the State of Maine, said in his report:

> Pilotage is one of the heaviest charges upon navigation, and to exempt one description of American vessels in the coasting trade from that charge while imposing it upon another description of American vessels in the same trade comes close to ruling the sailing vessels out of the business and bestowing it upon steam vessels exclusively.

In 1896 he said further, urging the enactment of the bill:

> Its enactment by Congress is almost indispensable to the existence of our sailing fleet on the Atlantic coast in the coastwise trade, virtually the only trade open to it under present conditions.

I call the attention of my friends on the other side to the fact that this was a report that came from a Democratic Administration.

Mr. SHERLEY. Would not the gentleman get the equality that he desires by repealing the law that excludes steam vessels engaged in the coastwise trade from pilotage charges, and then more vessels being taxed the pilotage charge as to all of them could be reduced?

Mr. LITTLEFIELD. Certainly uniformity could be reached by putting the steam vessels back under the compulsory pilotage system. That would give uniformity, but we have not any bill pending for that purpose. Nothing of the kind is seriously suggested, and I will show the gentleman in a few minutes that there is not any occasion, either from an economic or a revenue point of view, for having any vessels subject to compulsory pilotage except possibly those engaged in the foreign trade. His suggestion, however, admits the injustice of the discrimination.

Let me go a little bit further, so far as the Commissioner of Navigation is concerned. In 1899 he said:

> It is contended that Congress is a proper tribunal to which to appeal for the correction of this unfair discrimination.

In 1900 he repeated his declaration of 1899. In 1902 his declaration was substantially the same. In 1903 he said:

> The abolition of the discrimination in pilotage charges against sail vessels in the coasting trade is again earnestly recommended as an immediate and practical method of fostering American sail tonnage.

In 1904 he said:

> The discrimination is severely felt, and it has undoubtedly contributed to retard American sail tonnage.

I ask the House to note that the Commissioner of Navigation, who has entire charge of this great interest and is supposed to be acting from a disinterested and independent standpoint, from the year 1895 up to the year 1905, and repeated in 1906, declared over and over again that this compulsory pilotage is an unjust discrimination against the sail coastwise fleet.

In answer to a letter from Senator FRYE, asking for the opinion of the Department of Commerce and Labor upon this legislation, Secretary Metcalf, of the Department of Commerce and Labor, on January 3, 1906, said:

> While seagoing American steam tonnage has practically doubled in ten years, seagoing American tonnage under sail has remained virtually stationary.
>
> Congress has spent in recent years many millions of dollars in harbor improvements, which should have lessened the need of pilots and made navigation easier.
>
> All tonnage entering and clearing the United States in foreign trade is subject to pilotage charges. Such tonnage has increased from 40,261,353 tons in 1894 to 59,967,985 tons in 1904. This increase of nearly 50 per cent in ten years should suffice, under all the conditions, to maintain the pilotage system at its full efficiency.
>
> I have the honor to submit that the passage of S. 30 will be the most effective measure of any now before Congress for the maintenance of the American seagoing fleet under sail, and relieve it from a discrimination which each year grows more onerous.

So that instead of this bill being without the support of the Administration, as some gentlemen, as the result of inadequate investigation, have asserted, it has been and is now vigorously supported by the present Administration and had the support of the preceding Democratic Administration, because it "is almost indispensable to the existence of our sailing fleet on the Atlantic coast in the coastwise trade."

All this does not, of course, foreclose the proposition, nor does the fact necessarily that hundreds of men engaged in the lumber trade and in other business industries from Texas to Virginia, and boards of trade and chambers of commerce and marine insurance societies in various sections of the country all favor and support this legislation and urge it as legislation needed in the interest of the American sail coastwise fleet. It does show a widespread demand for it that is in no sense confined to any particular locality.

ABSURDITY OF DISCRIMINATION AGAINST SAIL VESSELS.

The discrimination in favor of the steam coastwise fleet, owned and manned by powerful corporations, which now exists against the sail coastwise fleet, owned almost exclusively by individuals—a single vessel being owned in fractions as small as one one hundred and twenty-eighth or one two hundred and fifty-sixth—is not only grievously burdensome, but absurdly grotesque in its practical operation.

Under the law as it stands to-day, the master of a steam coastwise vessel drawing 20 feet of water, worth $500,000, with a cargo worth from $100,000 to $300,000, with 250 passengers, consisting of men, women, and children, can enter and clear from any port in the South without taking a pilot, the master navigating his own vessel. If the same master the next day takes charge of a sailing vessel drawing 12 feet of water, with no passengers, the vessel being worth from $10,000 to $12,000, with no cargo, with a crew of seven or eight men, and navigating his own vessel, as in the case of the steamer, undertakes to enter any one of the same ports the owners are obliged to pay for the services of a pilot, whether he is used or not, notwithstanding he may have been, as in nine cases out of ten he would be towed out and in by a tug on which there are two United States pilots, belonging and operating daily in that particular harbor.

FOREIGN COMMERCE AMPLE TO SUSTAIN PILOT SYSTEM IN THE SOUTH.

The growth of our commerce in the southern ports demonstrates that there is ample business in that section now without levying this tribute upon the sail fleet for the purpose of maintaining any necessary system of pilotage; and I beg to say, before I reach a discussion of that proposition, that the proposition proceeds upon the hypothesis that in order that they may have in these ports an adequate system of pilotage, so that the foreign trade can be piloted out and in, it is necessary to levy this tribute upon the sail fleet that the benefit may be derived therefrom by the ocean or foreign going fleets. And that upon its face is an obvious and odious levying of tribute upon the sail coastwise fleet for the alleged benefit of the ocean-going fleet.

Now, let me call your attention to the fact that in 1874 the total combined entrances and clearances in the foreign trade in the ports affected by this legislation aggregated 3,120,868 tons. That is the foreign trade. Of the coastwise trade I have not been able to get the statistics, as they are not kept; but the coastwise trade probably was about the same.

We have to-day in these same ports for the same foreign trade 9,894,608 tons. Now, then, if in 1874, 3,000,000 tons of foreign trade and perhaps 3,000,000 tons of domestic trade—and in assuming 3,000,000 tons as domestic trade I make a very large and favorable assumption for the other side of this discussion—if in 1874, with 3,000,000 tons of foreign trade and 3,000,000 tons of domestic trade, the revenue to sustain these pilots was adequate, and nobody has contended up to date that there has not been an adequate revenue for the maintenance of the pilotage system of that section—if that were true in 1874, when in 1904 we have 9,894,000 tons of foreign trade (more than 3,000,000 tons in excess of the foreign and domestic trade in 1874), how is it, I inquire, that they have not the foreign trade that can adequately sustain every pilotage system necessary in that section, when the amount of tonnage is 50 per cent greater now than the aggregate foreign and domestic tonnage in 1874?

A detailed statement of this growth is as follows:

Combined entries and clearances in the foreign trade and expenditures for improvements of harbors and approaches from 1884 to June 30, 1905.

District.	1874.		1884.	
	Number of vessels.	Net tonnage.	Number of vessels.	Net tonnage.
Norfolk and Newport News	115	69,345	146	131,572
Savannah	536	294,722	547	326,739
Charleston	290	113,540	505	246,652
Key West	798	129,157	513	74,279
Pensacola	525	353,302	898	571,784
Mississippi	187	42,772	307	151,175
Mobile	194	102,788	407	233,316
New Orleans	1,503	1,089,732	1,577	1,368,091
Galveston	.....	.....	402	259,085
Total	4,148	2,195,418	5,302	3,368,643
All other seaports	31,689	17,872,287	29,792	20,927,232
Total United States	35,837	20,067,705	35,093	24,290,875

District.	1894.		1904.	
	Number of vessels.	Net tonnage.	Number of vessels.	Net tonnage.
Norfolk and Newport News	437	627,701	530	1,061,788
Savannah	648	552,176	311	492,088
Charleston	236	198,427	74	94,053
Key West	581	341,123	1,052	542,835
Pensacola	871	798,058	772	1,130,385
Mississippi	352	191,848	662	528,365
Mobile	842	407,368	1,515	1,182,852
New Orleans	1,806	2,063,789	1,903	3,064,909
Galveston	408	527,592	821	1,786,733
Total	6,181	5,700,382	7,640	9,884,008
All other seaports	28,030	28,630,708	24,979	38,418,895
Total United States	34,211	34,331,090	32,619	48,302,903

Percentage of tonnage increase.

	1884.	1894.	1904.
	Per ct.	*Per ct.*	*Per ct.*
Ten southern districts	53	69	73
All other seaports	17	37	34
All seaports	21	41	41

The percentage of increase from 1874 to 1904 in the 10 southern ports was 350 per cent, at all other seaports 115 per cent, and at all seaports of the United States 141 per cent.

It has been frequently asserted that when it appeared that the foreign commerce was sufficient to take care of the pilotage system the States would repeal the compulsory legislation and cease compelling the payment of tribute from the coastwise fleet for that purpose. Mr. O'Brien, in testifying before the Merchant Marine and Fisheries Committee in 1903, said that the States will do it—that is, remove the compulsory pilotage—whenever the foreign commerce of any port is sufficient to keep up a first-class pilotage system for the port. The figures show that in 1904 that condition of things existed and that there was ample foreign commerce for that purpose, and upon their own statement the States should have repealed compulsory pilotage. Notwithstanding that fact—the existence of this amply sufficient business—not the slightest change, so far as appears here, has been made in the pilotage system in any Southern State in the last fifteen years, except in the port of Wilmington, N. C.

PILOTAGE CHARGES EXCESSIVE.

It is worthy of notice also that the pilotage charges in these ports, although they have had millions of dollars spent upon them for their improvement, are very much in excess of the nearby foreign ports, which are practically unimproved. A few specific instances will suffice to illustrate this fact. In the fall of 1905 the schooner *S. M. Bird* paid $128 for pilotage fees at Gulfport, Miss. She cleared from Gulfport for Habana on that same trip, and her pilotage fees in and out of Habana were only $32.

The schooner *Harold C. Beecher* cleared from Pascagoula in May, 1905, and paid pilotage in and out of Pascagoula amounting to $96. She cleared for Kingston, Jamaica, on the same trip, paying pilotage in and out of Kingston Harbor to the amount of $30. These are typical practical illustrations of the excessive charges made under this pilotage system.

With this showing, and these are the facts, because these facts are received from the Commissioner of Navigation, and the figures are given in his reports and are his statistics—if these are the facts, upon what ground can it be contended that they need the additional support of the sailing coastwise fleet, that does not use their pilots, and have this tribute levied upon them as an excuse to enable them to maintain their system, which is amply able to sustain itself for all legitimate purposes?

Now, let me go a little bit further. In 1904 the amount of coastwise sailing tonnage at the port of New Orleans was only 1,794 tons; foreign, 3,065,909 tons. In Mobile the coastwise tonnage was only 8,774, and the foreign tonnage was 1,182,852 tons. At Key West the coastwise was only 14,450, and the foreign tonnage 542,835 tons. Pensacola, 1,130,385 foreign tons and only 20,202 coastwise sailing tons. In Galveston 1,786.733 foreign tons, and coastwise only 37,890 tons. With this added to the facts to which I have called your attention, what foundation is there to sustain the idea that in any justice they can still call upon the sailing coastwise fleet to pay for pilots, levying a tribute upon them and making them pay for services not rendered and not needed when there is ample foreign tonnage to pay for it? These facts show that this tribute is not necessary to maintain their pilotage system.

IMPROVEMENT OF HARBORS RENDERS COMPULSORY PILOTAGE UNNECESSARY.

There is very much less necessity now than heretofore for any system of pilotage, compulsory or otherwise, by reason of the fact that during the last fifteen or twenty years the money of the Government has been expended in a prodigal degree, aggregating about thirty-nine millions of money, for the express purpose of improving the ten important harbors on the southern coast.

The experience of Commander Winslow on the cruiser *Charleston* in making and leaving the harbor of Charleston in January, 1906, without the aid of a pilot either going in or out, and navigating entirely from information obtained by the Government charts, is a conclusive demonstration of the fact that that harbor, at least—and we can safely assume that the others are in as good a condition—is perfectly feasible for navigation by any craft under the charge of a competent navigator, as are all the sail coastwise vessels. His letter is as follows:

[From a letter dated Hampton Roads, Virginia, January 21, 1906.]

No difficulty was experienced in entering or leaving the harbor of Charleston. The ship entered the harbor at high water and left at very near low water, the flood tide just commencing to make. It was dark before reaching the Cumming Point range when leaving the harbor; so the passage through part of the channel within the jetties and over the bar was made in darkness and with no moonlight.

The ship was drawing a little more than 24 feet of water on our arrival and a little less on our departure. *There was no pilot on board while entering or leaving the port, and the ship was navigated entirely on information obtained from the Government charts.* There was no indication while passing through the jetties and over the bar, either by stirring up mud or sluggishness in steering, that the vessel was in shoal water.

A careful examination of the chart convinces me that the harbor of Charleston is ample for the maintenance of a large commerce.

At the present time I can see no reason why vessels should not load to a draft of 30 feet and pass out of the harbor with safety.

Believe me to be, very truly, yours,

C. McR. WINSLOW,
Commander, U. S. Navy, Commanding Cruiser Charleston.

If the gentleman from South Carolina [Mr. LEGARE], who intimated that he was very familiar with the practical operations, so far as pilots were concerned, in the harbor of Charleston and its approaches, is familiar with that channel and the facts connected therewith during the last few years, he would know that there never has been any shifting of the channel since the making of the Government chart that was used by Captain Winslow when he navigated a United States vessel into and out of that harbor without the aid of a pilot; and if the chart was safe and reliable for Captain Winslow's use, with a ship drawing 24 feet, it does not require a very vigorous argument to establish the fact that it is equally safe and reliable for the master of a sail coastwise vessel drawing from 10 to 20 feet.

I may say further in this connection, in answer to the suggestion before the committee that the reason why the southern harbors were difficult of navigation, and therefore a compulsory pilotage system was necessary, was because they had shifting channels or movable bars, that the charts of the United States of those portions of the coast were presented, and the pilots were challenged to produce a single instance where there had been a single change in either channel or bar, as indicated upon the charts at the time they were made, a challenge which was not accepted. Not the slightest effort was made to show that there had been any change in any particular from the charts in either channel or bar, and that contention was virtually abandoned.

As a further demonstration of the complete safety of the harbor of Charleston and minimizing the probability of the occurrence of very grave dangers imagined by the gentleman from South Carolina [Mr. LEGARE] as resulting from the passage of this bill, with reference to the protecting of that port by the pilots under the existing system, the following extract, issued from the Charleston Chamber of Commerce in 1906, is illuminating and instructive:

The many deep-draft vessels that have passed safely over our bar and the presence for the first time of United States battle ships and cruisers within our harbor prove how successful this great jetty system has been, which, from an extreme depth of 18 feet at mean high water has developed *a channel 600 feet wide with a depth of at least 31½ feet at mean high water.*

FREE PILOTAGE MORE EFFICIENT THAN COMPULSORY.

Now, let me call your attention to another important and determining fact upon the question of the protection of life and property as between these two systems.

In 1903 the amount of foreign tonnage entering and clearing north of Old Point Comfort was—entered, number, 10,002; tonnage, 16,866,448; cleared, number, 9,273; tonnage, 15,469,034. South of Old Point Comfort on the Atlantic coast—entered, number, 1,102; tonnage, 1,229,596; cleared, number, 1,513; tonnage, 1,958,746.

Take it upon the number of vessels, 10,002 vessels north of Old Point Comfort and 1,102 south of Old Point Comfort. In other words, when there are ten vessels entering north of Old Point Comfort there is one vessel entering south of Old Point Comfort on the Atlantic coast. It is clear that the casualties ought to be in proportion to the business done. An analysis of the casualties in these localities ought to show no more than one casualty south of Old Point Comfort on the Atlantic coast to ten north of Old Point Comfort, if the protection to life and property were equally adequate in each case.

Let me read to you from a letter of the Secretary of the Treasury in response to one from me seeking information upon this precise point, the Secretary's letter being dated February 28, 1906:

Hon. CHARLES E. LITTLEFIELD,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant asking for information relative to casualties to vessels that occurred on the Atlantic coast during the fiscal year ending June 30, 1903.

For convenience in making reply, the points you specify as those upon

which you desire to be informed are stated in numerical order, the answer to each inquiry being given immediately below it.

The information herein furnished is derived from casualty reports rendered to this Department in compliance with sections 10, 11, and 12 of the act of June 20, 1874.

It will be noticed that the statistics which are about to be given in this letter are compiled under the express provisions of the statute, and therefore have behind them the sanction of the law.

First. The number of casualties that occurred upon the Atlantic coast for the fiscal year 1903.

Answer. One hundred and fifty-four (154).

Second. The number of casualties that occurred north of Old Point Comfort and south of Old Point Comfort for that year.

Answer. North of Old Point Comfort, one hundred and eighteen (118); south of Old Point Comfort, thirty-six (36).

That is to say, when one casualty occurred south of Old Point Comfort three only occurred north of that point. Taking into account, however, the tonnage in both sections, where one casualty occurred south, if the same degree of care was exercised in each section under compulsory pilotage as is exercised under free pilotage, there should have been ten north of that point. In other words, upon this analysis the facts show, and from them there is no escape, that there were three times as many casualties in 1903 under the compulsory pilotage system as there were in proportion under the free pilotage system obtaining north of Old Point Comfort; and if the actual facts based upon the casualties occurring in proportion to the trade in each section determine, as it seems to me they should determine, the efficiency of the two system, it demonstrates beyond controversy that the free pilotage system is three times as efficient in protecting life, person, and property as is that obtaining under the compulsory pilotage system south of Old Point Comfort. How puerile, then, on the facts is the objection to this bill on the ground that it will impair the safety of persons and property. But we have further information from this letter from the Secretary of the Treasury. The next inquiry is:

Third. The number of casualties north of Old Point Comfort and south of Old Point Comfort that were due to the lack of pilots on the vessels, giving the name of the vessel and the date of the casualty, if any.

Answer. The casualty reports do not in terms state whether pilots are or are not on board the vessels. There are inclosed, however, a copy of one casualty report which shows, in answer to question 24 in said report, that "pilots" were on board in that instance, and copies of five other reports, which show that the casualties were due to the errors of officers, indicating, perhaps, that the vessels were not in charge of *pilots*. These six reports are all that are on file for the year mentioned that appear to have a bearing upon the matter to which your inquiries seem to relate.

Fourth. The number of casualties, if any, north of Old Point Comfort that occurred while vessels were making harbor without a pilot, giving the name of the vessel and the date of the casualty.

Answer. Five casualties above referred to, as follows: Schooner *Winifred*, July 3, 1902; schooner *William H. Schubert*, October 21, 1902; schooner *Myronus*, November 17, 1902; schooner *Conway*, April 30, 1903, and schooner *Republic*, May 28, 1903.

Only one of these can with any propriety be said to come within the scope of the question asked, as is shown by an examination of the wreck reports in detail, which I have taken occasion to examine and have here present for inspection, if desired, and that is the schooner *Winifred*, and she was a small fishing vessel of only 60 tons burden, and the damage sustained was only $500.

The *Schubert* was not making a harbor, but grounded on the southern end of Prudence Island, in Narragansett Bay. The *Myronus* was not making a harbor, but was navigating Penobscot Bay and ran ashore on an unbuoyed ledge, known as Sprague Ledge, near Islesboro.

The *Conway* was an oyster boat of only 44 tons, and ran on Brandywine Shoal, in Delaware Bay.

The *Republic* grounded on Trundys reef at Cape Elizabeth, Maine.

So when an examination of the wreck reports is made it is seen that there was only one vessel north of Old Point Comfort that could be said, during the year 1903, to have met with any casualty when she was making a harbor without a pilot, with ten times the amount of tonnage and hazard that exists below Old Point Comfort.

The Secretary's letter continues:

Fifth. The number of casualties, if any, that occurred while the vessel was making harbor north of Old Point Comfort with a pilot, giving name of vessel and date of casualty.

Answer. None.

Sixth. The number of such casualties, if any, that occurred south of Old Point Comfort while vessels were making harbor without a pilot, giving name of vessel and date of casualty.

Answer. None.

Seventh. The number of such casualties, if any, that occurred south of Old Point Comfort while vessels were making harbor with a pilot, giving the name of the vessel and the date of the casualty in each instance.

Answer. One casualty, schooner *Harold C. Beecher*, May 9, 1903.

The damages in the case of the *Harold C. Beecher* were $10,000. These are certainly significant facts. Here is compulsory pilotage, with its much-vaunted protection to life, person, and property, with tonnage under its care, in the proportion of 1 to 10 to that under the free-pilotage system north of Old Point Comfort. There was ten times the opportunity for casualty and injury under the free-pilotage system that there was under the compulsory pilotage system, and yet but one accident, and that insignificant in character, occurred to a vessel in 1903 where free pilotage obtains. But the *Harold C. Beecher*, with damages of $10,000, meets with her disaster while under the protection of one of these much-vaunted pilots maintained by this compulsory system. Where is the casualty under the charge of a pilot in the free-pilotage zone? There ought to be 10 to be in proportion to the *Beecher*. Not one occurred.

And it is further to be noted, as bearing upon the care and efficiency of the pilots under that system, that the *Harold C. Beecher* was going out, instead of making a harbor, and that the dangers incident to going out are very much less than those going in. How does it happen, if this compulsory pilotage system is so much more conducive to protection and safety, that the only loss that occurred under a pilot during the year 1903 occurred under that system, when there was ten times the hazard and ten times the opportunity for dangers under the free pilotage system, but there was no loss of that character?

PILOTS' ASSOCIATION NOT LIABLE FOR NEGLIGENCE.

It may be well to mark here that while the sail coastwise fleet is compelled to receive the services of these pilots or pay for them if they are not received, if they are offered, the remedy that the owners have in case of the negligence of a pilot is at least of a very doubtful character. The newspaper clipping which follows shows that in Virginia, at least, the vessel owner who is injured by the negligence of a pilot has no remedy whatever against the pilots' association, although they levy these enormous sums as tribute on the sail coastwise fleet for the maintenance of that association. Just how far this applies to the pilots' associations throughout the whole South I am not at this moment able to state, but we do know that it applies to Virginia, which is the most vicious illustration of this graft levied under the forms of law upon the sail fleet.

PILOTS SCORE STRONG POINT—UNITED STATES SUPREME COURT SAYS THEY ARE NOT RESPONSIBLE FOR THEIR ASSOCIATES.

WASHINGTON, *December 3, 1906.*

The Supreme Court of the United States held to-day that the Virginia Pilots' Association is not responsible for damages caused by accidents when due to the negligence of its members. A decision was rendered in the case of Guy *v.* Donald on question certified from the circuit court of appeals for the fourth circuit. Guy is a member of the association, and he was the pilot in charge of the navigation of the steamer *Santuit*, which is owned by Donald, when, in 1901, that vessel collided with the schooner *Churchman* off the Virginia capes, doing such damage that Donald was compelled to pay $3,175.

Suit being instituted by him to recover from Guy and the pilots' association, the Federal district court for the eastern district of Virginia granted his prayer, holding that the accident was due to Guy's negligence, and that he and the association of which he is a member were responsible for the damage done. Guy appealed the case to the court of appeals, and that body sent it to the Supreme Court with the request for answers to the question whether the association, being unincorporated, constituted a partnership; whether, if the association is a partnership, its members, who are regularly licensed pilots, are liable for damage to vessels caused by the negligence of one another, and whether, if not a partnership, they are liable for such damages. The questions were answered in the negative.

This simply adds to the hardships involved in the situation. The service that the owners of these vessels are compelled to receive, or to pay for if offered and not received, it would seem ought to carry with it a corresponding obligation to guarantee the safety of their property and the payment of damages therefor in the case of negligent service subjecting their property to hazards and dangers, especially in view of the fact that tremendous stress is laid upon the idea that this compulsory system must be maintained, with all of these evils and injustices, in order that life, persons, and property should be protected. The protection of life, person, and property without the owners having the opportunity to enforce that right as a matter of law in the courts is simply a delusion and a snare.

FREE PILOTAGE IN WILMINGTON.

Now, I want to call your attention to a very important consideration involved in a little practical experience in connection with this question. The minority views call attention to the fact that in the city of Wilmington, N. C., they have had free pilotage since 1905, and then state that there was a loss in the business in the port of Wilmington, N. C., of about 4,000,000 feet of lumber, establishing, as they say, "beyond question the profound injury done the port of Wilmington by the removal of pilotage." The gentleman from North Carolina [Mr. SMALL] read, but I will read again, so that it may be freshly before the

House, a letter which I received from the president of the Wilmington Chamber of Commerce, to whom I wrote making inquiries in relation to this statement in the minority views. My notion was that the minority views were erroneous.

The president of the Chamber of Commerce of Wilmington, N. C., writes me as follows:

THE WILMINGTON CHAMBER OF COMMERCE,
March 21, 1906.

Hon. CHARLES E. LITTLEFIELD,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to the minority report on the Littlefield bill, beg to call your attention to figures on page 78, purporting to represent the relative shipments from Charleston, S. C., Georgetown, S. C., and Wilmington, N. C., for the years 1904 and 1905, in which the Wilmington shipments of lumber to New York are represented as having fallen off more than 4,000,000 feet. This statement is intended to convey the impression that shipments received at New York are practically the total output of this commodity from Wilmington, and a lamer argument we can not well conceive. For your information, beg to say that the shipments of lumber from Wilmington for 1904 were 40,000,000 feet, and for 1905, 46,000,000 feet, and this notwithstanding that one of the principal mills was shut down for five months, due to a boiler explosion. It is estimated that lumber shipments from Wilmington for 1906 will exceed 60,000,000 feet, or an increase over 1904 of 50 per cent. New York no longer receives the proportion of shipments that it formerly enjoyed, and if the signers of the minority report had been as zealous in ascertaining facts as they were in putting forth a misleading argument, they would never have appended their signatures to a report so easily refuted.

On this same page appears this clause: "Cause—reduced freight, as the freight always pays the pilotage." This is the conclusion of the argument, and is the capstone to the contention that a free port suffers a loss of commerce. In the same paragraph the action of Wilmington in abolishing compulsory pilotage is represented as a short-sighted step on the part of a few grasping shippers. As a matter of fact, the Wilmington Chamber of Commerce, by unanimous vote, condemned compulsory pilotage, and the members of the chamber raised a large fund to prosecute repeal before the State legislature. The subscribers to this fund embraced, with three exceptions, every manufacturer and wholesale dealer in Wilmington.

For your further information, will state that ten pilots are now engaged in the business at this port, and the service is more satisfactory and efficient than it has been for more than ten years. There has not been a single disaster to shipping chargeable to the abolition of compulsory pilotage or to inefficient pilotage service, and the commercial interests of Wilmington are highly pleased with the results of the free port.

I hope that you will feel at liberty to use this letter in meeting the erroneous assumptions in the minority report.

Yours, respectfully,

J. A. TAYLOR. *President.*

The gentleman from North Carolina [Mr. PATTERSON] made some suggestion in relation to figures that he was likely to present in connection with this phase of the question, but I do not understand that he has presented any figures. So that, so far as this debate is concerned, the matter stands upon this letter of the president of the chamber of commerce.

Mr. PATTERSON of North Carolina. Since the gentleman has mentioned me by name, I would like to interrupt him.

Mr. LITTLEFIELD. Yes.

Mr. PATTERSON of North Carolina. I will state that I wrote to the Secretary of Commerce and Labor for the facts, and asked him to give me the statistics, and he gave them to me as they are contained in the report. Now, I have no knowledge of the source of the information contained in the letter of the president of the chamber of commerce. I notice his letter does not state that that amount of lumber was shipped from Wilmington by boat. His statement was that it was shipped. My information was that there had been a falling off in the lumber shipped from Wilmington by boat. If the gentleman from Maine will refer to that letter, he will see that the president of the Wilmington Chamber of Commerce does not say that that lumber was shipped from Wilmington by boat. The facts which I gave came from the Department of Commerce and Labor.

Mr. LITTLEFIELD. Does the gentleman impeach the correctness of these statistics given by the president of the Wilmington Chamber of Commerce?

Mr. PATTERSON of North Carolina. No; I do not. I know nothing about what the president of the chamber of commerce says. I wrote to him to furnish me with the facts, but he seems to prefer that they be intrusted to the gentleman from Maine. I think, however, the statement from the Secretary of Commerce and Labor ought to be pretty good authority.

Mr. LITTLEFIELD. The minority views do not say that the shipments were by water. The minority views simply say that the southern pine receipts in New York for nine months from September 24, 1904, to June 30, 1905, were so much. If the minority saw fit to put into their views a statement in relation to New York alone when they knew there were other sections to which the lumber was going and therefore the business of the port was being increased instead of decreased, they succeeded in deceiving the House. I do not think they intended to do that. The question is whether the business of that port has increased or decreased.

Mr. PATTERSON of North Carolina. I would like to interrupt the gentleman to state that I was not present when the report was made and I did not sign it myself. My name was signed by the gentleman from Mississippi [Mr. SPIGHT] during my absence and without my knowledge or consent.

Mr. LITTLEFIELD. I know the gentleman did not.

Mr. PATTERSON of North Carolina. Had I been present, I would have made some corrections in that part of it. My opinion is that there has been a falling off in the shipments of lumber by water since that time. Whether it was because of the abolition of the pilotage or the depletion of forests or shipping of lumber by rail I do not know.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. Does the gentleman from Maine yield to the gentleman from Mississippi?

Mr. LITTLEFIELD. Certainly.

Mr. WILLIAMS. I would like to ask the gentleman this question: If there was anything wrong about the pilotage laws of the State of Maine, would not the gentleman rather trust the legislature of the State of Maine to correct the wrong or evil than to appeal to the Congress of the United States to do it?

Mr. LITTLEFIELD. I will say that when we have suffered thirty-five years under this discrimination in favor of the steam coastwise fleet, and have been appealing again and again for the enactment of legislation to relieve us, I should reach the conclusion that it was not worth while to wait for relief from the States. It has been said time and time again that a little later on, when they got good and ready, when they were entirely satisfied, we might get the legislation. Now, it is suggested in this debate, in substance, that inasmuch as we have stood by under this discrimination for thirty-five years, they now have really acquired a prescriptive right, so that Congress ought not to pass any such legislation; that because we have been here a half a dozen times appealing to Congress, and because they have deferred action, therefore we ought not to have favorable action now; that the statute of limitations, perhaps, barred us.

Mr. WILLIAMS. The gentleman from Maine does not understand that I take that position?

Mr. LITTLEFIELD. I do not understand that the gentleman from Mississippi takes that position.

Mr. WILLIAMS. I am glad the gentleman does not understand that. I should hate to have the gentleman from Maine put me in that ridiculous attitude before the House. The point I wanted to get at is simply this: I know in my own case I am perfectly willing to trust the State of Mississippi, and I wanted to know whether the gentleman was willing to trust the State of Maine.

Mr. LITTLEFIELD. I would trust the State of Maine to give us relief if it would give us any relief at all. But a system has grown up in Mississippi that is more odious and more oppressive and more in violation of the good, sound sense of a man of intelligence than anywhere else. In Gulfport there is a continuous and regular practice, not in accordance with the law, but in violation of it—there is a continuous practice in Gulfport and some other Mississippi ports of discriminating against our sailing coastwise fleets and in favor of other sailing vessels.

Mr. WILLIAMS. That charge I absolutely deny, and if the charge is true, even, it is a charge of the violation of the laws of the State of Mississippi, and not a charge against the laws of Mississippi.

DISCRIMINATIONS AGAINST SAIL FLEET IN COMPULSORY PORTS.

Mr. LITTLEFIELD. I understand that the gentleman from Mississippi denies the charge, so far as it relates to Mississippi, but I desire to say to the House that the men implicated in violating the laws and in making these discriminations never have as yet had the hardihood to deny any of the charges in relation thereto, and that, moreover, when the charges were first made before the Committee on Merchant Marine and Fisheries, Mr. O'Brien, representing the pilots, desired time to get a refutation from Gulfport, and it appeared before the committee that, although he telegraphed to Gulfport that the charge had been made, the only answer he received was that the laws of Mississippi prohibited discrimination and provided for compulsory pilotage and fixed fees, all of which everybody knew before the response was received. But no one in Gulfport then or since has ever denied that gross discriminations were repeatedly and continually practiced in that port.

In order that there may be no question about this point, I will state that the pilotage paid in Gulfport in 1905 by the *S. M. Bird* was $128. This was the usual pilotage on vessels of her size for one trip.

I quote three bills, all to the *G. A. Bartlet*, but during different periods of time, for the same service. They read:

GULFPORT, SHIP ISLAND HARBOR, MISS., *February 8, 1904.*

Captain and owners, schooner *G. A. Bartlet*, to the Ship Island Pilots' Association, Dr.

As per agreement $40

Total 40

JOSEPH LEWIS, *Treasurer.*

GULFPORT, MISS., *February 4, 1905*

Captain and owners, *G. A. Bartlet*, to Ship Island Pilots' Association, Dr.:

Pilotage $40

Total 40

F. G. MORAN, *Pilot.*

GULFPORT, MISS., *April 7, 1905.*

Captain and owners, *G. A. Bartlet*, to Ship Island Pilots' Association, Dr.:

To ——— feet inward draft, at $4 ..... $40
To harbor fees 5

Total 45

JOHN E. LEWIS, *Pilot.*

For the purpose of intensifying this discrimination, it may be stated that the schooner *G. A. Bartlet* is a considerably larger vessel than the *S. M. Bird* and carries about 40,000 feet more of lumber.

An explanation of the reason why this gross discrimination was made in her favor as against a vessel hailing from and managed in New York may be found in the fact that her manager resides in a Gulf port.

In 1905 the schooner *Mary E. Morse* paid $150 pilotage fees at Gulfport, and the British schooner *Lillie*, of about the same size, managed by an agent living in a Gulf port, paid $46.60 for the same service.

The schooner *Frances*, in 1905, paid $142 pilotage at Gulfport, and the British schooner *Blomidon* paid during the same year for the same service $44. These vessels are of about the same size.

The *Fred A. Davenport*, in 1905, paid $156 pilotage at Gulfport, and the schooner *Fred W. Ayers* paid $40 for substantially the same service. The only distinction known between these two vessels is that the *Davenport* is managed in Bath, Me., and the *Fred W. Ayers* is managed by an owner living in a Gulf port.

These instances, undenied by the men who made the discrimination, amply establish my contention. I suppose that I would hardly be expected to go over every single voyage that has been made out of Gulfport, Miss., during the last three or four years, but, if necessary, I could no doubt file a bill of particulars covering the whole period. I assume that these facts were not known to the gentleman from Mississippi when he assumed the responsibility of denying that there was any such discrimination. A system prostituted to such abuses ought not to be tolerated when Congressional action can furnish the only practicable relief.

In Mobile, Ala., April 27, 1904, the schooner *Gertrude Bartlet* was charged $52 for pilotage; on July 13, 1904, $49 for pilotage; on September 15, 1905, she was charged $52 for pilotage, and on December 7, 1905, $52 for pilotage, when a vessel of substantially her size and carrying capacity would have been charged, under the same circumstances, if she was managed outside of the compulsory-pilotage zone, about $173.

It is hardly necessary to multiply instances, particularly in view of the fact that no one at the hearing undertook to deny that the practice of discrimination was very general.

It appeared in the case of the Plant Line, which plies between Tampa, Key West, and Habana, in the foreign trade, that they had succeeded in making an arrangement so that their expense for pilotage was only about $4 a trip, when the sail coastwise vessel making the same ports on a similar voyage would be compelled to pay about $240. And this is further emphasized by the fact that the Plant Line of steamers is engaged in the foreign trade, while the sail vessel would be engaged entirely in the domestic trade, plying between two ports in the same State. Mr. O'Brien, who has for years been representing the pilots in opposition to this legislation, not only was not able to successfully deny that these discriminations existed, but he himself admitted, as a witness before the committee, that he had made a contract of that character. His testimony is as follows:

Mr. LITTLEFIELD. Is there any special arrangement at Key West with the Plant System, a foreign line?
Captain O'BRIEN. I think there is.
Mr. LITTLEFIELD. What reduction does that foreign line get?
Captain O'BRIEN. I do not know.
Mr. LITTLEFIELD. Did you not make the contract?
Captain O'BRIEN. I made one contract, but they broke it.
Mr. LITTLEFIELD. Under the arrangement that you made, how much reduction was the foreign line getting?
Captain O'BRIEN. That is not a foreign line. It is owned by Mr. H. M. Flagler and other gentlemen who are not any more foreigners than the State of Maine people are.
Mr. LITTLEFIELD. She sails foreign. What arrangement did you make with them?
Captain O'BRIEN. I think we made it a fractional part of the pilotage.
Mr. LITTLEFIELD. What fractional part?
Captain O'BRIEN. I think it was one-half or three-fourths pilotage, but it did not last over a month. They broke that arrangement. I am not positive what the details were.
Mr. LITTLEFIELD. You made it?
Captain O'BRIEN. Yes, sir.
Mr. LITTLEFIELD. Did they refuse to pay it?
Captain O'BRIEN. I was not president of the National Pilots' Association at that time. They probably found that it was not within the law and that the law would not permit it.

The details in connection with this and other questions of fact which I discuss may be found in the report of the committee, which I will annex as an appendix.

To return to Wilmington, N. C.: The fact is that Wilmington ships lumber in large quantities to Baltimore, Philadelphia, New Haven, Providence, Boston, and Portland, all of which goes by vessel. Under these circumstances the fact that the gentleman from North Carolina only succeeded in inquiring about shipments to New York would look as though he did not have any very great desire to be placed in possession of all the information relating to this subject.

Prior to March, 1905, when compulsory pilotage was in force, this port maintained forty pilots. Since it has been a free port, according to the statement of the president of the chamber of commerce, whose reliability and credibility are guaranteed by the Representative from his district, Mr. PATTERSON—

> Ten pilots are now engaged in the business at this port, and the service is *more satisfactory and efficient* than it has been for more than ten years. There has not been a single disaster to shipping chargeable to the abolition of compulsory pilotage or to inefficient pilotage service, and the *commercial interests of Wilmington are highly pleased with the result of the free port.*

In his report as president of the chamber of commerce, made in May, 1906, he made this further statement with reference to the change in the pilotage system:

> We have just completed the first year of our experience as a free port, and all the prophecies of dire calamity—
>
> "That lowered upon our house
> In the deep bosom of the ocean buried"—
>
> for the record is without a single disaster chargeable to the abolition of compulsory pilotage laws. Two pilot crews are maintained at Southport, and *commerce is receiving better service now* than perhaps for fifteen years. *With the abolition of compulsory laws the pilot-tugboat combination fell to pieces, and we now have competitive towing, and shipping is most effectually served.*
>
> *Conditions could not be more satisfactory, nor could the wisdom of those who advocated a free port be more perfectly vindicated.*

Please note the force of this disinterested and emphatic statement.

The experience of the port of Wilmington, N. C., as taken from the highest and most reliable source of information, conclusively demonstrates that that port is more efficiently and effectively served under a free system of pilotage with ten pilots than it was with forty pilots under the old compulsory system. It conclusively demonstrates that life and property are better protected than under the old system. It shows, further, inasmuch as the ten pilots are now amply sufficient for all the needs of that thriving, enterprising, and busy port, that during the compulsory pilotage period thirty pilots were being supported and maintained by the sail fleet without rendering any efficient service of any kind for the tribute levied upon the sail coastwise fleet. If we assume, in the absence of having received any information upon that point from the pilots themselves—and the pilots have been very careful to conceal the extent of compensation which they have succeeded in receiving under compulsory pilotage—that they have been receiving $2,000 per annum each—and this, I think, would be a conservative estimate—this means that the sail coastwise fleet has been paying to the pilots in Wilmington, N. C., prior to March, 1905, an annual and unnecessary tribute of $60,000. It will be difficult to imagine a more obvious and vicious illustration of unjustifiable legalized graft perpetrated under the forms of State legislation. This same condition, although perhaps not quite to the extent indicated in Wilmington, beyond all question prevails in every southern port, as upon any decent business basis the compulsory pilotage system is supporting and maintaining a relatively large number of unnecessary pilots in each port.

COMPENSATION OF NORFOLK PILOTS.

It is true that the port of Norfolk, Va., is a most conspicuous and vicious illustration of this palpable and unjustifiable graft. There is considerable controversy as to what sum per year the pilots are receiving in that port. It has been asserted that

they are receiving in the neighborhood of eight or nine thousand dollars a year each.

It is extremely significant, although this question has been pending for the last four or five years, and the compensation of the Norfolk pilots has always been an important factor and a subject of acute discussion, that no one representing that pilot association has ever undertaken to give to the committee or to the House any statement as to the sums actually received annually by these pilots. The only suggestion that has ever been made in the way of criticism of the assertion that they are receiving eight or nine thousand dollars a year is the statement made by the gentleman from Virginia [Mr. MAYNARD], in whose district these pilots are located, that he does not "believe" they are receiving that sum. The fact that he has to rest his statement solely upon his belief, and entirely disclaims any knowledge, is extremely significant upon this proposition. I suppose no one will believe but that if he desired to do so, and the facts were of such a character as to make it desirable to have them stated, he could ascertain from his constituents in forty-eight hours just exactly what the facts are in this regard. But he has been a member of the committee for at least two years, and has been involved in this agitation for a number of years, and while this is an important fact involved in the controversy, he has not succeeded during all this time in accumulating any definite information upon this point. I think we may safely infer that if the information would be favorable to the pilots, definite and specific information would be very promptly forthcoming through him or through their representatives, so that it could reach the knowledge of the House, and we have a right, certainly, under the circumstances, to assume that they are receiving compensation so large that they do not dare even disclose the amount.

I have in my district 2,000 or 3,000 mechanics whose employment is dependent upon the continuation of the shipbuilding industry. They are ship carpenters, ship joiners, blacksmiths, calkers, ironers, riggers, sailmakers, and so forth, and to-day, on account of the decadence of building wooden sailing vessels, they are practically without employment in their respective trades, and this, remember, is the labor in only one district, other sections being also largely interested. The imposition of this unjust burden of compulsory pilotage is one of the principal causes contributing to this decline. The facts as to this decline I shall state more in detail hereafter. These men are good citizens, intelligent, industrious, thrifty, and law-abiding. They do not see any good reason why the industry in which they are interested should be subjected to an unnecessary burden contributing to their being deprived of an opportunity to render an honest day's work for an honest day's wage in order that the pilots in Norfolk, Va., for instance, may receive $9,000 per annum or less or a sum that they do not dare disclose, as the result of this monopolistic burden. And, as the case shows, no one of these pilots in eighteen years has rendered any practical service to a sail vessel. It is admitted that in this port the system is maintained for tribute pure and simple, as licenses are issued to vessels to use that port without a pilot—that is, the owners pay for the privilege of navigating their own vessels. They toil not, neither do they spin, yet with diligent persistence and insistence they gather into barns in order that they may live lives of opulence, luxury, and leisure, while hundreds of laboring men in my district, in order that this interesting proceeding may continue undisturbed, are not able to get an opportunity to work and get a fair return for service actually rendered.

It is true that the gentleman from Illinois [Mr. PRINCE], supposedly desirous of information in connection with the merits of this controversy, inquired of the gentleman from Wisconsin [Mr. MINOR] whether any labor organizations were supporting this bill, conveying the inference that the labor organizations were arrayed against this bill and therefore it ought not to pass. I have just called attention to the fact that from two to three thousand of the finest laboring men in this country, living in my district, are vitally interested in its passage, and that their opportunity for employment to a large degree depends thereon. I do not know whether they are or are not fully or thoroughly organized. I do know that in every proper legitimate method they have expressed themselves as anxious to have this legislation passed. I do not understand that they are affiliated with the American Federation of Labor. I hope, however, that the interests and desires of two to three thousand men in my district who labor will receive at least the same consideration from the sentimental standpoint as those of 130 pilots, many of whom never labor, who happen to be organized and affiliated with the American Federation of Labor; unless, to be sure, it may appear that the Members of the House are to proceed upon the closed-shop idea, and entirely ignore the interests of laboring men who do not happen to be members of the American Federation of Labor and hold that unless they belong to the Federation they have no rights that this generation of statesmen are bound to respect.

I have said that there were 130 pilots interested in this bill, and this leads me to call attention to the fact that Mr. O'Brien has circulated considerable literature in relation to this question, among which is a letter dated January 17, 1906, in which he says:

> It was stated in the committee that this bill affected 130 pilots, while in fact it affects directly or indirectly 1,000 pilots.

It is true that it was stated in the committee that it affected 130 pilots, and it is also true that this statement was made by Mr. O'Brien, who testified before the committee, as will be seen on page 17 of the hearings, as follows:

> Mr. LITTLEFIELD. How many pilots would be affected by this bill?
> Mr. O'BRIEN. One hundred and thirty.

It is hardly necessary to comment upon the two statements made by this representative of the pilots' association.

THE BURDEN ON THE SAIL FLEET.

The effect of this burden upon the sail coastwise fleet is, I think, made too obvious for discussion by simply citing, as I will, the results in connection with a few vessels.

The schooner *Belle O'Neil*, which was purchased in June, 1904, produced, from 1904 to 1906, in two years and four months of time, total net earnings of $3,180. She cost $15,000. The earnings, without the payment of insurance, amounted to only 9.1 per cent per year. Upon this vessel, on account of her age, the insurance was 11 per cent per annum. Some of her owners insured and some did not insure. Those that did not insure, of course, in effect insured themselves. The net result of the operation of the vessel is, of course, to be reckoned upon the basis of the payment of insurance. If insurance had been paid on this vessel, instead of there being any net return from her she would have shown a loss of 1.9 per cent.

The schooner *Catherine Monahan* was a new vessel, launched in 1904, and up to October, 1906, she had made net earnings of $9,400. She cost $45,000. The insurance upon her was 8 per cent per annum. Her net earnings, without paying insurance, were 10.5 per cent, and after the payment of insurance it left only 2½ per cent for interest on the investment and depreciation. The estimate for depreciation is about 5 per cent per annum. No depreciation was estimated in the case of the *Belle O'Neil*, above referred to.

PILOTAGE FREQUENTLY EXCEEDS NET EARNINGS.

The schooner *Winfred A. Foran*, from May, 1905, to January, 1906, paid $1,200. She cost $17,000. Her net earnings would equal 10.5 per cent per year. She insured at 8 per cent, which would leave only 2.5 per cent for depreciation and interest. During the period in which she paid $1,200, without reckoning insurance to her owners, she paid out in pilotage something like $1,300.

A sample trip of the *Winfred A. Foran* is illuminating on the point of the proportion that the pilotage fees bear to the dividends paid to the owners. On her trip from June 7 to August 9, 1905, she paid in pilotage fees $326.80, and on that same trip was able to pay to her owners only $200.

In the case of the schooner *Laura C. Henderson*, the owners were compelled to pay $562.50 after a charge had been made of $662.50 in one trip, a large portion of which was caused by reason of the fact that they were obliged to make a harbor with a sick sailor and were required to pay pilotage in and out, even under those circumstances; and in this instance the vessel had the services of a tug, which rendered the services of the pilot in every sense unnecessary.

Between September, 1905, and October, 1906, the schooner *S. M. Bird* paid out in pilotage a little over $1,400, and during that same time divided to her owners less than $800.

The barkentine *Frances*, on a voyage from Norfolk to Charleston and return, paid out in pilotage $270, and on the same trip the owners had left for her dividends $97.06. The schooner *John R. Bergen* paid in four months in 1904 $752 for pilotage, and during the same time paid to her owners only $1,000 in dividends.

The schooner *Laura*, on a voyage from New York to Charleston and return, paid out in pilotage $173.22, and paid to her owners $312.55.

On the very next trip, to the same place and return, she paid in pilotage $179, and to her owners $116.32. These are simply sample illustrations, which could be duplicated indefinitely if I desired to go over the history of the sail coastwise fleet during the last eight or ten years.

DECLINE IN BUILDING SAIL VESSELS.

As a result of this condition, it is not surprising that the construction of vessels subject to this southern pilot tax has been

steadily decreasing and has now nearly ceased. For years prior to 1904 there were more wooden vessels built in the district that I have the honor to represent than in all the rest of the United States put together. This includes the Atlantic and Pacific coasts and the Great Lakes. Bath is by all odds the most important shipbuilding point in the district and for wooden vessels in the United States. The following extract from the principal newspaper printed in Bath is eloquent upon this point:

[Bath Daily Times.]

THE YEAR'S RECORD—NOT ONE TO WHICH BATH CAN POINT WITH PRIDE.

The year 1905 was a most unfortunate one for Bath shipyards so far as the amount of tonnage built and launched is concerned, thereby making the year appear small in comparison with many previous years. There were but eight vessels built, all schooners, and their aggregate tonnage was 8,454, divided among the following vessels:

	Tonnage.
Alice May Davenport	1,144
Evelyn W. Hinkley	698
Orleans	758
Camilla May Page	688
Frances Hyde	739
Herbert D. Maxwell	772
Davis Palmer	2,965
Robert P. Murphy	697

The comparison in the amount of tonnage with previous years is as follows:

	Tons.
1905, 8 vessels	8,454
1904, 26 vessels	26,683
1903, 23 vessels	25,149
1902, 26 vessels	31,663
1901, 28 vessels	33,563
1900, 35 vessels	41,532

This discrimination against the sail and in favor of the steam coastwise fleet, largely producing these results, is a direct subsidy to the steam fleet, a subsidy to corporate as against individual interests. Opposition to this bill means special privileges to steam vessels as against equal privileges to all vessels.

To-day there is but one wooden vessel on the stocks in Bath and but one other in the balance of my district. These facts show why it is that throughout my district such a large number of intelligent and capable mechanics are to-day deprived of their regular employment.

The people in my district are by no means those who are alone interested, as the vessels are owned to a very large extent outside the district, some having from 50 to 100 owners scattered all along the coast and over the country.

All the commerce up and down the coast is interested to wipe out this burden, and with practical unanimity is urging the passage of this bill.

It is true that in the course of this debate in opposition to this bill various suggestions and insinuations have been made in relation to other matters that have no connection of any kind with the bill pending before the House, made, no doubt, for the purpose of diverting discussion from the pending bill. As to all suggestions or insinuations of that character, it is only necessary to say that they are entirely immaterial, their introduction was unjustifiable, their purpose was easily apprehended, and I have no occasion at this time to either directly or indirectly make any further reference thereto.

Finally, I submit, Mr. Speaker, that if the question of labor is entitled to consideration in connection with this controversy, from 2,000 to 3,000 men in one district desiring work are entitled to more consideration than 130 men, the great majority of whom render no service and receive compensation for service never rendered; that as to the fact whether they are or are not in either instance federated with any labor organization should not affect their rights and interests in a matter of this kind; that the facts in this case clearly show that there is to-day ample tonnage engaged in the foreign trade to maintain and support all the pilots necessary for its use or its legitimate service in this territory; that the expenditure of millions and millions of dollars upon the improvement of harbors in the southern territories for the sole, express, and only purpose of maintaining them safe and approachable for all commerce has now placed them in a position where they are not entitled to insist upon levying tribute upon this sail coastwise fleet in order that they may be in a position to render service to another and independent branch of the merchant marine principally owned and conducted by foreigners; that comparing the compulsory pilotage territory with that where pilotage is free, the record, which can not be controverted, demonstrates beyond all controversy that the protection of life, person, and property is vastly better conserved in the territory where the pilotage is open to free competition and dependent upon actual services rendered than in the territory where the other system prevails; that there is nothing in any of the facts that will justify the House in further continuing the oppressive monopoly and handicap that now exists in favor of the steam coastwise tonnage, largely owned by great corporate interests, against the sail coastwise fleet, which is the property of individual owners and is independently competing for its existence.

APPENDIX.

[House Report No. 1482, Fifty-ninth Congress, first session.]

DISCRIMINATION AGAINST SAILING VESSELS IN COASTING TRADE.

February 19, 1906.—Referred to the House Calendar and ordered to be printed.

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, submitted the following report:

[To accompany H. R. 5281.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 5281) entitled "A bill to remove discrimination against American sailing vessels in the coasting trade," having given the same careful consideration recommend that it do pass.

This bill extends to coastwise sailing vessels in the southern waters from Norfolk to Galveston the same rights which Congress has already granted to their competitors, the coastwise steamers, in those same waters, and which both sail and steam vessels enjoy on all the rest of the Atlantic coast, the Pacific coast, and on the Great Lakes and all rivers, i. e., the right to enter and leave those ports without paying for pilots when they do not use them and do not need them.

It affects the profits, according to the official representative of the pilots, of about 130 men, who now have a monopoly of the piloting business in those ports, neither the State nor the municipality being a sharer in the money thus collected.

It removes discriminating laws which are a relic of days when harbors were practically unmarked by light-ships, light-houses, and buoys, channels dredged and uncharted, and towboats, commanded by their own expert local pilots, taking vessels into and out of harbors unknown.

It enables American sailing vessels seeking shelter from the storm to enter those harbors, upon which the Government has spent so many millions to make them safely navigable, without being taxed for the privilege by private individuals whom they neither need nor use, just as such vessels freely enter all other ports and the southern port of Wilmington, N. C., since March, 1905, when that port was made free in both foreign and coastwise trade.

It has no reference to nor effect upon the general pilot system of the country, and therefore the great bulk of the objections and protests urged against the bill before the committee have no bearing upon it. It does not, as has been often erroneously asserted, prevent or attempt to prevent sail vessels from employing a local pilot, but leaves them entirely free to employ one if they need him, in which case they of course pay for the service, as for any other service actually rendered to them.

In addition to the report of this committee made last year and annexed hereto and made a part of this report, it may be said that the mass of resolutions, petitions, letters, and telegrams from the great producers and shippers in the Southern States to this committee and the members thereof, herein quoted and summarized, is such as to command the utmost consideration and respect.

DELAWARE.

WILMINGTON, DEL., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We wish to advocate vigorously passage of Littlefield bill abolishing compulsory pilotage.

BUSH & RAYNER.

FLORIDA.

LIVE OAK, FLA., *January 9, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee, Washington, D. C.:

We own and operate two large sawmills, producing 100,000 feet of lumber daily; are large producers of naval stores; owners of timber land and managers of the Live Oak Ferry and Gulf Railway Company. We believe that the interests of manufacturers, shippers, and property owners in this State will benefit by the passage of the anti-compulsory pilotage bill and we urge its passage.

THE DAWLING LBR. AND N. S. CO.

JACKSONVILLE, FLA., *January 11, 1906.*

Hon. C. H. GROSVENOR,
Chairman House Committee, Washington, D. C.:

We are large shippers of yellow-pine lumber from this port, Fernandina, and Gulf ports, and most urgently wish the passage of the anticompulsory pilotage bill.

ROBT. SIZER & CO.

WATERTOWN, FLA., *January 9, 1906.*

Hon. C. H. GROSVENOR,
Chairman House Committee on Merchant Marine and Fisheries, Washington, D. C.:

We think the Littlefield anticompulsory pilotage bill now before Congress should be passed and strongly urge same. We being large sawmill owners, shippers from Fernandina and Jacksonville, timbered-land proprietors, and extensive operators in naval stores, believe it will promote our interests as well as other producers in the South.

EAST COAST LUMBER COMPANY.

JACKSONVILLE, FLA., *January 10, 1906.*

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee, House of Representatives, Washington, D. C.:

I respectfully urge passage of Littlefield anticompulsory pilotage bill. I am one of the largest shippers of railroad ties and lumber from Jacksonville, Fernandina, and Brunswick; heavily interested in timber and other property in this State, and believe this bill should pass in the interest of all producers and shippers and that it will be a benefit to the South.

DEXTER HUNTER.

JACKSONVILLE, FLA., *January 10, 1906.*

Hon. C. H. GROSVENOR,
Washington, D. C.:

We, as lumber and cross-tie manufacturers and naval stores' operators in this State, advocate the passage of the Littlefield anticompulsory pilotage bill.

EMPIRE LUMBER COMPANY.

WHITE SPRINGS, FLA., *January 8, 1906.*

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:

We own 200,000 acres of timber land, three large sawmills, and operate a railroad, and we strongly urge the passage of the anticompulsory pilotage bill.

R. J. & B. F. CAMP LBR. CO.

LAKE CITY, FLA., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We own 150,000 acres of timber and operate two large sawmills at Dunnellon and Crystal River, Fla. We believe the interests of shippers, manufacturers, and property owners in this State will be benefited by the passage of the anticompulsory pilotage bill, and we strongly urge its passage.

CRYSTAL RIVER LUMBER CO.

JACKSONVILLE, FLA., *January 10, 1906.*

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:

We are sawmill owners and shippers from this port. Urgently request the passage of the Littlefield anticompulsory pilotage bill.

EAGLE MILLS LUMBER COMPANY.

GAINESVILLE, FLA., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

While we are large shippers of phosphate rock to foreign ports and the Littlefield anticompulsory pilotage bill has very little effect either way on our business, still we are especially interested that all laws affecting the shipping business through our southern ports shall be of such a nature as to render every possible advantage and be just and right, and feeling the injustice of the existing law of compulsory pilotage, we most heartily indorse the pending Littlefield bill.

DUTTON PHOSPHATE COMPANY.

JACKSONVILLE, FLA., *January 11, 1906.*

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries,
Washington, D. C.:

We most urgently advocate passage of anticompulsory bill. We are sawmill owners and have large timber interests in this State.

STANDARD CYPRESS CO.

JACKSONVILLE, FLA., *January 11, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We are owners of over 300,000 acres timber land in this State, manufacturers of railroad ties and timber, and strongly urge passage of Littlefield anticompulsory bill, believing it will benefit this State and all the South.

THE ATLANTIC LUMBER CO.

JACKSONVILLE, FLA., *January 11, 1906.*

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:

We are greatly in favor of passage of Littlefield anticompulsory pilotage bill. We are large sawmill and landowners at Otto Creek, Fla., and shippers from Jacksonville and Fernandina.

BLISS & VANUKER.

NEW YORK, *January 16, 1906.*

W. D. CASH, *Key West, Fla.:*

Please wire, collect, if Plant Line steamers coming from Habana and going to Habana, in and out Key West, take pilots, and the amount of pilotage they pay. Do you know of any special arrangements they have? Wire fully.

N. A. BENNER & CO.

KEY WEST, FLA., *January 17, 1906.*

N. A. BENNER & CO.,
77 Water Street, New York, N. Y.:

Plant Line steamers from Key West to Habana, Habana to Key West, pay special rate pilotage $1,300 year.

W. D. CASH.

KEY WEST, FLA., *January 17, 1906.*

N. A. BENNER & CO.,
77 Water Street, New York City:

Plant Line do not take pilots, but pay special rate mentioned.

W. D. CASH.

W. J. H. TAYLOR, *Key West, Fla.:*

NEW YORK, *January 16, 1906.*

Please wire, collect, if Plant Line steamers, coming from Habana and going to Habana, in and out Key West, take pilots, and the amount of pilotage they pay. Do you know of any special arrangements they have? Wire fully.

N. A. BENNER & CO.

KEY WEST, FLA., *January 17, 1906.*

N. A. BENNER & CO.,
77 Water Street, New York City:

Plant Line steamers do not take pilots either coming or going to Habana from Key West. Pilots have a special agreement with manager of P. & O. Steamship Company for $1,300 per year covering all their ships for pilotage.

W. J. H. TAYLOR.

NEW YORK, *January 16, 1906.*

JOHN T. GUNN, *Tampa, Fla.:*

Please ascertain and wire, collect, to-day if Plant's steamers running Habana employ pilots going in and out Port Tampa. Do you know of any special arrangement they have? If so, wire fully.

N. A. BENNER & CO.

TAMPA, FLA., *January 16, 1906.*

N. A. BENNER & CO.,
77 Water Street, New York:

Steamers do not employ pilots. Captains have coastwise license. If any special arrangements is at Key West from Habana.

JOHN T. GUNN.

GEORGIA.

ATLANTA, GA., *January 10, 1906.*

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee:

As owners of timber lands and sawmills and as lumber shippers we urge the prompt passage of Littlefield anticompulsory pilotage bill, as in our interest, in the interest of all southern timber land and sawmill owners, and in order to place sail vessels on equal terms with steam vessels.

UNION PINOPOLIS SAW MILLS.

ASHBURN, GA., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington D. C.:

Owning sawmills and timber lands, we ask for the early enactment of the Littlefield anticompulsory pilotage bill, so as to put an end to the unfair discrimination against sail vessels in the coast trade and as in the interest of southern merchants, shippers, and vessel owners.

S. BETTS COMPANY.

TIFTON, GA., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:

We earnestly urge enactment Littlefield anticompulsory pilotage bill, being sawmill operators and owners of timber land in Georgia.

ENSIGN OSKAMP COMPANY.

TIFTON, GA., *January 10, 1906.*

Hon. CHAS. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:

Representing large sawmill interest and timber owners in Florida. Earnestly beg that you pass H. R. bill 5281, to remove discriminations against sail vessels.

GEORGIA-FLORIDA MILL COMPANY.

TIFTON, GA., *January 10, 1906.*

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries,
Washington, D. C.:

As producers and manufacturers of lumber, sawmill and timberland owners in Georgia request passage of Littlefield anticompulsory pilotage bill.

ENSIGN LUMBER COMPANY.

ATLANTA, GA., *January 9, 1906.*

Hon. C. H. GEOSVENOR,
Chairman House Merchant Marine and Fisheries Committee,
Washington, D. C.:

As representing timber lands and as shippers of lumber we urgently request passage of House bill 5281, to remove discriminations against American sailing vessels in the coasting trade.

ENTERPRISE LUMBER COMPANY.

TIFTON, GA., *January 8, 1906.*

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:

Having large sawmill, timber land, and vessel interests, respectfully urge enactment Littlefield bill to abolish compulsory pilotage on sail vessels in coasting trade.

H. H. TEFT.

ATLANTA, GA., *January 9, 1906.*

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:

Am shipping phosphate rock Tampa to Gulfport and paying four unnecessary pilotages every voyage. Vessel towing in and out of each port, and compulsory employment of State pilot grossly unjust and great hardship on shippers, vessel owners, and consumers; hence urge prompt passage Littlefield anticompulsory pilotage bill.

MCKING.

DARIEN, GA., *January 11, 1906.*

Hon. CHAS. H. GROSVENOR, *Washington, D. C.:*

Representing and owning sawmills and timber lands in the State of Georgia, and shipping annually over 60,000,000 feet, we strongly urge the passage of the Littlefield pilotage bill, H. R. 5281.

HILTON & DODGE LUMBER COMPANY.

MAINE.

PORTLAND, ME., *January 11, 1906.*

Hon. C. H. GROSVENOR,
Washington, D. C.:

We feel that the Littlefield anticompulsory pilotage bill is just and right, and we urge its passage.

RANDELL & MCALLISTER.

[Brotherhood of Boiler Makers and Iron-Ship Builders of America, affiliated with American Federation of Labor, 1886.]

BATH, ME., *February 9, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman of Merchant Marine and Fisheries Committee.

DEAR SIR: At the last regular meeting of the Boiler Makers' and Iron-Ship Builders' Union, comprising over 400 men, it was voted that a communication be sent your honorable body urging that you do all in your power to abolish compulsory pilotage on coastwise shipping in southern ports, as we honestly believe that it is detrimental to our interests.

Very respectfully,

WILLIAM DONNELL, *Secretary.*

[Bath Central Labor Union, affiliated with A. F. of L.]

BATH, ME., *February 9, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman of Merchant Marine and Fisheries Committee.

DEAR SIR: At the last regular meeting of the Bath Central Labor Union, comprising over 600 men, it was voted that a communication be sent your honorable body urging that you do all in your power to abolish compulsory pilotage on coastwise shipping in southern ports, as we honestly believe that it is detrimental to our interests.

Very respectfully,

WILLIAM DONNELL, *Secretary.*

BATH, ME., *January 11, 1906.*

C. H. GROSVENOR,
Merchant Marine and Fisheries Committee,
Washington, D. C.:

Use best efforts to pass pilot bill, and have prayers of all vessel owners.

G. C. DEERING CO.

PORTLAND, ME., *January 11, 1906.*

Hon. C. H. GROSVENOR, M. C.,
Washington, D. C.:

Littlefield anticompulsory pilotage bill coming before committee to-day should be passed by all means; it would be a great benefit to shipping in this country.

EDW. L. FOSS.

PORTLAND, ME., *January 11, 1906.*

Hon. C. H. GROSVENOR,
Merchant Marine Committee, Washington, D. C.:

Littlefield anticompulsory pilotage bill most vitally important.

JAMES W. PARKER, *Shipowner.*

BATH, ME., *January 11, 1906.*

Hon. C. H. GROSVENOR,
Washington, D. C.:

It is of vital importance that bill abolishing compulsory pilotage be passed.

J. W. HAWLEY, *Vessel Agent.*

BATH, ME., *January 11, 1906.*

Hon. C. H. GROSVENOR,
Washington, D. C.:

We earnestly urge the abolishment compulsory pilotage. Of great importance to our shipping interest.

PERCY & SMALL.

BATH, ME., *January 11, 1906.*

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:

It is of vital importance to our shipbuilding that compulsory pilotage be abolished.

JAS. B. DRAKE & SONS,
Shipowners.

PORTLAND, ME., *January 10, 1906.*

Hon. C. H. GROSVENOR, M. C.,
Washington, D. C.:

Consider passage Littlefield anticompulsory pilotage bill very necessary; present law detrimental all shipping.

CENTRAL WHARF TOWBOAT COMPANY.

PORTLAND, ME., *January 11, 1906.*

Hon. C. H. GROSVENOR,
Washington, D. C.:

We strongly urge passage Littlefield anticompulsory pilotage bill coming before committee to-day.

W. S. JORDAN & CO.

PORTLAND, ME., *January 10, 1906.*

Hon. C. H. GROSVENOR,
Merchant Marine Committee, Washington, D. C.:

We urge passage Littlefield anticompulsory pilotage bill coming before committee to-morrow. Passage of this bill will benefit shipping materially.

J. S. WINSLOW & CO.

PORTLAND, ME., *January 11, 1906.*

Hon. C. H. GROSVENOR,
Washington, D. C.:

I trust committee will favorably consider passage Littlefield anticompulsory pilotage bill now under advisement.

WM. L. BLAKE.

MARYLAND.

BALTIMORE, MD., *January 4, 1906.*

Hon. FRANK C. WACHTER,
Baltimore, Md.

DEAR SIR: The undersigned, citizens of Baltimore, who are shipowners, ship captains, ship brokers, ship chandlers, lumber merchants, fertilizer manufacturers, phosphate rock miners, phosphate rock shippers, coal miners, coal merchants, receivers and shippers of miscellaneous cargoes, and others, interested in the transportation of cargoes from southern ports to Baltimore and Baltimore to southern ports, respectfully request you to give favorable consideration and urge the prompt passage of H. R. 5281, entitled "A bill to remove discrimination against American sailing vessels in the coasting trade," to the end that relief may be afforded from an injustice that is steadily ruining our sailing-vessel business.

The passage of this bill will not affect the present pilotage system in our State, and your efforts to help secure its enactment will be greatly appreciated by the undersigned.

Davis Coal and Coke Company, E. Kelly Rothstin, manager; C. W. Hendley & Co., C. W. Hendley; W. K. Niver Coal Company, by J. W. Galloway; J. Stuart Traney & Co.; P. M. Wimble; Grange & Lewis; I. J. Beacham & Bro.; The Hubbard Fertilizer Company of Baltimore City, Howard Hubbard, secretary and treasurer; S. M. Hamilton Coal Company, Irving Adams, secretary and treasurer; Black-Sheridan-Wilson Company, Van Lear Black, treasurer; S. M. Johnson & Son Coal Company, Robert R. Marchant, treasurer; Maryland Transportation Company, B. L. Henderson, secretary-treasurer; Geo. W. Jones & Co., ship brokers; Fred L. Clayton & Co., ship brokers and commission merchants; Alston Stewart & Co.; Claridge & Woodall, shipowners; Thos. H. White & Co.; The American Towing and Lightering Company, R. J. Bradford, secretary and treasurer; Ryland & Brooks Lumber Company, Spottswood Bird, treasurer; Greenleaf Johnson Lumber Company, per W. F. Harrison; Wathen & Hooper, ship brokers; William D. Gill & Son; Thos. Matthews & Son; Geo. F. Sloan & Bro.; Spedden Shipbuilding Company, per H. Addiser; E. J. Codd Company; Thos. McCosker & Co.; Harry G. Skinner; Gray, Irelan & Co.; S. B. Marts Co., Jos. W. Brooks, secretary-treasurer; Maryland Coal and Coke Company, Henry G. Brown, president; Hite & Rafetto, G. R. Gavell, manager; The Armour Fertilizer Works, J. Allen Moore, manager; Merchants' Coal Company, C. W. Atkinson, treasurer; Georges Creek Coal and Iron Company, by William H. Cooper, treasurer; John D. Adams; Griffith & Boyd; Philip Weaver & Son Towing Company; G. Ober & Sons Company, Jno. K. Ober, vice-president; The Miller Fertilizer Company, Thomas H. Roberts, president; John A. Boyce; J. D. Sproul, master schooner *Augustus Welt;* Lynah & Read; Baugh & Sons Company, per A. G. Pinkerton; C. C. Paul & Co.; J. D. Harvey, master schooner *Sallie C. Moirre;* Piedmont-Mount Airy Guano Company, E. W. Levering, president; Keystone Coal and Coke Company, W. Burk Stewart, manager; William E. Woodall, sr., shipbuilder; Thos. C. Brook & Co., H. Allidleter, president; Maury Railway Machinery and Boiler Works, J. J. Covel, secretary; O. Reeder & Son, per C. H. Reeder; Chas. L. Rohde & Son; Michael K. Cathall.

BALTIMORE, MD., *January 9, 1906.*

CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We urge the passage of the Littlefield bill abolishing compulsory pilotage as an unnecessary expense.

GEO. F. SLOAN & BRO.

BALTIMORE, MD., *January 19, 1906.*

Hon. C. E. LITTLEFIELD,
House of Representatives, Washington D. C.

DEAR SIR: We take the liberty of suggesting that we think your efforts to suppress the compulsory pilot charges should have the recognition and support of all those who have been imposed on for years.

We have a line of barges, entirely dependent on tugboats for movement, trading from James River points to New York, and, notwithstanding the tugs have Government pilots aboard, we are compelled to pay the Virginia Pilots' Association, a body which we understand is not even incorporated, a yearly fee of 10 cents per ton for the privilege of going and coming through the Capes.

We are writing our Representatives, Messrs. TALBOTT, WACHTER, and MUDD, urging them to stand by you, and hope before long to see the end of this odious custom, which in our case particularly is nothing more than a "hold up." The pilots render us no service whatever.

Respectfully, yours,

THE P. DOUGHERTY CO.
THOS. F. MCHUGH.

BALTIMORE, *January 18, 1906.*

The Hon. Mr. LITTLEFIELD,
Member of House of Representatives, Washington, D. C.

SIR: We note in to-day's press an item relating to a "Protest from pilots," against your bill now before the House of Representatives. In this connection we beg to enter our protest against the tribute exacted of us and others so engaged in the coastwise trade under the compulsory pilotage laws now in force in Virginia and other southern ports.

Our tugs and barges are principally engaged in the coastwise trade towing barges coal laden between Virginia and New England ports, and the respective masters of our tugs hold Federal license, issued by the local steamboat inspectors, covering the Atlantic coast and tributaries. Yet, notwithstanding this fact, when our barges in tow of our tugs arrive at Virginia or other southern ports for cargo, we are compelled to either pay pilotage fees or purchase a yearly license on all of our barges, simply for the privilege of entering and leaving port.

In view of the fact that the pilots of said ports do not render any service whatsoever, but only speak the barges when they arrive and have been moored by our tugs, it would appear to our mind as nothing more or less than tribute. These barges can not move or shift without the power of the tug and are under the care and direction of the masters of said tugs, who, as stated above, hold Federal license governing such waters.

We therefore urge and request the repeal of the present compulsory pilotage laws.

Very respectfully, yours,

R. J. BRADFORD,
Secretary and Treasurer.

MASSACHUSETTS.

OFFICE OF THE CHINA MUTUAL INSURANCE COMPANY,
Boston, January 5, 1906.

CHARLES H. GROSVENOR, Esq.,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: We are pleased to express our approval of House bill No. 5281, introduced in the House of Representatives by Representative LITTLEFIELD, of Maine, "A bill to remove discrimination against American sailing vessels in the coasting trade." We understand that pilotage on our coastwise sailing fleet is not now compulsory in many of the States, and can be and is evaded in others by vessels taking out yearly licenses. We are inclined to think that a vessel making or leaving port in tow to be as safe if not safer without a local pilot, and in fact believe that the abolishment of compulsory pilotage on vessels covered by this bill will be a good thing for the safety of life and property.

Remaining,

Yours, very truly, EDMUND A. POOLE, *President.*

OFFICE OF FIELD & COWLES,
Boston, January 5, 1906.

CHARLES H. GROSVENOR, Esq.,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: We take pleasure in expressing our approval of House bill No. 5281, introduced in the House of Representatives by Representative LITTLEFIELD, of Maine, entitled, "A bill to remove discrimination against American sailing vessels in the coasting trade."

Pilotage on our coastwise sailing fleet is not now compulsory in many of our States, and can be and is evaded in others by vessels taking out a yearly license. We believe a vessel making or leaving port in tow to be as safe, if not safer, without a local pilot, and in fact fully believe that the complete abolishment of compulsory pilotage on vessels covered by this bill will at least work no harm to the safety of life or property.

Yours, very truly, FIELD & COWLES, *Agents.*

BOSTON INSURANCE COMPANY,
Boston, January 9, 1906.

CHARLES H. GROSVENOR, Esq.,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: House bill No. 5281, introduced in the House of Representatives by Representative LITTLEFIELD, of Maine, entitled "A bill to remove discrimination against American sailing vessels in the coasting trade," has been called to our attention.

As a considerable portion of our business is the insuring of American sailing vessels and their cargoes in coastwise trade, we believe that the abolishment of compulsory pilotage on vessels, as covered by this bill, will be of no injury to life or property, and we hope that the bill will be passed.

Yours, truly, R. B. FULLER, *President.*

BOSTON, MASS., *January 12, 1906.*

Hon. W. S. MCNARY,
House of Representatives, Washington, D. C.:

The maritime committee Boston Chamber of Commerce strongly indorses Littlefield antipilotage bill and urges its enactment.

DANL. D. MORSS, *Secretary.*

BOSTON, MASS., *January 11, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee:

The undersigned Boston merchants and shipowners earnestly request the passage of the Littlefield anticompulsory pilotage bill now before your committee, believing it for the mutual benefit of business and shipping and enhancing the safety of life and property.

Coastwise Transportation Co., Crowell & Thurlow, Philip Fitz, L. D. Baker, Wm. F. Palmer, James Bliss & Co., J. P. Elliott & Co., David W. Simpson, S. R. Crowell, C. S. Clidden & Co., H. Maynard, Allan Forbes, Charles Hunt & Co., Warren & Monks Co., Flitner, Atwood & Co., John S. Emory & Co., Wm. S. Spaulding, Geo. McQueston Co., P. S. Huckins & Co., Wendell F. Brown & Co.

BOSTON, MASS., *January 11, 1906.*

Hon. WM. S. MCNARY, *Washington, D. C.*

DEAR SIR: I wired you to-day urging you to support the Littlefield pilotage bill to abolish compulsory pilotage in coastwise trade, or, as it should more properly be designated, to extend to sailing vessels the privileges now enjoyed by steam vessels. I can assure you your support of this measure will receive the hearty approval of all the commercial bodies in Boston and redound to your credit among all thinking men whose interests lie in the line of a better merchant marine. I can not understand the action of the Boston pilots in opposing this measure; in no way does it affect their interests in Boston or in Massachusetts, and only extends to us the privileges of licensed masters piloting their own vessels in southern ports—a privilege they have exercised here for over thirty years with no ill results to the vessels themselves and great advantage to the commercial interests of Massachusetts.

Yours, truly,

R. R. FREEMAN.

BOSTON, MASS., *January 10, 1906.*

Hon. WM. S. MCNARY,
Member of Congress, Washington, D. C.:

Clients of mine interested in shipping request me to wire you regarding Littlefield pilotage bill. It ought to receive your support.

RALPH W. BARTLETT.

BOSTON, MASS., *January 11, 1906.*

Hon. WM. S. MCNARY, *Washington, D. C.:*

I earnestly urge you to support Littlefield bill abolishing compulsory pilotage. Absolutely no injury Massachusetts pilotage interests and great benefit Massachusetts shipping interests.

R. R. FREEMAN.

BOSTON, MASS., *January 12, 1906.*

Hon. C. H. GROSVENOR,
House of Representatives, Washington, D. C.:

The maritime committee Boston Chamber of Commerce strongly indorses Littlefield antipilotage bill and urges its enactment.

DANL. D. MORSS, *Secretary.*

Resolved, That the Boston Chamber of Commerce heartily indorses and urges the passage by Congress of House bill No. 5281, introduced by Congressman LITTLEFIELD, providing for the extension of the same privileges to coastwise sailing vessels now enjoyed by the coastwise steamers.

BOSTON, MASS., *January 15, 1906.*

The Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: The undersigned members of the Boston Marine Society and Shipmasters earnestly request that the Littlefield Pilotage bill, so-called, allowing the masters of sail vessels to be licensed to pilot their own vessels on the same conditions that were granted to the masters and mates of steam vessels many years ago, may become a law, and we also disapprove of the action taken by the trustees of the Boston Marine Society, who passed resolutions disapproving of said bill, none of said trustees being in active business as shipmasters, and not directly interested in this bill, which is a hardship to us as shipmasters and shipowners.

George W. Frost, agent, schooners *Tifton* and *C. L. Mitchell;* capacity, 2,000 tons. Alex. Ross, master, schooner *Helen W. Martin;* capacity, 3,500 tons. Geo. W. Dow, barkentine *Auburndale;* capacity, 900 tons. J. B. Crocker, agent and representing schooners *Addison E. Bullard, Harry T. Hayward, Joseph G. Ray, Winfield S. Schuster, Helen E. Taft,* aggregating 10,350 tons coal capacity. J. G. Crowley, general manager of vessels of 45,000 tons carrying capacity. James F. Bliss, owner of parts of 50 to 75 vessels of large carrying capacity. Daniel S. Emery, owner of parts of 30 vessels. John G. Moseley, owner of parts of vessels. Nehemiah B. Kelley, James Gurney, jr., Browning K. Bates. Donald B. Smith, master vessel 5,300 tons carrying (*Elizabeth Palmer*). Ralph E. Emery, treasurer of John S. Emery & Co., shipowners and managers.

MISSISSIPPI.

GULFPORT, MISS., *January 9, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:

Owning sawmills and 75,000 acres of timber land in the State of Mississippi, we strongly urge the favorable consideration and prompt passage of H. R. 5281, removing discriminations against American sailing vessels, so that we may have the advantage of lower freight rates.

GULF COAST LUMBER COMPANY.
JOHN H. GARY.

GULFPORT, MISS., *January 8, 1906.*

Hon. H. GROSVENOR, *Washington, D. C.:*

As shipper of lumber and agent of two American sailing vessels, I strongly urge the prompt passage of H. R. 5281, to remove discriminations against American vessels.

H. SPROUL.

GULFPORT, MISS., *January 9, 1906.*

Hon. CHAS. GROSVENOR,
Chairman Merchant Marine and
Fisheries Committee, Washington, D. C.:

We earnestly urge the passage of the Littlefield pilotage bill, to remove discriminations against American sailing vessels; and have mailed to Hon. JOHN SHARP WILLIAMS petition signed by practically all shippers here, representing production over 200,000,000 feet lumber annually, and also signed by other industries interested.

GULFPORT COTTON OIL AND FERTILIZER MANUFACTURING COMPANY.
JOS. DENNEE, *Manager.*

GULFPORT, MISS., *January 29, 1906.*

Congressman LITTLEFIELD,
Washington, D. C.:

We earnestly hope that your bill (H. R. 5281) to remove discrimination against American sailing vessels will be favorably reported and passed. We are forwarding Hon. JOHN SHARP WILLIAMS to-day petition from lumber merchants in this section whose yearly output is over 200,000,000 feet, together with signatures from other industries, all strongly favoring bill.

GULFPORT COTTON OIL FERTILIZER AND MANFG. CO.
JOSEPH DENNE, *Manager.*

The honorable SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: We, the undersigned, fertilizer manufacturers, lumber manufacturers, shippers, receivers of miscellaneous cargoes, merchants and citizens of the State of Mississippi, whose principal shipping terminals are Gulfport and Pascagoula, respectfully request the favorable consideration and prompt passage of H. R. 5281, entitled "A bill to remove dis-

crimination against American sailing vessels in the coasting trade;" and we hereby protest against such vessels in the coasting trade being compelled to employ State pilots when their services are not required, an imposition from which Congress thirty-five years ago relieved steam vessels, the denial of which relief to sailing vessels constitutes the discrimination complained of, a hardship especially severe upon the commerce of Mississippi, as our ports are mainly dependent upon sailing vessels for the transportation of our commerce.

Gulfport Cotton Oil Fertilizer and Mfg. Co.—Capital invested, $600,000 in plant and material, Joseph Denne, secretary and manager; Gulf Coast Lumber Company, shipments, 40,000,000 feet per year, owners 75,000 acres timber land; S. S. Henry, jr., exporter pitch, pine lumber, and timber; S. E. Naylor, exporter lumber and timber; Thayer Export Lumber Company, per F. A. Frese, vice-president, exporters yellow-pine lumber and timber; H. K. Denny, exporter of lumber; Foster Brothers, exporters; Ten Mile Lumber Co., lumber shippers; W. A. Powell Co. (Limited), exporters timber and lumber; Gulfport News, W. H. Sutzler, editor; Wm. Whitmer & Sons (Incorporated), lumber exporters; O. G. O'Ganach, editor Gulfport Record.

NEW JERSEY.

CAMDEN, N. J., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We earnestly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. It is unnecessary and detriment to best business interest.

MUNGER & BENNETT.

MANASQUAN, N. J., *February 6, 1906.*

The Hon. BENJ. F. HOWELL,
Washington, D. C.:

We, the undersigned, masters and owners of vessels employed in the coastwise trade, do respectfully petition you to use every means in your power to secure the passage of the bill now before Congress prohibiting compulsory pilotage.

Asher Curtis, managing owner schooner *Sarah W. Lawrence*, and others; Geo. Bailey, managing owner schooner *Malcolm Baxter* and others; B. B. Pearce, owner; M. D. Mann, owner; F. O. Bailey, manager and owner schooner *H. S. Little;* Randolph Longstreet, master *Greenleaf Johnson;* E. S. Vanleer, vessel owner; Theodore Cook, vessel owner; A. F. Vonnote, vessel owner; M. M. Pierce, vessel owner; Levi Curtis, vessel owner; Elwood A. Lyman, vessel owner; C. J. Parker, vessel owner; T. A. Zimmermann, vessel owner; Fred F. Schock, vessel owner; H. Getsenger, vessel owner; Wm. H. Potter, vessel owner; B. H. Hills, vessel owner; G. A. Johnson, vessel owner; J. F. Bowne, vessel owner.

NEW YORK.

NEW YORK, *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill abolishing same.

EXPORT LUMBER COMPANY.

NEW YORK, *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We object compulsory pilotage on coasting vessels; consider it injurious to lumber trade, and we urge passage of Littlefield bill abolishing same.

ATLANTIC COAST LUMBER CORPORATION.

NEW YORK, *January 16, 1906.*

CHARLES H. GROSVENOR, Esq.,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: In the discussion on the pilot's bill we notice the signature of Captain Rawding, of the bark *Rose Innes*, against the proposed legislation. We beg to advise you that we are managing owners of this bark, the captain having but a very small interest. We believe through misrepresentation that he has signed the petition against the proposed legislation, and we hereby wish to be on record as geing in favor of the proposed change in law removing the discrimination against American vessels. Compulsory pilotage imposes a very heavy tax on American vessels and it should be removed at once. The bark *Rose Innes* on her last trip to Fernandina, under date of December 30, paid for inward pilotage $80, for outward pilotage $120, making a total of $200, although she had been towed into that port by a tugboat at an expense of $103.45, and the services of a pilot were entirely unnecessary.

We trust that this letter will receive due attention, and remain,

Yours, truly,

JAS. W. ELWELL & CO.,
Managing Owners Bark Rose Innes.

NEW YORK, *January 30, 1906.*

Hon. WILLIAM S. GREENE,
Fall River, Mass.

DEAR SIR: I understand that there is a bill before the Committee on Merchant Marine and Fisheries which proposes to abolish the extensive charges for pilotage on the southern Atlantic coast, and I wish to enter my protest against the present law, through which sailing vessels have to bear a charge which is most onerous and unnecessary to a trade which at best is scarcely able to live under the restrictions by which it is handicapped. I have no special interest in sailing vessels beyond that of one who wishes to see every class of the merchant marine developed and bettered.

Respectfully,

T. W. MILLER.

PORT JEFFERSON, N. Y., *January 16, 1906.*

The CHAIRMAN OF THE COMMITTEE
ON THE MERCHANT MARINE AND FISHERIES,
Washington, D. C.

DEAR SIR: My attention has been called to a letter signed by Capt. Chas. Thompson, master of schooner *Florence Randall*, which Mr. J. M. McDonald, manager pilots' office, Charleston, S. C., is using to bolster up the claim of compulsory pilotage. I beg to state that Capt. Chas. Thompson had no interest in schooner *Florence Randall;* was simply sailing master of said vessel, and has been dead for six years or more. I wish to state further, as master and owner of schooner *Florence Randall* and other vessels for many years, have an equal or greater knowledge of the situation than Captain Thompson had, and since the improvements made by the Government at the southern harbors and bars, the increased number of tugs, and the almost absolute necessity of towing in and out of harbors between the lines of jetties, make compulsory pilotage a burden on shipping, wholly unnecessary and unwarranted, and for that reason should be abolished.

Very truly, yours,

CAPT. H. M. RANDALL,
Formerly captain and owner of the following vessels trading in southern waters: Schooner *Mable Thomas*, schooner, *Hattie V. Kelsey*, schooner *Florence Randall*, schooner *Lucy H. Russell.*

STATE OF NEW YORK.
In Senate.

ALBANY, N. Y., *February 8, 1906.*

Introduced by Mr. Henry W. Hill:

A concurrent resolution of the legislature of the State of New York, addressed to the United States Senators and Representatives in Congress of the United States from the State of New York, in relation to pilots and coastwise sailing vessels engaged in domestic commerce.

Whereas the State of New York is deeply concerned in all matters affecting its commerce and in the welfare and prosperity of its citizens engaged in transportation, as is shown in its maintenance of a magnificent system of canals, now under enlargement, and in the appointment of commissions to inquire into the cause of the decline and the means for the revival of its commerce; and

Whereas sailing vessels in our coast trade (many of which are owned in this State) are at present subject to an unjust and onerous burden in being compelled to employ State pilots in the ports of the States south of the capes of Virginia, whether the services of such pilots be required or not, a compulsion from which steam vessels have been exempt by an act of Congress approved on February 28, 1871, nearly thirty-five years ago; and

Whereas bills are now pending in each branch of Congress, to wit: Senate bill No. 30 and House bill No. 5281, providing for the exemption of sailing vessels in the coasting trade from the compulsory employment of State pilots, when such vessels are commanded by licensed United States pilots or when they are in tow of tugboats that are commanded by licensed United States pilots: Therefore, be it

Resolved (if the assembly concur), That it is the sense of the legislature of the State of New York that American sailing vessels in the coasting trade should be exempt from the compulsory employment of State pilots as American steam vessels long have been; and therefore, be it further

Resolved (if the assembly concur), That the Senators and Representatives from the State of New York be, and they hereby are, respectfully requested to support and advocate the enactment of such measures in Congress providing for such exemption, as being conducive to the increase of our commerce and the greater prosperity of our citizens.

By order of—

THE SENATE,
LAFAYETTE B. GLEASON,
Clerk.

IN ASSEMBLY, *February 12, 1906.*

Concurred in without amendment.

By order of the assembly.

A. E. BAXTER, *Clerk.*

NORTH CAROLINA.

GARYSBURG, N. C., *January 9, 1906.*

Hon. CHARLES H. GROSVENOR,
Washington, D. C.:

We are strongly in favor of Littlefield bill, as we think compulsory pilotage on coasting vessels injurious to business.

GARYSBURG MANUFACTURING COMPANY.

EDENTON, N. C., *January 9, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We regard compulsory pilotage on coasting vessels a great injury to business and wholly unnecessary. The passage of Littlefield bill abolishing same is strongly urged.

BRANNING MANUFACTURING COMPANY.

ELIZABETH CITY, N. C., *January 9, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We desire the passage of the Littlefield bill abolishing compulsory pilotage, which entails unnecessary expense upon shippers.

BLADES LUMBER COMPANY.

HERTFORD, N. C., *January 9, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We urge Littlefield bill. Compulsory pilotage on coasting vessels is a drawback to commerce.

MAJOR & LOOMIS COMPANY.

ASHPOLE, N. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels, as it is unnecessary and injurious to business.

SOUTHEASTERN LUMBER COMPANY.

WASHINGTON, N. C., *January 11, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill abolishing same.

EUREKA LUMBER COMPANY.

WILMINGTON, N. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We are heartily in sympathy with Littlefield bill abolishing compulsory pilotage on coasting vessels, and we strongly urge its passage. Compulsory pilotage is a menace to business, and we consider it altogether unnecessary.

ANGOLA LUMBER COMPANY.

BOARDMAN, N. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels as unnecessary and injurious to business.

BUTTER'S LUMBER COMPANY.

NEWBERN, N. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilot on sailing vessels injurious to navigable business. We urge passage of Littlefield bill abolishing same.

THE PINE LUMBER COMPANY.

AYDEN, N. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We think compulsory pilotage on coasting vessels is injurious to business, and we desire to see passage of Littlefield bill abolishing same.

THE AYDEN LUMBER COMPANY.

WELDON, N. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is no good, and damaging to business. We strongly advocate passage of Littlefield bill abolishing same.

THE WELDON LUMBER COMPANY.

THOMASVILLE, N. C., *January 10, 1906.*

Hon. CHAS. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We urge passage of Littlefield bill, abolishing compulsory pilotage on coasting vessels.

BECK-CROUSE LUMBER COMPANY.

WILMINGTON, N. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We heartily favor passage of Littlefield bill. Compulsory pilotage on coasting vessels is unnecessary and injurious to business.

CHADBOURN SASH, DOOR, AND LUMBER COMPANY.

EVERETTS, N. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels.

G. P. MCNAUGHTON.

WILLIAMSTON, N. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Washington, D. C.:

We urge passage of Littlefield bill doing away with compulsory pilotage on coasting vessels.

THE DENNIS SIMMONS LUMBER COMPANY.

NEWBERN, N. C., *January 9, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington D. C.:

We desire the passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. It will greatly benefit shipping interests.

BLADES LUMBER COMPANY.

BELHAVEN, N. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Washington, D. C.:

We strongly urge the passage of Littlefield bill abolishing compulsory pilotage on coasting vessels, which is unnecessary and injurious to business.

BELHAVEN LUMBER COMPANY.

WILMINGTON, N. C. *February 2, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: Being lumber manufacturers at this port and building another large mill on the Cape Fear River, together with owning about 200,000 acres of timber and other lands in this vicinity, we are much interested and have been closely watching the reports of hearings on H. R. 5281, introduced by Mr. Littlefield, of Maine, entitled "A bill to remove discriminations against American sailing vessels in the coasting trade," and owing to our hard fight that we had with the pilots at this port, we sympathize with our southern merchants who desire this bill to pass, but who are not strong enough to make a winning fight against the powerful organization of the pilots who retain representatives at the capitals wherever the bill is introduced.

The main argument put forth by the pilots here last year was that they could not keep up the "system" if the coastwise pilotage was removed. This port, through the legislature of our State, not only secured the abolition of compulsory pilotage in the coastwise trade, but went further and abolished it in the foreign trade, thereby relieving us of a heavy tax on our imports and exports. We believe compulsory pilotage is a tax on commerce that long ago should have been abolished, and it is the earnest hope of all merchants in this locality that the Littlefield bill will become a law and permit the merchants of Wilmington to send vessels to and receive them from southern ports without compelling them to pay tribute to a "system" no longer necessary by reason of the large expenditure of money made by our Government to deepen and widen our channels and harbors. Compulsory pilotage has been abolished at this port for nearly a year, and during that time not one accident to shipping has occurred that could be charged up against the benefits derived from making this a free port. This should be sufficient reason why the Littlefield bill should be enacted and become a law.

The feeling of our people was expressed at a banquet given here on the 31st ultimo by the chamber of commerce. The president, who acted as toastmaster, asked our Congressman and Senator, who were present, to support the bill, and requested that all rise to the toast "The only free port south of Maine."

A year ago we had about forty pilots employed, who did service at their pleasure, now we have six or eight that make a business of it.

Hoping that the bill will receive favorable consideration from your committee and be enacted and become a law, we beg to remain,

Yours, truly,

WACCAMAW LAND & LUMBER CO.
C. E. CLARK, *Treasurer.*

[The Morning Star, Wilmington, N. C., Tuesday, February 6, 1906.]

NATIONAL PILOTAGE LAW—BILL NOW PENDING IN CONGRESS RECEIVES LOCAL INDORSEMENT.

The chamber of commerce, at its special meeting yesterday afternoon, made the following indorsement of the bill now pending in Congress to abolish compulsory pilotage on all American sailing vessels engaged in the coasting trade, viz:

"Whereas there is now before Congress H. R. 5281, entitled 'A bill to remove discrimination against American sailing vessels in the coasting trade,' and

"Whereas the State of North Caroline abolished compulsory pilotage at this port March, 1905, and by so doing relieved us of a heavy burden upon our imports and exports and without increasing the dangers to shipping; and

"Whereas we believe compulsory pilotage is a tax on commerce between the States that ought not to exist, and the abolition of compulsory pilotage at this port has proven greatly beneficial to our interests and has in no way interfered with the safety of vessels entering and leaving this port: Therefore be it

"*Resolved*, That the Chamber of Commerce of Wilmington, N. C., recognizing the importance of cheap transportation and unhampered intercourse between the different sections of the United States, warmly commend the bill, and express the earnest hope that the measure will receive the support of our Representatives in Congress; and be it further

"*Resolved*, That a copy of these resolutions be sent to Hon. GILBERT B. PATTERSON and the other Representatives from this State, and also to Hon. CHAS. H. GROSVENOR, chairman of Merchant Marine and Fisheries Committee."

RHODE ISLAND.

PROVIDENCE WASHINGTON INSURANCE COMPANY,
Providence, R. I., January 10, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: As an insurer of American hulls and cargoes between coast ports, we desire to express our opinion that the abolition of the compulsory pilotage law, in its application to this class of business, is a wise measure, and we hope that it will be done. We believe that it will not increase the loss of life or property.

Yours, truly,

J. B. BRANCH, *President.*

SOUTH CAROLINA.

ATLANTIC COAST LUMBER CORPORATION,
Georgetown, S. C., January 10, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.

DEAR SIR: We wired you to-day as follows:

"As manufacturers, shippers, and owners of vessels and steamers we desire to state that we favor the passage of the Littlefield bill abolishing the compulsory pilotage system, as same works a hardship, injures business, and is unnecessary,"

and now beg to confirm same.

We not only manufacture and ship from 120,000,000 to 130,000,000 feet of lumber annually, but also operate steamers, vessels, barges, and tugboats on a large scale. To our minds the compulsory pilotage system entails an unnecessary expense each year which we have to pay on account of the toll levied upon the vessels, barges, and steamers, whether they use the pilotage or not. This system is a relic of the old days and has lost its usefulness, having originated when we had no improved harbors or coast surveys or modern light-houses. Its necessity for existence having now ceased, its usefulness also, it has decidedly become a menace rather than a benefit. In canvassing our local shippers we find that they, with the marine insurance companies, favor the Littlefield bill enthusiastically. We sincerely trust that this bill may be favorably reported by your committee and passed by the Congress.

Yours, very truly,

ATLANTIC COAST LUMBER CORPORATION,
By RAYMOND S. FARR, *General Manager.*

BRADLEY, S. C., *January 11, 1906.*

Hon. CHAS. H. GROSVENOR, *Washington, D. C.:*

I indorse the opinion that compulsory pilotage on coasting vessels is unneccessary and greatly cripples business. We earnestly desire passage of Littlefield bill to abolish same.

F. P. RUSH.

CHARLESTON, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage coasting vessels means 20 cents per thousand feet loss to us, against Georgia shippers. We want Littlefield bill passed.

ANDERSON LUMBER COMPANY.

LUMBER, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR, *Washington, D. C.:*

Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill abolishing same.

THE WILLIAMS AND MCKEITHAN LUMBER COMPANY.

GEORGETOWN, S. C., *January 11, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We ship 15,000,000 feet lumber by water annually, and strongly urge passage Littlefield bill abolishing compulsory pilotage.

GARDNER & LACEY LUMBER COMPANY.

COLUMBIA, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels.

LEAPHART LUMBER COMPANY.

CHARLESTON, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage on coasting vessels very damaging to business. Would urge passage of Littlefield bill abolishing same.

LEAPHEART LUMBER COMPANY.

ALCOLA, S. C., *January 9, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We strongly recommend passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. It is needless expense and no longer necessary.

D. W. ALDERMAN & SONS CO.

GREENWOOD, S. C., *January 9, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We believe compulsory pilotage on coasting vessels will be injurious to business. We favor passage of Littlefield bill abolishing same.

W. J. SNEAD LUMBER COMPANY.

ELLIOTT, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage coasting vessels unnecessary and injurious to business. We strongly urge passage Littlefield bill abolishing same.

ELLIOTT LUMBER COMPANY.

SUMTER, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We beg favorable consideration of Littlefield bill abolishing compulsory pilotage on coasting vessels as of utmost importance.

ROCKY BLUFF LUMBER COMPANY.

CHARLESTON, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage coasting vessels unnecessary; injurious to business; urge passage of Littlefield bill.

A. J. BARTON.

DARLINGTON, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels unnecessary and injurious to our business. I strongly urge passage of Littlefield bill abolishing same.

S. H. WILDS, *Lumberman.*

SUMTER, S. C., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
House of Representatives, Washington, D. C.:

Compulsory pilotage on coasting vessels is both injurious and unnecessary to business. We therefore strongly urge passage of Littlefield bill abolishing same.

SUMTER LUMBER COMPANY.

SELLERS, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coast vessels, which is an unnecessary tax on this trade.

TILGHMAN LUMBER COMPANY.

SALEM, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We understand Littlefield bill abolishing compulsory pilotage on coasting vessels will be before your committee to-morrow. Compulsory pilotage is not only unnecessary, but is a menace rather that a benefit to business. We strongly urge passage of Littlefield bill.

THE WILSON LUMBER COMPANY.

EFFINGHAM, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We are strongly in favor of Littlefield bill abolishing compulsory pilotage on coasting vessels. Is detrimental to business.

DARGAN LUMBER COMPANY.

DILLON, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage on coasting vessels unnecessary and injurious to business. We approve Littlefield bill abolishing same.

BETHEA LUMBER COMPANY.

DAVIS STATION, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels, as it is unnecessary and injurious to business.

C. M. DAVIS LUMBER COMPANY.

CHERAW, S. C., *January 9, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

DEAR SIR: We notice that the Littlefield bill for abolishing compulsory pilotage on coasting vesels will come up for discussion before your committee this week. We want to urge the passage of this bill.

We are sure that the present laws on the subject were made to suit conditions that do not exist to-day, and are now, under the changed conditions, working injury and hardship to business, particularly the lumber business.

Yours, very truly,

WM. GODFREY & CO.

MANDEVILLE, S. C., *January 11, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is injurious to business and we think very unnecessary. We strongly urge passage of Littlefield bill abolishing same.

ACME LUMBER CO.

GEORGETOWN, S. C., *February 17, 1905.*

Messrs. WINYAH LUMBER COMPANY,
Georgetown, S. C.

DEAR SIRS: As compulsory pilotage on coasting vessels trading to southern points is now being fought in Congress, I would like to give my experience of thirteen years out and in of Georgetown, S. C. It is not once out of six months that I get a bar pilot outside of the bar buoy. They have no boat suitable to cruise outside, and it is only in very moderate weather or when they go out in a tug that they are seen outside of the jetties. The work is done mostly by the towboats, that have experienced captains, and the pilot takes a free ride to town, and any sailor that can steer a course can steer to follow a tug. The pilots claim that on schooners going to sea loaded they are needed on board the vessels to see that they are kept in the proper channel, and yet I have seen vessels grounded when they would put the blame all on the captain of the tug and not know themselves when the vessel was in deepest water. To prove the presence of a pilot is not necessary on a vessel—hundreds of vessels are towed up and down the Black, Pee Dee, and Waccamaw rivers, both light and loaded, both day and night, in shallow water and narrower channels than in the bay, with only their vessel crews on board, and not one vessel in fifty ever had any trouble in any way. The service of a pilot is not necessary to any vessel making this port with a good chart, and as there is a telephone system from the light-house to the city a tug can always be had, if not at the bar, in a very short time.

The expenses of towing are quite heavy, and with the additional expense of pilots makes port charges very high. The present rate of pilotage is the same as it has been for many years, and lumber freights were nearly double what they are to-day when the rates were made. And to-day we pay from $10 to $12 per man more for sailors, the same for mates and stewards, 25 to 30 per cent more for provisions, and the rates for stevedoring increasing almost every year. Vessel expenses are also higher, and yet we have less freights to meet their expenses. With the present business of about 12,000,000 feet of lumber per month shipped from here, anyone can readily see that it takes many vessels to cary it, and the plain facts are that we are supporting a class of pilots in comparative luxury for no services at all. Again, some ports have pilot licenses for one year. Why should we walk up to their offices and pay them from $25 to $200 for the privilege of handling our own vessels, when there are no better pilots than the captains who are going in and out every month for years? I think the pilotage system in this port the worst system in the South, and we are surely paying a bill for little or no services rendered. This seems to be the experience of about all the vessels coming in here, and I hope they will express their opinion on it.

A. J. SLOCUM,
Schooner City of Georgetown.

SUMTER, S. C., *January 12, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Kindly put forth your best efforts to urge passage Littlefield bill abolishing compulsory pilotage. It is unnecessary and detrimental to our business.

H. G. MCLAURIN, Jr.

GEORGETOWN, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Dewey, Washington, D. C.:

As manufacturers, shippers, and owners of vessels and steamers, we desire to state that we favor the passage of the Littlefield bill abolishing the compulsory pilotage system, as same works a hardship, injures business, and is unnecessary.

ATLANTIC COAST LUMBER CORPORATION.

ST. GEORGE, S. C., *January 11, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

It is to the general interest, lumber industry especially, that the Littlefield pilotage bill be passed, and we respectfully urge your support of same.

DORCHESTER LUMBER COMPANY.

SUMTER, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We urge passage Littlefield bill abolishing compulsory pilotage on coasting vessels. Present system injures business greatly.

C. M. BETTS & CO.

TIMMONSVILLE, S. C., *January 10, 1906.*

Hon. CHAS. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill about abolishing it.

TIMMONSVILLE LUMBER COMPANY.

WALHALLA, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR, M. C.,
Washington:

The passage of Littlefield bill to prevent compulsory pilotage and posting vessels will locally benefit lumber business of this section.

BROWN LUMBER COMPANY.

SUMTER, S. C., *January 9, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Think compulsory pilotage on vessels unnecessary and hurtful to business. Sincerely hope passage of Littlefield bill will be effected.

JNO. H. SIZER LUMBER COMPANY.

MANNING, S. C., *January 10, 1906.*

Hon. CHAS. GROSVENOR,
Washington, D. C.:

We are opposed to compulsory pilotage on coasting vessels and will be glad to see the Littlefield bill passed abolishing same.

THOMAS & BRADHAM.

GREELEYVILLE, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We consider compulsory pilotage of coasting vessels unnecessary and injurious to business and strongly urge the passage of Littlefield bill abolishing same.

MALLARD LUMBER COMPANY.

HARTSVILLE, S. C., *January 12, 1906.*

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill.

LEE & TILLOTSON.

SUMTER, S. C., *January 13, 1906.*

Hon. C. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage unnecessary on coasting vessels. Do all possible to pass Littlefield bill abolishing same.

PENNSYLVANIA LUMBER CO.

WISACKY, S. C., *January 11, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. I deem bill wise and helpful to business.

ROBT. M. COOPER.

ALCOLU, S. C., *January 10, 1906.*

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.

DEAR SIR: We have wired you as follows:

"We strongly recommend passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. It is needless expense and no longer necessary."

The present compulsory pilotage system seems to be doing neither manufacturer, shipper, shipowner, nor the consumer any good, but all of whom seem to be paying their pro rata share of this unnecessary expense in the high freight rates, which could be reduced if this toll were removed.

Under the present improved conditions of our harbor it would seem that there is no longer any necessity for this expense, and we sincerely hope that it will be abolished.

Yours, very truly,

D. W. ALDERMAN & SONS CO.,
By R. J. ALDERMAN, *Treasurer.*

VIRGINIA.

RICHMOND, VA., *January 10, 1906.*

CHAS. H. GROSVENOR,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.:

The Richmond Chamber of Commerce is absolutely opposed to the existing pilot laws of Virginia, and has endeavored frequently, but in vain, to have them suitably amended to present conditions. Failing in that effort it has favored Federal control of the question of pilotage, recognizing that it is a matter properly within the jurisdiction of the General Government, and that the States exercising the function of control in most instances have regulated it in the interests of monopoly and to the serious detriment of the commerce of the country, both foreign and coastwise.

R. A. DUNLOP,
Secretary the Richmond Chamber of Commerce.

LYNCHBURG, VA., *January 9, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels.

HICKSON LUMBER COMPANY.

NORFOLK, VA., *January 10, 1906.*

Hon. CHARLES H. GROSVENOR,
Washington, D. C.:

The lumber manufacturers of Virginia, North and South Carolina, representing the largest industry of these States, unanimously urge the passage of the Littlefield bill abolishing compulsory pilotage on coasting vessels, as the present law is a menace to the business of this section and to the whole shipping industry.

THE NORTH CAROLINA PINE ASSOCIATION COMPANY.

THE NORTH CAROLINA PINE ASSOCIATION (INCORPORATED),
Norfolk, Va., February 17, 1905.

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: I am handing you herewith a copy of a resolution unanimously adopted by this association at its meeting on February 9, expressing, on behalf of the great lumber industry of Virginia and North and South Carolina, unequivocal disapproval of the pernicious practice of exacting compulsory pilotage from all sailing vessels engaged in the coastwise trade at ports on the South Atlantic coast. We regard this practice as unnecessary for the support of an effective pilotage system and as a menace rather than a security to the safety of life and property upon the high seas.

We believe that if at any time there existed a reason for the establishment of these charges this condition has not only long since ceased to exist, but that this system has signally failed to accomplish the results which were and are argued as a justification for its existence. We believe that this practice is an unjust discrimination against sailing vessels and is a burdensome tax upon the shippers and shipowners, which therefore works a hardship upon the shipping industry and the lumber industry, which is one of the largest in this section, and also upon every industry in any manner dependent upon the shipping trade.

We are very desirous indeed that this bill shall receive favorable action at this session of Congress, and if you can consistently facilitate the consideration of this measure your action will be known to and heartily approved not only by every lumberman in this district, but by the general public as well.

Respectfully,

JOHN R. WALKER,
Secretary.

RESOLUTION.

At a meeting of the North Carolina Pine Association (Incorporated), held in Norfolk, Va., February 9, 1905, the following preamble and resolution was unanimously adopted:

"Whereas there is now pending in Congress a bill known as the "Littlefield bill," removing the discrimination against coastwise sailing vessels practiced at ports south of the Virginia capes in the form of compulsory pilotage charges; and

"Whereas the manufacturers of pine lumber in the States of Virginia, North Carolina, and South Carolina, represented by this association, ship annually by water approximately 500,000,000 feet of lumber almost exclusively in sailing vessels, which, without exception, must pay this pilotage—although very few of them use the pilots—entailing, therefore, a very great unnecessary expense, both upon the shipper and the consumer of our lumber; and

"Whereas we believe that the passage of this bill will very materially advance not only the interests of the great industry which we represent, but that of every other industry in this section and of our coastwise shipping trade particularly: Therefore be it

"*Resolved*, That this association heartily approves and recommends the passage of the said bill; and be it

"*Further resolved*, That the secretary of this association be instructed to present a copy of this resolution to the several Representatives in Congress from Virginia and the Carolinas, respectfully urging a careful consideration of the injustice of the existing system and the benefits to be derived from its abolishment by this measure, and urging, if consistent, their earnest support of the aforementioned bill.

"THE NORTH CAROLINA PINE ASSOCIATION (INCORPORATED)."

Removal of compulsory pilotage helps and does not hinder commerce.

The following letter of the Waccamaw Land and Lumber Company and the resolutions of the Wilmington Chamber of Commerce, unanimously adopted February 5, 1906, are the most conclusive answers possible to the only argument having any force against this bill, i. e., that the navigation of a port would suffer if compulsory pilotage on coastwise sail vessels were removed:

WILMINGTON, N. C., *February 2, 1906.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: Being lumber manufacturers at this port and building another large mill on the Cape Fear River, together with owning about 200,000 acres of timber and other lands in this vicinity, we are much interested and have been closely watching the reports of hearings on H. R. 5281, introduced by Mr. LITTLEFIELD, of Maine, entitled "A bill to remove discrimination against American sailing vessels in the coasting trade," and owing to our hard fight that we had with the pilots at this port we sympathize with out southern merchants who desire this bill to pass but who are not strong enough to make a winning fight against the powerful organization of the pilots, who retain representatives at the capitols wherever the bill is introduced.

The main argument put forth by the pilots here last year was that they could not keep up the "system" if the coastwise pilotage was removed. This port, through the legislature of our State, not only secured the abolition of compulsory pilotage in the coastwise trade but went further and abolished it in the foreign trade, thereby relieving us of a heavy tax on our imports and exports. We believe compulsory pilotage is a tax on commerce that long ago should have been abolished, and it is the earnest hope of all merchants in this locality that the Littlefield bill will become a law and permit the merchants of Wilmington to send vessels to and receive them from southern ports without compelling them to pay tribute to a "system" no longer necessary by reason of the large expenditure of money made by our Government to deepen and widen our channels and harbors.

Compulsory pilotage has been abolished at this port for nearly a year, and during that time not one accident to shipping has occurred that could be charged up against the benefits derived from making this a free port. This should be sufficient reason why the Littlefield bill should be enacted and become a law.

The feeling of our people was expressed at a banquet given here on the 31st ultimo by the chamber of commerce. The president, who acted as toastmaster, asked our Congressman and Senator, who were present, to support the bill, and requested that all rise to the toast, "The only free port south of Maine."

A year ago we had about forty pilots employed, who did service at their pleasure; now we have six or eight who make a business of it.

Hoping that the bill will receive favorable consideration and be enacted and become a law, we remain,

Yours, truly,

WACCAMAW LAND AND LUMBER COMPANY,
C. E. CLARK, *Treasurer.*

RESOLUTIONS OF THE CHAMBER OF COMMERCE OF WILMINGTON, N. C.

"Whereas there is now before Congress H. R. 5281, entitled 'A bill to remove discrimination against American sailing vessels in the coasting trade;' and

"Whereas the State of North Carolina abolished compulsory pilotage at this port March, 1905, and by so doing relieved us of a heavy burden upon our imports and exports, and without increasing the danger to shipping; and

"Whereas we believe compulsory pilotage is a tax on commerce between the States that ought not to exist and the abolition of compulsory pilotage at this port has proven greatly beneficial to our interests and has in no way interfered with the safety of vessels entering and leaving this port: Therefore be it

"*Resolved*, That the Chamber of Commerce of Wilmington, N. C., recognizing the importance of cheap transportation and unhampered intercourse between the different sections of the United States, warmly commend the bill and express the earnest hope that the measure will receive the support of our Representatives in Congress.

"*And be it further resolved*, That a copy of these resolutions be sent to Hon. GILBERT B. PATTERSON and the other Representatives from this State, and also to Hon. CHARLES H. GROSVENOR, chairman of Merchant Marine and Fisheries Committee."

What this "tax on commerce" between the States amounts to in fees was stated by Mr. Plummer, in his circular letter to the committee (p. 49), as one-quarter of a million dollars per year, and by Mr. Pendleton, at the hearing on the bill, as having amounted in the last thirty-five years to more than the entire value of the present fleet of coastwise sailing vessels, neither of which statements has been refuted or questioned by the pilots before the committee, and this money is all in addition to the large amounts in fees which they collect under the general system of compulsory pilotage from vessels engaged in the foreign trade, which amounts swell the income of these pilots in the Southern States to sums ranging, as has been estimated, from $2,000 to $10,000 each per year. And in connection with the fact of such high compensation it is important to note that the "system" there has been so peculiarly developed that the pilots work but at intervals, many of them seeing actual service but one-third or one-fourth of the time.

The crushing character of these pilot charges was illustrated by many cases, and that of the schooner *S. M. Bird* is here presented as one illustration.

NEW YORK, *January 17, 1906.*

Hon. CHAS. E. LITTLEFIELD,
Washington, D. C.

MY DEAR SIR: On Friday last I stated before the Merchant Marine and Fisheries Committee that the Plant system paid about $100 per month for pilotage going in and coming out of Key West on their steamship line running in the foreign trade, approximately $3.50 per day, equivalent to $1.75 for inward pilotage and $1.75 for outward. As this statement was somewhat challenged by Captain O'Brien, although he admitted they had a reduction from the regular rates, but said he did not know to what extent, I decided to seek further information to corroborate my statement, and had Messrs. N. A. Benner & Co., a large concern of this city, wire their different agents at Key West as follows:

W. J. H. TAYLOR, *Key West, Fla.:*

Please wire, collect, if Plant's Line steamers coming from Habana and going to Habana, in and out Key West, takes pilots, and the amount of pilotage they pay. Do you know of any special arrangements they have? Wire fully.

N. A. BENNER & Co.

From whom the following reply came:

"Plant Line steamers do not take pilots either coming or going to Habana from Key West. Pilots have a special agreement with manager of P. & O. Steamship Company for thirteen hundred dollars per year, covering all their ships for pilotage.

"W. J. H. TAYLOR."

The following telegram was sent to W. D. Cash:

W. D. CASH, *Key West, Fla.:*

Please wire, collect, if Plant's Line steamers coming from Habana and going to Habana, in and out Key West, takes pilots, and the amount of pilotage they pay. Do you know of any special arrangements they have? Wire fully.

N. A. BENNER & Co.

From whom the following replies were received:

"Plant Line steamers from Key West to Habana, Habana to Key West, pay special rate pilotage thirteen hundred dollars year.

"W. D. CASH."

"Plant Line do not take pilots, but pay special rate mentioned.

"W. D. CASH."

I herewith inclose copies of the original telegrams sent and the replies received, which I desire that you file with the committee.

I inclose herewith the bill for pilotage of our schooner *S. M. Bird*, that was at Key West last October. Her pilotage in and out was $130. The value of the *Bird* and cargo was approximately $10,000 to $11,000. The value of the Plant steamer is approximately $500,000. My sailing vessel, going from an American port to an American port, was compelled to pay $130 for one trip, and the steamer valued at $500,000, engaged in the foreign trade, was compelled to pay for one trip less than $4.

I desire to further illustrate the excessive charges for pilotage by the following statement, showing the amount the American schooner *S. M. Bird* paid for pilotage from September, 1905, to November, 1905, viz:

September 21, 1905, at Savannah, Ga	$114.23
October, at Key West, Fla	130.00
October 28, at Port Tampa, Fla	87.75
November, at Gulfport, Miss	128.00

Making a total of $459.98. The *Bird's* pilotage charges in the foreign port of Habana were $32, as against $114.23 at Savannah, $130 at Key West, $87.75 at Port Tampa, and $128 at GGulfport.

During the time she was paying these pilots $459.98 the total amount of her earnings left for her owners was less than $350.

I also hand you bills on the schooner *Harold C. Beecher*, on a voyage from Pascagoula to Kingston, Jamaica, showing that the pilotage at Pascagoula was $96, and at Kingston, Jamaica, was £6 9s., equivalent to about $30. This vessel delivered 282,145 feet of lumber.

Gulfport.—Captain O'Brien has filed a telegram with the committee relating to the Gulfport pilotage, and so I herewith inclose you three pilotage bills on the *Gertrude A. Bartlett*, the first one receipted by John Lewis, treasurer, the bill reading: "Pilotage, as per agreement, $40."

If more data is required, I shall be pleased to furnish.

Very respectfully, yours,

FIELDS S. PENDLETON.

The evidence before the committee showed the abuses incident to the existing system and the gross discriminations against the coastwise sailing fleet practiced thereunder.

"Mr. PENDLETON. Now, I want to give you some facts which will show you that we have been up against this proposition for the last thirty-five years. Take a Clyde steamer that leaves New York and goes down to Charleston, then goes to Fernandina and Jacksonville and comes back to Fernandina and loads in Charleston and goes to New York. If my vessel does that, when she gets back she has paid between $500 and $600 pilotage. That is the discrimination. How can we go up against that?

"Mr. WATSON. Five hundred dollars or $600 for pilotage?

"Mr. PENDLETON. Yes, sir; and that when we did not require a pilot and did not desire one. * * * Let us take the Mallory Steamship Line that runs from New York to Brunswick and to Key West and Mobile and goes back to Key West and comes to Brunswick and then to New York. If my vessel was to go there and take a cargo in competition with them over that same line, it would cost me for pilotage over $800, carrying the same amount of cargo. * * *

"Mr. WILSON. Do you know of any case where a man has had the advantage of going into these ports without paying pilotage?

"Mr. PENDLETON. Without paying pilotage at all?

"Mr. WILSON. Yes; or a much smaller amount.

"Mr. PENDLETON. I showed you a case yesterday. I could give you twenty-five cases now from memory. I can give you six or seven cases which were furnished me by the pilots themselves at this one port. * * *

"Take the Ocean Steamship Company of Savannah, that runs in and out of Savannah from New York and goes from Savannah to Boston and New York. If my vessels ran on that route, it would cost me $150 a day, $50,000 a year, and the steamers carried 95,000,000 feet of lumber from Savannah last year. It is practically the same amount as the sailing vessels carried, and to New York they carry a great deal more, because to New York they have regular steamship lines. * * *

"Mr. HINSHAW. If this bill should pass, would a pilot still be required on the tug?

"Mr. PENDLETON. No, sir; the Government licenses them. The tugboat owner, of course, selects competent men, first-class men, because if they tow a vessel and get her aground they are liable for the damage they do.

"Now, gentlemen of this committee, if this is not discrimination against us, what is it? Congress took the pilotage off the steamers thirty-five years ago, and the sailing vessel has been compulsorily employing them ever since, to the extent that we have paid more in pilotage in that time than the entire fleet is worth to-day.

"Mr. HINSHAW. The steamers have no tugs?

"Mr. PENDLETON. No, sir; but the sailing vessels do, and consequently in going in and out of the southern ports it makes a double burden on us. We not only have to leave that money in the South, but we have to leave the pilotage there, although the services are not desired and are not required. * * *

"Here is another case at Gulfport. I went down there. I had paid them $128 pilotage, and I found another vessel there that was owned down South that was coming in and going out and was paying $40. Then there was the *Mary E. Morse* that came to Gulfport. She paid $140 or $150, and I found a British schooner, the schooner *Lillie*, going in and out of there, paying only $46.

"Mr. HINSHAW. Approximately the same tonnage?

"Mr. PENDLETON. The *Morse* is a little larger, but the draft is approximately the same.

"Mr. FORDNEY. What is the difference in the capacity of the two?

"Mr. PENDLETON. The *Morse* will carry 440,000 feet of lumber, and the other one was about 350,000. * * *

"Mr. FORDNEY. As between the vessel which paid $150 pilotage and the one that paid $40?

"Mr. PENDLETON. That was two other vessels. Theirs was the *Gertrude Bartlett* and mine was the *S. M. Bird*. Mine paid $128 as against their $40. The *Bartlett* carried 28,000 feet of lumber more than mine. The *Morse* paid $140, and the other vessel paid $46. Mine was an American vessel going from an American port to an American port and the other was a British vessel coming from a British port.

"Captain O'BRIEN. How do you know that was a British vessel?

"Mr. PENDLETON. She hailed from Nova Scotia. They can not be owned in the United States, except against the law.

"Mr. HINSHAW. Was that an arbitrary discrimination?

"Mr. PENDLETON. It is a discrimination they are making down there. We are not only obliged in this section to meet the competition of the steamers, but we have to meet the competition of both British and other foreign sailing vessels getting in and out southern ports at about one-fourth of what we pay.

"Mr. WACHTER. Did you make any investigation as to the reason why they charged you so much more than the British vessel?

"Mr. PENDLETON. I am not giving you this secondhand; I got it right from the pilots themselves.

"Mr. LITTLEFIELD. What reason did they give?

"Mr. PENDLETON. They did not give any. I offered to pay them $75 if they would take the vessel out, but they would not, and they libeled the vessel and the case is in the courts down there. The tugboat people said it was against the law to interfere with the pilotage business, and so I was compelled to put up $250 in cash, and they have my money.

"Mr. PATTERSON. Who was that pilot?

"Mr. PENDLETON. M. H. Scarborough, and ten others told me the same thing.

"Mr. LITTLEFIELD. That is the usual thing?

"Mr. PENDLETON. Yes, sir; L. N. Dantzler & Co. have seven or eight vessels, and they all do the same thing.

"Mr. PATTERSON. How many pilots are there at that port?

"Mr. PENDLETON. Twelve. Is there a pilot here from Gulfport? I was told by Capt. J. W. Shute, of the British schooner *Blomidon*, that he paid $44 in and out.

"Mr. HUMPHREYS. Do the pilots regulate this themselves?

"Mr. PENDLETON. No, sir.

"Captain O'BRIEN. They have nothing to do with it.

"Mr. HUMPHREY. Who does?

"Captain O'BRIEN. The pilot commissioner.

"Mr. PENDLETON. The pilot commissioner at this place, Mr. Hewes, told me it was an outrage and that he had never known anything about it until I came there a few days ago.

"I noticed in the statement of the *Fred W. Ayer* pilotage, $40, coming from Cuba or the West Indies or Colon, and so I sent for the vouchers and I found that we were paying $125 and $150 where the *Ayer* was paying $40. You say they are regular traders. There is not a man in the South nor the whole combine there who has had so many vessels south, taking them all together, as I have during the last ten years.

"Mr. HINSHAW. You must be a Yankee.

"Mr. PENDLETON. Yes, sir.

"Mr. LITTLEFIELD. Do you have any regular trade?

"Mr. PENDLETON. Yes, sir.

"I say that when your money or property is taken away from you without your consent and without rendering any service, it is robbery; yes, worse than robbery, because we are compelled to pay for a service that is never desired and not required.

"Mr. WATSON. Do any of your vessels ever require pilots in or out?

"Mr. PENDLETON. No, sir. I was going to come to that. I want to discuss this proposition further and have a little more time.

"Captain O'BRIEN. We all want more time.

"Mr. FORDNEY. I want to say, for the benefit of the gentlemen present, that some time ago I had made up my mind to vote for this measure. I then changed my mind and decided that I would vote against the measure, and I made the statement to some gentlemen here that I would vote against this measure, but after hearing Mr. Pendleton's statement about this discrimination, unless they can satisfy me that the statement is incorrect, can give me some substantial evidence that the statement is incorrect, I must support this bill."

* * * * * * *

"Mr. LITTLEFIELD. Is there any special arrangement at Key West with the Plant System, a foreign line?

"Captain O'BRIEN. I think there is.

"Mr. LITTLEFIELD. What reduction does that foreign line get?

"Captain O'BRIEN. I do not know.

"Mr. LITTLEFIELD. Did you not make the contract?

"Captain O'BRIEN. I made one contract, but they broke it.

"Mr. LITTLEFIELD. Under the arrangement that you made, how much reduction was the foreign line getting?

"Captain O'BRIEN. That is not a foreign line. It is owned by Mr. H. M. Flagler and other gentlemen who are not any more foreigners than the State of Maine people are.

"Mr. LITTLEFIELD. She sails foreign. What arrangement did you make with them?

"Captain O'BRIEN. I think we made it a fractional part of the pilotage.

"Mr. LITTLEFIELD. What fractional part?

"Captain O'BRIEN. I think it was one-half or three-fourths pilotage, but it did not last over a month. They broke that arrangement. I am not positive what the details were.

"Mr. LITTLEFIELD. You made it?

"Captain O'BRIEN. Yes, sir.

"Mr. LITTLEFIELD. Did they refuse to pay it?

"Captain O'BRIEN. I was not president of the National Pilots' Association at that time. They probably found that it was not within the law and that the law would not permit it.

"Mr. WILSON. Then what occurred?

"Captain O'BRIEN. They made another arrangement by which the Plant ships would carry the pilots up and down and to give them service, and that permitted the pilots to have only one pilot boat, when probably two would be required.

"Mr. LITTLEFIELD. It was a great deal cheaper system for the Plant System than for the coastwise line; in other words, it was a discrimination in their favor?

"Captain O'BRIEN. I do not know, when you take into consideration the service they give the pilots, because it would have cost the pilots so much more to keep up a pilot boat."

These bills show the discriminations.

GULFPORT, SHIP ISLAND HARBOR, MISS., *February 8, 1904.*

Captain and owners schooner G. A. Bartlet, to Ship Island Pilots' Association, Dr.

As per agreement $40

Total 40

JOS. LEWIS, *Treasurer.*

GULFPORT, MISS., *February 4, 1905.*

Captain and owners G. A. Bartlett, to Ship Island Pilots' Association, Dr.

Pilotage, forty dollars.

Total $40.00

F. D. MORAN, *Pilot.*

The following receipted bills of schooner *Gertrude Bartlett* prove that at Mobile they allow favored vessels to go in and out for one pilotage, or one-half of the regular charge:

MOBILE, ALA., *April 27, 1904.*

Schooner Gertrude Bartlett and owners, to pilot boats Ida Lowe and Louise F. Harper and owners, Dr.

For outward pilotage over lower bar, 13 feet, at $3.50 per foot	$45.50
For bay pilotage from city to lower bar, 13 feet, at $0.50 per foot	6.50
	52.00

Received payment.

W. C. CARRELL, *Agent,*
Per W. H. DWYER.

MOBILE, ALA., *July 13, 1904.*

Schooner Gertrude A. Bartlett and owners, to pilot boats Louise F. Harper and Moses H. Grinnell and owners, Dr.

For outward pilotage over lower bar, 14 feet, at $3.50 per foot	$49.00
Total	49.00

Received payment.

W. C. CARRELL,
Per P. B. DIXON, Jr.

O. K., H. F. SPOUL, *Master.*

MOBILE, ALA., *September 15, 1905.*

Schooner G. A. Bartlett and owners, to pilot boats Louise F. Harper and Moses H. Grinnell and owners, Dr.

For outward pilotage over lower bar, 13 feet, at $3.50 per foot	$45.50
For bay pilotage from city to lower bar, 13 feet, at $0.50 per foot	6.50
	52.00

Received payment.

W. C. CARRELL, *Agent.*
Per W. H. DWYER.

MOBILE, ALA., *December 7, 1904.*

Schooner Gertrude A. Bartlett and owners, to pilot boats Louise F. Harper and Moses H. Grinnell and owners, Dr.

For outward pilotage over lower bar, 13 feet, at $3.50 per foot	$45.50
For bay pilotage from city to lower bar, 13 feet, at $0.50 per foot	6.50
	52.00

Received payment.

Per W. C. CARRELL, *Agent.*
Per R. W. C.

Not only is this discrimination almost continually practiced under this system of the pilots, but in South Carolina at least the law itself discriminates against the coastwise fleets sailing between their ports and ports outside of the State; only expressly excepting in the following language all domestic commerce from the exaction of pilotage: "All coasters and other vessels trading between any ports within this State excepted." (Code of Laws of South Carolina, 1902, sec. 1633.)

We have been handed a letter from Captain Wells to Mr. Pendleton, which shows what not infrequently happens under the existing system:

NEW YORK, *January 24, 1906.*

Mr. FIELDS S. PENDLETON.

DEAR SIR: Knowing that you are deeply interested in reference to a bill now before the committee on "compulsory pilotage" against sailing vessels, I would like to recite to you a personal experience I had in conjunction with a Captain Kelly, of the British steamship *Langdale*.

My vessel, the American schooner *Arthur C. Wade*, was chartered to load a cargo of lumber at Chehaw River, South Carolina, for New York. As I have previously loaded several cargoes at Chehaw River, I am naturally well acquainted in entering the port of Chehaw.

Upon my last voyage there I arrived at the St. Helena bar December 24, 1905, 2 p. m., and found the British steamship *Langdale* anchored at the bar. The captain of the *Langdale* communicated with me and informed me that he had been there since December 23, 4.30 p. m., and had been flying pilot flags, and during the night burning pilot signals. I also had my pilot flag flying, but no pilot responded to our signals.

The captain of the steamer *Langdale* asked me if I was familiar with the port, and, as I was, he asked my assistance in getting his steamer into port, as he had been there since December 23, 4.30 p. m. As he had been there so long, and as I had been there several hours and no pilots in sight, the captain of the steamer said he would tow my vessel into the harbor with my assistance, he assuming all responsibility. I gave him my charts of the harbor and he proceeded with my vessel in tow. The pilots never arrived at the bar until Wednesday, December 27, 1905, postmeridian.

When Captain Kelly, of the steamer *Langdale*, went to clear at the custom-house at Beaufort he was arrested, and I was also placed under arrest, the charge being that we should not have taken our vessels into port without pilots. The captain of the *Langdale*, as well as myself, have made sworn statements before a magistrate at Charleston, S. C. We were released for the time being under bail.

Under the circumstances which I have stated, is it fair that our arrests were made and that we should be placed under penalties? Surely we waited and gave sufficient time for pilots to board our vessels. Were we to wait there for some indefinite time and place our vessels and lives in danger of a storm coming up? Is it fair that vessels remain outside of the harbor waiting for pilots from four to five days and then not have a pilot come on board?

I will gladly procure for you or the committee a copy of our sworn statement made at Charleston, S. C., before the magistrate, which furnishes a full detail account of the incident.

I remain yours, truly,

E. E. WALLS,
Schooner Arthur C. Wade.

The following is in the same line:

The EDITOR OF THE HERALD:

Will you kindly publish in your valuable paper the facts in regard to pilotage at Port Royal? I arrived off the bar on the 5th instant at half past 7 a. m., wind northeast, strong breeze, heavy sea on, and current running strong to the southwest. Seeing no pilots, I came in and hauled into the wharf.

Two hours afterwards a pilot came and demanded pilotage on the ground that he was on board of the Martins Industry light-ship, 3 miles to leeward of the bar. Other pilots asserted that they were out in their boat and would have reached us in an hour.

I refused to pay and was arrested, haled to court, and fined $100 because I had not complied with the law by waiting ten hours outside with a pilot flag flying before coming in. To stop further proceedings I paid the $31 pilotage claims and the costs of court, and the fine was remitted.

Shipmasters coming to Port Royal should know that they must wait outside, no matter what the weather conditions are, ten hours before they can come in, under penalty of fines or imprisonment.

R. O. PARKER,
Master Schooner Viator, of Boston.

PORT ROYAL, S. C., *April 6, 1904.*

The foregoing clearly shows that the system is not only "unwise," but that gross abuses are practically inevitable under it.

The Supreme Court of the United States has recently held (195 U. S., 345) that if the present system is "unwise" that "the remedy is in Congress, in whom the ultimate authority on the subject is vested, and can not be judicially afforded by denying the power of the State to exercise its authority over a subject concerning which it has plenary power until Congress has seen fit to act in the premises."

The fact that barges, steam towed, and which neither pilots nor anyone else can navigate without their towboats, are, nevertheless, taxed by these pilots for no possible service rendered is shown by the following letter:

BALTIMORE, *January 19, 1906.*

Hon. C. E. LITTLEFIELD,
House of Representatives, Washington, D. C.

DEAR SIR: We take the liberty of suggesting that we think your efforts to suppress the compulsory pilot charges should have the recognition and support of all those who have been imposed on for years.

We have a line of barges entirely dependent on tugboats for movement trading from James River points to New York, and notwithstanding the tugs have Government pilots aboard we are compelled to pay the Virginia Pilots' Association, a body which we understand is not even incorporated, a yearly fee of 10 cents per ton for the privilege of going and coming through the Capes.

We are writing our Representatives, Messrs. TALBOTT, WACHTER, and MUDD, urging them to stand by you, and hope before long to see the end of this odious custom, which, in our case particularly, is nothing more than a "hold up." The pilots render us no service whatever.

Respectfully, yours,

THE P. DOUGHERTY COMPANY,
THOMAS F. MCHUGH.

That this instance is but one of many is shown by the letter from the American Towage and Lightering Company, as above printed.

Hon V. H. Metcalf, Secretary of Commerce and Labor, strongly indorses this bill.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, January 3, 1906.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

SIR: In reply to your letter of the 8th ultimo, inclosing S. 30, Fifty-ninth Congress, first session, "A bill to remove discriminations against American sailing vessels in the coasting trade," and requesting me to furnish your committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage, I have to state:

The passage of the bill has been recommended in the last eleven reports of the Commissioner of Navigation. (Reports for 1895, pp. 45–47; 1896, pp. 31–32; 1897, pp. 45–46; 1898, p. 62; 1899, p. 89; 1900, p. 60; 1901, p. 65; 1902, p. 64; 1903, p. 46; 1904, p. 45, and 1905, pp. 18–19.)

Without taking up in detail the arguments set forth in these reports, I have the honor to submit briefly the following reasons why I deem the passage of the bill desirable:

By the act of February 28, 1871, Congress provided that steam vessels in the coasting trade, when in charge of a pilot licensed by the Steamboat-Inspection Service, should be exempt from pilotage charges imposed by State or local authority. Sail vessels in the coasting trade, however, remain subject to such charges, which in many instances are very heavy, and, in fact, such charges are imposed in the States of Virginia, North and South Carolina, Georgia, Florida, Mississippi, and Texas. Most States, however, have abolished this discrimination against sailing vessels. But the discrimination was created by Congress, and the relief should naturally come through an act of Congress.

The bill provides that to obtain the advantages of exemption from pilotage charges in the coasting trade the master or mate of a sailing vessel acting as pilot must be licensed by Federal authority in the same manner as similar officers on steam vessels are licensed. This requirement is in itself an aid to safe navigation.

While the natural development of marine architecture favors the increase of steam vessels and the decrease of sail vessels, the combined effect of the act of Congress and of the laws of certain States named hastens the decline of sail vessels, which furnish the officers required for steamers. The following table shows the tonnage of seagoing American steamers and seagoing American vessels, rigged with sails, on June 30, 1904, and June 30, 1894:

	1905.	1894.
Steam	1,242,611	647,024
Square rigged	355,237	595,714
Schooners	764,876	771,314
Rigged barges	247,707	62,821
Total sail	1,367,820	1,429,849
Total sail and steam	2,610,431	2,076,873

While seagoing American steam tonnage has practically doubled in ten years, seagoing American tonnage under sails has remained virtually stationary.

Congress has spent in recent years many millions of dollars in harbor improvements, which should have lessened the need of pilots and made navigation easier.

All tonnage entering and clearing the United States, in foreign trade, is subject to pilotage charges. Such tonnage has increased from 40,261,353 tons in 1894 to 59,967,985 tons in 1904. This increase of nearly 50 per cent in ten years should suffice, under all the conditions, to maintain the pilotage system at its full efficiency.

I have the honor to submit that the passage of S. 30 will be the most effective measure of any now before Congress for the maintenance of the American seagoing fleet under sail, and relieve it from a discrimination which each year grows more onerous.

Respectfully,

V. H. METCALF, *Secretary.*

If it were necessary to maintain this sytem of compulsory pilotage in these southern ports as a public service (and the experience of ports without it certainly indicates that it is not), it is manifestly an unjust and indefensible discriminaton to put the burden of supporting such a public service upon the weaker and individually owned part of our interstate carriers, the sailing vessels, and exempt their powerful competitors, the steamers; and the absolute absurdity of present regulations, especially as bearing upon safety to life and property, is shown by the fact that under present laws a captain, holding both a steamship and sailing vessel's United States license, may to-day take into a southern port a steamer drawing 20 feet of water and carrying passengers, without taking a pilot or being required to pay for one; while to-morrow, if he enters that same port with a sailing vessel drawing but half as much water, carrying no passengers, and being towed by a local steamboat whose master is an expert navigator in those waters, he must take and pay for a pilot whom he can not use, or pay for one, even if he does not bother to stop and take him on board, provided he is spoken by the pilot.

Free trade between the States is a fundamental principle of this Government. Any unnecessary tax upon it is a burden from which the public suffers and should not be allowed to continue, even though the revenue derived therefrom went to a State or municipality instead of to about 130 private individuals, as in this case.

The pilotage affected by this bill is, as a rule, in the control of a few favored men in each port, who, under the laws now existing there, retain the business to the exclusion of those who otherwise might compete and thus reduce the present high charges—charges which the evidence (p. 19) shows to be some five times as high as in ports not so controlled.

INSURANCE COMPANIES FAVOR IT.

How the insurance companies who take so large a part of the risks on cargoes and vessels affected by this bill, and who have no possible interest except to reduce the losses for which they must pay, view this measure is shown below:

BOSTON INSURANCE COMPANY,
Boston, January 9, 1906.

CHARLES H. GROSVENOR, Esq.,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: House bill No. 5281, introduced in the House of Representatives by Representative LITTLEFIELD, of Maine, entitled "A bill to remove discrimination against American sailing vessels in the coasting trade," has been called to our attention.

As a considerable portion of our business is the insuring of American sailing vessels and their cargoes in the coastwise trade, we believe that the abolishment of compulsory pilotage on vessels, as covered by this bill, will be of no injury to life or property, and we hope that the bill will pass.

Yours, truly, R. B. FULLER, *President.*

OFFICE OF THE CHINA MUTUAL INSURANCE COMPANY,
Boston, January 5, 1906.

CHARLES H. GROSVENOR Esq.,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: We are pleased to express our approval of House bill No. 5281, introduced in the House of Representatives by Representative LITTLEFIELD of Maine, "A bill to remove discrimination against American sailing vessels in the coasting trade." We understand that pilotage on our coastwise sailing fleet is not now compulsory in many of the States, and can be and is evaded in others by vessels taking out yearly licenses. We are inclined to think that a vessel making or leaving port in tow to be as safe, if not safer, without a local pilot, and, in fact, believe that the abolishment of compulsory pilotage on vessels covered by this bill will be a good thing for the safety of life and property. Remaining,

Yours, very truly, EDMUND A. POOLE,
President.

OFFICE OF FIELD & COWLES,
Boston, January 5, 1906.

CHARLES H. GROSVENOR Esq.,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: We take pleasure in expressing our approval of House bill No. 5281, introduced in the House of Representatives by Representative LITTLEFIELD, of Maine, entitled, "A bill to remove discrimination against American sailing vessels in the coasting trade."

Pilotage on our coastwise sailing fleet is not now compulsory in many of our States, and can be and is evaded in others by vessels taking out a yearly license. We believe a vessel making or leaving port in tow to be as safe, if not safer, without a local pilot, and, in fact, fully believe that the complete abolishment of compulsory pilotage on vessels covered by this bill will at least work no harm to the safety of life or property.

Yours, very truly, FIELD & COWLES,
Agents.

PROVIDENCE WASHINGTON INSURANCE COMPANY,
Providence, R. I., January 10, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: As an insurer of American hulls and cargoes between coast ports, we desire to express our opinion that the abolition of the compulsory pilotage law, in its application to this class of business, is a wise measure, and we hope that it will be done. We believe that it will not increase the loss of life or property.

Yours, truly,

J. B. BRANCH, *President.*

And it is specially significant that every insurance company which has expressed an opinion on this bill has been unqualifiedly in favor of the measure. Such protests as have been made by underwriters or marine insurance companies appear to relate to legislation of an entirely different character.

Some of the reasons why these people who understand the situation should hold such views and why life will be safer under this proposed law is shown by the following extract from the argument of Mr. Pendleton before the committee (p. 20):

"Now I come to a point of far more importance, the saving of human lives and property. Let me illustrate what I mean. Take a vessel that leaves Jacksonville, Fla. She comes out of Jacksonville and the barometer begins to fall, which means that a gale of wind is coming on. What does the captain do? Go into Fernandina, Brunswick, Savannah, Darien, Charleston, Port Royal, along the coast there, all harbors a few miles apart? No; he reefs down and goes off the shore. If the gale is severe and the vessel springs a leak, the crew become exhausted, and possibly the vessel is abandoned and the crew may be lost. What would he do in northern waters? When the gale comes on he will go into port and wait until the gale is over. I challenge a successful contradiction of the statement that one-half of the losses south of Cape Hatteras are caused by the master not having the right to go into a harbor the same as he does on the North Atlantic coast. Why, gentlemen, suppose we had a compulsory pilotage system in ports north of Cape Henry. What would you think of charging a vessel going into the harbors of Philadelphia, New York, Bridgeport, New Haven, New London, Fall River, Providence, New Bedford, Boston, Cape Ann, and Portland—and the 386 miles of Maine seacoast? If every vessel that went into that trade had to pay every time she anchored on the same basis as the pilotage in the Southern States, it would amount to more than the entire fleet is worth in one year. Mr. Chairman, if there is any part of this hemisphere that needs skillful navigation and where the master must have both courage and caution it is "rounding" Cape Cod in the months of January and February, heading into Boston Bay, facing a northwester blowing from the White Mountains 60 miles an hour."

That an appropriate remedy for this unjust pilotage system lies in Congress is not only stated by the court, but the power has already been exercised by Congress for the relief of one-half of the coastwise fleet. That one man should be taxed to maintain a "system" while his neighbor and competitor goes free is self-evident discrimination and is in no way relieved by any training or readiness for quarantne assistance. In fact, all of the suggestions about aid in the quarantine service applies almost wholly to foreign-going vessels. The fact that vessels plying in the foreign trade can and do compromise with the pilots regardless of the apparent State law; that by some secret arrangement pilots regularly make rebates to a foreign vessel while charging an American vessel of the same size more than three times as much as they charge the foreign craft, and that where compulsory pilotage does not exist, as on the Great Lakes, the business is most prosperous and cheap transportation secured to the people, all militates against this system. It is not surprising that the construction of vessels subject to this southern pilot tax has been steadily decreasing and has now nearly ceased. This is shown by the following newspaper extract:

THE YEAR'S RECORD—NOT ONE TO WHICH BATH CAN POINT WITH PRIDE.

The year 1905 was a most unfortunate one for Bath shipyards so far as the amount of tonnage built and launched is concerned, thereby making the year appear small in comparison with many previous years. There were but eight vessels built, all schooners, and their aggregate tonnage was 8,454, divided among the following vessels:

	Tonnage.
Alice May Davenport	1,144
Evelyn W. Hinkley	698
Orleans	758
Camilla May Page	688
Frances Hyde	739
Herbert D. Maxwell	772
Davis Palmer	2,965
Robert P. Murphy	697

The comparison in the amount of tonnage with previous years is as follows:

	Tons.
1905, 8 vessels	8,454
1904, 26 vessels	26,683
1903, 23 vessels	25,149
1902, 26 vessels	31,663
1901, 28 vessels	33,563
1900, 35 vessels	41,532

As a result of this cessation of building there are at least 1,500 ship carpenters in Bath alone that are now deprived of their usual employment.

The claim made by Captain O'Brien that vessels were earning large percentages on their cost and that Maine had practically a monopoly of this business, while not germane to the question, is entirely incorrect, and the statement of Mr. Pendleton made before the committee is proven by the illustrations here given:

Schooner *Ellen Little*, launched at Rockland, Me., in September, 1904, cost, $56,000; dividends first year as follows: December, 1904, dividend $601.12; April 10, 1905, $1,600; June 9, 1905, $896; August 1, 1905, $1,280; October 1, 1905, $1,120, making a total of gross earnings of $5,497.17, from which should be deducted the insurance, which, at 8 per cent (the regular rate), amounts to $4,480, leaving a balance for owners or $1,017.12 to cover interest and depreciation on an investment of $56,000, which is less than 2 per cent.

And the showing made by the schooner *Katherin M. Monahan*, launched at Mystic, Conn., October 18, 1904, is similar. Cost, $45,000; dividend January 10, 1905, $500; April 7, 1905, $400; June 13, 1905, $1,400; August, 1905, $600; October 20, 1905, $1,200, making a total of gross earnings for the year of $4,100, from which deduct the insurance at 8 per cent (the regular rate), leaving $500 net for owners on an investment of $45,000 to cover interest and depreciation, or a fraction over 1 per cent.

This statement shows the relation of pilotage to earnings for owners.

Schooner Winfred A. Foran. Trip No. 1. June 7 to August 9, 1905.

Stock:		
Stock on 1,255 tons of coal, at 85 cents		$1,066.75
Stock on 13,780 ties, at 14 cents		1,905.87
By credit from building account		15.81
		2,988.43
Port charges:		
Towage, total for trip	$429.80	
Pilotage, $285; license, Virginia for year	326.80	
Harbor master's fee, Sav	4.00	
Wharfage	30.00	
Stevedoring coal, $401.60; ties, $478.93	880.53	
Running expenses:		
Stores	$214.33	
Chandlery and fittings	96.08	
Commissions on freight	121.95	
Insurance on advances, etc	14.00	
Telegrams and telephone	4.85	
Rerating chronometer	2.50	
Shipping crew	15.80	
Water	13.45	
Exchange on draft	2.20	
Captain's wages	176.00	
Mate's wages	76.00	
Cook's wages	79.00	
Engineer's wages	64.00	
Four seamen's wages	176.00	
Agent's commission, 2 per cent	59.46	
		$2,786.75
Dividend to one one-hundredths, $2		201.68
Balance due vessel		200.00
		1.68

These vessels are owned in small pieces by individuals distributed in many States. In the *Ellen Little* there are over 40 owners, and in the *Katherine M. Monahan* there are 83 owners, nearly every State from Maine to Texas being represented in the above-named vessels.

With a few exceptions this great multiplicity of owners is characteristic of the whole coastwise sail fleet.

How unfounded have been the statements made regarding the necessity for pilots, and the great benefits secured to vessels employing them, is shown by the following from the hearings:

"NO VESSELS LOST FOR LACK OF PILOTS.

"Mr. PENDLETON. Mr. O'Brien said that there were 365 accidents on the coast, and led you to believe that they were all caused by the fact that pilots were not employed, although he was frank enough to state that a great many of them were outside the pilots' jurisdiction. Well, now, he forgot to tell you or to show you any particular case where a vessel had been damaged because there was not a pilot aboard. I challenge him to show one, but if he says to me, 'I challenge you to show where a pilot has damaged a vessel when he was aboard,' I will refer him to a case less than six weeks ago, down in his own neighborhood, within 100 miles of his own port, where the pilot ran the vessel ashore, stove her bottom and keel out, and the owners had to pay damages to an extent of almost half the value of the vessel. I refer to the schooner *James Slater*, at Pascagoula."

That the challenge of Mr. Pendleton to the pilots to name a single instance where a sailing vessel had been damaged because of the lack of a pilot remained unanswered, supports the view of the Wilmington, N. C., Chamber of Commerce, i. e., that when men are compelled to earn their money they make a business of it and better service necessarily results.

That these pilots do possess and actually exercise the right to sell the privilege of navigating United States waters regardless of the competency of the captain in charge of the vessel so licensed, is shown by the following:

"PILOT LICENSE FOR COASTING VESSELS.

"In pursuance of an act of the general assembly of Virginia, entitled 'An act changing the law in relation to pilots,' pilot license is hereby granted for the schooner called the *T. W. Lawson*, burthen 4,914 tons, and trading in the waters of this Commonwealth for one year from the date hereof and no longer, the sum of four hundred and ninety-one dollars and forty cents having been received by me.

"VIRGINIA PILOT ASSOCIATION.

"Given under my hand and seal this 11th day of February, 1905.

"O. E. EDWARDS, *Agent*,
"Per J. J. D."

The system of compounding for pilots' fees exists in Virginia and Georgia, and reduces the business to one of revenue alone to the pilots, as it licenses the vessels and proceeds upon the theory that the services of the pilots are not in any sense necessary to the vessel. In such cases it is simply an arbitrary tribute which the coastwise sail fleet is compelled to pay without receiving any benefit therefrom.

That is, here is a system under which an officer of one of these pilot associations sends out from his office to the several vessels annual bills for licenses and collects the money, which he then divides up among the pilots there, and no service is rendered to the vessel paying this money, and no investigation is made by the pilot as to the competency of the men in charge of that vessel. The responsibility of the pilot begins and ends with the collection and division of the money taken by them, and if by any chance one of these vessels should require the services of a pilot, she would be compelled to pay him the full fee exactly as if she had not already paid her annual tribute for her license.

And this license is of no use in any other southern port except at the one where issued. Outside of these States the vessel can not compromise, but must pay every time she enters or leaves the harbor.

And these licenses regularly issued by the pilots in the States of Virginia and Georgia demonstrate beyond all question that the vessels need no pilots there—the pilots by these licenses say so themselves.

That even the seeking of a port in distress to secure medical aid for sick seamen does not secure relief from the taxes of these pilots is shown by the recent cases of the *Jennie Hulbert* and *Fortuna*, among others.

The claim of the pilots that the shifting of the southern bars makes it impossible for any but members of their pilots' association to safely navigate those waters seems to be completely answered by the following testimony given by Mr. Pendleton (p. 18 of hearings):

"Mr. PENDLETON. That is the old question. Last year, or two years ago, you will remember that that question came up, and I went over to the Hydrographic Office and I brought over some charts of five years ago and of the present time, and when they brought up the question of showing how the bars had shifted we asked them to show where they had done it in five years. They did not do it. They were not able to do it. If you think that the bars are changing, send over and get the charts which were published a year ago and compare them with those of to-day."

No attempt was made to answer this statement in relation to the charts and bars.

The committee recommends the passage of this bill and briefly summarizes some of the reasons:

I. It removes unjust and oppressive discrimination against coastwise sailing vessels in southern waters.

II. It removes an unnecessary burden from interstate commerce for the benefit of the public.

III. It gives sailing vessels freedom to seek shelter in United States ports in time of need, and thus insures greater safety to life and property.

IV. It permits competent captains to navigate without charge the waters which they now navigate without aid from the pilot and waters which the licenses of the pilot, issued to the vessels regardless of their captains, show that any man can safely sail without assistance.

V. Free coastwise pilotage has proved a distinct success in the ports of Baltimore and Wilmington, as well as in all other ports where it obtains, and a benefit instead of the predicted injury to the safe navigation of those waters, and has not impaired the efficiency of the pilot system as applied to foreign-going vessels.

VI. Because the opponents of this bill admit that compulsory pilotage on coastwise sailing vessels will be done away with whenever their business is sufficiently profitable without it, i. e., the coastwise fleet is now taxed to maintain a system for the benefit of others.

[House Report No. 4090, Fifty-eighth Congress, third session.]

REMOVING DISCRIMINATIONS AGAINST AMERICAN SAILING VESSELS.

January 31, 1905.—Referred to the House Calendar and ordered to be printed.

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, submitted the following report:

[To accompany H. R. 7298.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 7298) entitled "A bill to remove discriminations against American sailing vessels in the coasting trade," having given the same careful consideration, recommend that it do pass.

The discrimination to which sailing vessels in the coasting trade are at present subjected was made by Congress in 1871 when it exempted steam vessels in the coasting trade from the compulsory employment of State pilots whenever such vessels are commanded by a pilot, duly licensed by the United States inspectors of steam vessels as a competent pilot for the waters into and out of which he pilots his vessel, an exemption that is still denied to sailing vessels when in command of duly licensed United States pilots.

Again, a sailing vessel in the coasting trade, when in tow of a tugboat, the latter commanded by pilots duly licensed by the United States inspectors of steam vessels, is required in certain States to empoy a State pilot, although the State pilot's services are entirely unnecessary, merely consisting of an order to the helmsman on the sailing vessel to "follow the tug," which, in fact, is the only thing it is possible for the sailing vessel to do when fastened to the tug. In fact, the tug is in charge of and legally responsible for the safety of the vessels being towed.

American sailing vessels in the coasting trade are only subjected to the compulsory employment of State pilots in the Atlantic States south of the capes of Virginia and in the ports of the Gulf States. In all other ports of the Atlantic, in all of the ports of the Pacific, and in the ports of the Great Lakes vessels in the coasting trade, sail and steam, are exempt from the compulsory employment of State pilots.

It can not be made too plain, in order to clear away the misconceptions that have gathered around the efforts that have been made to secure for sailing vessels relief from the discrimination imposed upon them by the act of Congress of 1871, that the bill (H. R. 7298) merely proposes to exempt sailing vessels in the coasting trade from the compulsory employment of State pilots, on condition, however, that competent pilots, so certified by the local inspectors of steam vessels in the several local districts that have been established by Federal enactment, are in command of such sailing vessels, or that they are being towed by tugboats that are in charge of duly licensed United States pilots.

The safety of life and property will be greatly enhanced by the passage of this bill. At the present time, because of the enormously high pilotage charges imposed upon sailing vessels by State pilots in the nine States south of the capes of Virginia, such vessels, when in stress, or in danger, or leaking, seek to remain at sea and face the danger of destruction of life and property rather than attempt to seek shelter in these southern ports, because to do otherwise would be to consume the entire gross earnings of the vessel and tend to bankrupt the owners. Doubtless much property and a great many valuable lives have been sacrificed in attempts made by the masters of sailing vessels on our South Atlantic and Gulf coast to weather storms rather than seek shelter in ports that exact pilotage tolls of an extortionate character for entirely unnecessary services, and in many instances without any services. On the North Atlantic coast, where the dangers to navigation are equally great, the situation is entirely different. Sailing vessels may, and frequently do, seek the shelter of our ports when injured, or in distress, or threatened by severe storms, starting out again when temporary repairs have been made or when the storm has passed, and having been subjected to no compulsory pilotage charges for entering and leaving the ports of shelter.

The great increase in the safety of life and property that will be gained by the passage of this bill will be understood from a careful understanding of the license system in vogue in three of the nine States that still exact pilotage fees from sailing vessels in the coasting trade, and this is very clearly explained in the testimony presented to the committee by Mr. Fields S. Pendleton, a New York sail-vessel owner, who on that subject said:

"Let me first explain the matter of the licenses issued to sail vessels by the State pilot commissioners, pursuant to State laws, in three of the nine Southern States that still impose upon sailing vessels in the coastwise trade the compulsory employment of State pilots. In the State of Virginia these licenses are issued to the vessel for one year, quite regardless of who is in command of the vessel so long as the fee of 10 cents per registered ton is paid. If the license is not obtained, then the vessel is compelled to pay full pilotage fees for every entry into and every departure from a port of Virginia. It must be clear that, the license being issued to the vessel and the vessel then and thereafter during the year being free from the compulsory employment of State pilots, in that State there is no necessity whatever for the employment of State pilots. This refers, of course, to Virginia alone. This is true for the reason, as I have stated, that a vessel using the same channels and sailing through the same waters, but bound for Baltimore or any port in Maryland, or to Washington, is not compelled to pay any State pilotage fee whatever when engaging in the coastwise trade.

"In North Carolina such licenses are issued to the vessel, good only for the port of Wilmington. In this case, also, it does not matter what kind of a man is in command of the sail vessel—so long as the license fee is paid, the vessel for the balance of the year is exempt from the employment of a State pilot. This must satisfy the committee that the conditions at Wilmington admit of the easy navigation of sail vessels into and out of that port without any aid whatever from State pilots.

"In the State of Georgia a vessel can procure a pilot license after paying an inward pilotage and then paying a fee of 25 cents per ton register and an additional fee of $3 for issuing the license. In the State of Georgia licenses are good only in the port in which they are issued. For instance, a vessel trading to Georgia ports would need a license at Savannah, Darien, Brunswick, and Satilla River, which would amount to four pilotages each year and $1 per ton on the gross tonnage of the vessel. From this it must be perfectly clear to the committee that in none of the ports of Georgia is the services of a pilot actually necessary, the license issued for each port taking the place of and doing the work of the pilot.

"But it must be understood that these sailing vessels are not running regularly to the ports of Georgia; they only go there when there are cargoes there for them to carry. It is an extremely rare thing where the same vessel will enter the ports of Georgia more than four times in any single year. They go to the ports of other Atlantic and Gulf States part of the time for cargoes. It might easily be, and it very often occurs, that a vessel does not again enter the same port in Georgia for which the vessel has procured a license.

"But the committee should remember that these licenses are not issued to vessels in and of the other six States in which the compulsory employment of State pilots is required on sailing vessels in the coastwise trade. As the vessels are trading to the ports of the other States quite as much as to the three States that do issue licenses, it will be apparent that the licenses only help in the three States, one-third of the number, where the employment of pilots is compulsory, and in one of the States, in Georgia, the licenses only apply to the particular ports in which they are issued."

Mr. Pendleton filed with the committee three of the original licenses issued to vessels in which he is interested, copies of which are appended:

[Virginia license.]

Pilot license for coasting vessels.

In pursuance of an act of the general assembly of Virginia entitled "An act changing the law in relation to pilots," a pilot license is hereby granted for the schooner *Cactus*, burthen 456 tons, and trading in the waters of this Commonwealth, for one year from the date hereof and no longer, the sum of forty-five dollars sixty cents having been received by me.

[SEAL.] O. E. EDWARDS, *Agt.*

Given under my hand and seal this 2d day of Nov., 1903.

[Savannah license.]

City of Savannah, State of Georgia—No. 513.

Pilot's license for vessel exclusively engaged in the coastwise trade.

In pursuance of an act of the general assembly of the State of Georgia, passed December 1st, 1886, amending the pilotage law of this State:

Permission is hereby granted by the commissioners of pilotage for the port of Savannah to the schooner *Joseph W. Brooks*, of Philadelphia, Pa., of the burthen of 729 registered tons, to navigate the bar of Tybee and River Savannah, free of compulsory pilotage, for twelve months from the tenth day of January, nineteen hundred and four. Expires Jan'y 10th, 1905, at noon.

Said vessel having complied with all requirements of said act.

JAS. M. BARNARD, JR.,
Chairman Commissioners of Pilotage.

Attest:
O. C. NEWCOMB,
Secretary Commissioners of Pilotage.

729 tons, at twenty-five cents per ton, $182.25.

[Darien license.]

City of Darien, State of Georgia—No. 69.

For vessels exclusively engaged in the coasting trade.

In pursuance of an act of the general assembly of the State of Georgia, passed December 1st, 1886, amending the pilotage laws of this State:

Permission is hereby granted by the commissioners of pilotage for the port of Darien to the schooner *Cactus*, of New York, N. Y., of the burthen of 456 registered tons, to navigate the Sapelo and Doby bars, and all the bars and inlets from Sapelo bar as far south as St. Simons and River Altamaha, free of compulsory pilotage, for twelve months from the fifth day of December, 1903.

Said vessel having complied with all the requirements of said act.

JAMES K. CLARKE,
Chairman Commissioners of Pilotage.

Attest:
T. A. STUBBS,
Secretary Commissioners of Pilotage.

456 tons, at twenty-five cents per ton, $114.00.

The issuance of the license to the vessel, of the character described above, carries with it exemption from the compulsory employment of any State pilot, quite regardless of whether or not a competent man is employed to navigate the vessel in the waters of the State or the port for which it is issued. The vessel is not subjected by the local boards to any examination, nor are those in command of her, in order to ascertain whether or not they are competent to pilot the vessel into and out of the waters covered by the license. The license, in fact, is a substitute for the State pilot. It is tantamount to an admission by the State legislatures, and by the boards of pilot commissioners, and by the State pilots, in the States in which it is issued, that the safety of life and property on board of sailing vessels engaged in the coastwise trade is not what is sought by those issuing the license, but that a fee from the vessel and a naked subsidizing of the pilots are the sole objects sought.

The bill (H. R. 7298) substitutes for this condition the requirement that the vessel must be commanded by a duly licensed and competent pilot, so certified by the United States local inspectors of steam vessels in the district in which the port is located, which local inspectors, for the purposes of examining applicants for such pilots' licenses and for the issuance of such licenses, stand to the United States as the boards of pilot commissioners do for the several States.

The bill (H. R. 7298) substitutes for a paper license issued to the vessel by a State, regardless of the competency of the master, a license issued to the master by the United States, certifying that he is a competent pilot for the waters he is permitted to navigate with his vessel.

Obviously this safeguards life and property, while the license issued to the vessel by the State entirely disregards the safety of life and property.

Underwriters, shippers, and travelers, and the people generally, aside from the interested State pilots, their friends, supporters, and sympathizers, must realize that the passage of this bill (H. R. 7298) is for the general good of all. They must realize that relief is also granted to such vessels as now are compelled to pay these pilotage fees when they are commanded by or in tow of tugboats commanded by duly licensed pilots certified as competent by the officers of the United States.

There has been shown a disposition to reflect upon the competency of the local inspectors of steam vessels, in their several districts, to examine applicants for these pilots' licenses. This tendency has been quite manifest on the part of the State pilots and their advocates in their statements before the committee at the recent and at previous hearings. The fact, however, that the masters and mates of all, or nearly all, of the regular steamships entering and leaving these southern ports in the coastwise trade have been examined by these United States local inspectors and given licenses certifying to their competency, and that these pilots thereafter navigate their vessels into and out of the ports for which they are licensed with safety and dispatch, must show that they are quite as competent as the State pilots. No complaint is made as to the injurious evasion of the law in case of steamers. Again, the tugboats that tow vessels into and out of these ports are licensed by the United States inspectors, and these tugboats are handled by men of great skill and dexterity, besides which the tugboats are responsible for the vessel property they undertake to pilot in and out, whereas there is no recovery possible to the owners or the underwriters through the loss of a vessel or injury to her through the neglect or incompetency of the State pilots. These facts tend to strongly emphasize the necessity for the passage of this bill.

In the great commercial ports of the North Atlantic sailing vessels are permitted by State laws to enter and leave without employing State pilots, except when engaging in voyages to and from foreign countries. The dangers of navigation have not been in the least enhanced because of the exemption of sailing vessels in the coastwise trade from the compulsory employment of State pilots in the ports of Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts. In the State of Maine there has never been any law compelling the compulsory employment of State pilots on any vessels, whether engaged in the coastwise or the foreign trade, and yet there is no more loss of life and property in that State, with its dangerous rock-bound coast, than there is in other States, proportioned to the amount of commerce conducted along its shores, nor is there any difficulty in procuring adequate pilotage for all shipping in need thereof.

As a matter of fact, the vast expenditures made by the United States Government for the improvement, and deepening, and straightening of these channels and harbors, especially on the southern coast, and the excellent charts also issued by the United States Government, together with the elaborate systems of light-ships, beacons, buoys, ranges, etc., render navigation both easy and safe. That is the principal object of the expenditure. In these expenditures for river and harbor improvement, running far into the millions, and aggregating close to a half a billion of dollars for the entire country, the nine States of the South that still exact pilotage fees from sailing vessels engaged in the coasting trade have had at least their due share. Their shoal harbors have been made deep, their crooked channels have been straightened, their bars have been removed, extensive and expensive jetties have been built and are being maintained, and the channels have been so buoyed and lighted, and so elaborately and completely charted, that it is an easy matter, in any weather, for a competent navigator to sail his vessel into and out of these ports with perfect safety. That it is done in the ports of the States north of the capes of Virginia, the stormiest part of the Atlantic, day in and day out, year after year, is the most conclusive evidence of the truth of this contention. It can not be reasonably asserted that what is so frequent and so common an occurrence in the ports of the North Atlantic States is a difficult and dangerous undertaking in the ports of the States to the south of the capes. But if it were either dangerous or difficult the licenses would probably never have been granted by the three States that have been named to sailing vessels, exempting them, for a year at a time from the employment of any local pilot whatever.

It is a fact, and especially at Cape Henry, that few if any vessels ever employ the Virginia State pilots to conduct their vessels into the Chesapeake Bay. Were all of the vessels that enter and leave that bay to require the services of pilots the number in existence would be quite inadequate. About all that the pilots do, therefore, at least for vessels in the coastwise trade, is to hail and speak them, in order that the fee may be exacted for pilotage services, should the vessel fail to have or to purchase, after entering the bay, a license or an exemption by way of tribute from the Virginia board of pilot commissioners.

As has been so frequently pointed out, two vessels, entering the Chesapeake Bay via the capes, side by side, one bound to a Virginia port and the other to a Maryland port, navigate precisely the same waters and at almost the same time. The vessel bound to a Virginia port must employ a State pilot or purchase a license for the vessel. The one bound to a Maryland port is entirely free from the compulsory employment of any pilot. The necessity is equally great in each case.

Vessels bound to the District of Columbia from sea are exempt from the employment of local pilots of any kind. The United States Government has not found that navigation is so dangerous or difficult as to compel vessels in the coastwise trade to employ pilots for the waters of the Potomac River, and such vessels, bound for ports on the Potomac, in the District of Columbia, are exempt, both on the Potomac and at the capes of Virginia, whereas vessels bound to Alexandria are compelled by the laws of Virginia to either employ a pilot or purchase a license.

Even under the laws of the Southern States, where pilotage fees are exacted of vessels in the coastwise trade, if the vessel manages to enter the ports without being hailed or spoken by a pilot, she is exempt from the payment of the pilotage fee. So it occurs that sailing vessels frequently remain at sea until nightfall, and attempt to enter the ports where the pilotage fees are required by escaping the vigilance of the State pilots. But this matter is carefully attended to by the pilots, who anchor their pilot boats at the entrance to the channel at the bar, sweeping the channel periodically with powerful searchlights, and hailing and speaking the vessels attempting to escape from their unnecessary, unused, and costly services. Such methods and procedure in the ports to the north of the capes of Virginia are quite unknown, and yet their vast traffic is conducted expeditiously, skillfully, and safely, without complaint or hazard other than inherent maritime hazards, that no pilot can give immunity from.

In these southern ports, where the compulsory employment of State pilots is still in vogue, it is almost the invariable custom for the sail vessel to employ a tugboat to tow her from sea to her dock in the harbor, and to tow her out to sea from her dock after she has secured her cargo. These fine ocean-going tugboats, costing in the neighborhood of $100,000, and in some cases even more than that, employing a crew of a dozen or more men, burning coal, and commanded by skillful pilots licensed by the United States Government officials, render their services for about one-half, in many cases for one-third, and in some cases for one-quarter the sum that is exacted by the State pilot who levies this unnecessary and expensive tribute upon the unwilling vessel. The State pilot is rarely on board of the sailing vessel for a longer time than the tugboat is fastened to her, and in such cases his duties are perfunctory and merely nominal—he merely directs that the sailing vessel shall follow the tug. A written note to the master of the vessel in such a case would be just as efficacious. Thus, for a service covering but a few hours, of no consequence or benefit whatever to the vessel upon which it is forced, a sum from $50 to upward of $100 is charged by the State pilot, according to the draft of the vessel that is compelled by State law to accept his services. If the tugboat causes injury to the vessel she tows, or the sail vessel is lost while in tow of the tugboat, the latter is liable for the injury or loss. But if the State pilot by reason of incompetence or negligence causes injury to the vessel or causes her to be lost, he is not liable for the damage caused, and neither owner nor underwriter has any recourse but to accept the loss.

The following newspaper item shows how vigorously the pilots contest the question of liability which is sought to be maintained:

PILOTS WILL APPEAL.

DECISION IN THE SANTUIT CASE OF FAR-REACHING IMPORTANCE.

[Special to The Washington Post.]

Judge D. Tucker Brooke, counsel for the Virginia Pilots' Association, which was held liable for damages caused by a collision between the steamer *Santuit* and the schooner *George Churchman*, while the latter vessel was in charge of Pilot Guy, will appeal to the Supreme Court from the decision of Judge Waddill.

The court ruled that Pilot Guy and the association of which he is a member must pay to the owners of the *Santuit* $3,175 paid by them to the owners of the schooner *Churchman* as collision damages. It is stated that the pilot associations of several States are interested in the appeal, the effect of which will be widespread if sustained in the higher courts.

NORFOLK, VA., *January 30, 1905.*

It has been explained to the committee that it is a rare thing for owners of sailing vessels on our coast to insure their vessels; the insurance rates are so high, and the net earnings of the vessels are so small, that if they were insured there would rarely, if ever, be anything left for the owner; so the owner assumes the risk. A few cases, showing what the comparative earnings of these compulsorily employed State pilots are, were brought to the attention of the committee. They are worthy of reproduction. Says Mr. Fields S. Pendleton, a New York sail-vessel owner:

"I recently had a vessel loaded at Norfolk whose pilotage was $64.40. She went to Charleston and her pilotage in and out was $206, making a total pilotage of $270.40. The owners had left on the voyage $07.06. In other words, the pilots got three times as much as the owner did. * * *

"Mr. DAVIS. That was for one trip?

"Mr. PENDLETON. Yes, sir; from Norfolk to Charleston.

"Mr. DAVIS. That is an exceptional case.

"Mr. PENDLETON. I am going to show you some others. The tugboat charge for that voyage was $65. It was the *Waban*, which is a new tug, which cost from $70,000 to $80,000, and which employs 11 men and takes all the risk of towing a vessel in and out of port, so far as accidents go. Her services cost $65, and the pilots, who stood there without any responsibility except to walk the deck and wear out their shoes, got nearly 333⅓ per cent more.

"Mr. WILSON. Was the $65 included in the $270?

"Mr. PENDLETON. The charge of the tugboat was $65. The pilotage at Charleston was $206, and at Norfolk $64.40, making a total pilotage on the voyage of $270.40. * * *

"The schooner *Elizabeth T. Doyle* recently went to Jacksonville. She had a pilot on board thirty minutes going in and forty-five minutes coming out, and on coming out the pilot said to the captain, 'Captain, there is no need of my going out with you; just follow the tug, and you will be all right.' * * *

"The schooner *John R. Bergen* since September has paid the following pilotage: September, pilotage in and out of Charleston, $206.

"Mr. LITTLEFIELD. That was in 1904?

"Mr. PENDLETON. Yes, sir; October pilotage at Norfolk, $56.40; November, pilotage in and out of Charleston, $206; December, pilotage in and out of Charleston, $184. The pilotage from September to December was $652.40.

"The CHAIRMAN. How much was that pilotage?

"Mr. PENDLETON. Six hundred and fifty-two dollars and forty cents from September to December. The vessel is now in Georgetown and has got to pay another pilotage in and out, making in all $752, nearly $800 since September. The owners received $1,000 dividend, and the pilotage is 65 per cent of what they receive, and there have not been any sails or anchors or chains bought or any repairs. * * *

"Mr. PENDLETON. * * * The schooner *Laura* went from New York to Charleston with coal at 65 cents per ton and had similar expenses. Her gross earnings on the trip were $2,246.65. On that voyage the bills were $1,934.10, and that left the owners $312.65.

"The CHAIRMAN. Who got the balance of the $1,000?

"Mr. PENDLETON. It was spent for loading, discharging, and the towage, and to pay the other different people employed on the voyage—the crew and the master.

"Mr. WILSON. How much was it for pilotage?

"Mr. PENDLETON. The inward pilotage was $86.61 and the outward pilotage was $86.61, making a total pilotage of $173.22. The net earnings were $312.55. So the pilotage was 55 per cent of the net earnings of the property. That included the vessel. Out of that $312 the owners have to pay interest, insurance, depreciation, the interest on capital invested, and other things.

"Mr. DAVIS. All that, however, was paid and still left net earnings?

"Mr. PENDLETON. No, sir; I will clear that point. In the amount I have stated there is nothing for the owners, nothing for insurance, nothing for interest, and nothing for depreciation. No sail-vessel owners figure anything for that; it is what they get as a dividend.

"Mr. LUCKING. What port was that?

"Mr. PENDLETON. That was at Charleston. That schooner on another voyage got gross earnings $2,235.73. The gross amount of the

bills on the voyage were $2,119.41 and the dividends to the owners were $116.32. The pilotage inward was $81 and the outward pilotage was $98, making a total of $179. The owners had $116.32 to pay their interest, insurance, and depreciation, and the pilots had $179, $62.68 more than the net earnings of the vessel."

Here is the case where a powerful and valuable tugboat, employing eleven men, received but one-fourth the sum that the State pilot received. The employment of tugboats is not compulsory, and the competition between them keeps rates at a reasonable amount. The employment of pilots is compulsory. There is absolutely no competition, and the rates charged are extortionate. The pilots have an absolute ironclad monopoly.

Capt. W. W. Kimball, of the United States Navy, in charge of the light-house district, with his headquarters at New Orleans, La., says, under date of January 19, 1905:

"Pilots are all right as such, but the way the association has gotten control makes me tired. Supply and demand would arrange themselves all right in this case and no harm in protecting the pilot's interests reasonably, but this Gulf pilot business is the most outrageous monopoly whatever. I never took a pilot in any ship I commanded but once, and he put me ashore because I yielded to his local knowledge. It was not in the Gulf, I acknowledge."

Mr. Pendleton showed that the pilots own a tugboat at Wilmington, N. C., and earn double amounts. He said:

"The tugboats and the pilots at Wilmington are combined so that they get the pilotage and the same men get the towage. In other words, the pilotage at Wilmington on a vessel I had there last winter was $220, in and out, and the towage was about $150. So they got double; they got $370, because they used their steamer as their towboat, and in that way they made it count both ways."

The committee, in January, 1903, two years ago, had a similar hearing on a similar bill. At that hearing appeared Capt. C. B. Parsons, the president of the New York Maritime Exchange, which organization, with a membership of upward of 1,000, advocates the passage of such a bill as H. R. 7298. Among the many interesting and valuable statements at that time made by Captain Parsons was a brief table, as follows:

Pilotage on five schooners engaged in the southern coastwise business during 1902.

Name of schooner.	Registered tonnage.	Trips.	Pilotage.
Annie C. Grace	454	6	$720
Anna L. Mulford	518	6	840
Lizzie M. Parsons	571	6	538
Bayard Hopkins	212	8	476
John R. Bergen	564	4	690
Total	2,319	.....	3,264

Another member of the New York Maritime Exchange, Mr. F. V. L. Jones, submitted statements showing an expenditure during one year on each of two of his vessels, one paying pilotage fees amounting to $769.50 and the other paying pilotage fees amounting to $695.50.

Still another member of the New York Maritime Exchange, Mr. William A. Anderson, also submitted statements showing amounts of pilotage paid during one year on vessels belonging to him. In the case of the schooner *Pasadena* he paid during one year $1,176. The *Pasadena* is 500 net registered tons. On the schooner *Laura C. Anderson*, of 912 net tons, Mr. Anderson on one trip paid pilotage fees amounting to $562.52. This last-named case may better be explained by Mr. Anderson in his own words:

"She was loaded in Baltimore last March with coal. She had been out three days from Baltimore when one of the crew, shipped in Baltimore, was taken sick with smallpox. She went into Charleston, paid pilotage in, $115, and we employed a tugboat at $50. When she got into quarantine and they found this case of smallpox, they ordered her to Sapelo, Ga., to be quarantined. There were twenty cases of smallpox, I was told, in Charleston, and yet they sent the vessel out of that harbor to Sapelo at a great expense, when the man could have been taken off and the vessel fumigated. Of course we had to pay the pilotage out across that bar, $115, to get out, and then at Sapelo we had to pay the pilotage to get in. When we came back there was another pilotage fee of $115, and when we had discharged and loaded the vessel again with railroad ties, which were loaded for New York, we paid another $103, altogether $662.52.

"I paid that myself, and as I was there and kicked so hard and threatened to sue before I paid the last $115 inward from Sapelo, they cut it down to $562.52. * * *"

At the public hearing in 1903, Capt. J. Ed. O'Brien, the president of the National State Pilots' Association, when asked as to the number of pilots in the several South Atlantic ports where compulsory pilotage is still maintained under State laws, said that there were 10 pilots at Key West, 10 at Jacksonville, 12 at Fernandina, 15 at Brunswick, 20 at Savannah, 20 to 23 at Charleston, 42 in North Carolina, and 23 at Norfolk. The following question and answer illuminates the subject:

"Mr. LITTLEFIELD. How many pilots would be affected by this bill?

"Mr. O'BRIEN. One hundred and thirty."

The only justification for the unearned tribute levied upon the sail coastwise fleet is that the sum thus collected is necessary to maintain a corps of pilots required to take care of the foreign-going vessels. It is not claimed that the coastwise fleet need them or use them to any extent. On this point the foreign business of these ports and the number of pilots thus supported to take care of it—as compared, for instance, with Baltimore, which for the time employed per ship and the ground covered by the pilots—greatly exceeds any of the ports affected by this bill, is illuminating. Baltimore has 52 pilots. No one contends that they are not amply sufficient to take care of the business of that port, and their number is regulated by the law of supply and demand. Last year there were 715 foreign entries, with a tonnage of 1,338,888, one pilot in a year averaging nearly 14 vessels and a tonnage of 257,478 in a year.

In Charleston, from which some of the most vigorous opposition to this bill comes, there were 107 foreign entries, with a tonnage of 74,790 with 23 pilots, one pilot piloting at the rate of a little more than 4⅔ foreign-going vessels in a year, with a tonnage of 3,152, or one-third of the number and a little more than a twenty-fifth of the tonnage—that is, if Baltimore is a fair criterion—and, as it requires more time, Charleston has the advantage in the comparison. Charleston has at least three times as many pilots as the foreign trade needs, and the coastwise sail fleet is maintaining the unnecessary two-thirds, or 15 pilots, by a subsidy that is without consideration to them. At Wilmington, N. C., in 1903 they had 44 pilots. Last year the foreign entries were 80, with a tonnage of 83,196.

Assuming the number of pilots to remain the same, we would have one pilot during the entire year piloting at the rate of a little less than two vessels, with a tonnage of 1,891, or one-seventh in the number of vessels and about one-fortieth of the amount of tonnage, and the sail coastwise fleet is maintaining, in this instance, the unnecessary six-sevenths, or thirty-six pilots, by this naked subsidy, for which they get no returns. These, it is true, are the most extreme illustrations of the iniquity and injustice of the existing system. The data at hand relating to other ports are as follows:

Port.	Foreign entries.	Tonnage.	Pilots.
Brunswick, Ga	155	173,930	15
Fernandina, Fla	69	66,546	12
Norfolk, Va	238	403,830	23
Savannah, Ga	247	390,179	20
Key West, Fla	500	514,613	10

To compel a coastwise sail vessel to pay a pilot for a service that she does not need and does not receive in order that the pilot may be supported so as to render a service a few times a year to a vessel that does need and does receive the service is clearly the most offensive form of subsidizing one individual at the expense not of the whole country, but of a few other individuals who are endeavoring to keep alive one of our most languishing industries. But it is claimed—and we have no doubt properly—that an adequate system of pilotage is essential to the commercial welfare and business prosperity of the respective ports affected and the States in which they are situated, and that they ought to be allowed to say when and how the system should be regulated. If this be true—and we concede it may be—then the port and the State where it is situated are the real beneficiaries of this system. It is for their profit and benefit that it is maintained.

If, then, in order to have an adequate pilotage system the pilots must be subsidized for services they do not render, why should not those who are benefited by the subsidy and in whose interests alone it is maintained pay it? If North Carolina insists that a subsidized system of pilotage is essential to the business prosperity of Wilmington, inasmuch as she gets the value received, why shouldn't she pay the consideration instead of loading it upon a single industry which receives no value therefrom? The coastwise sail fleet can pilot itself, at least as well, if not better, than the steam coastwise fleet. They haven't the remotest interest in the pilotage of the foreign fleet. Why should they be compelled to maintain a pilot, say, three hundred and fifty days in order that he may pilot foreign-going vessels during, say, sixty-five days?

For 130 men's maintenance, practically in idleness to a large extent, the entire coasting schooner trade of the Atlantic and Gulf coasts of the United States is made to pay tribute. Hundreds of thousands of dollars annually are thus extorted from the pockets of these sail-vessel owners, and enough has been shown to disclose the practical operation of the entire system.

It was stated that it was not the vessel but the shippers of freight who really paid these pilotage fees, and the leader of the State pilots made the bold assertion that the shippers were not objecting to the system; that they desired the continuance of the compulsory requirement, and that it was really a few northern vessel owners who were objecting.

The following letter is of interest at this point:

JACKSONVILLE, FLA., *January 21, 1905.*

Hon. CHARLES H. GROSVENOR,
Chairman Committee on Merchant Marine and Fisheries.
House of Representatives, Washington, D. C.

SIR: The undersigned lumber manufacturers, shippers, merchants, and vessel owners of Jacksonville, Fla., respectfully urge the immediate passage of House bill No. 7298, introduced by Mr. LITTLEFIELD, of Maine, entitled "An act to remove discriminations against American sailing vessels in the coasting trade," as a measure of the utmost importance to the commercial interests of this city and the industries whose shipments are made through this port. The exorbitant pilotage fees have long been a useless tax upon our domestic commerce, from which we beg to be freed.

Cooney, Exkstein & Co.; Robert R. Sizer & Co., Thos. M. Sizer, treasurer; G. S. Baxter & Co.; Dexter Hunter, per Arthur C. Wood, attorney; Bliss & Van Anken; Cummer Lumber Company, by A. G. Cummer, second vice-president; E. G. Phinney; T. V. Caspen; E. C. West; Eppinger, Russell Company, Jesse Eppinger, secretary; Chas. Hirsch & Co.; The Haviland Lumber Company, Frank B. Haviland, treasurer; Southern Pine Company of Georgia, Frank B. Haviland, assistant treasurer; Alfred R. Sax Lumber Company, by Alfred R. Sax, president; N. B. Borden & Co.; Weston & Co., Chas. H. Darby, secretary; J. A. McGuire, George Francis, manager; Granger & Lewis, per F. G. Miller, agent.

A similar letter forwarded from Savannah, Ga., dated January 21, 1905, asks for the passage of H. R. 7298; is signed by a number of lumber shippers at that port, including Granger & Lewis; Charles S. Hirsch & Co., per C. B. Stilwell, agent; George T. Craig & Co.; A. S. Bacon & Sons; The Dixon Lumber Company, James M. Dixon, secretary and treasurer; Georgia Lumber Company, by F. J. Garbull, president; McDonough & Co.; James A. Calhoun; Cooney, Ecstein & Co., by T. McAuliffe, agent; Heard Lumber Company, B. Willis Heard, treasurer.

The firm of Weston & Co., lumber shippers and vessel owners at Jacksonville, under date of January 25, 1905, wire Chairman GROSVENOR as follows:

"Mailed you yesterday petition signed by the principal shippers from Jacksonville, urging the immediate passage of House bill No. 7298, 'An act to remove discriminations against American sailing vessels in the coastwise trade.'"

The same firm sent the following letter:

[Office of Weston & Co., Pitch Pine Lumber.]

JACKSONVILLE, FLA., *January 21, 1905.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
House of Representatives, Washington, D. C.

DEAR SIR: We write to express our approval and to urge the passage of House bill No. 7298, entitled "An act to remove discriminations against sailing vessels in the coastwise trade."

We are residents of this city, own over $100,000 worth of shipping property, and are large shippers of coastwise lumber. My vessels all hail from Jacksonville, and have repeatedly come in and sailed out of this port without any pilot, but have been obliged to pay for their services just because the pilot spoke them outside.

I inclose herewith several pilotage bills which show that I paid pilotage, but the master preferred not to bother with the pilots. These exorbitant fees should be abolished in the interest of southern industries and the sailing vessels, whose main competitors are steamers which are exempt from these fees.

Trusing that this bill will promptly pass Congress, I beg to remain,

Yours, very respectfully,

WESTON & Co.,
H. WESTON, *President.*

The bills for pilotage referred to in the foregoing communication are as follows:

Weston & Co., owners of schooner Springfield to R. D. Gordon, Dr.

Apr. 8, 1904. To inward-bound pilotage of the schooner *Springfield*, inner pilotage, 9 feet, at $2.50 ..... $22.50
Outward pilotage, 16½ feet, at $3 ..... 49.50
72.00

Received payment.
MAY 30, 1904. R. D. GORDON.

Did not pilot vessel outward, but spoke the vessel only.

Weston & Co., owners of schooner Fairfield, to C. H. Wilson, Dr.

Apr. 6, 1904. To outward-bound pilotage of schooner *Fairfield*, 16 feet, at $3 per foot $48.00
Received payment.
C. H. WILSON.

Did not pilot vessel, but spoke her only.

JACKSONVILLE, FLA., *June 6, 1904.*

Received of Weston & Co. $49.50 for offering services as pilot, schooner *Springfield*, outward, June 3, 1904, 16½ feet, at $3.
$49.50. W. J. KING.

MAYPORT, FLA., *June 15, 1904.*

WESTON LUMBER CO., *Shippers, Jacksonville:*

Inclosed you will find corrected bill for schooner *Springfield*, spoken March 27, draft 10 feet, $25.

MAYPORT, *June 15, 1904.*

Received of Weston & Co., for inward pilotage of schooner *Springfield*, draft 10 feet, for March 27, $25.

R. D. GORDON, *Pilot.*

Messrs. G. S. Baxter & Co., of Jacksonville, Fla., under date of January 25, 1905, forwarded to Chairman GROSVENOR the following telegram:

"We wish to urge the passage of House bill No. 7298, an act to remove discriminations against sailing vessels in the coastwise trade. We are sawmill and land owners in Florida and large shippers from Fernandina and Jacksonville."

The following telegrams have also been received:

JACKSONVILLE, FLA., *January 25, 1905.*

Hon. CHAS. H. GROSVENOR,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.:

We respectfully urge the passage of House bill No. 7298, an act to remove discriminations against sailing vessels in the coastwise trade. We are owners of sawmills on the St. Johns River and shippers from Jacksonville.

HODGES & O'HARA.

JACKSONVILLE, FLA., *January 25, 1905.*

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
House of Representatives, Washington, D. C.:

As owners of the largest saw and trading mills in this vicinity, and operators of phosphate mines and naval stores plats, with over $2,000,000 invested in the State of Florida, we most urgently favor the immediate passage of House bill No. 7298, an act to remove discrimination against sailing vessels in the coastwise trade.

CUMMER LBR. CO.

JACKSONVILLE, FLA., *January 25, 1905.*

Hon. CHAS. H. GROSVENOR,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.:

I operate two sawmills on the St. Johns River, and as a manufacturer and shipper from this State I am much in favor and urge passage of House bill No. 7298, an act to remove discrimination against sailing vessels in the coastwise trade.

L. V. CASHEN.

JACKSONVILLE, FLA., *January 25, 1905.*

Hon. CHARLES H. GROSVENOR,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.:

We respectfully and urgently advocate passage of House bill 7298, an act to remove discrimination against sailing vessels in coastwise trade. We own large sawmill, Westlake, Fla., and very large landed and timber interests in the State and ship quantities of timber from Fernandina and Jacksonville.

WEST BROS.

JACKSONVILLE, FLA., *January 25, 1905.*

Hon. CHAS. H. GROSVENOR,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.:

We urgently advocate passage of House bill 7298, an act of discrimination against sailing vessels. We own large milling interests in the State and ship quantities of lumber through Jacksonville and Fernandina.

WEST & COFFEE.

The following letters have also been received:

[John S. Emery & Company (Incorporated), ship brokers and ship agents, 144 State street, Boston.]

JANUARY 24, 1905.

Hon. CHAS. H. GROSVENOR,
Chairman Committee Merchant Marine and Fisheries,
Washington, D. C.

DEAR SIR: We understand the bill to abolish compulsory pilotage in the coastwise southern trade will soon be acted upon, and we wish to state that we sincerely hope the bill will receive earnest support.

Our firm has been in the shipping business since 1857 and was incorporated in 1901, and we to-day handle, perhaps, forty sailing vessels, nearly all of which at times trade in southern waters and our South Atlantic and Gulf ports, and our experience has taught us that compulsory pilotage in the South is entirely unnecessary and a heavy burden to our coastwise tonnage.

These captains trading regularly in southern waters are good pilots, experienced navigators, and with harbor charts and towage service do not require pilots; in fact, it is an unnecessary burden, and in our opinion does not add to the safety of coastwise navigation in these ports.

Nearly all New England waters are exempt from compulsory pilotage in the coasting trade, and we do not remember meeting with accidents when not having pilots in the past, but have lost vessels with pilots on board.

We have for years thought it advisable to abolish the compulsory pilotage in southern waters, and we hope now this bill will become operative, and we sincerely hope you will do everything possible to influence legislation in this direction.

Yours, very truly, WM. H. RANDALL, *Secretary.*

COASTWISE TRANSPORTATION COMPANY,
Boston, Mass., January 24, 1905.

Hon. CHARLES LITTLEFIELD,
House of Representatives, Washington, D. C.

MY DEAR MR. LITTLEFIELD: I note by the papers that the hearing of the compulsory pilot bill will be before the committee on Thursday the 26th. I will give you a statement of the amount we pay for compulsory pilotage on our fleet, as follows:

Thomas W. Lawson	$491.40
William L. Douglas	347.00
George W. Wells	274.00
T. Charlton Henry	214.90
Van Allens Boughton	190.50
Henry W. Cramp	144.80
Sagamore	122.00
Mount Hope	98.90
J. C. Strawbridge	75.80
Margaret Haskell	187.00
Samuel J. Goucher	226.00
Total	2,372.30

You will note that this is quite a sum to pay each year for something that we do not get any benefit from, and it is quite a heavy tax on our vessels.

I wish to state further that all of our captains and mates have to go through a rigid examination before they can become captains and mates, and have to have certificates from the United States Government, and I can not understand why they should not have the privilege of taking their own vessels in and out of southern ports without either having to take a pilot or pay a pilot license.

I will inclose a pilot license that is issued by the pilots of Virginia and you can see how absurd it is. All light-houses, light-ships, buoys, and day marks are furnished and kept by the United States Government, and why should any State put a restriction and make our vessels pay for the privilege of navigating our own vessels in and out of these ports?

I hope and trust that you will be able to impress this upon the committee and upon Congress, and that they will pass an act to abolish this unjust tax on our American vessels.

Yours, very truly,
J. C. CROWLEY,
General Manager and Treasurer.

The license inclosed with the last foregoing letter reads as follows:

Pilot license for coasting vessels.

In pursuance of an act of the general assembly of Virginia, entitled "An act changing the law in relation to pilots," pilot license is hereby granted for the schooner called the *J. C. Strawbridge, burthen* 758 tons, and trading in the waters of this Commonwealth, for one year from the date hereof and no longer, the sum of $75.80 having been received by me.

[SEAL.] VIRGINIA PILOT ASSOCIATION.
O. E. EDWARDS, *Agent.*

Given under my hand and seal this 19th day of January, 1905.

The pilotage fees covered by the above itemized statement probably refers solely to those paid for the licenses issued to the vessels named by the Virginia Board of Pilots, and does not cover pilotage fees paid by any of the vessels in other southern ports.

It will be interesting, in view of what Captain Crowley says, to show in some detail what the United States Government has expended for the improvement of some of these southern ports. From the records of the War Department we find a compilation by Lieut. Col. C. W. Raymond, Volumes I and II, printed as Document No. 439, House of Representatives, Fifty-seventh Congress, of the following appropriations for river and harbor improvements in South Atlantic and Gulf States and ports, to and including 1900:

Virginia, total for State	$5,526,387.97
Norfolk Harbor, 1876 to 1898, inclusive, $1,542,500.	
North Carolina, total for State	5,122,058.92
Wilmington, Cape Fear River at and below Wilmington, $3,383,228.92.	
South Carolina, total for State	7,151,385.00
Charleston Harbor, 1852 to 1900, inclusive, $4,672,200.	
Port Royal (Beaufort River), 1890 to 1896, inclusive, $31,000.	

Georgia, total for State	$7,971,472.35
Savannah Harbor (from 1826), $6,743,563.58; Brunswick Harbor and outer bar, $265,000.	
Florida, total for State	4,627,606.46
Carrabelle bar and harbor, 1896 to 1899, $20,000; Fernandina, $149,000; Key West Harbor, 1882 to 1899, $352,500; Pensacola Harbor, 1878 to 1899, inclusive, $720,000; Jacksonville (1852 to 1899, inclusive), $1,892,000, and Tampa (1880 to 1900), $340,000.	
Alabama, total for State	6,783,102.22
Mobile bay, harbor, and river (1826 to 1900), $4,248,620.60.	
Mississippi, total for State	1,464,244.80
Pascagoula (1827 to 1896), $518,100.	
Louisiana, total for State	2,727,115.25
New Orleans (mouth of Mississippi), $10,689,869.75.	
Texas, total for State	15,452,421.85
Galveston (1870 to 1899, inclusive), $8,528,000; Sabine Pass Harbor (1852 to 1900, inclusive), $3,444,750.	
Total for all States above enumerated	56,825,774.82

Notwithstanding all of these expenditures, despite the great changes that have been made in the channels and harbors, the increased depth, the straightening of tortuous channels, the buoying, lighting, and marking, and the splendid charts prepared by the Government, and the ease with which vessels that have paid for a license may sail in and out of them, all indicate very clearly that the retention of compulsory pilotage on coasting sailing vessels has no other justification than a determination on the part of the several States concerned to arbitrarily exercise a power they have been permitted by Congress to retain to unjustly tax interstate commerce.

To show the extent to which these pilotage fees are levied upon sail vessels in the coastwise trade, below will be found charges in a few of the leading South Atlantic and Gulf ports:

Port, etc.	Pilotage from sea inward.	Total amount in and out.
Wilmington, N. C.:		
16 feet draft	$77.25	$154.50
21 feet draft	167.25	334.50
Brunswick, Ga.:		
16 feet draft	79.00	158.00
23 feet draft	195.00	390.00
Fernandina, Fla.:		
16 feet draft	80.00	160.00
23 feet draft	138.00	276.00
Mobile, Ala.:		
16 feet draft	88.00	176.00
23 feet draft	149.50	299.00
Pensacola, Fla.:		
16 feet draft	80.00	160.00
23 feet draft	138.00	276.00

The abolition of this compulsory pilotage on sailing vessels in the coasting trade has received the indorsement and recommendation of successive adminstrative departments of the Government that have supervision over the maritime interests of the United States. The reports of Commissioners of Navigation are replete with argument, piled upon argument, year after year, bearing upon this subject and urging upon Congress the rectification of this grievous discrimination against sailing vessels. A few extracts culled from the reports of the present Commissioner of Navigation since and inclusive of 1895 are herewith appended:

[Extract from report for 1895.]

Pilotage is one of the heaviest charges upon navigation, and to exempt one description of American vessels in the coasting trade from that charge while imposing it upon another description of American vessels in the same trade comes close to ruling the sailing vessels out of the business and bestowing it upon steam vessels exclusively.

[Extract from report for 1896.]

The recommendation has the cordial support of the leading maritime and commercial organizations of the Atlantic seaboard, and its enactment by Congress is almost indispensable to the existence of our sailing fleet on the Atlantic coast in the coastwise trade, virtually the only trade open to it under present conditions.

The report for 1897 renews the recommendations made in 1896.

[Extract from report for 1898.]

The bill is limited in its operations and considers all possible danger to navigation. Only sail vessels of which the masters or mates have passed the examination prescribed for and obtained the license awarded to masters and mates of steam vessels are to be exempt from pilotage when no pilot is in fact employed. It will be a considerable gain to safety in navigation under any circumstances thus to require masters and mates of sail vessels to qualify as pilots.

[Extract from report for 1899.]

It is contended that Congress is the proper tribunal to which to appeal for a correction of this unfair discrimination—

First, because the Constitution vests in Congress the right to regulate commerce of which pilotage is essentially a feature, and Congress, by its first act relating to pilotage, reserved to itself the power to regulate it as occasion requires.

Second, because Congress, by exempting steam vessels from State pilotage charges, except for services rendered, itself created the discrimination which now calls for correction.

"Third, because Congress, by its liberal appropriations for improvements of the harbors in the nine States which still exact pilotage fees from coasting sailing vessels where services are not now rendered, has removed the reason by which such charges were formerly justified."

Report for 1900 repeated recommendations made in 1899 report.

[Extract from report for 1901.]

"The steady and large increase in the foreign vessels entering and clearing at our ports in foreign trade and our vast expenditures for river and harbor improvements to reduce the danger of navigation and render our ports more accessible to vessels of great draft, strengthen every year the argument in favor of the abolition of this discrimination. The situation created by law is one of peculiar hardship to men who, as a rule, are hard working and of small or moderate means, the owners of coasting schooners. Necessarily, large steamers, operated in connection with railroad systems, are acquiring a steadily increasing share of the coasting trade. The money spent in deepening, widening, and straightening channels and removing bars which these schooner owners, in the form of Federal taxes, help cheerfully to contribute, is principally for the benefit of the large steamer, exempt from pilotage, which the small schooners are required to pay, whether a pilot is employed or not."

The report for 1902 repeats the recommendations on this subject contained in the report for 1901.

The report for 1903, after showing the decline in our sailing tonnage under register, says:

"All competent nautical authorities agree that training on a square-rigged ship is necessary for the officer of a steamer. Such training is obligatory in our Navy. The great German steamship companies within the past few years have added several full-rigged ships to their lists as training schools for the future deck officers of their ocean steamers. Unless Congress or private interests soon follow this example the lack of competent officers for American steamers may soon prove a serious handicap to any development of our ocean steam merchant fleet.

"In the meantime the abolition of the discrimination in pilotage charges against sail vessels in the coasting trade is again earnestly recommended as an immediate and practical method of fostering American sail tonnage."

On this subject the report for 1904 says:

"*Discrimination against sail vessels in the coasting trade.*—Heavy pilotage charges or license fees are imposed on American sail vessels in the coasting trade in ports from Virginia to Texas, inclusive. American steam vessels in the same trade are exempt from such charges. The discrimination is severely felt, and it has undoubtedly contributed to retard American sail tonnage. While the charges are imposed under State laws, the discrimination arises from section 51 of the act of Congress approved February 28, 1871. Among other things that section (incorporated as section 4444 in the Revised Statutes) provided:

"'And no State or municipal government shall impose upon pilots of steam vessels herein provided for any obligation to procure a State or other license in addition to that issued by the United States, nor other regulation which shall impede such pilots in the performance of their duties as required by this act; nor shall any pilot charges be levied by any such authority upon any steamer piloted as herein provided.'

"When this act was passed, thirty-three years ago, the inspection system applied only to steam vessels, and Congress may have deemed steam vessels deserving of the special encouragement involved in the exemption from State pilotage charges. On June 30, 1871, our enrolled tonnage comprised 903,543 tons steam and 1,901,731 tons sail. On the 30th of last June it comprised 3,004,928 tons steam and 2,278,861 tons sail. Steam has increased over 200 per cent, sail only 20 per cent, in enrolled tonnage. Since 1898 the Government inspection system has been extended so as partially to include the sail fleet. Such burdens as the inspection system may entail have been imposed on the sail fleet. The corresponding benefits remain to be bestowed by Congress. In the reports of the Bureau for some years past arguments for the removal of this discrimination have been set forth at some length. (Report for 1895, pp. 45–47; 1896, pp. 31–32; 1897, pp. 45–46; 1898, p. 62; 1899, p. 89; 1900, p. 60; 1901, p. 65; 1902, p. 64; 1903, p. 46.)

"The conditions of foreign trade afford only steadily diminishing opportunities for American sailing vessels, and the sail fleet must more and more be confined to domestic transportation. The sail fleet is a necessity to the maintenance of a reserve personnel for national defense. As an original proposition it seems that Congress could well enact a law giving to sail vessels, when piloted by officers whose competency has been tested by Federal examination, exemption from State pilotage charges. It is the best form of relief practicable."

The considerations hereinbefore set out in detail amply justify these recommendations. A great amount of time and energy has been spent, and especially of late, in devising ways and means for the rescue of our merchant marine from elimination as an appreciable factor in our commerce. As to the desirability of that end there is a universal consensus of opinion. As to the proper and adequate means to be employed there is a decided difference of opinion. Here is an opportunity to afford some needed relief to certainly not the least deserving branch of that marine.

All who believe in equal rights to all and special privileges to none should join in the support of this bill.

Mr. SHERLEY. Mr. Speaker, I ask, on behalf of all who have spoken on this subject, leave to extend remarks in the RECORD.

Mr. LITTLEFIELD. Mr. Speaker, I would like five minutes longer.

Mr. SHERLEY. That is hardly a fair request, and I shall have to object to it.

Mr. LITTLEFIELD. I did not suppose my time had so nearly expired or I would not have yielded to the interruptions. I ask unanimous consent that I may have five minutes more.

Mr. SHERLEY. Under the plain stipulation, I feel it my duty to object.

Mr. LITTLEFIELD. Mr. Speaker, I move the previous question on the bill to its final passage.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. MAYNARD) there were—ayes 127, noes 116.

So the bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. SHERLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 165, answered "present" 6, not voting 103, as follows:

YEAS—109.

Alexander	Davidson	Hubbard	Richardson, Ky.
Allen, Me.	Denby	Huff	Rucker
Ames	Dovener	Humphrey, Wash.	Saunders
Babcock	Draper	Jones, Wash.	Scott
Bannon	Driscoll	Knapp	Smith, Cal.
Bennet, N. Y.	Dwight	Lamb	Smith, Iowa
Bingham	Edwards	Lawrence	Smyser
Bishop	Esch	Littlefield	Southwick
Bonynge	Fassett	Longworth	Sperry
Bowersock	Field	Lowden	Stafford
Bradley	Fordney	McCall	Steenerson
Brown	Foss	McCreary, Pa.	Sterling
Brownlow	Foster, Vt.	McKinlay, Cal.	Stevens, Minn.
Burke, S. Dak.	Gaines, W. Va.	McNary	Sullivan
Burleigh	Gardner, Mich.	Mann	Sulloway
Burleson	Gilhams	Miller	Tawney
Burton, Ohio	Gillett	Minor	Thomas, N. C.
Butler, Pa.	Graham	Nelson	Tirrell
Calderhead	Greene	Norris	Volstead
Capron	Gronna	Olcott	Vreeland
Chaney	Grosvenor	Page	Waldo
Cole	Hardwick	Palmer	Wanger
Conner	Haskins	Parsons	Watson
Cooper, Pa.	Henry, Conn.	Payne	Weeks
Currier	Hepburn	Perkins	The Speaker
Cushman	Higgins	Pollard	
Dale	Hill, Conn.	Powers	
Dalzell	Howell, Utah	Reeder	

NAYS—165.

Adamson	Dunwell	Kline	Rives
Aiken	Ellerbe	Knopf	Roberts
Bankhead	Ellis	Knowland	Robinson, Ark.
Barchfeld	Finley	Lacey	Rodenberg
Bartholdt	Flood	Lamar	Russell
Bartlett	Floyd	Landis, Chas. B.	Samuel
Beall, Tex.	Foster, Ind.	Landis, Frederick	Schneebeli
Bede	French	Law	Scroggy
Beidler	Fulkerson	Lee	Shackleford
Bell, Ga.	Fuller	Legare	Sheppard
Birdsall	Garner	Lever	Sherley
Boutell	Garrett	Lewis	Sims
Bowers	Gillespie	Lilley, Pa.	Smith, Ky.
Brantley	Glass	Little	Smith, Md.
Brick	Goulden	Livingston	Smith, Samuel W.
Broocks, Tex.	Granger	Lloyd	Smith, Wm. Alden
Broussard	Gregg	Loud	Smith, Pa.
Brundidge	Griggs	McGavin	Smith, Tex.
Burgess	Gudger	McKinney	Snapp
Burnett	Hale	McLachlan	Southall
Burton, Del.	Hamilton	McLain	Sparkman
Butler, Tenn.	Haugen	Macon	Spight
Calder	Hay	Madden	Stanley
Campbell, Ohio	Hayes	Marshall	Taylor, Ala.
Candler	Hedge	Maynard	Taylor, Ohio
Cassel	Heflin	Moon, Tenn.	Towne
Chapman	Henry, Tex.	Moore, Tex.	Townsend
Clark, Fla.	Hill, Miss.	Mouser	Trimble
Clark, Mo.	Hinshaw	Mudd	Underwood
Clayton	Hogg	Murdock	Wallace
Cocks	Houston	Needham	Watkins
Cooper, Wis.	Howard	Otjen	Webb
Cromer	Humphreys, Miss.	Overstreet, Ga.	Weems
Crumpacker	Hunt	Padgett	Wharton
Davey, La.	James	Patterson, N. C.	Wiley, Ala.
Davis, Minn.	Johnson	Patterson, S. C.	Williams
Davis, W. Va.	Jones, Va.	Pujo	Wilson
Dawes	Kahn	Rainey	Woodyard
Dawson	Keifer	Randell, Tex.	Zenor
De Armond	Kennedy, Nebr.	Reynolds	
Deemer	Kennedy, Ohio	Rhodes	
Dixon, Ind.	Kitchin, Wm. W.	Richardson, Ala.	

ANSWERED "PRESENT"—6.

McKinley, Ill.	Pou	Small	Young
Olmsted	Prince		

NOT VOTING—102.

Acheson	Garber	Loudenslager	Robertson, La.
Allen, N. J.	Gardner, Mass.	Lovering	Ruppert
Andrus	Gardner, N. J.	McCarthy	Ryan
Bates	Gilbert	McCleary, Minn.	Shartel
Bennett, Ky.	Gill	McDermott	Sherman
Blackburn	Goebel	McMorran	Sibley
Bowie	Goldfogle	Mahon	Slayden
Brooks, Colo.	Graff	Martin	Slemp
Brumm	Hearst	Meyer	Smith, Ill.
Buckman	Hermann	Michalek	Southard
Burke, Pa.	Holliday	Mondell	Stephens, Tex.
Byrd	Hopkins	Moon, Pa.	Sulzer
Campbell, Kans.	Howell, N. J.	Moore, Pa.	Talbott
Cockran	Hughes	Morrell	Thomas, Ohio
Coudrey	Hull	Murphy	Tyndall
Cousins	Jenkins	Nevin	Van Duzer
Curtis	Keliher	Overstreet, Ind.	Van Winkle
Darragh	Kinkaid	Parker	Wachter
Dickson, Ill.	Kitchin, Claude	Patterson, Tenn.	Wadsworth
Dixon, Mont.	Klepper	Pearre	Webber
Dresser	Lafean	Ransdell, La.	Weisse
Fitzgerald	Le Fevre	Reid	Welborn
Flack	Lilley, Conn.	Reyburn	Wiley, N. J.
Fletcher	Lindsay	Rhinock	Wood
Fowler	Littauer	Riordan	
Gaines, Tenn.	Lorimer	Rixey	

So the motion was rejected.

The Clerk announced the following pairs:

On the pilotage bill:

Mr. FLETCHER (for the bill) with Mr. PRINCE (against the bill).

Mr. CURTIS (for the bill) with Mr. STEPHENS of Texas (against the bill).

Mr. YOUNG (for the bill) with Mr. GAINES of Tennessee (against the bill).

Mr. SMALL (for the bill) with Mr. PEARRE (against the bill).

For the day:

Mr. SIBLEY with Mr. WEISSE.

Mr. MOORE of Pennsylvania with Mr. VAN DUZER.

Mr. REYBURN with Mr. POU.

Mr. WACHTER with Mr. TALBOTT.

Mr. DIXON of Montana with Mr. GARBER.

Mr. COUDREY with Mr. RIORDAN.

Mr. HOWELL of New Jersey with Mr. RANSDELL of Louisiana.

Mr. DARRAGH with Mr. SULZER.

Mr. ACHESON with Mr. SLAYDEN.

Mr. COUSINS with Mr. KELIHER.

Mr. JENKINS with Mr. RIXEY.

Mr. LILLEY of Connecticut with Mr. COCKRAN.

Mr. THOMAS of Ohio with Mr. GILL.

Mr. MONDELL with Mr. RYAN.

Mr. LORIMER with Mr. RHINOCK.

Mr. LOUDENSLAGER with Mr. ROBERTSON of Louisiana.

Mr. LE FEVRE with Mr. REID.

Mr. LAFEAN with Mr. LINDSAY.

Mr. LITTAUER with Mr. MEYER.

Mr. HULL with Mr. PATTERSON of Tennessee.

Mr. HUGHES with Mr. HOPKINS.

Mr. HOLLIDAY with Mr. CLAUDE KITCHIN.

Mr. GRAFF with Mr. HEARST.

Mr. GOEBEL with Mr. GOLDFOGLE.

Mr. GARDNER of New Jersey with Mr. GILBERT of Kentucky.

Mr. GARDNER of Massachusetts with Mr. BYRD.

Mr. CAMPBELL of Kansas with Mr. FITZGERALD.

Mr. ANDREWS with Mr. BOWIE.

For the session:

Mr. VAN WINKLE with Mr. MCDERMOTT.

Mr. SHERMAN with Mr. RUPPERT.

The result of the vote was announced as above recorded. [Applause.]

Mr. SHERLEY. Mr. Speaker, I move to reconsider the last vote, and to lay that motion on the table.

The SPEAKER. The gentleman from Kentucky moves to reconsider the vote, and to lay that motion on the table.

The question was taken; and the motion was agreed to.

Mr. SHERLEY. Mr. Speaker, I now renew my motion that leave to print be given those who spoke upon the bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that gentlemen who spoke upon this measure may have leave to extend their remarks in the RECORD.

Mr. MANN. Upon the subject-matter?

Mr. SHERLEY. Why, of course.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. BRUMM, by unanimous consent, was granted leave of absence until Tuesday next on account of important business.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1804. An act providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on the District of Columbia was discharged from the further consideration of the bill (H. R. 20992) to authorize the paving of Twenty-third street NW., between S and U streets, and the same was referred to the Committee on Appropriations.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of

Mary W. Littell, widow of William J. Littell, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ella J. Vermillion, daughter and heir at law of Zachariah A. Morgan, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of D. W. Poor, son and heir at law of James A. Poor, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of appropriation for printing and binding for the Navy Department for the fiscal year ending June 30, 1908—to the Committee on Appropriations, and ordered to be printed.

A letter from the secretary of the board of naval officers appointed under act of March 3, 1905, submitting report of the board as to cost of armor plate and armor plant—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report of a joint committee of the Treasury and Post-Office Departments in relation to the destruction of certain papers used in the money-order department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for survey and subdivision of Indian reservations and allotment of lands in severalty—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of additional appropriation for the work of the Commission to the Five Civilized Tribes—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the secretary of the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation for the public schools of the District—to the Committee on Appropriations, and ordered to be printed.

A letter from the Comptroller of the Currency, transmitting his report for the year ended October 31, 1906—to the Committee on Banking and Currency, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for contingent expenses of land offices—to the Committee on Appropriations, and ordered to be printed.

A letter from the Librarian of Congress, transmitting his annual report and the report of the Superintendent of the Library Building and Grounds for the fiscal year ended June 30, 1906—to the Committee on the Library.

A letter from the Secretary of the Treasury, transmitting an abstract of the official emoluments of officers in the customs service received by them during the fiscal year ended June 30, 1906—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of War, transmitting reports of inspections of disbursements and transfers by officers of the Army—to the Committee on Expenditures in the War Department.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Pearl River from the mouth to Rock River, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Long Rock, Echo Bay, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Upper Cache River, Arkansas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Lawrence River near Thousand Island Park, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of New London Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Pearl River, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Great Harbor, Culebra Island, Porto Rico—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Pentwater Harbor, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of anchorage basin at Gulfport channel, therefrom to the roadstead at Ship Island and of Ship Island Pass, and survey of Ship Island Pass, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, submitting certain modifications of the annual estimates for transportation of the Army, and submarine mines—to the Committees on Appropriations and Military Affairs, and ordered to be printed.

A letter from the Secretary of War, submitting abstract of proposals received during the fiscal year ended June 3, 1906, for materials and labor in connection with works under the Engineer Department—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a certificate from the governor and secretary of state of New Mexico showing the result of the election in that Territory on November 6, 1906, on the subject of joint statehood with Arizona—to the Committee on the Territories, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the decisions filed by the court in dismissing the cases of William D. Long and Lucy L. Breckenridge, heirs of Stephen H. Long, and sundry other cases against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Elias Emmert, administrator of estate of Samuel Emmert, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William H. Brown against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martha E. Conklin against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Reading against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary E. Barrows against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John W. Dixon against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary Wolf and D. Elmer Wolf, administrators of estate of David Wolf, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Priscilla Burwell, executrix of estate of Armistead Burwell, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William E. Boteler, administrator of estate of Hezekiah Boteler, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John S. Smith, administrator of estate of Nancy N. B. Bridges, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George F. Swann, administrator of estate of George T. Swann,

against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph A. Briley against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the decision filed by the court in dismissing the case of Joseph E. and William Nourse against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the decision filed by the court in dismissing the cases of T. Alonzo Walker, Augusta C. Todd, and sundry others against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the decision filed by the court in dismissing the case of H. J. Burns, administrator of estate of Robert Wilkinson, deceased, and sundry other cases against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action of the court in dismissing the cases of Francis Dainese and others against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Sally*, Eden Wadsworth, master—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHANEY, from the Committee on Invalid Pension, to which was referred the bill of the House (H. R. 18261) granting an increase of pension to John T. Mitchell, reported the same without amendment, accompanied by a report (No. 5097); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18155) granting an increase of pension to Frank S. Hastings, reported the same with amendment, accompanied by a report (No. 5098); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18031) granting an increase of pension to Daniel H. Toothaker, reported the same without amendment, accompanied by a report (No. 5099); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17770) granting an increase of pension to Julia P. Grant, reported the same with amendment, accompanied by a report (No. 5100); which said bill and report were refererd to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16087) granting an increase of pension to Charles W. Foster, reported the same with amendment, accompanied by a report (No. 5101); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15790) granting an increase of pension to Nicholas W. Dorrel, reported the same with amendment, accompanied by a report (No. 5102); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15421) granting an increase of pension to Paul Diedrich, reported the same without amendment, accompanied by a report (No. 5103); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15297) granting an increase of pension to Nelson Hanson, reported the same without amendment, accompanied by a report (No. 5104); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15004) granting an increase of pension to W. J. McAtee, reported the same with amendment, accompanied by a report (No. 5105); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14689) granting an increase of pension to Herman G. Weller, reported the same with amendment, accompanied by a report (No. 5106); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14673) granting an increase of pension to David H. Semans, reported the same with amendment, accompanied by a report (No. 5107); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13241) granting an increase of pension to Francis Haner, reported the same with amendment, accompanied by a report (No. 5108); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12574) granting an increase of pension to Jacob R. Burkhardt, reported the same with amendment, accompanied by a report (No. 5109); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12106) granting an increase of pension to George W. Reagan, reported the same with amendment, accompanied by a report (No. 5110); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12036) granting a pension to Charles H. Tighe, guardian, reported the same with amendment, accompanied by a report (No. 5111); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11636) granting an increase of pension to Lawrence Hogan, reported the same with amendment, accompanied by a report (No. 5112); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11564) granting an increase of pension to James Morrow, reported the same with amendment, accompanied by a report (No. 5113); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10958) granting an increase of pension to Levi Dodson, reported the same with amendment, accompanied by a report (No. 5114); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10804) granting an increase of pension to John H. Worley, reported the same with amendment, accompanied by a report (No. 5115); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4656) granting an increase of pension to Thomas Snell, reported the same with amendment, accompanied by a report (No. 5116); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1687) granting an increase of pension to James C. Daly, reported the same with amendment, accompanied by a report (No. 5117); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9816) granting an increase of pension to Charles A. Spanogle, reported the same with amendment, accompanied by a report (No. 5118); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7834) granting a pension to Joseph Amos, reported the same with amendment, accompanied by a report (No. 5119); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 600) granting

an increase of pension to Oliver H. McLain, reported the same with amendment, accompanied by a report (No. 5120); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2290) granting an increase of pension to Peter Reedy, reported the same with amendment, accompanied by a report (No. 5121); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2422) granting an increase of pension to Earl R. Childs, reported the same with amendment, accompanied by a report (No. 5122); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5172) granting an increase of pension to Milton Strattan, reported the same with amendment, accompanied by a report (No. 5123); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4663) granting an increase of pension to Horace B. Tanner, reported the same with amendment, accompanied by a report (No. 5124); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18247) granting an increase of pension to William Baird, reported the same with amendment, accompanied by a report (No. 5125); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2822) granting an increase of pension to Levi Gates, reported the same with amendment, accompanied by a report (No. 5126); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12911) granting an increase of pension to A. S. Delaware, reported the same with amendment, accompanied by a report (No. 5127); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18771) granting an increase of pension to William G. Bailey, reported the same with amendment, accompanied by a report (No. 5128); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18761) granting an increase of pension to Benjamin Bolinger, reported the same without amendment, accompanied by a report (No. 5129); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18742) granting an increase of pension to Martin V. Barney, reported the same with amendment, accompanied by a report (No. 5130); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18637) granting an increase of pension to Henry L. Sparks, reported the same with amendment, accompanied by a report (No. 5131); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18634) granting an increase of pension to Mary Sullivan, reported the same with amendment, accompanied by a report (No. 5132); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18494) granting an increase of pension to Emmagene Bronson, reported the same with amendment, accompanied by a report (No. 5133); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18474) granting an increase of pension to Robert Sturgeon, reported the same with amendment, accompanied by a report (No. 5134); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18179) granting an increase of pension to William G. Baity, reported the same with amendment, accompanied by a report (No. 5135); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18114) granting an increase of pension to Henry B. Parker, reported the same without amendment, accompanied by a report (No. 5136); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17969) granting an increase of pension to Charles Walrod, reported the same with amendment, accompanied by a report (No. 5137); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17958) granting an increase of pension to Alexander Dixon, reported the same with amendment, accompanied by a report (No. 5138); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17864) granting an increase of pension to Mary E. Austin, reported the same with amendment, accompanied by a report (No. 5139); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17646) granting a pension to James M. Sheak, reported the same with amendment, accompanied by a report (No. 5140); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17539) granting a pension to Ambrose D. Albertson, reported the same with amendment, accompanied by a report (No. 5141); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17486) granting an increase of pension to Rudolph Papst, reported the same with amendment, accompanied by a report (No. 5142); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8373) granting an increase of pension to Patrick Weir, reported the same with amendment, accompanied by a report (No. 5143); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17172) granting an increase of pension to John Short, reported the same with amendment, accompanied by a report (No. 5144); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16895) granting an increase of pension to William M. Baker, reported the same with amendment, accompanied by a report (No. 5145); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16257) granting a pension to Mary O'Donnell, reported the same with amendment, accompanied by a report (No. 5146); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15980) granting an increase of pension to John F. Smith, reported the same with amendment, accompanied by a report (No. 5147); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15890) granting a pension to Hiram C. Barney, reported the same with amendment, accompanied by a report (No. 5148); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15455) granting an increase of pension to John D. Brooks, reported the same without amendment, accompanied by a report (No. 5149); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15430) granting an increase of pension to Oliver L. Lawrence, reported the same with amendment, accompanied by a report (No. 5150); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15193) granting an increase of pension

to Frederick W. Studdiford, reported the same without amendment, accompanied by a report (No. 5151); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15769) granting an increase of pension to William Winslow Bennett, reported the same with amendment, accompanied by a report (No. 5152); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15580) granting an increase of pension to James P. Hudkins, reported the same with amendment, accompanied by a report (No. 5153); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15202) granting a pension to Henry Peetsch, reported the same without amendment, accompanied by a report (No. 5154); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14767) granting an increase of pension to Henry Simon, reported the same with amendment, accompanied by a report (No. 5155); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14690) granting an increase of pension to Henrietta Hull, reported the same with amendment, accompanied by a report (No. 5156); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14263) granting a pension to Fidelia Sellers, reported the same with amendment, accompanied by a report (No. 5157); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14238) granting an increase of pension to William H. Van Tassell, reported the same without amendment, accompanied by a report (No. 5158); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13887) granting an increase of pension to Joseph G. Eagler, reported the same with amendment, accompanied by a report (No. 5159); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10773) granting an increase of pension to George C. Rathbun, reported the same with amendment, accompanied by a report (No. 5160); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6920) granting an increase of pension to Simon Millison, reported the same with amendment, accompanied by a report (No. 5161); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3496) granting an increase of pension to Edward Walton, reported the same with amendment, accompanied by a report (No. 5162); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13813) granting an increase of pension to Samuel Brown, reported the same with amendment, accompanied by a report (No. 5163); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13053) granting a pension to Eli Bunting, reported the same with amendment, accompanied by a report (No. 5164); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12152) granting an increase of pension to Leonidas E. Mills, reported the same with amendment, accompanied by a report (No. 5165); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3355) granting an increase of pension to James Allen, reported the same with amendment, accompanied by a report (No. 5166); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4386) granting an increase of pension to Zelinda E. Odenbaugh, reported the same with amendment, accompanied by a report (No. 5167); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5063) to increase the pension of William G. Miller, reported the same with amendment, accompanied by a report (No. 5168); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7247) granting a pension to Lorenzo Sink, reported the same with amendment, accompanied by a report (No. 5169); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1938) granting an increase of pension to Thomas B. Foutty, reported the same without amendment, accompanied by a report (No. 5170); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1904) granting an increase of pension to Nelson R. Satterlee, reported the same with amendment, accompanied by a report (No. 5171); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1800) granting a pension to Eliza J. Ingle, reported the same without amendment, accompanied by a report (No. 5172); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1709) granting an increase of pension to B. P. Munns, reported the same with amendment, accompanied by a report (No. 5173); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6911) granting an increase of pension to William J. Turner, reported the same without amendment, accompanied by a report (No. 5174); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3733) granting an increase of pension to Simeon D. Chelf, reported the same with amendment, accompanied by a report (No. 5175); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6189) granting an increase of pension to Arthur Tibbits, reported the same with amendment, accompanied by a report (No. 5176); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5648) granting an increase of pension to William Hand, reported the same with amendment, accompanied by a report (No. 5177); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7912) granting an increase of pension to James M. Lawder, reported the same with amendment, accompanied by a report (No. 5178); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8335) granting an increase of pension to John T. Harvey, reported the same with amendment, accompanied by a report (No. 5179); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9090) granting an increase of pension to Amasa B. Saxton, reported the same without amendment, accompanied by a report (No. 5180); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8136) granting an increase of pension to Joseph A. Scroggs, reported the same without amendment, accompanied by a report (No. 5181); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11232) granting a pension to Aaron L. Packer, reported the same with amendment, accompanied by a report (No. 5182); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11169) granting an increase of pension to Robert P. Call, reported the same with amendment, accompanied by a report (No. 5183); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10755) granting an increase of pension to Anna Flynn, reported the same without amendment, accompanied by a report (No. 5184); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5803) granting an increase of pension to Edwin L. Roberts, reported the same with amendment, accompanied by a report (No. 5185); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3980) granting a pension to Frank G. Hammond, reported the same without amendment, accompanied by a report (No. 5186); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3494) granting an increase of pension to Albert A. Talham, reported the same with amendment, accompanied by a report (No. 5187); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3234) granting an increase of pension to Rush Deskins, reported the same with amendment, accompanied by a report (No. 5188); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 522) granting an increase of pension to Frederick Roschdiantsky, reported the same with amendment, accompanied by a report (No. 5189); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 747) granting an increase of pension to Robert Smith, reported the same with amendment, accompanied by a report (No. 5190); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1026) granting an increase of pension to Thomas M. Wilcox, reported the same with amendment, accompanied by a report (No. 5191); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1060) granting a pension to Margaret E. Lounsbury, reported the same with amendment, accompanied by a report (No. 5192); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1372) granting a pension to Josephine F. Richmond, reported the same with amendment, accompanied by a report (No. 5193); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1500) granting a pension to Emily J. Sherman, reported the same with amendment, accompanied by a report (No. 5194); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1706) granting an increase of pension to George H. Washburn, reported the same with amendment, accompanied by a report (No. 5195); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7411) granting an increase of pension to Tobias Fisher, reported the same with amendment, accompanied by a report (No. 5196); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7476) granting an increase of pension to George C. Dean, reported the same with amendment, accompanied by a report (No. 5197); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7544) granting an increase of pension to Gustavus E. F. Raschig, reported the same with amendment, accompanied by a report (No. 5198); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8159) granting an increase of pension to Charles Leathers, reported the same with amendment, accompanied by a report (No. 5199); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8338) granting an increase of pension to Isaac S. Doan, reported the same with amendment, accompanied by a report (No. 5200); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8789) granting an increase of pension to Levi Chapman, reported the same with amendment, accompanied by a report (No. 5201); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8925) granting an increase of pension to Chester Simpson, reported the same without amendment, accompanied by a report (No. 5202); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8958) granting an increase of pension to David Bowen, reported the same without amendment, accompanied by a report (No. 5203); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9100)) granting a pension to Nancy C. Paine, reported the same with amendment, accompanied by a report (No. 5204); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9218) granting an increase of pension to William T. Blanchard, reported the same with amendment, accompanied by a report (No. 5205); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10032) granting an increase of pension to Octavo Barker, reported the same with amendment, accompanied by a report (No. 5206); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10240) granting an increase of pension to John H. Curnutt, reported the same with amendment, accompanied by a report (No. 5207); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10400) granting an increase of pension to Thomas Harrison, reported the same with amendment, accompanied by a report (No. 5208); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9402) granting an increase of pension to Adam S. Van Vorst, reported the same with amendment, accompanied by a report (No. 5209); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. YOUNG: A bill (H. R. 21377) to establish range lights on Grand Island Harbor, State of Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. KLINE: A bill (H. R. 21378) granting pensions to soldiers and sailors who have lost the sight of both eyes and to soldiers and sailors who are and may become bedridden, paralytic, utterly helpless, and painfully or permanently disabled from causes not occurring while in the military or naval service of the United States—to the Committee on Invalid Pensions.

By Mr. DALZELL (by request): A bill (H. R. 21379) to pension Volunteer Army nurses—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 21380) for the erection of a public building at Amsterdam, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 21381) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof, approved June 20, 1906—to the Committee on the District of Columbia.

By Mr. SIMS: A bill (H. R. 21382) for the prevention of smoke in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. HUMPHREY of Washington: A bill (H. R. 21383) providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham—to the Committee on the Judiciary.

By Mr. PEARRE: A bill (H. R. 21384) granting a pension of

$30 per month to all honorably discharged soldiers and sailors who served at least ninety days in the Army or Navy of the United States during the civil war, and who have or may reach the age of 70 years—to the Committee on Invalid Pensions.

By Mr. FLOYD (by request): A bill (H. R. 21385) to make available the waters of the White River, in the States of Missouri and Arkansas, above Cotter, Ark., for electric power purposes without impeding navigation—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: A bill (H. R. 21386) to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"—to the Committee on the Merchant Marine and Fisheries.

By Mr. JENKINS: A bill (H. R. 21387) to authorize continuance of the railroad siding into square No. 737, in the city of Washington—to the Committee on the District of Columbia.

By Mr. HENRY of Texas: A bill (H. R. 21388) to amend the bankruptcy act—to the Committee on the Judiciary.

By. Mr. PERKINS: A bill (H. R. 21389) to provide for collection of taxes on legacies of property—to the Committee on Ways and Means.

By Mr. LOUD: A bill (H. R. 21390) to increase to $30 and $50 per month certain pensions granted under the act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. RIVES: A bill (H. R. 21391) to prevent certain newspapers, magazines, circulars, pamphlets, and other publications from being carried in the United States mails—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS: A bill (H. R. 21392) providing for a military highway between Forts Leavenworth and Riley, Kans.—to the Committee on Military Affairs.

By Mr. LEVER (by request): A bill (H. R. 21393) to make the Barnaby road, in the District of Columbia, a public hfghway—to the Committee on the District of Columbia.

By Mr. ALLEN of Maine: A bill (H. R. 21394) authorizing the extension of T street NW.—to the Committee on the District of Columbia.

By Mr. HOWELL of Utah: A bill (H. R. 21395) to provide for the erection of a public building at Brigham City, Utah—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21396) to provide for the erection of a public building at Park City, Utah—to the Committee on Public Buildings and Grounds.

By Mr. GARRETT: A bill (H. R. 21397) authorizing a survey of the Hatchie River, and for other purposes—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 21398) authorizing a survey of the Obion River, and for other purposes—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 21399) authorizing a survey of the Forked Deer rivers, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. CAPRON: A bill (H. R. 21400) to regulate and equalize the pay of officers of the Army, Navy, Marine Corps, and Revenue-Marine Service—to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 21401) authorizing the Secretary of the Interior to purchase the McIntosh reservation, in Carroll County, Ga., and erect a monument thereon—to the Committee on Indian Affairs.

By Mr. AIKEN: A bill (H. R. 21402) permitting the building of a dam across the Savannah River at Gregg Shoals—to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: A bill (H. R. 21403) to amend section 2 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904, to restore to and confer upon certain persons the right to make entry under said act, and to amend existing law as to the sale of isolated tracts subject to entry under said act—to the Committee on the Public Lands.

By Mr. PARSONS: A bill (H. R. 21404) to prevent the employment of children in factories and mines—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL: A bill (H. R. 21405) to provide for the erection of a public building at Shamokin, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 21406) authorizing the President of the United States to enter into commercial agreements for the purpose of securing enlarged foreign markets for the beef and pork products of the United States—to the Committee on Ways and Means.

By Mr. WILEY of Alabama: A bill (H. R. 21407) to provide a site and erect a public building at Greenville, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 21408) to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906—to the Committee on the District of Columbia.

By Mr. CANDLER: A joint resolution (H. J. Res. 194) providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature—to the Committee on the Judiciary.

By Mr. McNARY: A resolution (H. Res. 644) directing the Secretary of Commerce and Labor to report to the House certain information relative to the operation of railways by the Governments of France, Switzerland, and Belgium—to the Committee on Railways and Canals.

Also, a resolution (H. Res. 645) directing the Secretary of Commerce and Labor to report to the House certain information relative to the operation of the parcels post in England, France, and Germany—to the Committee on the Post-Office and Post-Roads.

Also, a resolution (H. Res. 646) directing the Secretary of Commerce and Labor to report to the House certain information relative to the operation by the Government of telegraph lines in England, France, and Australia—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: A resolution (H. Res. 647) concerning the reference of certain portions of the President's message to the various House committees—to the Committee on Ways and Means.

Also, a resolution (H. Res. 648) to pay Mary A. Webb, widow of Homer B. Webb, deceased, a certain sum of money—to the Committee on Accounts.

By Mr. STEVENS of Minnesota: A resolution (H. Res. 649) directing the Clerk of the House to appoint an enrolling clerk—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 21409) for the relief of Edmund M. Talcott—to the Committee on the District of Columbia.

By Mr. BARTLETT: A bill (H. R. 21410) granting an increase of pension to Blanche Monroe Kell—to the Committee on Pensions.

Also, a bill (H. R. 21411) granting an increase of pension to Nannie E. Poole—to the Committee on Pensions.

Also, a bill (H. R. 21412) granting an increase of pension to Augustus L. Dodge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21413) granting an increase of pension to Mary S. Platt—to the Committee on Pensions.

By Mr. BARTHOLDT: A bill (H. R. 21414) granting a pension to J. P. Hannon—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 21415) granting an increase of pension to C. W. Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21416) granting an increase of pension to Charles Kiss—to the Committee on Invalid Pensions.

By Mr. BEIDLER: A bill (H. R. 21417) granting an increase of pension to Abram O. Kindy—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 21418) granting an increase of pension to Daniel H. Shumate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21419) granting a pension to F. M. McComis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21420) granting an increase of pension to Sebastain B. Abrams—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 21421) granting an increase of pension to Emanuel Vannarsdel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21422) granting an increase of pension to Frank Smyth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21423) granting an increase of pension to Martha E. Wood—to the Committee on Pensions.

Also, a bill (H. R. 21424) granting an increase of pension to J. W. Pettee—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 21425) granting an increase of pension to Jasper N. Brown—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 21426) granting an increase of pension to John J. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21427) granting an increase of pension to Thomas L. Moody—to the Committee on Invalid Pensions.

By Mr. BURNETT of Alabama: A bill (H. R. 21428) granting an increase of pension to Cornelius H. Lawrence—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 21429) granting an increase of pension to Abram D. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21430) granting an increase of pension to Alonzo Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21431) granting an increase of pension to Durack Rowen—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 21432) granting an increase of pension to Benjamin Bragg—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 21433) granting an increase of pension to George W. Lasley—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 21434) granting an increase of pension to Moses L. Boline—to the Committee on Pensions.

Also, a bill (H. R. 21435) granting an increase of pension to Martin Schoppa—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21436) granting an increase of pension to Benjamin Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21437) granting an increase of pension to Mary A. Somerlot—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21438) granting an increase of pension to William Cummings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21439) granting an increase of pension to Alexander Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21440) granting an increase of pension to Wesley Blackman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21441) granting an increase of pension to Rufus G. Kessler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21442) granting an increase of pension to William H. Ridgway—to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 21443) granting a pension to George D. Arthur—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 21444) providing for the presentation of a medal of honor to Col. Edward Jay Allen—to the Committee on Military Affairs.

By Mr. DAWES: A bill (H. R. 21445) granting a pension to Charles D. Barnett—to the Committee on Pensions.

Also, a bill (H. R. 21446) granting an increase of pension to William A. Crum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21447) granting an increase of pension to William W. Sparks—to the Committee on Pensions.

Also, a bill (H. R. 21448) granting an increase of pension to Jesse Jackman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21449) granting an increase of pension to Zedekiah Wiseman—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 21450) granting a pension to Will P. Hall—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 21451) granting an increase of pension to Joseph S. Kelley—to the Committee on Pensions.

Also, a bill (H. R. 21452) granting an increase of pension to Dicey Poore—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 21453) granting an increase of pension to Eliza C. Roosa—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 21454) for the relief of Payne, James & Co.—to the Committee on War Claims.

By Mr. GRANGER: A bill (H. R. 21455) granting an increase of pension to Isaac Crocker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21456) granting an increase of pension to Hazzard P. Gavitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21457) granting an increase of pension to Charles H. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21458) granting an increase of pension to James W. Goodwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21459) granting an increase of pension to James C. Booth—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 21460) granting an increase of pension to William G. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21461) granting an increase of pension to Henry Huff—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 21462) granting an increase of pension to William Wickham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21463) granting an increase of pension to William H. Moore—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 21464) granting an increase of pension to John R. Snyder—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 21465) granting an increase of pension to Adoniram J. Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21466) granting an increase of pension to Franklin K. Hoyt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21467) granting an increase of pension to Lyman W. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21468) granting an increase of pension to Henry Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21469) granting a pension to Lyman W. Armstrong—to the Committee on Invalid Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 21470) granting an increase of pension to Mary R. Carroll—to the Committee on Pensions.

Also, a bill (H. R. 21471) granting an increase of pension to Adaline H. Malone—to the Committee on Pensions.

Also, a bill (H. R. 21472) granting an increase of pension to Wiley H. Jackson—to the Committee on Pensions.

Also, a bill (H. R. 21473) granting an increase of pension to James B. Wood—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 21474) granting an increase of pension to Samuel D. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21475) granting an increase of pension to George Stratton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21476) granting an increase of pension to Hiram A. Winslow—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 21477) granting an increase of pension to D. P. Fielder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21478) granting an increase of pension to Mary G. Rowand—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21479) granting an increase of pension to William Bechtel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21480) granting an increase of pension to James D. Matthews—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 21481) granting an increase of pension to Lucy Cole—to the Committee on Pensions.

Also, a bill (H. R. 21482) to reimburse Lieut. Gordon N. Kimball—to the Committee on Claims.

By Mr. HOGG: A bill (H. R. 21483) granting an increase of pension to George S. Woods—to the Committee on Invalid Pensions.

By Mr. HUNT: A bill (H. R. 21484) granting a pension to Emma Eagan—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 21485) granting a pension to William J. Schneider—to the Committee on Pensions.

Also, a bill (H. R. 21486) granting a pension to August Schneider—to the Committee on Pensions.

Also, a bill (H. R. 21487) granting a pension to William Winkey—to the Committee on Pensions.

Also, a bill (H. R. 21488) granting a pension to Nancy Keiser—to the Committee on Invalid Pensions.

Also, a bill (S. R. 21489) granting a pension to Margaret Bowzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21490) granting an increase of pension to Samuel Reddick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21491) granting an increase of pension to Leonidas M. Crossland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21492) granting an increase of pension to Abraham Zimmerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21493) granting an increase of pension to Thomas H. Pearson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21494) granting an increase of pension to Levi Prince—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21495) granting an increase of pension to Jonathan W. Pontius—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 21496) granting an increase of pension to Samuel B. Davis—to the Committee on Pensions.

Also, a bill (H. R. 21497) granting an increase of pension to Mary E. Hobbs—to the Committee on Pensions.

By Mr. KLINE: A bill (H. R. 21498) granting an increase of pension to Daniel Scheetz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21499) granting an increase of pension to Henry A. Wieand—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 21500) granting a pension to Caleb Houdyshell—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 21501) to remove the charge of desertion from the military record of John D. Cohee—to the Committee on Military Affairs.

Also, a bill (H. R. 21502) to remove the charge of desertion from the military record of Ezekiel W. Cohee—to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 21503) granting an increase of pension to Noah E. Lane—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 21504) granting an increase of pension to Andrew T. Moonert, alias William Mayfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21505) granting a pension to Mary P. Thiele—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 21506) granting an increase of pension to Jacob Howe—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 21507) granting an increase of pension to George Athey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21508) granting an increase of pension to Samuel Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21509) granting an increase of pension to John Rahler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21510) granting an increase of pension to Albert McKee—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 21511) for the relief of Joseph Manning—to the Committee on Claims.

By Mr. MADDEN: A bill (H. R. 21512) for the relief of James T. Healy—to the Committee on Claims.

Also, a bill (H. R. 21513) granting an increase of pension to William M. Hartnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21514) granting an increase of pension to Edward A. Tomlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21515) granting an increase of pension to Joseph Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21516) granting an increase of pension to James Murtha—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21517) granting an increase of pension to E. C. Russell—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 21518) granting a pension to Anna L. Patrick—to the Committee on Pensions.

By Mr. MONDELL: A bill (H. R. 21519) granting an increase of pension to Montezuma St. John—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 21520) to correct the military record of William S. Russell—to the Committee on Military Affairs.

Also, a bill (H. R. 21521) to restore the name of Caroline Kurtz to the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21522) for the relief of James Jones—to the Committee on Military Affairs.

By Mr. MOUSER: A bill (H. R. 21523) granting a pension to Jacob A. Henkle—to the Committee on Invalid Pensions.

By Mr. OVERSTREET of Indiana: A bill (H. R. 21524) granting an increase of pension to Elison Gatewood—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 21525) granting an increase of pension to John Short—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 21526) granting an increase of pension to Henry C. Hoover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21527) granting an increase of pension to Ezra J. Yingling—to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 21528) granting a pension to Martha A. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21529) granting a pension to Charlotte Game—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21530) granting a pension to Elizabeth A. Bonner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21531) granting an increase of pension to Ann E. Macy—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 21532) granting an increase of pension to William Dobson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21533) granting an increase of pension to Lyman S. Strickland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21534) granting an increase of pension to Henry Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21535) granting an increase of pension to William E. Feeley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21536) granting an increase of pension to Willard B. Peakes—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 21537) granting an increase of pension to John W. B. Huntsman—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 21538) granting a pension to Caroline C. Kuhn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21539) granting an increase of pension to Joseph L. Koonce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21540) granting an increase of pension to John L. Wilson—to the Committee on Pensions.

Also, a bill (H. R. 21541) granting an increase of pension to William R. Wright—to the Committee on Pensions.

Also, a bill (H. R. 21542) granting an increase of pension to Erastus A. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21543) granting an increase of pension to Addison Thompson—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 21544) granting a pension to Charles G. Perrin—to the Committee on Pensions.

By Mr. SHEPPARD: A bill (H. R. 21545) authorizing the President to nominate and appoint Birchie O. Mahaffey, John A. Cleveland, and Traugett F. Keller as second lieutenants in the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 21546) for the relief of Sarah M. Harrell—to the Committee on War Claims.

Also, a bill (H. R. 21547) for the relief of Samuel G. Smyth—to the Committee on Claims.

By Mr. SMITH of Illinois: A bill (H. R. 21548) for the relief of the heirs and legal representatives of J. W. Hood, deceased—to the Committee on War Claims.

By Mr. SMITH of Iowa: A bill (H. R. 21549) granting an increase of pension to William J. Dryden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21550) granting an increase of pension to Charles M. Hobbs—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 21551) granting an increase of pension to Alfred E. Lucas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21552) granting an increase of pension to Ebenezer B. Hoyt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21553) granting an increase of pension to Charles O. Rankins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21554) granting an increase of pension to Samuel G. Healy—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 21555) granting an increase of pension to William T. Clark—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 21556) granting an increase of pension to Jacob Solmar—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 21557) granting a pension to John H. Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21558) granting a pension to Samuel E. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21559) granting an increase of pension to William Ivers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21560) granting an increase of pension to John Sullivan—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 21561) granting an increase of pension to John P. Wildman—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 21562) granting an increase of pension to Valentine Goebel—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 21563) granting an increase of pension to Merritt M. Smart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21564) granting an increase of pension to Daniel French—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3208) granting a pension to Isabel T. Barthwick—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13706) granting an increase of pension to Albert C. Roach—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20765) granting a pension to Rachel M. McNeilly—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20828) granting a pension to Jeremiah Williams—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20847) granting a pension to John A. Pollard—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21032) granting an increase of pension to George H. Quigg—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21091) authorizing and directing the Secretary

of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis—Committee on Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 21109) granting a pension to Avery A. Smith—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21111) granting an increase of pension to Arthur Graham—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21240) granting an increase of pension to Meredith T. Moore—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of L. A. McDaniel and the citizens of the Choctaw Nation, protesting against the transfer of a large area of the land of that nation for a game reserve—to the Committee on Indian Affairs.

Also, petition of Local Union No. 1 of Bridge and Structural Iron Workers and other labor organizations, for the Merchant Marine Commission shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ACHESON: Petition of Charleroi Council, No. 1024, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: Petition of Plimpton, Cowan & Co., of Buffalo, N. Y., for legislation to improve the efficiency of the Patent Office—to the Committee on Patents.

Also, petition of the Political Equality Club, of Albany, N. Y., and Albany County Woman's Christian Temperance Union, for a constitutional amendment favoring woman suffrage—to the Committee on the Judiciary.

By Mr. BATES: Paper to accompany bill for relief of Isabelle T. Borthwick (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of F. M. McCammis—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petition of the Wednesday Club, of St. Louis, Mo., for repeal of the duty on works of art—to the Committee on Ways and Means.

By Mr. BRICK: Petition of Charles W. Howell Post, No. 90, Grand Army of the Republic, Department of Indiana, for pension of ex-prisoners of the war of the rebellion to the amount of $2 per day for terms of confinement—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Charles E. Ball, of Athens, Me., favoring restriction of immigration (bill S. 4403)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Silas E. Bowler, of Palermo, Me., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Pennsylvania: Petition of Coatesville Council, No. 421, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the librarian of Haverford College (Pennsylvania) library, against legislation that will abridge existing rights of libraries to import books in the English language (bills S. 6330 and H. R. 19853, Fifty-ninth Congress)—to the Committee on Ways and Means.

Also, petition of George A. McCall Post, No. 31, Grand Army of the Republic, approving bill H. R. 19985, granting pensions to all soldiers and sailors of the war of the rebellion for services, and a uniform pension to widows of said soldiers—to the Committee on Invalid Pensions.

By Mr. CASSEL: Paper to accompany bill for relief of John J. Fordney—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: Petition of the Philadelphia Board of Trade, for the subsidy shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Grindstone Council, No. 689, and Flatwoods Council, No. 965, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CROMER: Paper to accompany bill for relief of Levi Slagle, from citizens of Winchester, Ind.—to the Committee on Invalid Pensions.

By Mr. DALE: Petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of Sam Sloan Division, No. 276, Brotherhood of Locomotive Engineers, of Scranton, Pa., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Board of Trade, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of George D. Arthur—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. DAVIDSON: Paper to accompany bill for relief of Margaret Gilroy—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of Tri-City Lodge, No. 388, International Association of Machinists, of Davenport, Iowa, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. DRAPER: Petition of the New York State Pharmaceutical Association, for the Mann patent bill—to the Committee on Patents.

Also, petition of the New York State Pharmaceutical Association, assembled at Niagara Falls, June 27, 1906, for increasing the Medical Department of the Army and Navy of the United States by an addition of a pharmaceutical corps—to the Committee on Military Affairs.

By Mr. FINLEY: Papers to accompany bills for relief of Joseph S. Kelley and Mrs. Dicey Poore—to the Committee on Pensions.

By Mr. FULLER: Petition of the National Association of Retail Druggists, for an amendment of antitrust laws relative to cooperation among smaller merchants—to the Committee on Interstate and Foreign Commerce.

By Mr. GOEBEL: Petition of Southern Ohio Council, No. 299, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRANGER: Petition of Providence Chapter, American Institute of Bank Clerks, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. HAYES: Paper to accompany bill for relief of William Henry Moore—to the Committee on Invalid Pensions.

By Mr. HIGGINS: Petition of Jonathan Trumbull, librarian, against legislation abridging the importation of English books (bills S. 6330 and H. R. 19853, Fifty-ninth Congress)—to the Committee on Patents.

By Mr. HINSHAW: Paper to accompany bill for relief of Samuel D. Davis—to the Committee on Invalid Pensions.

By Mr. HOGG: Petition of a mass meeting of colored citizens of Bethlehem Baptist Church, Pueblo, Colo., disapproving the President's order relative to soldiers of the Twenty-fifth United States Infantry—to the Committee on Military Affairs.

By Mr. HOWELL: Paper to accompany bill for relief of Lucy Cole—to the Committee on Pensions.

By Mr. WILLIAM W. KITCHIN: Papers to accompany bills for relief of William Hobbs and L. B. Davis—to the Committee on Pensions.

By Mr. LACEY: Paper to accompany bill for relief of Caleb Houdyshell—to the Committee on Invalid Pensions.

Also, petition of members of the bar of Wapello County, Iowa, for a division of the district and circuit courts of the United States in the southern district of Iowa—to the Committee on the Judiciary.

Also, petition of the Retail Merchants' Association of Ottumwa, Iowa, for classification of postal clerks and increasing their pay—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of James Ridgway, of New York, for increase of the Coast Artillery force—to the Committee on Military Affairs.

By Mr. LITTAUER: Paper to accompany bill for relief of William A. Bates—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Petition of Lobster Fishermen's Union, No. 11843, American Federation of Labor, of Vinalhaven, Me., for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. LLOYD: Paper to accompany bill for relief of Noah E. Lane—to the Committee on Invalid Pensions.

By Mr. LORIMER: Paper to accompany bill for relief of Mary P. Thiele and Andrew T. Mönert—to the Committee on Invalid Pensions.

By Mr. McNARY: Paper to accompany bill for relief of Joseph Manning—to the Committee on Claims.

By Mr. MAHON: Petitions of General Harrison Council, No.

95, Daughters of Liberty, of Greencastle, Pa., and Victory Council, No. 443, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petition of the Board of Trade of Philadelphia, for the subsidy shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. MOUSER: Petition of Attica Council, No. 317, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OLMSTED: Petitions of Wicomico Council, No. 57; Lykens, Pa., Commonwealth Council, No. 597; Camp Curtain Council, No. 629, and Golden Star Council, No. 6, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET of Indiana: Petition of the One hundred and thirteenth Regiment of Illinois Veterans' Association, for increase of pension—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Eleson Gatewood—to the Committee on Invalid Pensions.

By Mr. POU: Petition of Spring Hope Council, No. 176, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Alabama: Petition for the erection of a statue in the city of Florence, Ala., to Gen. John Coffee—to the Committee on the Library.

By Mr. ROBERTS: Petition of the Northeastern Federation of Women's Clubs, against spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Northeastern Federation of Women's Clubs, for punishing lynching by fixing capital punishment as penalty for same—to the Committee on the Judiciary.

By Mr. SHEPPARD: Paper to accompany bill for relief of C. W. Reid and Sam Daube—to the Committee on Claims.

Also, paper to accompany bill for relief of Elizabeth Wilson—to the Committee on Pensions.

By Mr. TIRRELL: Petitions of Mary C. Smith et al. and the Fitchburg Board of Trade and Merchants' Association, for removal of the tariff on art works—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Papers to accompany bills for relief of Mrs. J. Ferris and Mrs. Eliza Williams—to the Committee on Invalid Pensions.

By Mr. WANGER: Petitions of Pennsburg (Pa.) Council, No. 961; Henry Seybert Council, No. 520, of Abington, Pa.; Piperville (Pa.) Council, No. 620; Hand in Hand Council, No. 50, of Quakertown, Pa., and Riegelsville (Pa.) Council, No. 810, Junior Order United American Mechanics, and Friendship Council, No. 41, Daughters of Liberty, of Eden, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WOOD: Petition of Hiawatha Council, No. 110, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Board of Trade, against repeal of the national bankruptcy law—to the Committee on the Judiciary.

Also, petition of Trenton Musical Association, Local No. 62, American Federation of Musicians, for bill S. 529 (the shipping bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Board of Trade, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 7, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it be to Monday next.

The question was taken; and the motion was agreed to.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will proceed with the call of committees.

Mr. LACEY (when the Committee on the Public Lands was called). Mr. Speaker, I call up the bill (H. R. 15335) for the protection of game animals, birds, and fishes in the Olympic Forest Reserve of the United States, in the State of Washington.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to designate such area in the Olympic Forest Reserve, in the State of Washington, not exceeding 750,000 acres, as should, in his opinion, be set aside for the protection of game animals, birds, and fishes therein, and as a breeding place therefor.

SEC. 2. That when such area has been designated as provided for in section 1 of this act, hunting, trapping, killing, capturing, or pursuing game animals, birds, and fish, upon the lands and within the waters of the United States, within the limits of said area, shall be unlawful, and any person violating the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1,000 and be imprisoned for a period not exceeding one year, in the discretion of the court.

SEC. 3. That it is the purpose of this act to protect from trespass the public lands of the United States and the game animals, birds, and fish which may be thereon, and not to interfere with the local game laws as affecting private or State lands.

Mr. LACEY. Mr. Speaker, this is a bill introduced by the gentleman from Washington [Mr. HUMPHREY] authorizing the designation of a portion of the Olympic Forest Reserve as a game preserve, in addition to its present use as a forest reserve. There is in this particular locality the only remains of a herd of elk.

Mr. PAYNE. Mr. Speaker, I make a point of order against this bill.

The SPEAKER. For what purpose does the gentleman from New York [Mr. PAYNE] rise?

Mr. PAYNE. I rise for the purpose of making a point of order that this bill can not come in under this order, that it is not properly on the House Calendar. If I had understood the bill, I could have made the point of order before. As I understand the gentleman, it proposes to change a reservation, and the point of it is to appropriate for a game reserve instead of a forest reserve. Of course, incidentally, it requires officials, game wardens, constables, and all that sort of thing, but it changes the nature of the reservation—appropriates it to a new use.

Mr. LACEY. In the first place, Mr. Speaker, the objection comes too late. In the second place, there is no appropriation of public property and there is no creation of any charge upon the Treasury. There is no provision in the bill for the payment of a game warden or anybody else. It authorizes the issuance of a proclamation declaring that a portion of this reserve may be treated as a game reserve. That is all, and nothing more. There is no appropriation either directly or indirectly involved in it. The effect of it would be to enable the Executive to preserve the remains of an elk herd, which is all that is left to-day on the Pacific coast, except a small herd that has recently been transferred at the expense of the Government from a private reserve in southern California to a forest reserve in that locality.

Mr. PAYNE. What does the gentleman say as to the change in the appropriation in public lands?

Mr. LACEY. It is not an appropriation at all. It is simply a reservation for an additional public use, not for a private one. It is not parting with the property in any way whatever, any more than it would be declared that in the District of Columbia there should be a closed season during a certain portion of the year as to game.

Mr. PAYNE. If that is correct, then why could not the Congress under this order say it should be used for an army reservation of a military post? Certainly the gentleman then would say it was obnoxious to the rule and subject to the point of order.

Mr. LACEY. The establishment of a military post of necessity, Mr. Speaker, involves an expenditure. The mere reservation of land for a public use is not an appropriation. It is just the opposite of one. It is a retention and not an appropriation of the property.

The SPEAKER. The gentleman from New York [Mr. PAYNE] makes the point of order upon this bill——

Mr. LACEY. Mr. Speaker, clause 3, Rule XXIII——

Mr. PAYNE. Mr. Speaker, I make the point of order that it should first be considered in the Committee of the Whole.

Mr. LACEY. Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman from Iowa [Mr. LACEY]. The gentleman from New York [Mr. PAYNE] makes the point of order that this bill should be on the Union Calendar rather than on the House Calendar. In other words, that it should be considered in the Committee of the Whole, as the Chair understands.

Mr. LACEY. Mr. Speaker, suppose we pass a law creating a new statutory offense. It necessarily follows that for a commission of that offense arrests may be made, the grand juries

may indict; but it does not follow at all that that involves a charge on the Treasury, and that a bill of that kind should be considered in the Committee of the Whole. This bill simply authorizes the issuance of an Executive order, which will forbid the killing of game on a certain locality of the public land. It becomes thus subject to an Executive order. It makes no additional provision or appropriation of the property. We have to-day provisions of law forbidding the cutting of timber. It does not follow that because you have a law forbidding the cutting of timber that a modification of that law or the reservation of other lands for timber purposes that there necessarily follows an appropriation or charge on the Treasury. On the contrary, it is a retention of the property belonging to the Government, and it is not an appropriation that is involved in a bill of this kind. The fact that crimes may be committed in this locality and these crimes may involve some expense indirectly in the courts, and thus involve a charge on the public Treasury, would not bring it within the meaning of the rule.

The rule under which this point of order is made is paragraph 3 of Rule XXIII:

All motions or propositions involving a tax or charge upon the people—

And this is not a tax or charge—

all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Now, consideration of the bill has already commenced. The "gentleman from Iowa," in charge of the bill, had already begun to debate the bill when the motion was made. It is too late, in the first place; and if not too late, there is no foundation for the objection in any event.

Mr. MANN. Will the gentleman inform us what is the method by which a game reservation is preserved?

Mr. LACEY. That depends wholly and entirely upon such legislation as Congress may enact. This forbids the killing of game within a certain locality on the public domain.

Mr. MANN. You refer to it as a game preserve?

Mr. LACEY. Yes.

Mr. MANN. Is there any method by which the game reserves are to be preserved?

Mr. LACEY. The bill does not use that term. This is simply a bill "for the protection of game animals, birds, and fishes in the Olympic Forest Reserve." There is no method now provided by law which would involve any charge upon the Government except the enforcement of the criminal law. This is a bill for the protection of game in the Olympic Forest Reserve. That is all.

Mr. MANN. Is there any method provided by law outside of the criminal statutes which would require, if the bill should become law, any officer of the Government to protect the animals in this forest reserve?

Mr. LACEY. Only to the extent that to-day we have public officers to protect forest reserves and other property of the United States. It becomes their duty to enforce the laws, whatever they may be, in all the public domain of the United States. Now, if we provide against setting out fire, that, of course, necessarily would fall upon the officers now in charge to protect the public domain.

Mr. MANN. That is an unfortunate illustration, because, necessarily, that would have to go to the Union Calendar.

Mr. LACEY. Not at all. If so, then we could not pass a criminal law of any kind which would not go to the Union Calendar, because it might cause an expenditure before the grand jury for any offense that might be committed under it.

Mr. MANN. If it requires a forest reserve to be protected against fire, it would require an expenditure of money and the employment of officials. But this bill might not.

Mr. LACEY. The gentleman does not understand. Suppose that by law we prohibit the setting out of fires between the month of March and the month of June. We pass a law prohibiting the setting out of fires between these two periods. Now, to set out fires between those two periods becomes a crime, and it becomes the duty of the officer of the Government now in existence to enforce the law. Does it follow, when you have created a statutory offense, that therefore you create a charge on the Treasury? If so, all legislation hereafter must go to the Committee of the Whole if it involves any change in our criminal law or the creation of an offense.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. LACEY. Certainly.

Mr. MONDELL. Is it not a fact that at the present time the duty of protecting the game in this region devolves upon the State officials under the State game law, and this bill creates a new class of duties and would place a new set of responsibilities upon Federal officials, and therefore involves, necessarily, an expenditure for the care of game being at this time now entirely dependent upon State officials under State laws?

Mr. LACEY. The care of game under the State game laws is, of course, enforced by the State authorities and by appropriations from the State treasury or from county treasuries, as the case may be; but merely to forbid the killing of seals during a closed season or merely to forbid the killing of game in a certain area does not involve an appropriation in any sense of the word, any more than the creation of any other offense under the laws of the United States would do so.

Mr. HEPBURN. It simply imposes certain new duties upon officials now in existence, that is all.

The SPEAKER. The Chair is prepared to rule. This bill authorizes the President to designate such area in the Olympic Forest Reservation, in the State of Washington, not exceeding 750,000 acres, as should in his opinion be set aside for the protection of game animals, birds, and fishes therein, and as a breeding place therefor.

Section 2 provides the penalty for hunting, trapping, or otherwise destroying the game upon the reservation. Section 3 declares the purpose of the act to protect from trespass the public lands of the United States, and the game animals, birds, and fishes which may be therein, and so forth. It seems clear to the Chair that the very object of this legislation is to devote that 750,000 acres of land to a use to which it is not now devoted, namely, the preservation of game.

It is not necessary, however, for the Chair to hold that the provisions in the bill, under the rules of the House, require its consideration in Committee of the Whole House as affecting the property of the Government. If the point of order had been made in apt time, the Chair would rule one way or the other; but the gentleman from Iowa says truly that after the bill was read he had taken the floor for debate and had proceeded to debate; so that the point of order, whatever might have been the opinion of the Chair in the premises, comes too late.

Mr. LACEY. Mr. Speaker, I yield either to the gentleman from Washington [Mr. HUMPHREY] or to the gentleman from Washington [Mr. CUSHMAN]. I see the gentleman from Washington [Mr. CUSHMAN] is present, and I yield to him. I will ask him to tell us something about the number of elk remaining there. I know it is a matter concerning which he has more detailed information than I have.

The SPEAKER. How much time does the gentleman yield?

Mr. LACEY. I yield to him such time as he may require.

The SPEAKER. The gentleman from Iowa yields to the gentleman from Washington.

Mr. CUSHMAN. Mr. Speaker, this bill, prepared by my colleague [Mr. HUMPHREY of Washington], seeks to create out of a portion of what is known as the Olympic Forest Reserve, in our State, a game preserve. To be exactly correct, this bill, if passed, would not create this game preserve, but its passage would authorize the President of the United States to set aside a portion of this present forest reserve as a game preserve. It goes without saying that I favor this bill, and that its passage is desired by the people of the State of Washington.

I will very briefly outline the situation in the State of Washington to which this bill applies:

In the northwestern portion of the State of Washington is a great peninsula known as the Olympic Peninsula. This peninsula is bounded on the west by the Pacific Ocean, on the north by the Straits of Juan De Fuca, and on the east by Puget Sound. This peninsula is about 75 or 80 miles in length from north to south and of about that same width from east to west. This peninsula is to a certain extent separated by natural barriers from the rest of the State. In its very center rises the great Olympic Range of snow-capped mountains. This entire peninsula is covered with a dense growth of native timber, and splendid streams run from these mountains toward the four points of the compass.

Inasmuch as this peninsula is somewhat difficult of access and rugged in contour and densely wooded, very few settlers and farmers have made their homes therein. No more ideal resort for wild game ever existed than this region affords, and it abounds in all the wild game native to that region and climate, including elk and deer, bear and cougar, grouse and pheasants, while all the numerous streams and lakes are filled with trout.

A number of years ago, in 1897, a very large portion—the central portion—of this peninsula was created into a United

States forest reserve. When first created, that forest reserve contained about 2,594,240 acres. Afterwards, in the year 1901, certain of those lands were eliminated, leaving the present area of this forest reserve 1,466,880 acres.

This bill proposes to give the President of the United States authority to set aside a portion, not exceeding about one-half, of this area as a game preserve "for the protection of game animals, birds, and fishes therein, and as a breeding place therefor." And after the President has designated such an area as a game preserve, hunting, trapping, and fishing are prohibited within that area.

The conditions that exist in this region amply justify the passage of this bill. And there is nothing new in this character of legislation. In the year 1904 the Wichita Mountain Forest Reserve, in Oklahoma, was made a game preserve for protecting the small game animals that inhabit that region.

Within the last week the President of the United States, by virtue of authority vested in him by a bill similar to the one we are now considering, set aside a portion of the Grand Canyon Forest Reserve, in Arizona, as a game preserve.

Therefore I am free to assert that the passage of this bill is justified, first, because the conditions existing in my State justify this legislation; and, second, because there is abundant precedent for the passage of this bill.

While this bill does not specifically designate this fact, it is the intention by the passage of this bill to protect the herd of wild elk that remain in that locality.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. CUSHMAN. Yes.

Mr. TAWNEY. How do you propose to protect the elk or the game in the preserve without a game warden and without policemen and inspectors and all the rest of the necessary service?

Mr. CUSHMAN. In answer to the gentleman, I will say that under the present law and the regulations of the Government there are a certain number of forest-reserve rangers and supervisors whose business it is to look after these forest reserves. In addition to the duties which they now perform they would simply have the additional duty of helping to enforce the law created by the passage of this bill for the protection of the game.

Mr. TAWNEY. How many more would be required to perform that service?

Mr. CUSHMAN. Well, I can't tell that. No man can tell. In my judgment it would be wise to have more men in the forest service in my State than are there now. But those things are details which can and will be settled by experience after this game preserve is created. The first step, necessarily, is the creation of the game preserve, and the details can and will be arranged later. In my judgment the moral effect of the passage of this bill making it unlawful to kill or take game in that locality would add immensely——

Mr. TAWNEY. But it would not be effective unless you had men there to enforce the prohibition of the law.

Mr. CUSHMAN. I do not agree entirely with that reasoning. It is not necessary to have a Government agent or a Government detective present on every foot of the public domain in order to enforce the law. The vast majority of the American people, when they have knowledge of what the law is, bow in obedience to its decrees. Now, when the fact becomes known——

Mr. TAWNEY. That is not the case when they want to kill an elk.

Mr. CUSHMAN. I do not know how it is in the gentleman's own State, but we have a very law-abiding class of people in the community in which I live; and it is, as I said, in my judgment, true that the very passing of this bill creating a game preserve there for the purpose of protecting these noble animals will, in itself, have a great moral effect.

Mr. MONDELL. Will the gentleman from Washington yield?

Mr. CUSHMAN. Certainly.

Mr. MONDELL. Are there no State game laws in the State of Washington affecting the taking or killing of elk?

Mr. CUSHMAN. Oh, yes. Just a moment or two ago I sent a page boy to the Library to bring me the Washington State laws, and the volume has just reached my desk. The last session of the Washington State legislature (act of March 13, 1905) passed a game law for our State, one section of which makes it unlawful to hunt or kill any elk within the State of Washington prior to the year 1915—that is, for about ten years after the passage of the act. And the same Washington State law also provides that after the year 1915 that elk shall only be killed in that State between the 15th day of September and the 1st day of November each year. And that no person during the season when it is lawful to kill elk shall kill more than one male elk. With the permission of the House, I will include with my remarks section 7 of the Washington State game law, which covers this elk question:

SEC. 7. That after the passage of this act and until October 1, 1915, it shall be unlawful to hunt, pursue, capture, or kill any of the elk (Cervus alces, or Cervus canadensis) within the State of Washington. After 1915 it shall be unlawful to hunt, pursue, capture, or kill any of the elk (Cervus alces, or Cervus canadensis) within the State of Washington between the 1st day of November of any year and the 15th day of September of the following year.

No person shall within the State of Washington, during the season when it is lawful to kill the same, kill more than one of the male elk (Cervus alces, or Cervus canadensis). Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 nor more than $500, or be imprisoned in the county jail not less than thirty days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Mr. MONDELL. If the killing of elk is prohibited by law in the State of Washington, why the necessity of this Federal legislation? If the people of Washington are all law-abiding citizens, why is it necessary to pass this piece of legislation?

Mr. PAYNE. And I want to suggest to the gentleman that he has the moral effect of the State statutes to find out what the moral effect is. [Laughter.]

Mr. CUSHMAN. With regard to what the gentleman has said, I undertake to say that the law which to-day prohibits the killing of game in the Yellowstone National Park and the continual fear of the enforcement of that law is a greater protection to the game of that region than the few guards that patrol that park. I also call attention to the fact that this bill makes provision not alone for the protection of the elk, but for all the game birds, animals, and fishes within the area which the President shall hereafter (by virtue of the authority of this bill) set apart for a game preserve.

Mr. MONDELL. Have not the people of Washington State expressed their views in regard to all game?

Mr. CUSHMAN. They have. We have a lengthy game law in our State covering all sorts and classes of game.

Mr. MONDELL. I do not want to interrupt the gentleman too much, but I would like to have him explain to the House why it is that it is necessary to have Federal protection of the game in the State of Washington. Whether it is because the people of Washington can not enforce their own State game laws, or because it is sought to have a different class of protection of the game by the Federal statute than the people of Washington have provided for in the State statutes?

Mr. CUSHMAN. Oh, no. The fact is that we have a very large area in the State which has been turned into a forest reserve by the United States Government, and over this tract of land the Federal Government has assumed general jurisdiction. The United States Government is in control of this tract of land and has its agents and officers present on this land. The State has not the same unlimited control over this forest-reserve land that it has over other lands in the State. Now, I admit that the State game laws do extend over this forest-reserve region at present, but the fact that the United States Government controls these lands in every other way adds to the difficulty of enforcing the State game law. It seems to me that inasmuch as the United States Government has assumed general jurisdiction and control over these lands, enforcing their own regulations in every other particular, there certainly seems to me abundant reason and excuse that a portion of that domain especially adapted for game should be made a game preserve and protected by the General Government.

Mr. MANN. Will the gentleman yield for a question?

Mr. CUSHMAN. I will yield to the gentleman from Illinois.

Mr. MANN. Does not the Washington law in reference to elk cover the Olympic Forest Reserve?

Mr. CUSHMAN. It covers the entire State of Washington, including the Olympic Forest Reserve.

Mr. MANN. Is it not in force there, and does not the Washington game law affect also the property owned by the United States Government?

Mr. CUSHMAN. It does.

Mr. MANN. You have a law forbidding the killing of elk in any part of the State for ten years?

Mr. CUSHMAN. Yes; until the year 1915.

Mr. MANN. Then what is the object of the National Government reenacting that law as to a part of the State?

Mr. CUSHMAN. It is results we are after more than the vindication of a theory. As I said before, the fact that the United States Government has a general jurisdiction over this region makes it especially appropriate that the Government should, while controling this region in all other ways, also assume control and protection of the game. Here are a million and a half of acres which the United States Government has practically taken out of the State of Washington. It is true that the land is still there in a physical sense, but no settler can

settle on it and make his home there. The settler can't own it; the State can't tax it; it don't bring a cent of revenue to the State treasury. And yet in the face of this great loss to the State men on this floor object to this bill, because they fear that its passage may in years to come cause the Government to pay out a small salary to one or two game wardens. The Government has assumed almost complete control over these lands, and that being true, I think the Government should also protect the game.

Mr. MANN. Does the gentleman think the United States ought to assume a different position with reference to elk than it does with reference to Japanese children?

Mr. CUSHMAN. The Government, if this bill passes, does not attempt to assume any particular attitude with reference to elk; it is a bill similar to other bills that have heretofore passed this House, creating a national game preserve out of a part of a forest reserve, and applying to all game therein.

Mr. MANN. If the gentleman will pardon me, you now have a State law covering this question in this locality, and you want the General Government to pass another law. Does not that interfere with the local self-government which we are hearing so much about at present on the Pacific coast?

Mr. CUSHMAN. The two laws do not interfere with each other at all. They are in harmony with each other.

Mr. MANN. Suppose we should pass a law that you could kill elk in this forest reserve, exercising the same jurisdiction. Would that interfere with local self-government?

Mr. CUSHMAN. Well, I will say to the gentleman that the Members from the State of Washington would do the best they could to see that no such bill was passed. The gentleman seems to have the skeleton of "States rights" on his mind this morning.

Mr. MANN. I suppose they would then cry out about how we were violating the rights of the States, but the principle is the same. Will the gentleman differentiate between the power of Congress to pass a law that the State wants and the power to pass a law that the State does not happen to want? What is the difference in the power?

Mr. CUSHMAN. If there is no difference in the power, there is a vast difference in the propriety. I see no impropriety in this Congress here passing a bill (which the State desires) setting aside a portion of a forest reserve over which the Government now has jurisdiction and creating it into a game preserve.

Mr. MANN. I fully agree with the gentleman; but why is it necessary for us to reenact a law that the gentleman's State has already enacted and is now enforcing?

Mr. CUSHMAN. Simply because, in my judgment, it gives additional protection to the game in that locality.

Mr. MANN. Is it not because you will not enforce the law of your State, but now appeal to the National Government, through its expenditures and through its officers, to enforce a law which your law-abiding people will not obey?

Mr. CUSHMAN. No; that is not correct.

Mr. JONES of Washington. Mr. Speaker, I merely want to suggest that there are already forest officers over this forest reservation; and if this proposed area is set aside as a national game preserve those officers will also cooperate with the officials of the State in the enforcement of such a law and the preservation of this game. This is a large mountainous area, and it is difficult to keep after the violators of the law, and if we can have the assistance of the forest officers, backed up by a national law setting it aside as a national game preserve, it will render very great assistance in the preservation of the game.

Mr. MONDELL. Will the gentleman yield?

Mr. CUSHMAN. Certainly.

Mr. MONDELL. Is it not true that as to the territory which it is herein provided shall be created into a game preserve the State game laws will cease to be operative; that they will be repealed by this legislation and will have no further force and effect by reason of the fact that the land is practically all in the ownership of the Federal Government, and by this legislation the State sovereignty and control over the game in that region will cease and the Federal authority will be set up and be established and be paramount?

Mr. CUSHMAN. Yes; that is true. But this is not a region where game is to be killed. If game were to be killed in this region and the State had one game law and the United States another game law, there might be a conflict. But this bill proposes to establish a region in which no game shall be killed. If the Government enforces that proposition and the State agrees to it, isn't all this conflict merely imaginary?

I now yield back the remainder of my time to the gentleman from Iowa [Mr. LACEY].

Mr. MANN. Mr. Speaker, will the gentleman, before he yields, tell us how many elk there are there, and tell us something about the elk and their habits.

Mr. CUSHMAN. As to the number of elk in this region, I will say I have talked with a good many people who have been through this country. They do not agree very closely as to the number, but I may say that none of them have ever fixed the number of wild elk yet remaining in this region at less than 500, and most of them have estimated a greater number. The habitat of this band of elk would be covered under the provisions of this bill. This band of elk has been in this region for a great many years, but the number has been steadily decreasing. The habits of the elk are somewhat like the deer. They go high into the hills and mountains in the summer time, when the weather is warm, and drift down into the lower altitudes in the winter time, when the weather is cold. There is one marked difference between the elk and the deer that I know from my own experience of years ago in the mountains. Deer may be hunted year after year, but will still remain in the same general locality until entirely exterminated. But the wild elk after being hunted a few times seeks a different locality or a different mountain chain. I shall, with the permission of the House, include with my remarks a short but very interesting letter on this subject which I received three years ago from the one man who is perhaps better acquainted with this region and the elk therein than any other—Mr. Horace M. Guptill, of Port Angeles, State of Washington.

Mr. MANN. What is the area of land which this bill provides may be created into a game preserve?

Mr. CUSHMAN. Not to exceed 750,000 acres. It might be any amount less than that in the discretion of the President, but it could not be more.

Mr. MANN. I understand; but that does not convey any impression to my mind about the size of it.

Mr. LACEY. The reservation contains 1,466,880 acres.

Mr. MANN. How many square miles are there, or how many townships—something of that kind.

Mr. CUSHMAN. I will say to the gentleman from Illinois that the present Olympic Forest Reserve is somewhat in the form of a rectangle, but with very irregular boundaries, and approximately it is 65 miles in length from east to west, and 57 miles in width from north to south. Now, this bill proposes to take an area somewhere about the center of this larger tract for a game preserve, and 750,000 acres would make a tract of land about 34 miles square—that is, a tract of land 34 miles north and south, by 34 miles east and west. At one time several years ago I made a map of a proposed national park or game preserve which we hoped to create in that region. I regret that I do not have that map here with me to-day. But this bill provides for a tract about 34 miles square.

Mr. MANN. Is that reservation of sufficient size to make these elk remain within it summer and winter without wandering outside to be conveniently killed?

Mr. CUSHMAN. The gentleman will remember that these elk are not by any means without protection under the laws of our State when they wander outside the limits of this reservation. As I said a while ago, it is unlawful to kill any elk within the State of Washington before the year 1915.

Mr. MANN. Evidently they are not sufficiently protected now. It would be very convenient to have a small game preserve where they can be bred at the Government expense, and then wander outside for the convenience of hunters.

Mr. CUSHMAN. That is not the object of this bill at all. It is to preserve one of the few herds of wild elk yet remaining in America.

Mr. MANN. I fully agree with the gentleman as to the merits of the bill. The only question is whether it goes far enough.

Mr. CUSHMAN. I desire to insert as a part of my remarks the letter which I mentioned as having received on this subject.

PORT ANGELES, WASH., *September 15, 1903.*

DEAR SIR: Relative to the establishment of a game preserve in the Olympic Mountains, concerning which we had a conversation during your recent visit here, I have to say:

It has been twelve years since I first went into the Olympic Mountains, and I have made frequent visits there since that time. I have examined a greater portion of the parts which would naturally be used for a game preserve, and am thoroughly acquainted with all the different streams, peaks, trend of mountain ranges, and grass lands included in this region. The Olympic Mountains are located in the Olympic peninsula, in Clallam and Jefferson counties, State of Washington, forming the most northwesterly portion of the United States. In general terms this section is heavily timbered. The central portion is mountainous, ranging from 5,000 to 7,000 feet in height. It is characterized by numerous valleys and streams, interspersed here and there by prairies and timber and bench lands covered with a heavy stand of wild grasses.

Most of the streams have their source in the region around Mount Olympus, which is located in about the central portion of the Olympic Forest Reserve. This region is the natural home of the elk, as well as the deer, bear, and the cougar, besides other smaller animals, such as

the fox, mink, and raccoon. The game birds are grouse and pheasants. The streams abound in mountain trout.

In this section are practically the only bands of wild elk in the United States. When I first visited the mountains they were very numerous, but now they are to be found only around the headwaters of the Elwha River and its tributaries, and the Solduck River, the Hoh and Queets rivers, and the Quinault River. There are now probably not more than 500 elk remaining in all this region. There having in the past been no restrictions, they have been slaughtered for the horns and teeth merely, and the carcasses left lying on the ground. In the winter when the deep snows are in the mountains the elk work down the streams toward the west coast to a lower altitude and return as the snow disappears. In my judgment the following boundaries would comprise about the proper territory for a game preserve:

Commencing at a point on the Elwha River in section 8, township 29 north, range 7 west, about 12 miles southwest of Port Angeles and running in a westerly direction, following the apex of a mountain range for about 10 miles to a point south of Lake Crescent, and in section 9, township 29 north, range 9 west; thence south about 22 miles, crossing and including the headwaters of the north and south branches of the Solduck and Hoh rivers to the south side of township 26 north, range 9 west; thence east about 24 miles, including the headwaters of the Queets River, to a point south of Mount Anderson; thence in a northerly direction, following the apex of a mountain range separating the Elwha and Dusewallips rivers, about 16 miles; thence in a northwesterly direction, following the ridge and passing south of Mount Angeles and over Hurricane Hill to the Elwha River, to a point about 2 miles south from the place of beginning.

If this territory should be regarded insufficient I see no reason why another tier of townships should not be added on the south.

The territory included in the above description is the natural haunt of the greater portion of the elk in summer and winter, and is unsuitable for settlement except a small portion in and along the Elwha River bottom to about 3 miles above the north boundary of the territory described, and so far there are only two permanent settlers in its limits. I would consider it eminently desirable to set aside territory in the Olympic Mountains to be used for the preservation and propagation of elk, and hunters rigidly excluded therefrom. If some action is not speedily taken the elk will be exterminated.

HORACE M. GUPTILL.

Hon. F. W. CUSHMAN, *Tacoma, Wash.*

I now yield back the remainder of my time to the gentleman from Iowa [Mr. LACEY].

Mr. JONES of Washington. I suggest to my colleague that there are over a thousand square miles in this.

Mr. KEIFER. Thirty townships.

Mr. LACEY. I yield five minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, I simply want to say the people of our State are all in favor of the passage of this bill. We do not have any fears as to the conflict between the National Government and State government in this matter. The area is something over a thousand square miles, and most of the country, in fact, all of the territory, is a very mountainous region, and, as I understand it, the elk range will practically all be included in the boundaries of this forest reserve, and the fears of the gentleman from Illinois that they are apt to wander outside of that and be slaughtered I do not think have very much foundation in fact. Fifteen hundred square miles cover a pretty large territory.

Mr. SMITH of Kentucky. Is this intended to protect all the game?

Mr. JONES of Washington. It is to protect all the game—all game animals, birds, and fish, as well as the elk.

Mr. DRISCOLL. Do you know the exact number of acres in this reserve?

Mr. JONES of Washington. Something over 2,000,000.

Mr. DRISCOLL. Why did not the bill reserve it all?

Mr. JONES of Washington. A great deal of it is low land and practically beneficial only for timber purposes. It comes down to the seashore and borders on Puget Sound, so there was no necessity of reserving all of it as a game reserve. As a matter of fact, there is a strong desire on the part of a great many of our people to eliminate a portion of the lands from the forest reserve because of its agricultural character. That is all I care to say about it.

Mr. LACEY. I would like to ask the gentleman whether it is not the general desire in Washington that this reserve should be thus enlarged?

Mr. JONES of Washington. You do not mean enlarged?

Mr. LACEY. I mean the purposes enlarged from a mere forest reserve to a game reserve in addition.

Mr. JONES of Washington. Yes. At least to the extent of 750,000 acres. I stated that a moment ago.

Mr. LACEY. As far as the gentleman knows, that is the universal sentiment of his State?

Mr. JONES of Washington. As far as I know, that is the universal sentiment. In fact, a great many people are very anxious to have this done.

Mr. LACEY. The Japanese question does not enter into it.

Mr. JONES of Washington. Certainly not.

Mr. GAINES of Tennessee. In other words, there is no negro or Japanese in the wood pile.

Mr. LACEY. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, the State of Washington desires to protect its game, and the State of Washington is wise in that conclusion. The birds in the State of Tennessee, and game generally, are being better preserved, I may say, and I hope the gentleman from Iowa will listen to me now, because of the Lacey bill, and the State of Tennessee has availed herself of the patriotic, I may say, and wise provisions of that law and has enacted game laws and has vigorously enforced them, I may say, through the offices of an ex-Member of this Congress, Col. Joseph H. Acklen, formerly of Louisiana, with the result that, it seems, in every county now in Tennessee, that law having been in force in the State for the past three or four years, any man, whether from a city or from the country, can go out in the fields of Tennessee and get all the game that he wants in a short while. Before these laws they could not do so. I think the law limits the number of birds the huntsman can kill to thirty—enough for any man to shoot at for sport or kill to eat in the course of a day. Now, I think it is wise, not only as a matter of preserving the birds in the State of Washington but throughout the United States, that each and every State should avail itself of the provisions of the Lacey law and preserve not only in the State of Washington, but throughout the United States, our game birds and game animals. Now, it is very hard for the birds of Tennessee, as in the days of the Indian or any other enemy of the South, to escape the rifle of the Tennessean, and in the later days the bird gun, so it is well enough to have this game reserved or preserved, I may add, in the State of Washington, that the birds of the State of Washington may have a retreat in a Federal reserve to escape the huntsman with his shotgun and the rifleman with his rifle.

So, Mr. Speaker, in all seriousness, I hope this bill will pass, for the benefit of the State of Washington, and I hope that it may be an example to other States to ask for the same kind of law. If there is any Federal place in the State of Tennessee where a similar law can apply, I now serve notice on the gentleman from Iowa [Mr. LACEY] that I shall ask for a like law to be passed by Congress, in order that the birds of Tennessee, the birds of the air and the animals of the beautiful, silvery, grass-padded valleys of Tennessee may have a thanksgiving day, a day of vacation, when they can escape the riflemen of Tennessee as well as the bird guns. [Applause.]

Mr. LACEY. Mr. Speaker, I yield ten minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, in view of the statement that has been made that practically everyone in the State of Washington is favorable to this legislation, I regret very much that I feel it my duty to express any opposition to it, because if all the good people of Washington believe it well to surrender their State sovereignty to this extent and provide that within a large area within their State State laws shall be inoperative, possibly the balance of us should be content to let them have it as they will. I simply wish to call attention to the fact that this bill does by indirection what it would be impossible under the Constitution of the United States to do directly. It has been held by the Supreme Court, notably in the celebrated Race Horse case from the State of Wyoming, that the State is sovereign in its authority and jurisdiction over the game within its borders, and that the Federal Government can have no control whatever over the game within the borders of a State unless the State legislature shall specifically relinquish its authority and control. It has been said in opposition to that that there is a region in the country where the destruction or the taking of birds and animals is prohibited, namely, the Yellowstone Park; but the Yellowstone Park was created at a time when the territory embraced within the park was not within the boundaries of any State, and therefore Federal authority was supreme.

This bill provides, however, that upon Government lands and waters within this forest reserve the taking of game and birds shall be prohibited. Well, inasmuch as practically all of the land within this forest reserve is Government land, that amounts to a repeal of the State game statutes, and within that area no game animals, birds, or fishes can hereafter be taken; and I suppose that prohibition applies also to the bear, the mountain lions, the wolves, and the coyotes in the region, inasmuch as they are game. And under this law it will be impossible in the future, except by an act of Congress, to provide for the destruction of any of these animals which, by multiplying, as they are bound to do when protected, will prey upon the game and upon the flocks and herds of the surrounding territory.

Now, I present these observations to the House in view of the fact that an effort has been made to provide for the creation of game preserves generally throughout the country by Executive act. I am very much opposed to that legislation, and my opposition to this legislation is that it is a step in the same direc-

tion. I shall vote against it, regretting that I must do so in view of the fact that the gentlemen from the State of Washington say their people all favor it, because I do not believe it to be wise to establish within the boundaries of a sovereign State great areas where State game laws are no longer operative and over which, by Federal legislation, State sovereignty is impaired. The sensitiveness in regard to the sovereign rights of the States, which is generally in evidence here, is a curious thing, and it is remarkable how the sting of the infringement of State rights is often soothed or lessened by the hope of a liberal Federal appropriation or the assumption by the Federal Government of a duty which the State should perform. By this legislation the people of the State of Washington will be relieved from the expense of the enforcement of game laws in this region, and that expense will be laid upon the Federal Government. The result sought could be accomplished in the State of Washington, as it has been in my State, by a State statute, but in that case the State would be called upon to pay game wardens to protect the animals in the territory.

Mr. SMITH of Kentucky. Mr. Speaker, I would like to ask the gentleman a question.

Mr. MONDELL. I shall be glad to yield.

Mr. SMITH of Kentucky. Can not this bill be so amended that it would be operative until the State legislates to the contrary?

Mr. MONDELL. Well, I do not know but what that could be done, but there is no such provision in the bill. The bill sets up and establishes Federal authority and control exclusively over the game within the region described and to be set aside, and to that extent it repeals and annuls all State game statutes. And so far as that territory is concerned the State game wardens will not in the future, unless the State of Washington takes the matter to the Supreme Court and the law is held unconstitutional, as I believe it is, have any control over the taking of game and wild animals. The bears and lynx and mountain lions will there disport themselves, and from this secure shelter will descend upon the valleys surrounding the region and feed upon the flocks and herds of the good people of Washington.

Mr. PERKINS. Will the gentleman allow me to ask him a question?

Mr. MONDELL. I will be pleased to.

Mr. PERKINS. What is the authority for including those in game animals? I do not understand myself that the term "game animals," which has been frequently defined, covers any animal which is itself a beast of prey. Game animals are deer, mountain sheep, and elk—animals of that character. It does not include either bears, wolves, or mountain lions. My friend can go into this district and kill a mountain lion, if he is able to.

Mr. MONDELL. It includes all wild animals.

Mr. PERKINS. They are not game.

Mr. LACEY. Will the gentleman contend that the term "game animals" include vermin?

Mr. MONDELL. I do not know what the gentleman's definition of vermin is.

Mr. LACEY. What would be called "varmints" in Wyoming.

Mr. MONDELL. What would be called "varmints" in Iowa, I think, would be included.

Mr. GAINES of Tennessee. "Varmints" would certainly include the "red fox," the "coon," and the "'possum," or any animal that would run from a good hunting dog.

Mr. MONDELL. I think the Government authority would include them all.

Mr. GAINES of Tennessee. I want to make one or two inquiries of the gentleman on his proposition of law.

Mr. MONDELL. As I am not a lawyer, I prefer the gentleman would not ask them of me.

Mr. GAINES of Tennessee. If you are not a lawyer, you are talking like one. You are begging the question.

Mr. PERKINS. Do you mean that as a compliment?

Mr. GAINES of Tennessee. I say it respectfully; I mean that as a compliment to my friend. In this matter the gentleman rather confuses the power of Congress in these forest reserves. It is Federal property. The Federal Government has exclusive right to control it. Now, the gentleman well knows that the Federal Government can control forest reserves, and is doing it. The State governments could, if they had the power over such Federal property. These birds and ducks, while in the forest reserve, the Federal Government certainly can protect as its own property. The gentleman knows that.

Mr. MONDELL. In answer to the gentleman's inquiry, I respectfully direct him to the decision of the Supreme Court in the case of Ward against Race Horse, which I think answers the gentleman's question fully.

Mr. GAINES of Tennessee. What did they decide in that case?

Mr. MONDELL. They decided that the State game laws extended over and controlled and protected the game on the public domain as well as upon private property. And this in a case where the Federal Government had by treaty agreed with a certain tribe of Indians that they could hunt upon certain lands described in the treaty when those lands were in a Territory and hunt so long as water ran; and the Supreme Court held that as soon as the State of Wyoming was established and extended its borders over the territory described, the solemn treaty of the Government was annulled by that fact, and that the State game law extended over that territory, and the Indians did not have the right to hunt, which the treaty gave them. In other words, that the State was sovereign, and that no Federal legislation or treaty could deprive a State of that sovereignty. This law attempts to deprive the State of sovereignty in the protection of game and transfer that power to the Federal Government.

The SPEAKER. The time of the gentleman has expired.

Mr. LACEY. I yield one minute to the gentleman from Tennessee.

Mr. GAINES of Tennessee. I just want an answer to an inquiry. Of course, the State law applies in these reservations, I take it, when the Federal law does not intervene. Whenever the Federal Government undertakes to protect these birds, which are on its own land, clearly the Federal Government has that right. That is the proposition, and it can do so better than the State can.

Mr. MONDELL. The only difficulty about that proposition is that the gentleman and the Supreme Court do not agree.

Mr. GAINES of Tennessee. Oh, well, that is the case frequently, because sometimes the Supreme Court is wrong. [Laughter.] But the Supreme Court has never decided that the Federal Government did not have the right and power to take care of its birds on its own land and docks and custom-houses and other public property. It has always decided that they have, and never decided any other way.

Mr. MONDELL. But it has decided that the Federal Government owns no birds, ducks, and elks. All these creatures belong to the people.

Mr. GAINES of Tennessee. Of course they do, because they are wild, but this Government has the right to say that the gentleman from Wyoming shall not go into this reserve.

Mr. MONDELL. It has no more control over its lands than any other landowner has over his.

Mr. LACEY. Mr. Speaker, I would like, in this connection, to call the attention of the House to section 3 of the Constitution, Article I, which provides that "the Congress shall have power to make all needful rules and regulations respecting the territory of the United States." The word "territory" there has been held in an opinion by the Attorney-General to mean the public lands of the United States. When this Constitution was adopted there was no such thing as *a* "Territory," but there was *the* territory—the domain of the United States. When this question first came up in Congress a few years ago it was submitted to the Attorney-General, Mr. Knox, who, in an elaborate opinion, gave it as his view that Congress had full power to legislate on this subject as to the public domain. I ask leave in this connection, Mr. Speaker, to incorporate that opinion in my remarks.

The SPEAKER. Is there objection?

There was no objection.

The opinion is as follows:

FOREST RESERVES.

CORRESPONDENCE IN RELATION TO THE POWERS OF CONGRESS OVER FOREST RESERVES SITUATED IN THE VARIOUS STATES, PUBLISHED BY ORDER OF THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES,
Washington, December 5, 1901.

MY DEAR SIR: In furtherance of my verbal inquiry in regard to your views upon the subject of forestry legislation, I wish to obtain the benefit of your views upon the constitutional powers of Congress to control the various forest reserves where they are situated in the States.

1. As to those reserves situated in the Territories, it seems to me quite clear that Congress can accept the Territorial laws or can modify or change them at pleasure, and that those reserves are clearly within the jurisdiction of the Congress.

2. As to the enactment of Federal laws to punish the setting out of fires or trespasses in cutting or injuring the timber, I would be pleased to have your views as to what constitutional limitations within the limits of the States would interfere. In view of the permanent withdrawal of these forest lands for a general national purpose, would the powers of regulation and control be greater than those which may be exercised in the preservation and management of ordinary public lands open to entry or settlement where the same are covered with timber?

The questions involve the general power of enacting statutes punishing the persons who may injure the forests as well as making and enforcing regulations for their care.

3. In these forests the wild game have opportunities to breed and find shelter.

An enlightened public sentiment, though unfortunately too tardy in its development, has finally led to the enactment of very efficient and adequate game protection in nearly all the States and Territories, which laws, if suitably enforced, would in most instances give adequate protection. But unfortunately in many localities these laws are either wholly or in part disregarded. The President in his message has asked for the enactment of laws creating game preserves in these forest reserves.

This recommendation involves the question as to the extent of Congressional power and also the choice of methods.

If Congress has no power or control over the subject within the limits of a State, it has unquestioned authority, in my judgment, to prevent interstate commerce in the dead bodies or living creatures themselves.

This control Congress has already asserted in the Federal law prohibiting transportation from one State to another of such game when killed in violation of State laws.

In the disposition of this question in the forest reserves the custodians of the forests might be directed to make complaints and enforce proceedings under the local statutes, thus supplementing the efforts of the State authorities. On the other hand, special Federal statutes might be framed, if constitutional power exists, to deal directly with the question.

Indirectly, protection might be furnished by preventing trespass of all kinds during certain seasons, and thus give incidental protection to the wild inhabitants of these national forests during certain portions of the year.

In this borderland of State and national authority I regard it as of the utmost importance that the legislative should keep in view the rights and powers of the States and that care should be exercised to avoid conflict of jurisdiction where so much depends upon having the laws backed up by a friendly local public sentiment.

I would be gratified to have the benefits of your judgment as to how far legislation on these various subjects would be within the constitutional domain of the Congress.

Very respectfully, JOHN F. LACEY.

Hon. P. C. KNOX,
Attorney-General United States.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 3, 1902.

SIR: Complying with the request therefor contained in your note of December 5, 1901, I here transmit to you some of my views upon the questions there suggested. These questions are as to the power of Congress to enact laws for the protection and control of or relating to our national forest reserves when within the limits of the State, and specifically to make such reserves, to some extent, refuges for the preservation of the remnant of the game in those localities. They necessarily involve, also, substantially the same questions as applicable to the general public domain, for so far as concerns the question of Federal legislative power no difference in principle is perceived.

I quite agree with you that as to those reserves situated within a Territory of the United States this Federal legislative power is ample, and the questions are those arising when such reserves are within the limits of a State; but in order to the determination of those it may be well to refer briefly to the nature and source of this Federal power over the Territories.

As to the source of this power there has been a diversity of opinion, and the power is claimed to have arisen from that provision of the Constitution which gives Congress the "power to dispose of, and make all needful rules and regulations respecting, the territory and other property belonging to the United States;" and other sources of this power have been suggested; but, whatever its origin, the existence of this power, as the Supreme Court has several times said, is undoubted.

While, in the Dred Scott case (19 How., 393), it was held that this constitutional provision applied only to such territory as the United States then had and did not apply to that subsequently acquired by treaty or conquest, this has not been acquiesced in in later cases, several of which point to this provision as, at least, one of the sources of the power and control which Congress exercises over the various Territories. And, I think, it may be taken as now settled that this provision confers upon Congress the power stated over all the Territories.

Congress, then, having sovereignty and ample legislative control of the Territories while they are such and of the public lands therein, one important question is how far this sovereignty and right of control is surrendered to the State by its admission into the Union. And here we may look again to the Constitution, then to the acts admitting such States, and to their constitutions when admitted.

And, first, as to the Federal Constitution. Assuming, as I think we may, that the provision above referred to applies to all "territory and other property belonging to the United States," whether then already or subsequently acquired, what was the intended limit of the duration of the power thus conferred? Was it intended to continue only until the new State was admitted, and to then cease and leave Congress and the Government without any power to "dispose of" or to "make needful rules and regulations respecting" the public lands or "other property" belonging to the United States, or was it intended to continue as long as its subject-matter and its necessity continued? If the former, we must look to some other source for the power of Congress to dispose of and regulate the management of the public domain within the limits of a State. If the latter, then this provision is ample.

I do not consider here the case of military forts, posts, dockyards, etc., for which special provision is made in the Constitution, nor sites for post-offices, court-houses, etc., the question of jurisdiction over which is generally settled by convention.

When the Constitution was adopted we had but one Territory, though it is fair to suppose that others were looked upon as possible; but the one that we had was acquired under conditions which required its admission into the Union in not less than three nor more than five States, with equal sovereignty with that of the original States, and the Constitution provided for the admission of new States. Thus, with the subject of new States directly in mind, did the framers intend to give Congress power to dispose of and manage the public lands while in a Territory and to leave it without the power to do either after a State was admitted? For it could not have escaped them that to confer this power while the Territory remained such was, by the strongest implication, to deny it afterwards. Did they intend this?

In the first place—and this is quite sufficient for its construction—the provision itself imposes no limitation, either of time or of Territorial or State condition; nor does the nature of the power conferred imply any such limitation. On the contrary, the power is as broad and general as language could make it, with no limitation whatever, either expressed or implied. And the reason and necessity for the power are tenfold stronger after the admission of the State than during the existence of the Territory; and there is no rule of law or of construction which will permit us to impose a limitation which neither the instrument itself nor the nature of the power imposes or implies. And the general rule is that when a power is conferred without limitation, express or implied, it continues as long as the necessity for its exercise. And the Supreme Court has more than once said (as in Gibson *v.* Choteau, 13 Wall., 92, on p. 99) "that power is subject to no limitations."

The difficulty and misconstruction here arises chiefly from the use in this clause of the word "territory." If, instead, the expression had been that Congress should have power to dispose of and make all needful rules and regulations respecting the land and other property, there could have been no question but that this power of disposition and control continued after statehood as before. But this is exactly what the provision does mean. It does not refer to organized Territories, as to which the term "dispose of," and make "rules and regulations," and "other property" are not appropriate; but it refers to land and other property. And this is expressly held in United States *v.* Grotiot (13 Pet., 526), where it is said (p. 536):

"The term territory, as here used, is merely descriptive of the kind of property, and is equivalent to the word lands. And Congress has the same power over it as over any other property belonging to the United States, and this power is vested in Congress without limitation."

This of itself would seem to make the meaning fairly certain. Consider the situation. After a long struggle, which had long delayed the adoption of the Constitution, the people had finally settled the ownership and sovereignty of the lands outside of the States in the General Government. It was claimed that as this territory had been wrested from Great Britain by the blood and treasure of the people of all the States it should be held for their common benefit, and not for any State, and it was finally so settled and agreed and the whole territory ceded to the United States for the common benefit of all. At that time, next to State jealousy of Federal power—if second to even that—there were mutual State jealousies of the power of each other, and this was one of the causes of the dispute over the public territory, and yet it was certain and well known that on the admission of the expected new States, with their sovereignty within their borders, all of the sovereignty and control of this territory within their borders which was not in the United States would be in those States, respectively, and that that sovereignty and control which they had so long struggled to place in the United States would be passed over to these three to five States as they were admitted. This was certain to be the case, for if Congress did not have this sovereignty and control after a State was admitted, then the State did have it, and no other State could interfere.

These States might then, by unfriendly legislation or by no legislation, or both, so hamper these lands, their sale, occupancy, and control as to render them of little value except to those States and their people. It is simply incredible that this was intended. If it was not, then it was intended that this vital power of disposal and control should continue at a time when, of all others, it was most needed. While the Territory remained such the sovereignty of the United States was complete without any other grant than that contained in the cession, and this special grant of power was not at all necessary. Its chief if not its only use and purpose was that, when and after these lands passed into and under the sovereignty of a State, they should do so subject to the paramount sovereignty of the United States so far as was needful.

In framing this dual government, this imperium in imperio, in which each State was to be in many respects sovereign in the nation and the nation in many respects sovereign in each State, the separation of these sovereignties and their lines of demarcation must have received the most careful attention of those statesmen as one of the most important and difficult problems which confronted them. And, as the control and disposal of this Territory was one of the most important and burning questions of the time, and had long been such, delaying and, for a time, endangering the adoption of the Constitution, it would seem impossible that when dealing directly with this question provision was made for this control while in a Territorial state, and when it was little needed, and purposely omitted at a period when, of all others, it was most needed. We shall come nearer to the real meaning of this provision by reading it as it is so plainly written, without any limitation, either of time or Territorial or State condition.

If authority for this construction be needed it is not lacking, and in another connection I shall refer to some cases which come first to hand.

Assuming, then, as I think we must, that this constitutional provision confers upon Congress the power of disposition and control of the public lands after the admission into the Union of the States containing them, how much, if any, of this power is surrendered to the States by the acts admitting them into the Union as sovereign States? And here the general rule is certain (although questions may arise as to its application to particular cases). So far as its exercise is needful to the disposition and full control and management of these lands, Congress has always been and is incapable of diverting, alienating, or surrendering any part of it. It is uniformly held that while the title of the United States to the public lands is absolute as against every other title, yet it is held in trust for the ultimate benefit of all the people in such manner as may be prescribed by law, and this is peculiarly the case as to the only Territory we had at that time. Congress, then, being a trustee of the title, can not divert, alienate, or surrender any power necessary or proper for the disposal, protection, preservation, control, or management of its lands, nor in any way discharge itself from the duty of executing the trust confided to it.

But while this power to make all needful rules and regulations is also the power to determine what are needful, and while, therefore, this power so conferred is, in terms, absolute and unlimited, yet, notwithstanding some general statements of the Supreme Court, it may be well claimed that, after the admission of a State, there is necessarily a limit arising from other portions of the Constitution and the general powers of the State. For example, may Congress continue to legislate for this public land—some of it, perhaps, in small, isolated quantities—upon all subjects of municipal legislation, civil and criminal, and irrespective of the laws of the State upon the same subjects, as it does, for example, in the District of Columbia? Or, on the other hand, is the power of Congress within a State limited to such acts, legislative or otherwise, as are required for the disposal, protection, and control of such lands? Or is there, between these, a limit to Federal power, legislative or executive? It is not necessary to discuss here the first

of these questions, for no such general legislation is contemplated, and the other two, and also how far Federal control has been surrendered by acts admitting States into the Union, may be examined in the light of another consideration, viz, the rights incident to ownership.

Subject to the eminent domain of the State, the collection of taxes, the service of process, and other kindred superior rights the ownership of land carries with it, as incident to and a part of such ownership, the right of exclusive possession and control, which includes the right to forbid and prevent intrusion thereon for any purpose and to prevent and remove trespassers. The owner may forcibly prevent such intrusion if he can, or he may apply to the courts for relief or to recover damages. But a private individual may not himself enact laws for the protection of his property or to punish trespassers upon his lands. Is the United States in the same situation as to its lands within a State? Is it without power to itself enact laws for the disposal or management of its public lands within a State, or for their protection from fires, or the preservation of its timber or minerals thereon? This is undoubtedly the case, if the United States, as to such lands, has no other rights than those of an ordinary proprietor.

And it must be admitted that much that is said by the court in Fort Leavenworth Railroad Company *v.* Lowe (114 U. S., 525) is directly to the effect that as to lands within a State, unless jurisdiction is reserved in admitting a State, or the land is acquired by the United States with the consent of the State for military purposes, etc., as provided in the Constitution, the United States has no other rights than those of an ordinary proprietor, and that, like other lands, they are subject to the sole jurisdiction and sovereignty of the State. And it is in view of this that I discuss this question more elaborately than I otherwise would. But, if what is there said is to be considered as a denial of all legislative power of Congress over such lands, not only is it opposed to the uniform practice of the Government from the beginning, with the frequent approval of that court, and to many contrary declarations of that court, but the contrary is directly held in later cases.

But what is said in that case must be read with reference to and in the light of the case then before the court. The question in that case was that of the exclusive jurisdiction or not of the United States over that part of the reservation not used for military purposes. Upon the admission of Kansas no reservation of Federal jurisdiction was made, but later the State ceded that jurisdiction to the United States with this saving clause, viz, the right to serve civil and criminal State processes therein, and "saving further to said State the right to tax railroad, bridge, and other corporations, their franchises and property on said reservation." The State levied a tax on a railroad on this reservation, and the question of its power to do so depended upon whether the reservation was in the exclusive jurisdiction of the United States. The court held that, inasmuch as it was not purchased with the consent of the State "for the erection of forts, magazines, arsenals, dockyards, and other needful buildings," under clause 17, section 8, Article I, of the Constitution, the United States had no such exclusive jurisdiction, and that, under this saving clause, the State had power to tax the railroad property; and that the only way by which the United States could acquire this exclusive jurisdiction within a State was that provided by the Constitution, viz, by purchase with the consent of the State.

The question of concurrent jurisdiction or of Federal jurisdiction for some purposes, was not discussed nor even mentioned, for it was not involved. Nor was any allusion made to that other constitutional provision giving to Congress the power to make needful rules, etc., which certainly gave to Congress much greater power than is possessed by an ordinary proprietor. And, if the court decided that it did not do so, or did not apply to lands within a State, or decided anything else upon a question of such vast importance, it did so sub silentio by saying nothing about it. That is not the way in which that court settles questions of such importance.

From the beginning the whole policy and practice of the Government in respect of its public lands has been based upon the generally unquestioned power of Congress to legislate for their disposal, management, and protection, in both Territories and States, and with the frequent approval of the Supreme Court. It is needless to refer to these various acts of legislation as to lands in States and Territories. Their name is legion, but each and every one of these acts was the assertion and the exercise of Federal jurisdiction and sovereignty, and of a right far superior to that of any mere proprietor as to lands within a State.

This must have been either because, in the admission of the State, the jurisdiction necessary for that purpose was either expressly or impliedly reserved—the latter of which is not probable—or because the constitutional provision referred to confers that power, and this would seem a quite sufficient source of power.

In Gibson *v.* Choteau (13 Wall., 92) it is said in the syllabus that "the power of Congress in the disposal of the public domain can not be interfered with, or its exercise embarrassed by any State legislation." And on page 99, "With respect to the public domain, the Constitution vests in Congress the power of disposition and of making all needful rules and regulations. That power is subject to no limitations." Nothing could be more conclusive that this constitutional provision applies also to lands within a State, and that the legislative power thus conferred is paramount.

In Jorden *v.* Bennett (4 How., 169) it is said (p. 184):

"By the Constitution Congress is given power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States, for the disposal of the public lands. Therefore, in the new States where such lands be, Congress may provide by law, and having the constitutional power to pass the law, it is supreme. So Congress may prohibit and punish trespassers on the public lands. Having the power of disposal and of protection, Congress alone can deal with the title, and no State law, whether of limitation or otherwise, can defeat such title."

This was the holding of the Supreme Court up to the time when the Fort Leavenworth case was decided, and it is not supposable that that court intended to then overrule these cases and deny this legislative power of Congress and all other powers save such as belong to an ordinary individual proprietor, while making no reference whatever to its previous holdings. That it did not so intend is manifest from the only other case which I shall cite upon this question, that of Camfield *v.* United States (167 U. S., 518), where it is said in the syllabus:

"The Government of the United States has, with respect to its own lands within the limits of a State, the rights of an ordinary proprietor to maintain its possession and to prosecute trespassers; and may legislate for their protection, though such legislation may involve the exercise of the police power."

And on pages 524 and 525 the powers of the Government, both as an individual proprietor and as a sovereign, are well stated:

"The lands in question are all within the State of Colorado. The Government has, with respect to its own lands, the rights of an ordinary proprietor to maintain its possession and to prosecute trespassers. It may deal with such lands precisely as any private individual may deal with his farming property. It may sell or withhold them from sale. It may grant them in aid of railways or other public enterprises. It may open them to preemption or homestead settlement, but it would be recreant to its duties as trustee for the people of the United States to permit any individual or private corporation to monopolize them for private gain and thereby practically drive intending settlers from the market."

And on page 525:

"The General Government doubtless has a power over its own property analogous to the police power of the several States, and the extent to which it may go in the exercise of such power is measured by the exigencies of the particular case. If it be found to be necessary for the protection of the public or of intending settlers to forbid all inclosures of public lands, the Government may do so, though the alternate sections of private lands are thereby rendered less valuable for pasturage. The inconvenience, or even damage, to the individual proprietor does not authorize an act which is in its nature a purpresture of Government lands. While we do not undertake to say that Congress has the unlimited power to legislate against nuisances within a State which it would have within a Territory, we do not think the admission of a Territory as a State deprives it of the power of legislating for the protection of the public lands, though it may thereby involve the exercise of what is ordinarily known as the police power, so long as such power is directed solely to its own protection. A different rule would place the public domain of the United States completely at the mercy of State legislation."

This, so manifestly the correct doctrine, would seem to cover and to settle the whole question and to authorize the proposition that, as to public lands within a State, the Government has all the rights of an individual proprietor, supplemented with the power to make and enforce its own laws for the assertion of those rights and for the disposal and full and complete management, control, and protection of its lands.

Among these undoubted rights is the right of absolute or partial exclusion, either at all or at special times and for any or for special purposes.

While Congress certainly may by law prohibit and punish the entry upon or use of any part of these forest reserves for the purpose of the killing, capture, or pursuit of game, this would not be sufficient. There are many persons now on these reserves by authority of law, and people are expressly authorized to go there, and it would be necessary to go further and to prohibit the killing, capture, or pursuit of game, even though the entry upon the reserve is not for that purpose. But the right to forbid intrusion for the purpose of killing game is one thing, and the right to forbid and punish the killing, per se, and without reference to any trespass on the property, is another. The first may be forbidden as a trespass and for the protection of the property; but when a person is lawfully there and not a trespasser or intruder the question is different.

But I am decidedly of opinion that Congress may forbid and punish the killing of game on these reserves, no matter that the slayer is lawfully there and is not a trespasser. If Congress may prohibit the use of these reserves for any purpose, it may for another; and while Congress permits persons to be upon and use them for various purposes, it may fix limits to such use and occupation and prescribe the purpose and objects for which they shall not be used, as for the killing, capture, or pursuit of specified kinds of game. Generally, any private owner may forbid, upon his own land, any act that he chooses, although the act may be lawful in itself; and certainly Congress, invested also with legislative power, may do the same thing, just as it may prohibit the sale of intoxicating liquors, though such sale is otherwise lawful.

After considerable attention to the whole subject, I have no hesitation in expressing my opinion that Congress has ample power to forbid and punish any and all kinds of trespass upon or injury to the forest reserves, including the trespass of entering upon or using them for the killing, capture, or pursuit of game.

The exercise of these powers would not conflict with any State authority. Most of the States have laws forbidding the killing, capture, or pursuit of different kinds of game during specified portions of the year. This makes such killing, etc., lawful at other times, but only lawful because not made unlawful. And it is lawful only when the State has power to make it lawful by either implication or direct enactment. But, except in those cases already referred to, such as eminent domain, service of process, etc., no State has power to authorize or make lawful a trespass upon private property. So that, though Congress should prohibit such killing, etc., upon its own lands at all seasons of the year, this would not conflict with any State authority or control. That the preservation of game is part of the public policy of those States and for the benefit of their own people is shown by their own legislation, and they can not complain if Congress upon its own lands goes even further in that direction than the State so long as the open season of the State law is not interfered with in any place where such law is paramount.

It has always been the policy of the Government to invite and induce the purchase and settlement of its public lands, and as the existence of game thereon and in their localities adds to the desirability of the lands and is a well-known inducement to their purchase, it may well be considered whether, for this purpose alone and without reference to the protection of the lands from trespass, Congress may not, on its own lands, prohibit the killing of such game.

Your other questions relate to the method of enforcing these Federal powers, if they exist, to the nature and kind of laws therefor. While such questions are peculiarly for Congress, yet, as you request it, I will suggest what occurs to me.

You very properly suggest the power of Congress over interstate commerce as tending indirectly to this end, by prohibiting interstate transportation of game, living or dead, or of the skins or any part thereof. There is some legislation upon that subject. I do not take the pains to examine this to see how sufficient it is; but if not already done something to the end desired may be accomplished in this way, but as a remedy this would fall far short of what is required.

You allude also to the aid and cooperation of forest rangers and those in charge for the enforcement of State laws. This would be well, and especially so in the way of securing good feeling and harmonious action between Federal and State authorities. There is a provision for that in the act of March 3, 1899 (2 Sup. Rev. Stat., 903), but it simply imposes a very general duty, and should be more specific as to what acts are required to be done.

In this connection, and with reference also to the general protection of these reserves and the other public lands from fires, cutting timber, killing game, and other depredations, I would suggest, in view of the existing law as to arrest without a warrant, whether it would not be

well to give marshals and their deputies, and the superintendents, supervisors, rangers, and other persons charged with the protection of these reserves power, on the public lands, in certain cases approaching "hot pursuit," to arrest without warrant.

Complaints come to this Department that very often the place of illegal acts is so far from the office of any magistrate, and the means of communication such, that before formal complaint can be made and an officer with a warrant sent there the offenders are beyond successful pursuit. I commend this to your consideration. No matter what laws we may have for the protection of these reserves, the public lands generally, or the game, they would be in a very great many cases wholly inefficient, owing to the impossibility, under the present law as to arrests, of their enforcement.

There are already many statutes against setting fires and trespassing upon the public lands. Perhaps these are sufficient, so far as laws go. I do not examine this; but as to the protection of game on forest reserves drastic laws for that purpose, together with better means, as above suggested, for their enforcement, are required.

I would suggest the making it an offense to enter or be upon or use any portion of a forest reserve for the purpose or with the intent to kill, capture, or pursue (certain specified kinds of) game, or to kill, capture, or pursue with intent to kill or capture such game, on any portion of such reserve, and I would do this for the whole year as to some kinds of game, at least, and make such killing, capture, or pursuit the evidence of such purpose or intent. The latter clause, as you will see, proceeds against the act itself, irrespective of any trespass upon the lands, if, indeed, such act does not necessarily involve a technical legal trespass. But this may be questionable in case, for example, when one who is properly there, kills game. I would insert it at any rate, and it will, with the other, operate as a preventive.

Respectfully,

P. C. KNOX, *Attorney-General.*

Hon. JOHN F. LACEY,
House of Representatives.

Mr. LACEY. Now I yield to the gentleman from South Dakota [Mr. BURKE] for a question.

Mr. BURKE of South Dakota. I am in favor of the bill, but I want to ask the chairman of the committee if the question was considered of providing conditions under which there might be exception to this section 2. As I understand it, if this bill becomes a law, there can be no hunting or trapping or fishing whatever within this reservation under any conditions; and what I wanted to ask the gentleman was whether or not the committee considered giving some department of the Government authority to grant the privilege under certain conditions—for instance, to fish? Fishing is permitted in the Yellowstone Park, and I do not think that any harm has come from it. This provision is pretty binding.

Mr. LACEY. The purpose of this bill was to make a perpetual closed season as to legitimate game within that much of the area, in order that it might be a breeding place from which the animals and birds might overflow into the other parts of the State of Washington, just as to-day the Yellowstone Park furnishes a great and perpetual source of supply for the adjoining States of Idaho, Montana, and Wyoming, and even Utah. In the case of the Olympic Reserve the area was cut down to 750,000 acres, because it was believed that that would be sufficient. Originally, however, this question came up at the request of the people of Washington, because of the fact that there was in that range the only remaining herd of elk in that whole region. They are importing elk into Michigan and moose into Maine, trying to restore again those animals to the woods of those States.

It was believed that while a small herd of the original elk remained in Washington it was wise, as they were already on a tract of land that was reserved absolutely from sale or settlement, to give them protection there, and while this bill primarily had that special object in view it was also made broad enough so that the grouse and other wild birds and animals of that forest could also use it as a breeding ground. Congress passed a law of like import for the Wichita Reserve in the new State of Oklahoma, to the very great delight and satisfaction of the people down there. A similar bill was passed in the last session of this Congress as to southern Utah, giving them the benefit of a like reserve in a portion of the Grand Canyon Forest Reserve. Now, we have pending upon the Calendar a bill authorizing the same action to be taken by the Executive generally in other localities. Some opposition has arisen to a general bill, and it was deemed better, perhaps, to press separate bills for such localities as really wanted this sort of legislation, and give them the benefit of it. Washington has come in and asked it, Utah has asked it, Oklahoma has asked it and got the benefit of it, and I have no doubt that other States or Territories will avail themselves of this legislative power by requesting Congress to grant them a similar reserve for game in the forest reserves, possibly in the gentleman's own State.

Mr. BURKE of South Dakota. The gentleman has not yet answered the point that I made. Suppose, in the course of time, that the game upon this reserve multiplies so that it might be advisable to transplant from that reservation certain game animals. Under this bill how could you do it?

Mr. LACEY. I do not think it could be done under this bill. It, however, could be done, I think, under the general Federal law (known as the Lacey Act), which placed the protection of game within the jurisdiction of the Secretary of Agriculture, and forbade its export when killed or taken in violation of local law. The general bill also gives to the Secretary the power that would enable him to take game within any particular game preserve and transfer the animals to another preserve. This bill does not, either by implication or in terms, attempt to repeal that law. I think there is already ample authority.

Now, that was one of the purposes in making the Wichita Reserve. It had been desired to take quail in the Territory of Oklahoma and transfer them to Maryland and other localities. It could not be done under the local law, but by having a breeding ground especially set apart in the Wichita Reserve, under the general power that the Secretary has, he might transfer quail from Wichita Reserve to Maryland or South Carolina or Tennessee, or other places, that might for the time being need the additional replenishment.

Mr. BURKE of South Dakota. Suppose an animal should become vicious or diseased and it is desirable to destroy him. Under this bill, would any person have the right to go out there and kill him? Who could authorize him to do so?

Mr. LACEY. There was no attempt to go into details. Further legislation could be enacted from time to time, in order to meet any such question as my friend from South Dakota suggests, or which might hereafter arise. The present purpose was to make the reservation.

Mr. BURKE of South Dakota. What I want to know is whether the committee had considered putting into this bill a provision that would make it possible to accomplish these things, if it ever became desirable?

Mr. LACEY. I think under the general power to make regulations in the Territories of the United States, a power vested in the Secretary of Agriculture, who has charge of this particular reserve, because it is a part of the forest reserve, under the general power given him, he would undoubtedly have the power to carry out the purposes my friend has in view.

Mr. BURKE of South Dakota. If an act is unlawful, there is no person that can make it lawful. Does not this act say that it shall be unlawful for any person to do certain things?

Mr. LACEY. Yes; but there in another provision of statute law saying that such things shall be lawful for a certain Government official. This does not interfere with that provision. He is not a "person" within the meaning of this statute; he is a Government official in charge of the reserve. Of course there is nothing in this bill that would in any way interfere with the slaughter of these animals or birds that got outside of the boundary of the reserve.

Mr. JONES of Washington. Let me suggest in that connection and in connection with the question put by the gentleman from South Dakota, that while preparing this bill my colleague considered the question whether the power should be invested in the Secretary of the Interior to give permission to people to go in and hunt. Our people at this time do not want anything of that kind.

Mr. BURKE of South Dakota. Was the question of fishing considered?

Mr. JONES of Washington. That question was considered also.

Mr. OLMSTED. Mr. Speaker, I am in favor of this bill, and I want to ask the gentleman from Iowa whether he does not think there should be a more particular designation of the birds and animals? This bill says "for the protection of game animals, birds and fishes therein." I take it that you want to protect mink, otter, muskrat, which might not come within the designation of game animals, and also you would want to protect robins, bluebirds, and all kinds of birds which might not come strictly within the designation of game birds.

Mr. LACEY. The word "game" does not apply to birds; it applies to the animals and not to the birds or fishes, according to the punctuation.

Mr. OLMSTED. I believe that the punctuation in an act does not control. Would it not be better to amend it so as to include all birds and particular animals that you wish to protect?

Mr. LACEY. It is not desirable to protect all animals, for there are wolves in this reserve.

Mr. OLMSTED. They are game.

Mr. LACEY. No; they are not; they come within the class that I called "vermin" a short time ago. They are not game animals.

Mr. OLMSTED. They are game that hunters go after.

Mr. LACEY. They kill them, but not as game.

Mr. GAINES of Tennessee. Let me interrupt the gentleman. You construe this bill that if game birds or animals escape from the reserve and get out into the State territory—that is,

beyond the limits of the reserve—anybody has a right to hunt or kill them?

Mr. LACEY. Unquestionably; the bill does not go beyond that. It only legislates for the reserve.

Mr. OLMSTED. Is the grizzly bear a game animal?

Mr. LACEY. I am inclined to think that he would be; but that would be a matter of construction.

Mr. OLMSTED. Well, the bill leaves it all open to construction. My inquiry is whether it would not be better to specify the particular animals which it is sought to protect.

Mr. LACEY. Mr. Speaker, the committee thought best not to go into the details, because there might be a question raised as to whether a particular animal ought to be protected. The general term "game animals" has been well understood, because the State itself has legislated and declared what should be regarded as game.

Mr. MONDELL. Does the gentleman understand that this applies only to what he considers game animals and that as to predatory wild animals the State law would apply?

Mr. LACEY. I think undoubtedly.

Mr. MONDELL. Then we would have a dual jurisdiction over animals in this territory—the jurisdiction of the Federal Government over game animals, birds and fishes, and the jurisdiction of the State over predatory wild animals.

Mr. LACEY. Wherever the two jurisdictions did not conflict of course they would both apply, and where they do conflict the Federal jurisdiction of course would take control, because it is in the territory of the United States.

Mr. JONES of Washington. Mr. Speaker, before debate on this bill is closed I would like to state that my colleague [Mr. HUMPHREY], who is the author of this bill and who has taken a very great interest in it, was called out of town last evening on very urgent business. He did not know this bill would come up, and I think in justice to him this statement should be made to appear. I also ask unanimous consent that he may have leave to extend his remarks in the RECORD on this bill.

The SPEAKER. The gentleman from Washington asks that his colleague, the gentleman from Washington [Mr. HUMPHREY], may have leave to extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

Mr. LACEY. Mr. Speaker, I now move the previous question on the bill to its final passage.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the previous question was ordered.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

Mr. OLMSTED. Mr. Speaker, I would like to inquire whether the bill is subject to amendment at this time.

The SPEAKER. The previous question having been ordered, it is not. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Is there any further business from the Committee on Public Lands? If not, the Clerk will call the next committee.

The Clerk proceeded with the call of committees.

Mr. SHERMAN (when the Committee on Indian Affairs was called). Mr. Speaker, I ask unanimous consent that the Committee on Indian Affairs be passed without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee on Indian Affairs be passed without prejudice. Is there objection?

There was no objection.

MAKING INHABITANTS OF PORTO RICO CITIZENS OF UNITED STATES.

Mr. COOPER of Wisconsin (when the Committee on Insular Affairs was called). Mr. Speaker, I call up the bill (H. R. 17661) providing that the inhabitants of Porto Rico shall be citizens of the United States, which I send to the desk and ask to have read.

The SPEAKER. This bill which the gentleman from Wisconsin calls up seems to be on the Union Calendar and not subject to a call of committees.

Mr. COOPER of Wisconsin. Mr. Speaker, I think it does not make any appropriation. I do not understand why it should be on the Union Calendar. There is no tax upon the Government whatever. It carries no appropriation.

The SPEAKER. Has the gentleman the act on his desk which this bill seeks to amend?

Mr. COOPER of Wisconsin. Mr. Speaker, it is the organic act, known as the "Foraker Act," creating a civil government in Porto Rico. This bill seeks to amend a section of that act. I will hand to the Speaker a copy of the act.

The SPEAKER. The gentleman from Wisconsin seeks to call up the bill (H. R. 17661) reported from the Committee on Insular Affairs, with an amendment, providing that the inhabitants of Porto Rico shall be citizens of the United States. This bill is on the Union Calendar and not upon the House Calendar. Being upon the Union Calendar, it is, therefore, not within the rule. The gentleman, however, makes the point that the bill should not be upon the Union Calendar, but ought to be upon the House Calendar. The Chair, upon examination of the bill, is inclined to the opinion that the bill ought to be upon the House and not upon the Union Calendar. The bill, however, is upon the Union Calendar.

Mr. CLARK of Missouri. Mr. Speaker, if the Chair will permit, I would like at this point to inquire if that bill undertakes to confer American citizenship on all of the people in Porto Rico?

The SPEAKER. It does, apparently.

Mr. CLARK of Missouri. It seems to me that that is such a bill as ought to be considered in a full House.

The SPEAKER. That is a question for the House to determine. The Chair is dealing now only with the point that the gentleman from Wisconsin [Mr. COOPER] makes—that the bill is improperly on the Union Calendar and should be upon the House Calendar.

Mr. OLMSTED. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. Whether, being upon the wrong Calendar, it can not now be put upon the right Calendar and called up under a call of committees, and can it not now be treated as on the House Calendar, where it properly belongs?

The SPEAKER. If it is on the wrong Calendar. On the point being made, under the practice of the House, it is within the power of the Chair to transfer it to the proper Calendar. The Chair sustains the point of order, and the bill is ordered to the House Calendar. Has the gentleman any other bill to call up?

Mr. COOPER of Wisconsin. Nothing more.

Mr. CLARK of Missouri. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The bill is not up now.

Mr. CLARK of Missouri. All right; I withdraw the remark.

Mr. COOPER of Wisconsin. Mr. Speaker, I call up the bill H. R. 17661, reported by the Committee on Insular Affairs.

The SPEAKER. The gentleman from Missouri, as the Chair understands, objects to the consideration of the bill at this time.

Mr. CLARK of Missouri. Yes, sir.

The SPEAKER. Now, then, upon that motion it has been held that a bill must be actually on the House Calendar, and properly so also, in order to be considered in the morning hour. The idea is, as the Chair understands the ruling and the rule, that the House should have notice of what is liable to be called upon the House Calendar in the morning hour. Now, the House did not have that notice upon the Calendar when the gentleman called the bill, and the gentleman then elected to make the point of order that the bill should be upon the House Calendar and not upon the Union Calendar. In the opinion of the Chair, as the gentleman from Missouri objects, the bill is not subject to call to-day in the morning hour.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry. Would it be in order to make a motion that the Committee on Insular Affairs pass by this call without prejudice?

The SPEAKER. The gentleman can ask unanimous consent. The gentleman from Wisconsin asks unanimous consent—just what was the gentleman's request?

Mr. COOPER of Wisconsin. I ask unanimous consent that this bill be taken up for consideration next Monday at 2 o'clock.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill may be taken up next Monday at 2 o'clock.

Mr. CLARK of Missouri. I object.

The SPEAKER. To which the gentleman from Missouri objects.

Mr. COOPER of Wisconsin. Mr. Speaker, I then move that the bill be taken up next Monday at 2 o'clock.

Mr. PAYNE. Of course that is not in order.

Mr. CLARK of Missouri. That is out of order.

The SPEAKER. The point of order is made upon that motion. It seems to the Chair the motion is not in order.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask the Committee on Insular Affairs be passed upon this call without prejudice.

The SPEAKER. It requires unanimous consent.

Mr. OLMSTED. Mr. Speaker, I will ask unanimous consent that the Committee on Insular Affairs be passed without prejudice.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee on Insular Affairs be passed without prejudice.

Mr. CLARK of Missouri. I object to that.

The SPEAKER. The gentleman from Missouri objects. As the gentleman has no other bill, the Chair will order the next committee to be called.

When the Committee on Education was called,

Mr. MANN. Mr. Speaker, I would like to inquire whether the call of the Committee on Education at this time does away with the passing without prejudice of the Committee on Education heretofore?

The SPEAKER. In the Chair's opinion, yes.

GOODS, ETC., MANUFACTURED BY CONVICT LABOR, ETC.

When the Committee on Labor was called,

Mr. GARDNER of New Jersey. Mr. Speaker, I ask that the Committee on Labor be passed without prejudice.

Mr. PAYNE. Mr. Speaker, I think I shall have to object to that.

The SPEAKER. To which the gentleman from New York objects.

Mr. GARDNER of New Jersey. Then, Mr. Speaker, I move the following bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12318) to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory.

Be it enacted, etc., That all goods, wares, and mechandise manufactured wholly or in part by convict labor, or in any prison or reformatory, transported into any State or Territory or remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise.

Mr. BARTLETT. Mr. Speaker——

Mr. GARDNER of New Jersey. How much time does the gentleman from Georgia desire?

Mr. BARTLETT. I do not want any time; I want to make an inquiry of the Chair and of the gentleman. This seems to be a bill which deals altogether with matters of interstate commerce, and I understand the gentleman reports this bill from the Committee on Labor. I would like to raise the question of consideration on this bill—as to the right of the Committee on Labor to consider a matter which affects altogether interstate commerce. It is a bill drawn almost in the same words as a bill known as the Wilson bill, passed in 1890, which had reference to the transportation of manufactured spirits. This bill does not appear to have any reference to labor—simply a matter which deals altogether with interstate commerce—and I raise the point that the Committee on Labor has no jurisdiction of this bill. I raised the point of order, Mr. Speaker, that the Committee on Labor had no jurisdiction over this bill.

Mr. GAINES of Tennessee. Mr. Speaker, may I make a parliamentary inquiry here?

The SPEAKER. First permit the Chair to make a statement as to the gentleman's point of order. The gentleman at this stage makes the point of order that the Committee on Labor did not have jurisdiction of this bill, and not having jurisdiction to report, the House can not consider the same.

Mr. BARTLETT. Can not consider the same upon call of the committees from the Committee on Labor.

The SPEAKER. Upon this order?

Mr. BARTLETT. Yes, sir; that is the point.

Mr. GAINES of Tennessee. Can not the House go along and pass a bill regardless of what committee reports it? I think it can. I will answer my own question. I would like to have it from higher authority also.

The SPEAKER. The Chair will hear from the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. We are acting on the call of committees. The Committee on Interstate and Foreign Commerce has not considered this bill. The call now rests upon the Committee on Labor. The Committee on Labor calls up a bill which it has had under consideration and which has been reported by that committee. Upon inquiry and upon the reading of the bill it is demonstrated that it has no reference whatever to the question of labor, but it deals altogether with a matter of interstate commerce—the transportation of goods between one State and another—and undertakes to deal altogether with the interstate-commerce law. In other words, but for the fact that under the interstate-commerce clause of the Constitution the Congress shall have sole power to deal with them, the States would. This bill says all shipments of goods manufactured by means of convict labor, or any other labor described in the bill, shall, when transported to channels of interstate commerce and arriving in a State, be subject to the laws of that State, as though they had not been therein conveyed by means of interstate commerce. The whole purpose of the bill is to affect interstate commerce. And I make the point of order that this committee had no right to consider the bill, and having considered it and reported it, the House ought not to consider it upon the call of this committee.

[Mr. GARDNER of New Jersey addressed the House. See Appendix.]

The SPEAKER. The Chair is prepared to rule. It is very well settled by many precedents, as expressed in the Digest in the following words:

The erroneous reference of a public bill, if it remain uncorrected, in effect gives jurisdiction to the committee receiving it.

Now, if this was an erroneous reference, the rule provided a means by which it was within the power of the House to take the bill from the committee and refer it to such other committee as they saw proper to refer it to; but the House not having taken that action, the committee having the bill, it being a public bill, and reported to the House, it seems to the Chair it is subject to the call in the morning hour. Therefore the Chair overrules the point of order.

Mr. MILLER. Mr. Speaker, I desire to make the point of order that the chairman of this committee has no right under the call of committees to call up this bill, unless he is authorized by the committee to so call it up, and I am reliably informed that he does not have the authority of the Committee on Labor to do so.

The SPEAKER. The Chair will hear the gentleman from New Jersey on the question of fact as to whether he is authorized to call up this bill.

Mr. GARDNER of New Jersey. As to the question of whether I was authorized to call up this bill, there is no mistake about it. The committee authorized it.

The SPEAKER. The gentleman from New Jersey is recognized.

[Mr. GARDNER of New Jersey addressed the House. See Appendix.]

Mr. HUNT. Mr. Speaker, this bill is not a new piece of legislation. It was presented, if I remember correctly, to the Fifty-sixth Congress and passed this House almost unanimously. It failed to pass the Senate; hence the necessity for renewing the attempt to secure this much-needed legislation. It is, as the gentleman from New York [Mr. PAYNE] observes, an attempt to curb the criminal competition of the penitentiary with the free labor of the country. It seeks to bring about a reform in that direction which of itself will aid the different States that have attempted heretofore to regulate the sale of convict-made goods and by reason of the absence of Federal legislation have been prevented from carrying out the objects intended to be accomplished. For instance, the State of New York has withdrawn its convicts from competition with the free labor of the State. Yet the State of New York is at the mercy of every other State in the Union which seeks to ship its convict-made products within the borders of that State. It only seeks, as was sought in the Wilson liquor law, to abrogate the interstate-commerce provision and to enable the States to legislate for themselves on the subject of the employment of their convicts.

This legislation appeals to the manufacturer as much as to the laborer. It is cruel to ask the free labor of this country to maintain its citizenship, its dignity, and its self-respect if it has to wait until the product of the State prison is sold before the employer can get a reasonable price for his honestly manufactured product. For that reason it has become necessary to aid the pioneers (for the States have been the pioneers) in this work of endeavoring to secure a real reform in this direction.

It will not work any injury upon any State that does not seek to avail itself of the privileges of this bill. They are at liberty to take advantage of its provisions or not as they see fit. It only seeks to arouse the patriotism of the wage-workers of this country to the fact that this country is not oblivious to their wants. It only seeks to beget a patriotic feeling that after all it is not necessary to go into combinations or cliques in order to secure reasonable and fair legislation for the people of this country. [Applause.]

It seeks to put citizenship above class or clique; it seeks to bring us a little closer to the avenues of legislation, so that we

can feel at least that we are not to be set apart and marked for discrimination. It is national legislation that we seek here that has for its object the welfare of the manufacturer as well as the uplifting of the wage-earner, and for that reason I hope this American Congress will at least do this which can not be questioned as favoring or savoring of class legislation or discrimination; that it will only do this so that if the State of Missouri or New York or any other State of this Union wants to protect its citizens from coming into competition with the products of the penitentiary, it can do so. We ask you, as representatives of this great nation, to allow the different States to exercise their police powers to that extent. [Applause.]

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman a question.

Mr. HUNT. Certainly.

Mr. HEPBURN. What is the per cent of prison-made goods of the whole manufactures of the United States? How large an interest is this?

Mr. HUNT. In answer to the gentleman, I will state that this bill came up rather suddenly. At the last session of Congress I secured some data, and in the aggregate the percentage is not great. The exact amount I can find for the gentleman in a few minutes, and will furnish it to him before the hour expires. It is a small percentage when compared with the great business of this country, but in some particular lines of business the honest manufacturer is forced out of business altogether or is in a position where he is unable to sell his products until after the prison products have been disposed of.

Mr. HEPBURN. Can the gentleman give the House the percentage of prison-made goods that seek a market outside of the limits of the State?

Mr. GARDNER of New Jersey. About 51 per cent.

Mr. HUNT. I can only say that when the bill was introduced last winter I applied to the Labor Commissioner, and I found that there had been no statistics collected covering that question for a later date than twenty-odd years ago; but at the time of my asking the question of the Labor Commissioner he set his agents to work securing that data, all of which can be found in a speech which I delivered during the first session of the present Congress. I thank the House for its kind attention. [Applause.]

Mr. GARDNER of New Jersey. Mr. Speaker, I now yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, not for the purpose of opposing the bill, but because I believe it involves a very great question of governmental policy have I determined to say a few words. I think it may be well for the House to understand just why this legislation is needed, and just what is undertaken to be accomplished by it, because it is only the forerunner of many similar bills that are going to be brought to this House in regard to other subject-matters.

Under the decision of the Supreme Court in Brown *v.* Maryland it was held that the right to import articles from a foreign country carried with it the right to sell those articles. Subsequently it was held that as to interstate commerce this was not true; that the right to import from one State into another did not carry with it the right to sell. That decision, however, was subsequently reversed by the Supreme Court in the case of Leisy *v.* Hardin, if my memory serves me right. There the Supreme Court put interstate commerce upon the same footing as foreign commerce, and held that the right to import carried with it the right to sell. In that decision the Supreme Court intimated that while the right to import carried with it the right to sell, Congress could in its discretion take away from the importation that incident, and could give the State into which the importation was made control of the subject.

Congress, acting upon that hint, did pass what was known as the "Wilson law," which applied to alcoholic liquors and provided that alcoholic liquors shipped from one State to another State should be subject to the law of the State into which they were shipped, the same as if manufactured there, all of these rulings of course applying to shipments of articles in the original package. Subsequently it was determined by the Supreme Court, in construing the Wilson Act, that it applied only after delivery of the article to the consignee and not before delivery, as had been contended by some of the advocates; and since that decision we have had pending before the Judiciary Committee in this House the proposition to give the State control over interstate shipments the moment they reach the State boundary, even before delivery.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHERLEY. Will the gentleman yield three minutes more?

Mr. GARDNER of New Jersey. Yes.

Mr. SHERLEY. That has never yet been acquiesced in by Congress, and in my humble judgment would be an unconstitutional exercise of power if attempted, because it would then interfere with interstate shipments.

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. SHERLEY. Yes; for a question.

Mr. HENRY of Texas. The gentleman says it is an unconstitutional measure. The gentleman will admit that the Judiciary Committee unanimously reported in favor of the Hepburn-Dolliver C. O. D. liquor bill, and that that bill passed through the House here one session of Congress by a practically unanimous vote.

Mr. SHERLEY. Oh, Mr. Speaker, I am not undertaking to convert the gentleman. He is wedded to his view of the law and is entitled to it.

Mr. HENRY of Texas. It seems as though the whole committee were wedded to that view of the law.

Mr. SHERLEY. Of course, that also may be the fact. The gentleman's voluntary statement inserted into my remarks may suit him. They certainly were not with my permission. The proposition I make here is simply this: That the power of Congress can go to the extent of giving the State control of an article as soon as it reaches the hands of the consignee and can prevent sales subsequently. Now, that is an important question not simply in regard to this matter, but in regard to many matters. There are abuses growing up all over the country, due to the selfishness of some States and their disregard of the wishes of other States. It may be that the solution of much of the trouble that now confronts the country lies in giving back to the State control over the commerce originating in another State as soon as it is delivered to the consignee, and it was only because I realized how broad the question was, how it would eventually reach out to embrace other subjects, that I take this occasion to call the attention of the House to it. The effect of this bill will not prevent the shipment into a State of convict-made goods. It will not prevent any person within a State making a contract with anyone in another State and receiving convict-made goods; but it will make these goods the moment they are delivered to that consignee subject to the general law of the State in which he resides. Personally I see no objection to the bill, but I felt that it was due the House that the Members should understand the effect of the law.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. SHERLEY. Yes.

Mr. SMITH of Kentucky. I would like to ask my colleague his opinion as to the power of Congress to declare that a given article shall not be considered a subject of interstate commerce.

Mr. SHERLEY. In answer to the gentleman I would state that he has, by a very simple inquiry, brought up a very grave constitutional question. In my judgment the real line of distinction is this—and it has been so intimated by the Supreme Court in the Vance case and in several subsequent cases—that the right to sell on the part of the consignee articles imported into a State is an incident of interstate commerce, and being simply an incident of interstate commerce, Congress can take away that right and say that an article shall lose its interstate character at an earlier period of time than it otherwise would lose it. But there is a material distinction between an incident of interstate commerce and interstate commerce itself. You can not have interstate commerce unless the article shipped from one State is permitted to go into the other States, because it follows manifestly that there can not be any interstate character to it unless it crosses the State line; and if the State into which it is shipped is given control of it the moment it reaches the line, it can prevent it from coming into the State and can therefore destroy interstate commerce.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SHERLEY. Will the gentleman from New Jersey yield me five minutes more?

Mr. GARDNER of New Jersey. Very well.

Mr. SHERLEY. Congress can of its own volition prohibit interstate commerce in any article, judging by the decision in the lottery cases. In the lottery cases Congress held a lottery ticket to be commerce within the sense of the commerce clause and prohibited interstate commerce in lottery tickets, but the prohibition by Congress of interstate commerce is entirely different from the prohibition by a State of interstate commerce. The one is clearly within the power of Congress and the other, in my judgment, is not. This bill goes to the utmost limit of power

in Congress to give to the States control over interstate commerce, and it affects only the article after it has reached the consignee.

Mr. BOUTELL. In other words, the gentleman thinks that by striking out the first two words in line 7 it would make this bill unconstitutional, as I understand him.

Mr. SHERLEY. I think that if they had left the bill as originally drawn it would have been unconstitutional, because then it would have said "upon arrival."

Mr. BOUTELL. If the first two words were stricken out in line 7 it would make the bill obnoxious to the point?

Mr. SHERLEY. I think this: If we undertook to make the law apply to goods before they were delivered to the consignee, the moment they got to the State line, then it would be unconstitutional, and for this further reason, it would be giving the State law extraterritorial effect. If I enter into a contract with the gentleman from Illinois, in Illinois, to ship to the State of Kentucky certain goods, that is a valid contract made in Illinois. The State of Kentucky can not by her law reach out and declare a contract valid in the State of Illinois invalid and destroy it by prohibiting the delivery of the article to me, but under an action of this kind by Congress the State of Kentucky could say the moment it was received by me in Kentucky that I should not have any further right over it than I would have if the property had originated within the State of Kentucky.

Mr. HEPBURN. Let me ask the gentleman a question so that I may understand his position. If I understand the gentleman from Kentucky, he says that it is competent for Congress to authorize the State of Iowa to extend its laws at once over the products of labor of the penitentiary of Kentucky that may as interstate commerce go into Iowa.

Mr. SHERLEY. No; the gentleman's statement is not accurate of my position. My position is this, that it is competent for Congress to give to the State of Iowa power to say that after delivery of convict-made goods of Kentucky to the citizens of Iowa they shall be subject to the law of Iowa the same as if made in Iowa.

Mr. HEPBURN. After delivery—you make the point on that? You make your point on the word "delivery?"

Mr. SHERLEY. Unquestionably. The dispute between the gentleman from Iowa and myself is simply this: The Wilson law, of which this is a copy, is constitutional. It is no longer a matter of argument. The Supreme Court so held in the Rahrer case; but when they construed that law they declined to construe it as gentlemen wanted it. The advocates of that law said it meant before as well as after delivery. The Supreme Court said no, the proper interpretation of it makes it apply only after delivery, and the Supreme Court intimated that if Congress undertook to pass a law that made it apply before delivery it would be an unconstitutional exercise of power. The gentleman's bill in amendment of the Wilson bill is an attempt to do that, and, in my judgment, is unconstitutional. I simply entered into this discussion not for the purpose of opposing the bill, because I have no opposition to it, but because it involves a very great question that in the course of time is going to affect many articles of commerce, and I felt what little research I had made on the subject might be of value to the House in considering the measure.

Mr. GARDNER of New Jersey. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. VREELAND].

Mr. VREELAND. Mr. Speaker, it has been a great many months since this bill was before the committee for consideration. It has come up suddenly to-day, and we are not as familiar with it as we were at that time. My recollection is that the bill received the unanimous report of the Committee on Labor.

Mr. HUNT. That is correct.

Mr. VREELAND. It does not always happen, Mr. Speaker, that I can support all bills brought before the Committee on Labor. It very often happens I am obliged to oppose them. This bill received the indorsement and was urged by all of the federated bodies of labor that appeared before our committee, and I am glad to be able to support it, because I believe this is a just bill and ought to be passed by this House. Now, what does this bill do? It simply provides that prison-made goods shall be put under the laws of the State into which they are shipped. The gentleman from Iowa is asking for statistics of prison-made goods. I find that they amounted during the year for which this was given, 1903–4, to something over $33,000,000. I find that 51 per cent of those prison-made goods were sold outside of the States in which they were manufactured. Now, Mr. Speaker, there is a reason why this bill is urged upon this House. Take, for instance, the State of Vermont. It maintains a shoe factory operated by prison labor. No one would advocate that convicts should be kept in idleness, but free labor has the right to urge that convict labor shall not be multiplied and reenforced by machinery and the product of their labor and machinery sent out to compete in the markets of other States with the free labor therein.

Now, we found numerous cases where States prohibited the sale within their own borders of these prison-made goods, but they were sent out, as it appears—more than half of all that were made—to be sold in the markets of other States which were unable to protect themselves.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. VREELAND] has expired.

Mr. GARDNER of New Jersey. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, permit me for a moment to reply to the able argument of the gentleman from Kentucky [Mr. SHERLEY]. On yesterday he argued in favor of State rights on the pilotage bill, and to-day we find that his position is diametrically opposite to the one he then took.

What is the proposition involved here? Simply this: That convict-made goods shall, when they arrive within the limits of one of the States of this Union, fall within the laws of that State and be subject to the jurisdiction thereof, just as if they had been manufactured there. The gentleman by his argument somewhat confuses the legal proposition involved. He discusses the Hepburn-Dolliver bill, and does not state exactly the legal doctrines involved. What is the proposition in that measure? It is this: That when intoxicating liquors are shipped from one State to another, when they arrive within the boundaries of the State to which they are shipped, shall immediately fall within the jurisdiction of the laws of that State. The verbiage of the old Wilson bill was substantially that upon arrival within the State to which they are shipped intoxicating liquors should be subject to the laws of that State, but the Supreme Court in construing the statute said that "arrival" did not mean before delivery, but confused the question of "delivery," and held the goods must be in the hands of the purchaser before becoming subject to the laws of such State. The Hepburn-Dolliver bill employs language by way of amendment that intoxicating liquors when shipped from one State to another, "before and after delivery," when they arrive within the limits of the State to which they are shipped "shall be subject to the laws of the State" into which they are shipped. And to that measure, with the amendment proposed, the Judiciary Committee has given unanimous assent, and it is now pending before this House. During a prior session of Congress this House by almost unanimous vote passed the Hepburn-Dolliver bill with such amendment. It went to the Senate, but was not passed by that body.

This measure under consideration is along the same line as that bill—that is to say, when convict-made goods go from one State to another they shall be subject to the laws of the State to which they are shipped. So far as I am concerned, I am willing to plant myself upon the broad proposition that convict-made goods shall not come in competition with the honest labor of this country in any State of the Union. [Applause.]

Mr. Speaker, that is the question involved here. There is doubt about the legal proposition. If the Supreme Court has decided anything with a striking unanimity, it is that the States of this Union, when Congress remits to them the power to control any article of commerce, shall have jurisdiction over such commerce. This bill puts convict-made goods on the same legal basis with the original-package cases and is copied in almost the identical language of the amended Hepburn-Dolliver bill. Worded as it is, founded upon a wise policy, it shall receive my most cordial support.

Mr. SMITH of Kentucky. Mr. Speaker, I would like to ask the gentleman a question.

Mr. HENRY of Texas. Yes, sir.

Mr. SMITH of Kentucky. Entertaining, as the gentleman has announced he does, the view that the Congress has the power under the Constitution to subject articles of interstate commerce, as long as they cross the State lines, to the laws of the particular State into which they are shipped, would it not improve this bill if the words "and delivered" were omitted, so that as soon as these convict-made goods cross a State line in the transit the State laws might operate upon them immediately?

Mr. HENRY of Texas. I would add that as soon as they get within the limits of the State, "before and after delivery," they shall be subject to the laws of that State. I think that would perfect the bill.

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. I am glad to see the conversion of the gentleman

from Texas [Mr. HENRY]. I understand that the gentleman had different views on the pure-food matter.

Mr. HENRY of Texas. These are in line with my views on the pure-food proposition precisely. I said the State should pass pure-food laws, and not Congress.

Mr. GARDNER of New Jersey. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, the gentleman from Kentucky [Mr. SHERLEY], who illumines almost any subject which he discusses, in the last session of Congress voted, I believe, to regulate interstate commerce, and I am glad he did. We passed a quarantine bill. I think the gentleman supported that, and I am glad he did, because both laws are good laws and were needed. We also passed the pure-food law. The States were unable to regulate the evils covered by these laws. Congress had to act. All over the country people were somewhat amazed that Congress was exercising so much power over commerce, rather curtailing State rights, and not without some degree of reason and fear, because the quarantine and food laws had not been previously covered by Congress. The States had theretofore taken charge of these matters. Now, then, I am anxious, and I believe the gentleman from Kentucky is, to give back to the State whenever we can, and as they did in the Wilson whisky law, all the powers or all the opportunity the State can possibly have to control commerce that comes within the State from any other State or Territory of the United States. It builds up the State, and without the States, as the Supreme Court said in the great Texas-White case, "without the States we would not have the United States," but, I may add, a united state. We would have one Republic without States; and we are rapidly decimating the States and making of them mere districts or spots upon the map.

Now, here is an opportunity, as it were, to give back to the States the right to say to another State, if you sell and *deliver* any convict-made goods to this State our State laws shall control them when "*delivered.*" State laws shall control their sales. The State of Tennessee is working our convicts, as I believe, in coal mines. They are no longer making stockings as they did. They are no longer making shoes and ax handles and wheelbarrows and wagons and all that sort of thing. We have stopped all that, I think, and taken the convict and put him in a hole in the ground where he digs coal. In other words, we are giving the law-abiding people a better chance in Tennessee than we ever did. Now, then, gentlemen, what an outrage it would be, and what an outrage it is and has been for the State of Kentucky or the State of Indiana, or any other State—I am not saying that out of any disrespect for the State of Kentucky. I love Kentucky and love her people. My father was a Kentuckian—but what an outrage it would be for Kentucky to unload her convict-made stuff upon the people of Tennessee, upon the honest manufacturer—my son, Jones's son, Brown's son, and Smith's son—and drive him out of the manufacturing business carried on by honest labor. There should be a premium upon a man to become an honest manufacturer, and deter that which would deprive him of the encouragement that he should have. All this law does is to give to the State of Tennessee the right when a merchant in Kentucky shall ship manufactured stuff into the State for the State to take charge of that by State law, so that the honest laborer, the law-abiding citizens of Tennessee shall not be oppressed by products made by outlaws, made by bloody and disreputable convicts of the State of Kentucky, Indiana, Ohio, or any other State. I can not see how any man who wants to preserve the honor and dignity of the people of any State can raise his voice and oppose a measure that leaves each State the right to control this matter without being oppressed by a State that exports convict-made goods and ships them pellmell over the country.

Mr. GARDNER of New Jersey. I yield five minutes to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, it might be well enough for us to stop and consider, not where we are going, for we all understand that, but how rapidly we are getting there. That we have practically taken from all the States of the Union all their jurisdiction and power will be conceded when we study the past history of the legislation of Congress during the last twenty-five years. Now we have come to the point where we are going along just possibly a little faster than some of us ever contemplated. The line heretofore has been usually drawn in this way: Wherever it is unpleasant to pass a law in a State looking to the police power or regulation of the communities, we call upon Congress to do that. We do not like to pass a temperance law in a community and make it a crime for an express company to deliver liquor, because that would create a sort of irritation in the body politic. So we come to Congress to do that and exercise its control.

Now, there is another line of demarcation. One is, is it profitable to get rid of an incumbrance or a duty? If so, get Congress to take charge of the hospitals and the quarantine service, because that would cost the State some money. So we will abolish the State for that purpose. But is it profitable to the State to make war on some industry, collecting tolls, and make money out of it? In that case we are handed over to the State, don't you see? We draw the line, therefore, on two lines of legislation. We give to the State all the power to make money out of its police regulations and its power to levy tribute upon other States; but whenever it is a little bit disagreeable or is going to cost money to carry that out, we hand it over to Congress.

Now, the gentleman from Tennessee [Mr. GAINES] says that State has turned its convict labor into coal mines. That is not a new thing. In the State of Georgia they raise cotton and corn and hogs and manufacture lumber by convict labor. Now, let us see how far this bill goes in the matter of the coal-mining products of the State of Tennessee.

All goods, wares, and merchandise manufactured wholly or in part by convict labor——

Mr. GARDNER of New Jersey. May I interrupt the gentleman right there?

Mr. GROSVENOR. Certainly.

Mr. GARDNER of New Jersey. Are you going to define coal as a manufactured product?

Mr. GROSVENOR. Certainly. Everybody knows it. Coal is as much a manufactured product as boots and shoes when detached from the real estate and raised to the surface as the product of labor.

Mr. PALMER. Well, it is not only that, but it is prepared for sale by being run through a breaker and otherwise prepared.

Mr. GROSVENOR. Certainly. It is prepared and manufactured into the finished product of the coal mine.

Now, the State of Tennessee mines the coal and sells it to one of its own domestic manufacturing institutions which makes pig iron. Is that pig iron manufactured in whole or in part by convict labor? No man will deny it, and that product is excluded from all the States of this Union, except the State of its manufacture; and that is absolutely true of the corn, the cotton, and whatever else is raised in the State of Georgia. Now, if this bill had limited its proposition to all goods, wares, and merchandise manufactured to the finished product in a penal institution of the State, and had provided that such product should be subjected to the provisions of this bill, it would have been sensible, and would not have gone to the absurdity that this bill has gone to at last.

[The time of Mr. GROSVENOR having expired, Mr. GARDNER of New Jersey yielded to him two minutes.]

Mr. GROSVENOR. I am perfectly willing that the bill should be passed. I shall lay no obstacle in its way, but I want to point out that it is one of those devices to rid the State of its duty and obligation. If the State of Tennessee or the State of Ohio does not want convict-made goods to be sold in that State, all it has to do is to say so in a statute and not undertake to come to this proposition. See what we are coming to next! I am not at liberty to refer to the tremendous momentum of statesmanship that is pushing a certain proposition, but it is that no product of a child's labor shall be transported on any of the railroads of this country. See what we are coming to, see where we are going to land. My proposition is that we ought bravely to walk right up to the scheme and offer a constitutional amendment wiping out all the States, and confer all police regulation of the States upon very few individuals—very few. [Laughter.]

Mr. GARDNER of New Jersey. I move the previous question on the bill and pending amendments to its passage.

Mr. SHERLEY. Before the gentleman makes that motion I should like just a couple of minutes to reply to the remarks of the gentleman from Texas [Mr. HENRY].

Mr. GARDNER of New Jersey. I will defer the motion for two minutes.

Mr. SHERLEY. Mr. Speaker, sometimes the force of a blow is shown by the recoil. Perhaps I should be flattered at the amount of disturbance a little speech of mine, made in the hope of giving the House some information, has created. The gentleman from Texas [Mr. HENRY] seems to be, by self-appointment, the custodian of the only real and true theory of States rights. Now, that is a word much abused in this life, and especially in this place. I am what is supposed to be a States-rights man, but I also try to be a lawyer, and whenever I find the law a certain way, I accept the law whether it fits my theoretical view or not, because I realize that the law is the law, and my view is not necessarily so.

I tried to show to the House, not that this bill is unconstitutional, because it is not. It is constitutional, being exactly in

line with the Wilson bill; but I tried to show that if an attempt was made to go further and to prevent the delivery of shipments from one State to another, that would be unconstitutional.

Sometimes I find myself like the distinguished gentleman from Texas [Mr. HENRY] fighting for what both of us agree to be State rights, but I always try to determine what the law is, whether it suits a theory or not; and having determined it, I follow it. Therefore I have endeavored to make plain to the House a distinction that evidently is beyond the appreciation of the gentleman. [Laughter.]

Mr. GARDNER of New Jersey. Mr. Speaker, I yield a half minute to the gentleman from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. Speaker, I am heartily in favor of this bill. Labor is entitled to protection and fair treatment, and to place convict labor in competition with free labor is, I believe, unfair. The labor organizations are justified in asking for the protection that this bill will give them if enacted into law. They have a right to ask for legislation that is just and fair and will benefit the laboring class. To ask more is unwise. In North Dakota we have in our State constitution a provision forbidding the manufacture or sale of any intoxicating liquors. A great number of the people of our State are interested in legislation of this kind, giving the State the right to enforce the law placed upon the statute books of the State. While I know that this particular bill does not affect that special subject, I simply want to say that I am in favor of it and shall vote for the bill.

Mr. GARDNER of New Jersey. Mr. Speaker, I move the previous question on the pending amendments and on the bill to the final passage.

The SPEAKER. The gentleman moves the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The question being taken on the passage of the bill,

Mr. HASKINS demanded a division.

The House divided; and there were—ayes 138, noes 3.

Mr. HASKINS made the point of no quorum present, but subsequently withdrew the point.

Accordingly the bill was passed.

The title of the bill was amended to conform to the text.

On motion of Mr. GARDNER of New Jersey, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will call the next committee.

The Clerk proceeded with and completed the call of committees.

Mr. PAYNE. Mr. Speaker, I understand that the legislative appropriation bill can be reported in about ten minutes. The gentleman from Kansas [Mr. MURDOCK] expressed himself as desirous of making some remarks on the President's message. I do not see him at the present moment in the Chamber. If there is any other gentleman present who would like to discuss the President's message, I will move to go into Committee of the Whole House on the state of the Union for that purpose.

As there is no Member who seems ready to discuss it, I will ask the House to take a recess for twenty minutes in order that the appropriation bill may be reported.

The motion was agreed to; and accordingly (at 2 o'clock and 40 minutes p. m.) the House was declared in recess until 3 o'clock p. m.

AFTER THE RECESS.

The recess having expired, the House was called to order by the Speaker.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and with the accompanying report ordered to be printed.

Mr. BURLESON reserved all points of order on said bill.

Mr. BINGHAM. Mr. Speaker, I desire to give notice that, by direction of the Committee on Appropriations, the bill will be called up for consideration on Monday next.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 2 minutes p. m.) the House, in pursuance of its previous order, adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, submitting a reply to the inquiry of the House as to the space to be gained by the removal and storage of certain files now in executive offices and in buildings rented for storage purposes—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the annual report of the Surgeon-General of the Public Health and Marine-Hospital Service for the fiscal year 1906—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for purchase of two portable hospital pavilions for use at Ellis Island, New York—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for mileage to officers and contract surgeons—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting a report of the treasurer of Porto Rico of the receipts and disbursements for the fiscal year ended October 31, 1906—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting the report of the auditor of Porto Rico of receipts and expenditures for the year ended October 31, 1906—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting reports of examinations and surveys for irrigation purposes—to the Committee on Irrigation of Arid Lands, and ordered to be printed, with illustrations.

A letter from the Secretary of the Interior, transmitting, with a copy of a communication from the Commissioner of Indian Affairs, a draft of a bill to authorize reservation of power and reservoir sites on Indian reservations—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a draft of a bill for granting right of way for certain purposes through Indian reservations—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 20178) in relation to the Washington Market Company, reported the same without amendment, accompanied by a report (No. 5326); which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 21408) to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906, reported the same without amendment, accompanied by a report (No. 5327); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10403) granting an increase of pension to James H. Odell, reported the same with amendment, accompanied by a report (No. 5210); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3226) granting an increase of pension to John E. Leahy, reported the same with amendment, accom-

panied by a report (No. 5211); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21119) granting an increase of pension to Alexander Boshea, reported the same with amendment, accompanied by a report (No. 5212); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21179) granting an increase of pension to Charles Green, reported the same with amendment, accompanied by a report (No. 5213); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21124) granting an increase of pension to William Hubbard, alias William B. Crane, reported the same with amendment, accompanied by a report (No. 5214); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20955) granting an increase of pension to Edward L. Carpenter, reported the same without amendment, accompanied by a report (No. 5215); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20896) granting an increase of pension to James F. Henninger, reported the same without amendment, accompanied by a report (No. 5216); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20726) granting an increase of pension to Mary J. Smith, reported the same without amendment, accompanied by a report (No. 5217); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20725) granting a pension to Hope Martin, reported the same without amendment, accompanied by a report (No. 5218); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20721) granting an increase of pension to James O. Pierce, reported the same with amendment, accompanied by a report (No. 5219); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21019) granting an increase of pension to Benjamin F. Fell, reported the same without amendment, accompanied by a report (No. 5220); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20964) granting an increase of pension to John Fox, reported the same with amendment, accompanied by a report (No. 5221); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20351) granting an increase of pension to Peter M. Simon, reported the same with amendment, accompanied by a report (No. 5222); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20199) granting an increase of pension to Joseph N. Cadieux, reported the same with amendment, accompanied by a report (No. 5223); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20129) granting an increase of pension to John Lemly, reported the same with amendment, accompanied by a report (No. 5224); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19703) granting an increase of pension to Seth Chase, reported the same with amendment, accompanied by a report (No. 5225); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19672) granting an increase of pension to Thomas McDermott, reported the same with amendment, accompanied by a report (No. 5226); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19482) granting an increase of pension to Sarah E. Cannell, reported the same with amendment, accompanied by a report (No. 5227); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19479) granting an increase of pension to George W. Savage, reported the same with amendment, accompanied by a report (No. 5228); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19426) granting an increase of pension to George N. Griffin, reported the same without amendment, accompanied by a report (No. 5229); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19420) granting an increase of pension to Eliza A. McKean, reported the same with amendment, accompanied by a report (No. 5230); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19661) granting an increase of pension to Jacob McWilliams, reported the same with amendment, accompanied by a report (No. 5231); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19651) granting a pension to Joseph H. Pendergast, reported the same with amendment, accompanied by a report (No. 5232); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19629) granting an increase of pension to Oliver Morton, reported the same with amendment, accompanied by a report (No. 5233); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19603) granting an increase of pension to Jacob Farner, reported the same with amendment, accompanied by a report (No. 5234); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19584) granting an increase of pension to Joseph B. Pettey, reported the same with amendment, accompanied by a report (No. 5235); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19553) granting an increase of pension to James Robertson, reported the same with amendment, accompanied by a report (No. 5236); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19490) granting a pension to Estelle I. Reed, reported the same without amendment, accompanied by a report (No. 5237); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19045) granting a pension to Mary A. Agey, reported the same with amendment, accompanied by a report (No. 5238); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18871) granting an increase of pension to Emanuel Raudabaugh, reported the same with amendment, accompanied by a report (No. 5239); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18797) granting an increase of pension to John M. Defoe, reported the same without amendment, accompanied by a report (No. 5240); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13054) granting a pension to James M. Brown, reported the same with amendment, accompanied by a report (No. 5241); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19023) granting a pension to John T. Lester, reported the same with amendment, accompanied by a report (No. 5242); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18884) granting a pension to Weymouth Hadley, reported the same with amendment, accompanied by a report (No. 5243); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R.

21185) granting an increase of pension to Mary M. Goble, reported the same without amendment, accompanied by a report (No. 5244); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5200) granting an increase of pension to John F. McBride, reported the same with amendment, accompanied by a report (No. 5245); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20431) granting an increase of pension to John Neumann, reported the same with amendment, accompanied by a report (No. 5246); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20327) granting a pension to Elizabeth A. Downie, reported the same with amendment, accompanied by a report (No. 5247); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20303) granting an increase of pension to John Crowley, reported the same with amendment, accompanied by a report (No. 5248); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20292) granting a pension to Howard William Archer, reported the same with amendment, accompanied by a report (No. 5249); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20279) granting an increase of pension to Edmund Hostetter, reported the same without amendment, accompanied by a report (No. 5250); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20272) granting an increase of pension to James L. House, reported the same with amendment, accompanied by a report (No. 5251); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20229) granting an increase of pension to John F. Wotring, reported the same with amendment, accompanied by a report (No. 5252); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20222) granting an increase of pension to Henry C. Joseph, reported the same with amendment, accompanied by a report (No. 5253); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20117) granting an increase of pension to Preston J. Michener, reported the same with amendment, accompanied by a report (No. 5254); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20090) granting a pension to Kate Wright, reported the same with amendment, accompanied by a report (No. 5255); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20085) granting an increase of pension to Robert La Fontaine, reported the same with amendment, accompanied by a report (No. 5256); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20078) granting an increase of pension to Walter M. English, reported the same with amendment, accompanied by a report (No. 5257); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20064) granting an increase of pension to William C. Arnold, reported the same with amendment, accompanied by a report (No. 5258); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20061) granting an increase of pension to Caswell York, reported the same with amendment, accompanied by a report (No. 5259); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20029) granting an increase of pension to John B. Maison, reported the same with amendment, accompanied by a report (No. 5260); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19970) granting an increase of pension to Eugene Demers, reported the same with amendment, accompanied by a report (No. 5261); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19949) granting an increase of pension to Charles Van Ostrand, reported the same with amendment, accompanied by a report (No. 5262); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19915) granting an increase of pension to Greenleaf W. Crossman, reported the same with amendment, accompanied by a report (No. 5263); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19891) granting an increase of pension to Edwin D. Bates, reported the same with amendment, accompanied by a report (No. 5264); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19885) granting an increase of pension to Frank Scherer, reported the same with amendment, accompanied by a report (No. 5265); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19872) granting an increase of pension to Richard E. Hassett, reported the same with amendment, accompanied by a report (No. 5266); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19873) granting an increase of pension to Robert Webb, reported the same with amendment, accompanied by a report (No. 5267); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19871) granting an increase of pension to John G. Kean, alias Cain, reported the same without amendment, accompanied by a report (No. 5268); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19858) granting an increase of pension to Richard E. Clapper, reported the same without amendment, accompanied by a report (No. 5269); which said bill and report were referred to the Private Calendar.

Mr, SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19807) granting an increase of pension to John W. Marean, reported the same without amendment, accompanied by a report (No. 5270); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19758) granting an increase of pension to Josefita Montano, reported the same with amendment, accompanied by a report (No. 5271); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19738) granting an increase of pension to Benjamin St. Clair, reported the same with amendment, accompanied by a report (No. 5272); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19725) granting an increase of pension to Howard V. Bennett, reported the same with amendment, accompanied by a report (No. 5273); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19708) granting an increase of pension to William A. Lefler, reported the same with amendment, accompanied by a report (No. 5274); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19412) granting an increase of pension to Jefferson K. Smith, reported the same without amendment, accompanied by a report (No. 5275); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19390) granting an increase of pension to William R. Sears, reported the same with amendment, accompanied by a report (No. 5276); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions,

to which was referred the bill of the House (H. R. 19386) granting an increase of pension to Robert Stewart, reported the same with amendment, accompanied by a report (No. 5277); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19296) granting an increase of pension to Assov Harelson, reported the same with amendment, accompanied by a report (No. 5278); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19280) granting an increase of pension to Peter J. Williamson, reported the same with amendment, accompanied by a report (No. 5279); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19281) granting an increase of pension to Mary J. Gillem, reported the same with amendment, accompanied by a report (No. 5280); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19237) granting an increase of pension to James Rout, reported the same with amendment, accompanied by a report (No. 5281); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19216) granting an increase of pension to Theophile Brodowski, reported the same with amendment, accompanied by a report (No. 5282); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19048) granting an increase of pension to Alfred Branson, reported the same without amendment, accompanied by a report (No. 5283); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5209) granting an increase of pension to Edward R. Dunbar, reported the same without amendment, accompanied by a report (No. 5284); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9403) granting a pension to Kate E. Hanna, reported the same with amendment, accompanied by a report (No. 5285); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8732) granting a pension to Ellen S. Gifford, reported the same with amendment, accompanied by a report (No. 5286); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7488) granting an increase of pension to Jacob L. Hatton, reported the same with amendment, accompanied by a report (No. 5287); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7417) granting an increase of pension to Gibson Helms, reported the same with amendment, accompanied by a report (No. 5288); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4351) granting an increase of pension to George A. Johnson, reported the same with amendment, accompanied by a report (No. 5289); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1169) granting a pension to Oliver P. Pierce, reported the same with amendment, accompanied by a report (No. 5290); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3194) granting an increase of pension to Samuel Harvey, reported the same with amendment, accompanied by a report (No. 5291); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3195) granting an increase of pension to Milton S. Collins, reported the same with amendment, accompanied by a report (No. 5292); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11322) granting an increase of pension to Luther H. Starkey, reported the same without amendment, accompanied by a report (No. 5293); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11562) granting an increase of pension to Adam Wiles, reported the same with amendment, accompanied by a report (No. 5294); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4648) granting an increase of pension to Sarah A. Dedrick, reported the same with amendment, accompanied by a report (No. 5295); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4705) granting a pension to Harriet E. Palmer, reported the same with amendment, accompanied by a report (No. 5296); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6145) granting an increase of pension to Parris J. Latham, reported the same with amendment, accompanied by a report (No. 5297); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1891) granting a pension to Simeon York, reported the same with amendment, accompanied by a report (No. 5298); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14985) granting an increase of pension to Mary Gramberg, reported the same with amendment, accompanied by a report (No. 5299); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20463) granting an increase of pension to Nicholas D. Kenny, reported the same without amendment, accompanied by a report (No. 5300); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6151) granting an increase of pension to Mark Ham, reported the same without amendment, accompanied by a report (No. 5301); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4174) granting an increase of pension to Joseph P. Garland, reported the same without amendment, accompanied by a report (No. 5302); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6521) granting a pension to Abbie J. Daniels, reported the same without amendment, accompanied by a report (No. 5303); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5081) granting a pension to Lucy Florette Nichols, reported the same without amendment, accompanied by a report (No. 5304); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6259) granting an increase of pension to Oakaley Randall, reported the same without amendment, accompanied by a report (No. 5305); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5545) granting an icrease of pension to Margaret Brannon, reported the same without amendment, accompanied by a report (No. 5306); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4235) granting an increase of pension to Daniel Sullivan, reported the same without amendment, accompanied by a report (No. 5307); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6228) granting a pension to Betsey Hattery, reported the same without amendment, accompanied by a report (No. 5308); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6339) granting an increase of pension to James Dearey, reported the same without amendment, accompanied by a report (No. 5309); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4695) granting an increase of pension to John H. Mullen, reported the same without amendment, accompanied by a report (No. 5310); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4366) granting an increase of pension to Henry B. Willhelmy, reported the same without amendment, accompanied by a report (No. 5311); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4365) granting an increase of pension to Mathew Kerwin, reported the same without amendment, accompanied by a report (No. 5312); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5042) granting an increase of pension to Josephine S. Jones, reported the same without amendment, accompanied by a report (No. 5313); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5710) granting an increase of pension to Samuel M. Daughenbaugh, reported the same without amendment, accompanied by a report (No. 5314); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 158) granting an increase of pension to John Ard Gordon, reported the same without amendment, accompanied by a report (No. 5315); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2225) granting an increase of pension to Samuel White, reported the same without amendment, accompanied by a report (No. 5316); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5994) granting an increase of pension to John Dickey, reported the same without amendment, accompanied by a report (No. 5317); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6197) granting an increase of pension to Charles E. Henry, reported the same without amendment, accompanied by a report (No. 5318); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5547) granting an increase of pension to Hillary Beyer, reported the same without amendment, accompanied by a report (No. 5319); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5637) granting an increase of pension to Margaret Himmel, reported the same without amendment, accompanied by a report (No. 5320); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6148) granting an increase of pension to James S. Whitlock, reported the same without amendment, accompanied by a report (No. 5321); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5402) granting an increase of pension to Charles M. Lyon, reported the same without amendment, accompanied by a report (No. 5322); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4345) granting an increase of pension to J. Dillon Turner, reported the same without amendment, accompanied by a report (No. 5323); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4991) granting an increase of pension to Lycurgus D. Riggs, reported the same without amendment, accompanied by a report (No. 5324); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2880) granting an increase of pension to James C. Coad, reported the same without amendment, accompanied by a report (No. 5325); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS: A bill (H. R. 21565) authorizing and directing the Secretary of War to improve the Missouri River on the Kansas side in Doniphan County, Kans., and for other purposes—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. BRICK: A bill (H. R. 21566) to amend an act entitled "An act in amendment of sections 2 and 3 of an act entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manuel labor, and providing for pensions to widows, minor children, and dependent parents,' approved June 27, 1890," approved May 9, 1900—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 21567) extending time for making final proof in desert-land entries—to the Committee on the Public Lands.

By Mr. SOUTHWICK: A bill (H. R. 21568) to increase the compensation of all officers and employees in the service of the United States—to the Committee on Appropriations.

By Mr. DICKSON of Illinois: A bill (H. R. 21569) to provide for the erection of a public building at Centralia, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. DIXON of Montana: A bill (H. R. 21570) to provide for the erection of a public building in the city of Billings, Mont.—to the Committee on Public Buildings and Grounds.

By Mr. STAFFORD: A bill (H. R. 21571) to extend the main arm of the breakwater of the Milwaukee harbor of refuge—to the Committee on Rivers and Harbors.

By Mr. ADAMSON: A bill (H. R. 21572) to prescribe a maximum rate of 2 cents per mile for passenger fare, by any form of ticket or mileage book, on railroads engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: A bill (H. R. 21573) to amend section No. 2 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904; to restore to and confer upon certain persons the right to make entry under said act, and to amend existing law as to the sale of isolated tracts subject to entry under said act—to the Committee on the Public Lands.

By Mr. BINGHAM: A bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes—to the Committee of the Whole House on the state of the Union.

By Mr. DAWSON: A joint resolution (H. J. Res. 195) authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa—to the Committee on Military Affairs.

By Mr. PRINCE: A resolution (H. Res. 650) to pay R. E. Fleharty, assistant stationery clerk, by detail, a certain sum of money—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BABCOCK: A bill (H. R. 21575) granting an increase of pension to Calvin E. Morley—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 21576) granting an increase of pension to Henry A. Van Dalsem—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 21577) granting an increase of pension to Samuel Shafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21578) granting an increase of pension to A. J. Gashey—to the Committee on Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 21579) granting a pension to Sarah R. Harrington—to the Committee on Pensions.

By Mr. BONYNGE: A bill (H. R. 21580) granting an increase of pension to Othinel G. Hutchison—to the Committee on Pensions.

Also, a bill (H. R. 21581) granting a pension to Basil G. Grigsby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21582) granting an increase of pension to William H. Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21583) granting an increase of pension to John H. Schneider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21584) granting an increase of pension to John B. Evans—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 21585) granting a pension to John Carrigan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21586) granting an increase of pension to Jacob Ackerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21587) granting an increase of pension to William H. Dike—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21588) granting an increase of pension to Robert Medworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21589) granting an increase of pension to Aaron Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21590) granting an increase of pension to Albertus Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21591) granting an increase of pension to Mary A. Meehan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21592) granting an increase of pension to William W. McClintock—to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 21593) to remove the charge of desertion from the military record of Michael Gilgallon—to the Committee on Military Affairs.

Also, a bill (H. R. 21594) to correct the military record of Jacob Palmer—to the Committee on Military Affairs.

By Mr. DICKSON of Illinois: A bill (H. R. 21595) to remove the charge of desertion from the record of Armstrong Hunter—to the Committee on Military Affairs.

Also, a bill (H. R. 21596) granting an increase of pension to Mary F. Shank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21597) granting an increase of pension to J. P. Crooker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21598) granting a pension to Roy L. Jones—to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 21599) for the relief of Thomas J. Wells—to the Committee on Military Affairs.

Also, a bill (H. R. 21600) for the relief of John W. Hardwick—to the Committee on Military Affairs.

Also, a bill (H. R. 21601) for the relief of Pleasant G. Decker—to the Committee on Military Affairs.

Also, a bill (H. R. 21602) for the relief of Ellsworth Haggard—to the Committee on Military Affairs.

Also, a bill (H. R. 21603) granting an increase of pension to Calvin S. Mullins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21604) granting an increase of pension to William Girdler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21605) granting an increase of pension to Preston Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21606) granting an increase of pension to Felix G. Morrison—to the Committee on Pensions.

Also, a bill (H. R. 21607) granting an increase of pension to Isaac L. Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21608) granting an increase of pension to Louis Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21609) granting an honorable discharge to Marion M. Barton—to the Committee on Military Affairs.

By Mr. FLETCHER: A bill (H. R. 21610) for the relief of Sarah B. Schaeffer—to the Committee on Claims.

Also, a bill (H. R. 21611) granting a pension to Mary Gere—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 21612) granting an increase of pension to James S. Hart—to the Committee on Pensions.

Also, a bill (H. R. 21613) granting an increase of pension to George Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21614) granting an increase of pension to Hiram King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21615) granting an increase of pension to David Yoder—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 21616) granting an increase of pension to John M. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21617) granting an increase of pension to William Miller—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 21618) granting an increase of pension to Leonidas W. Rearis—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 21619) granting an increase of pension to Thomas Holt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21620) granting an increase of pension to Daniel Hanna—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 21621) granting a pension to Minerva A. Mayes—to the Committee on Pensions.

Also, a bill (H. R. 21622) granting a pension to Bessie M. Doughty—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 21623) granting an increase of pension to Alfred M. Cox—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 21624) granting an increase of pension to William H. Willey—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 21625) granting an increase of pension to George W. Smithson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21626) granting an increase of pension to Calvin Barker—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 21627) granting an increase of pension to Chauncey A. Barber—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 21628) granting an increase of pension to James A. Brians—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21629) granting an increase of pension to David C. Damron—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 21630) granting an increase of pension to John F. Yeargin—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 21631) granting an increase of pension to Frederick Oswald—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 21632) for the relief of Samuel C. Hull—to the Committee on War Claims.

By Mr. LE FEVRE: A bill (H. R. 21633) granting a pension to Darius M. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21634) granting an increase of pension to Emma Sickler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21635) granting an increase of pension to Phila J. Mead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21636) granting an increase of pension to Elias Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21637) granting an increase of pension to William H. French—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 21638) granting a pension to David T. Kirby—to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 21639) granting a pension to Nannie E. Hays—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 21640) granting a pension to Mary E. Hays—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 21641) granting an increase of pension to Levi Eddy—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 21642) granting a pension to George Schoenfeld—to the Committee on Pensions.

By Mr. PERKINS: A bill (H. R. 21643) granting an increase of pension to Edward Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21644) granting an increase of pension to Sheldon Hess—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 21645) granting a pension to Sarah E. Dean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21646) granting an increase of pension to Barnabas Traylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21647) granting an increase of pension to Julius Walker—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 21648) granting an increase of pension to Michael Gaus—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 21649) granting an increase of pension to Milton Charles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21650) granting an increase of pension to Irwin Reich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21651) granting an increase of pension to Jacob B. Butts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21652) granting an increase of pension to Jacob E. Dreibelbies—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 21653) granting an increase of pension to Oscar Madden—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 21654) granting a pension to Caroline A. Gilmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21655) granting an increase of pension to David A. Towle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21656) granting an increase of pension to Charles F. Chase—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 21657) granting a pension to Philipine Stelzle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21658) granting a pension to Emma Trueg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21659) granting an increase of pension to Rosa Sevin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21660) granting an increase of pension to Emma Fehr—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 21661) granting an increase of pension to Mary Kirk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21662) granting a pension to Louisa M. Tobey—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 21663) granting an increase of pension to Joseph O. Hasson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21664) granting an increase of pension to John C. Dawson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21665) granting an increase of pension to John Harbargar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21666) granting a pension to Lucia M. Adams—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 21667) granting an increase of pension to John W. Towle—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 21668) for the relief of Capt. Thomas Mason, United States Revenue-Cutter Service (retired)—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the New York State Pharmaceutical Association, for increased efficiency in the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of Friendship Council, No. 201, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Paper to accompany bill for relief of Judson H. Holcomb—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Paper to accompany bill (H. R. 19718) for relief of New Hope Baptist Church, Bartow County, Ga.—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of Aroostook and Penobscot Union Pomona Grange and Morning Light Grange, No. 19, Patrons of Husbandry, against an appropriation for free-seed distribution—to the Committee on Agriculture.

By Mr. BUTLER of Pennsylvania: Paper to accompany bill for relief of James Rush—to the Committee on Invalid Pensions.

Also, a petition of Ione Council, No. 765, Junior Order United American Mechanics, Manoa, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of posts of Grand Army of the Republic in Kings County, N. Y., for restoration of the canteen in State Home at Bath—to the Committee on Military Affairs.

By Mr. COOPER of Pennsylvania: Petitons of Dunbar Morning Star Councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DALE: Papers to accompany bills for relief of Michael Gillgallon and Jacob Palmer—to the Committee on Military Affairs.

By Mr. DALZELL: Petition of the One hundred and fifty-fifth Regimental Association of Pennsylvania, for awarding a medal of honor to Col. Edward J. Allen—to the Committee on Military Affairs.

Also, petitions of Tuttle Creek Council, No. 28, and Boston Council, No. 247, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Association of Army Nurses of the Civil War to place volunteer nurses of the civil war on an equality with those pensioned in 1892—to the Committee on Invalid Pensions.

By Mr. DOVENER: Paper to accompany bill for relief of Will P. Hall—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Petition of the St. Paul Retail Grocers' Association, favoring repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. FLOYD: Petition of citizens of Cotter, Ark., for an appropriation for electric power on the upper White River, in Missouri and Arkansas, in accordance with bill H. R. 21385—to the Committee on Appropriations.

By Mr. FULLER: Petition of the New York State Pharmaceutical Convention, for increased efficiency of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the Philadelphia Board of Trade, for bill S. 6291—to the Committee on the Merchant Marine and Fisheries.

By Mr. HILL of Connecticut: Petition of Bridgeport Council, No. 6, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of New Jersey: Petition of citizens of Cliffwood, N. J., for the Littlefield original-package bill, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of Liberty Council, Daughters of Liberty, of Perth Amboy, N. J., and Middleton Council, Junior Order United American Mechanics, for bill S. 4403—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of William Bechtel—to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of the Butler Board of Trade, for favorable consideration of bill H. R. 9754, relative to classification of salaries of clerks in post-offices of the first and second classes—to the Committee on the Post-Office and Post-Roads.

Also, petition of the New York State Pharmaceutical Association, for reorganization of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petitions of North Belle Vernon Council, No. 78, and Council No. 168, of Armbrust, Pa., Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GARRETT: Paper to accompany bill for relief of L. W. Reavis—to the Committee on Invalid Pensions.

By Mr. GRANGER: Petition of the New York Pharmaceutical Association, for reorganization of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the governors of the New England States et al., for preservation of forests of the Appalachian and White Mountains—to the Committee on Agriculture.

By Mr. GROSVENOR: Petitions of Councils No. 254, of Middleport, Ohio, and No. 183, of Antiquity, Ohio, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of A. C. Roach—to the Committee on Pensions.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill for relief of Charles H. Pratt—to the Committee on Invalid Pensions.

By Mr. LAMB: Petitions of Mayflower Council, No. 41, Daughters of Liberty, of Glenallen, Va., and Grove Council, No. 40, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the New York State Pharmaceutical Association, for increase of the efficiency of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the New York State Pharmaceutical Association, for the Mann patent bill—to the Committee on Patents.

By Mr. LIVINGSTON: Petition of Eureka Council, No. 7, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McNARY: Petition of citizens of Massachusetts, for establishment of forest reserves in the East, to be known as the Appalachian and White Mountain reserves—to the Committee on Agriculture.

By Mr. OLMSTED: Petitions of Riverside Council, No. 87, and Middleton Council, Junior Order United American Mechanics; Capital City Council, of Harrisburg, Pa., and Resolute Council, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Paper to accompany bill for relief of heirs of Henry Douglass—to the Committee on War Claims.

By Mr. POU: Petition of Franklinton Council, No. 120, Junior Order United American Mechanics, favoring restriction of Immigration—to the Committee on Immigration and Naturalization.

By Mr. SAMUEL: Petition of Berwick Council, No. 698, Junior Order United American Mechanics, favoring restriction of Immigration—to the Committee on Immigration and Naturalization.

By Mr. SCHNEEBELI: Petition of Sheet Metal Workers of Easton, Pa., Lodge No. 146, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Lafayette College, Easton, Pa., against abridgment of the rights of libraries to import books in English—to the Committee on Patents.

Also, petitions of Bethlehem Council, No. 508, and Cherry Council, No. 243, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHEPPARD: Papers to accompany bills for relief of Sarah M. Harrell and Samuel G. Smith—to the Committee on War Claims.

By Mr. SPERRY: Petitions of the governors of the several

New England States and other citizens of New England, and librarian of the free public library of New Haven, Conn., for forest reserves in the Appalachian and White Mountains—to the Committee on Agriculture.

Also, petition of the librarian of Wesleyan University library, Middletown, Conn., against section 30 of the bill H. R. 19853, relative to importation of English books—to the Committee on Patents.

By Mr. STEVENS of Minnesota: Petition of the St. Paul Retail Grocers' Association, for repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. SULLOWAY: Petition of the librarian of the city of Manchester, against abridgment of the rights of libraries to import English books—to the Committee on Patents.

By Mr. THOMAS: Petition of Pender Council, No. 59, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. TIRRELL: Paper to accompany bill for relief of John W. Towle—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: Paper to accompany bill for relief of Elizabeth Deiterle—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of Uhlertown Council, No. 522, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

MONDAY, *December 10, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

THOMAS M. PATTERSON, a Senator from the State of Colorado, and WILLIAM J. STONE, a Senator from the State of Missouri, appeared in their seats to-day.

The Journal of the proceedings of Thursday last was read and approved.

REPORT ON IRRIGATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, inclosing a letter from the Director of the Geological Survey, transmitting, pursuant to law, a report of the results of the examinations and surveys for the location and construction of irrigation works for the storage, diversion, and development of the waters of the country; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed.

CAPT. DORR F. TOZIER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting that authority be granted by Congress for the acceptance by Capt. Dorr F. Tozier, United States Revenue-Cutter Service, of the sword tendered to him by the Lords Commissioners of the British Admiralty; which was referred to the Committee on Foreign Relations, and ordered to be printed.

CLAIMS OF POSTMASTERS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, stating that, pursuant to law, he has transmitted to the Speaker of the House of Representatives a tabular statement showing in detail the claims of postmasters for reimbursement for losses of money orders and postal funds which have been acted upon by the Postmaster-General during the fiscal year ended June 30, 1906, etc.; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ARTHUR G. FISK.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, stating that, pursuant to law, he had transmitted to the Speaker of the House of Representatives the claim of Arthur G. Fisk, postmaster at San Francisco, Cal., for credit on account of losses resulting from earthquake and fire; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ALASKAN FUR-SEAL FISHERIES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the report of Edwin W. Sims on the Alaskan fur-seal fisheries; which, with the accompanying paper, was referred to the Committee on Foreign Relations, and ordered to be printed.

ILLINOIS AND MISSISSIPPI CANAL.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of June 26, 1906, a letter from the Acting Chief of Engineers, United States Army, with inclosures, concerning the facts and data in the possession of the War Department relating to the construction of miles 19 to 23 of the Illinois and Mississippi Canal (eastern section), with particular reference to any loss or damage sustained or incurred by the Globe Construction Company. The communication will be printed, and, with the accompanying papers, referred to the Committee on Commerce.

ANNUAL REPORT OF THE ATTORNEY-GENERAL.

The VICE-PRESIDENT laid before the Senate, pursuant to law, the annual report of the Attorney-General of the United States for the year 1906; which was referred to the Committee on the Judiciary, and ordered to be printed.

POWER AND RESERVOIR SITES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, submitting a draft of a bill to authorize the Secretary of the Interior to reserve power sites and natural reservoir sites on Indian reservations when the reservation lands are open to settlement and entry; which was referred to the Committee on Indian Affairs, and ordered to be printed.

RIGHT OF WAY THROUGH INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, submitting a draft of a bill granting the right of way through Indian lands for mill sites, electrical plants, canals, ditches, pipes and pipe lines, etc.; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

JAPANESE IN SAN FRANCISCO PUBLIC SCHOOLS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of the 5th instant, certain information relative to all official letters, telegrams, reports, etc., in connection with the investigation of the matter of Japanese attending the public schools in San Francisco, Cal.; which, on motion of Mr. FLINT, was ordered to lie on the table, and be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the First Baptist Church of Helena, Ark., *v.* The United States;

In the cause of Bolivar Lodge, No. 127, Free and Accepted Masons, of Stevenson, Ala., *v.* The United States;

In the cause of Adorea Honore, widow and sole heir of Emile Honore, deceased, *v.* The United States;

In the cause of Samuel Fitzhugh, administrator of Henry Fitzhugh, deceased, *v.* The United States;

In the cause of the trustees of the Presbyterian Church and Masonic Hall, of Platte City, Mo., *v.* The United States;

In the cause of Mary J. Abbott, widow of William A. Abbott, deceased, *v.* The United States;

In the cause of Henry L. Johnson, claimant, *v.* The United States;

In the cause of Margaret P. Robinson, widow of Richard M. Robinson, deceased, *v.* The United States;

In the cause of the trustees of the Methodist Episcopal Church South, of Huntsville, Ala., *v.* The United States;

In the cause of the Madison Female Institute *v.* The United States;

In the cause of John P. Bell, treasurer of State Hospital No. 1, of Fulton, Mo., *v.* The United States;

In the cause of J. W. Gardner, administrator of F. A. Roeder, deceased, *v.* The United States;

In the cause of Milton S. Johnson, assignee of Jacob Johnson, deceased, *v.* The United States;

In the cause of G. A. Le More & Co. *v.* The United States;

In the cause of the trustees of the Presbyterian Church of French Creek, W. Va., *v.* The United States;

In the cause of the trustees of the Methodist Episcopal Church, South, of St. Albans, W. Va., *v.* The United States;

In the cause of Helen A. Byington, J. E. Wyatt, J. T. Thomson, and Mollie Thomson Moore, heirs of James G. Hearst, deceased, *v.* The United States;

In the cause of William H. Ward, administrator of William H. Ward, deceased, *v.* The United States; and

In the cause of Rosa Vertner Jeffrey *v.* The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

DISMISSAL OF CASES BY COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the order of the court dismissing the cases for want of prosecution filed in the following causes:

In the cause of Albert Grant *v.* The United States;

In the cause of Rane C. Hutchinson *v.* The United States;

In the cause of J. B. Cornell and others *v.* The United States;

In the cause of Levi E. Stephens, owner of the claim of John A. Coan, *v.* The United States;

In the cause of Edward M. Walker, administrator of Marcus Walker, deceased, *v.* The United States;

In the cause of J. S. Underhill *v.* The United States; and

In the cause of Daniel A. Dwight and the legal representatives of Henry W. Taylor *v.* The United States;

The foregoing orders were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOLIATION CLAIM.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of opinion filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel brig *Sally*, Eden Wadsworth, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 12318. An act to permit the protection of labor and industries from the competition of convict labor and manufacturers; and

H. R. 15335. An act for the protection of game animals, birds, and fishes in the Olympic Forest Reserve of the United States, in the State of Washington.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1804) providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT. The Chair presents resolutions adopted by the National Rivers and Harbors Congress in convention assembled in Washington, D. C., December 7, 1906, relative to adequate appropriations for river and harbor improvements. Without objection, the resolutions will be printed in the RECORD, printed as a document, and referred to the Committee on Commerce.

The resolutions are as follows:

Resolutions adopted by the National Rivers and Harbors Congress in convention assembled at Washington, D. C., December 7, 1906.

Congress has demanded in the past an awakened public sentiment in favor of adequate appropriations for river and harbor improvement. We maintain the awakening has come. Congress must now recognize that public sentiment in favor of increased appropriations, as voiced by convention and the press, has reached a point where the concern is not the advisability, but only the question of amount and frequency of such appropriation. Present conditions demonstrate that transportation facilities are totally inadequate for the prompt and economical transportation of the products of the country. Within the last ten years the tonnage moved by railroads has increased 47 per cent, while during the same period railway mileage has increased only 20 per cent.

Hundreds of millions of dollars are lost annually to our farmers and other producers by the failure of the National Government to provide the assistance which properly improved natural waterways will give in increased facilities for transporting freight.

We maintain that water competition is the best and surest regulation of freight rate. The improvement of rivers and construction of waterways will afford the most natural, permanent, and effective method of reducing and regulating the cost of transporting both our domestic and foreign commerce.

The saving in the cost of transportation to both the producers and the consumers of the country will, through cheaper and competitive freight rates, more than justify the expense incident thereto.

The opening of the Panama Canal, which will so greatly increase our facilities for trade with the Orient, and the awakened development of closer business relations with South American Republics, emphasizes the question of water transportation as one of national and international importance.

All progressive nations have learned by experience the imperative necessity of using natural and artificial waterways for the movement of their products and have adopted a policy of systematic development of such waterways, and the time has now arrived when the United States, with greater natural advantages, must also recognize the function of the waterway system in the economic development of this country.

Events have shown the wisdom of the resolutions adopted at our last meeting, which we now reaffirm.

The National Government having assumed the control of the rivers, harbors, and waterways of the Republic, it owes the people the prompt and efficient discharge of such functions: Therefore be it

Resolved, That we urge Congress to appropriate not less than $50,000,000 annually for the improvement of rivers, harbors, and waterways, commencing with the present session of Congress.

JOS. E. RANSDELL, *President.*

Attest:

J. F. ELLISON, *Secretary.*

The VICE-PRESIDENT presented a petition of the American Newspaper Publishers' Association, of New York City, N. Y., praying for the enactment of legislation to authorize the consolidation of evidence in actions for libel; which was referred to the Committee on the Judiciary.

Mr. PLATT presented memorials of sundry librarians of the Free Library of Gloversville; of the Hobart College Library, of Geneva; of the Cornell University Library, of Ithaca; of the University of Rochester Library, of Rochester; of the Colgate University Library, of Hamilton; of the Seymore Library, of Auburn; of the Union College Library, of Schenectady; of the Vassar College Library, of Poughkeepsie, and of the New York University Library, of New York City, all in the State of New York, remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which were referred to the Committee on Patents.

He also presented a petition of sundry citizens of Rome, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Central Congregational Church, of Brooklyn, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. DRYDEN presented a memorial of the Baptist Association of Trenton, N. J., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a memorial of the librarian of the Free Public Library of Newark, N. J., and a memorial of the librarian of the Drew Theological Seminary Library, of Madison, N. J., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which were referred to the Committee on Patents.

He also presented a petition of sundry citizens of Cliffwood, N. J., praying for the passage of the so-called "Littlefield original-package bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Reading Club of Rutherford, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of the city council of Woodbury, N. J., praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PILES presented memorials of sundry citizens of San Juan, Cowlitz, Kelso, and Whatcom counties, all in the State of Washington, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. WARNER presented a memorial of sundry citizens of Taneyville, Mo., and a memorial of sundry citizens of Half Rock, Mo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a paper to accompany the bill (S. 4577) granting an increase of pension to Nathaniel E. Murphy; which was referred to the Committee on Pensions.

Mr. PERKINS presented a petition of sundry citizens of Anaheim and Petaluma, Cal., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of Oakland, Cal., and a petition of sundry citizens of California, praying for the enactment of legislation to increase the salaries of railway postal clerks; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented the memorial of F. Mabel Winchell, of Manchester, N. H., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyrights; which was referred to the Committee on Patents.

He also presented a paper to accompany the bill (S. 6330) to

amend and consolidate the acts respecting copyright; which was referred to the Committee on Patents.

He also presented a petition of the New York State Pharmaceutical Association, of New York City, N. Y., praying for the enactment of legislation to increase the efficiency of the Medical Department of the United States Army; which was referred to the Committee on Military Affairs.

He also presented a resolution of the North Capitol and Eckington Citizens' Association, of Washington, D. C., relative to the use of the phrase "county roads" in the appropriation bills, and praying that appropriations be made for the improvement of avenues, streets, or roads whether inside or outside of Florida avenue in that city; which was referred to the Committee on the District of Columbia.

He also presented a petition of the North Capitol and Eckington Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for the use of electric motors to haul trains in and out of the new Union Station in that city; which was referred to the Committee on the District of Columbia.

He also presented a paper to accompany the bill (S. 68) for the widening of a section of Columbia road east of Sixteenth street; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a memorial of sundry citizens of Cairo, Ill., and a memorial of sundry citizens of Cottage Home, Ill., remonstrating against the enactment of legislation to authorize the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. GAMBLE presented memorials of sundry citizens of Madison, Groton, Viborg, Minnehaha County, Edgemont, Wessington Springs, and Woonsocket, all in the State of South Dakota, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented sundry papers to accompany the bill (S. 6050) granting an increase of pension to Edward W. Galligan; which were referred to the Committee on Pensions.

Mr. FULTON presented memorials of sundry citizens of Toledo, Multnomah County, and Portland, all in the State of Oregon, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. MARTIN presented a petition of sundry citizens of Richmond, Va., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a paper to accompany the bill (S. 5644) granting an increase of pension to Thomas D. Adams; which was referred to the Committee on Pensions.

Mr. MALLORY presented a memorial of sundry citizens of Terra Ceia, Fla., and a memorial of sundry citizens of Oak Hill, Fla., remonstrating against the enactment of legislation to authorize the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. WHYTE presented a memorial of sundry citizens of Hagerstown, Md., remonstrating against the enactment of legislation to authorize the closing on Sunday of certain places of business in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. OVERMAN presented a memorial of sundry citizens of Toluca and Catawba County, N. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of Trophy Council, No. 29, Junior Order of United American Mechanics, of High Point, N. C., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. BULKELEY presented a memorial of 50 citizens of Meriden, Conn., and a memorial of 8 citizens of Meriden, Conn., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Connecticut Baptist Convention, of Norwalk, Conn., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented memorials of the Otis Library, of Norwich; of the Wesleyan University Library, of Middletown; of the Free Public Library of New Haven, and of the Silas Bronson Library, of Waterbury, all in the State of Connecticut, remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which were referred to the Committee on Patents.

Mr. BURKETT presented a memorial of the Commercial Club of Omaha, Nebr., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry affidavits to accompany the bill (S. 898) granting an increase of pension to Mary P. Bradley; which were referred to the Committee on Pensions.

Mr. SIMMONS presented a memorial of sundry citizens of Stanley County, N. C., remonstrating against the enactment of legislation to authorize the closing on Sunday of certain places of business in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DEPEW presented memorials of sundry citizens of Saratoga, Ballston, Glens Falls, Sandy Hill, and of Orleans and Niagara counties, all in the State of New York, remonstrating against the enactment of legislation to authorize the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. SPOONER presented the memorial of Horace Spear and sundry other citizens of Illinois, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. NELSON presented a petition of the Commercial Club of St. Paul, Minn., praying for the enactment of legislation providing for the reclamation of swamp and overflowed lands in that State; which was referred to the Committee on Public Lands.

Mr. KNOX presented a petition of sundry colored citizens of Pittsburg, Pa., praying for the enactment of legislation providing that the colored race in the United States be registered as a race of Ethiopians; which was referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of Pittsburg, Pa., praying for the enactment of legislation providing for the classification of the salaries of railway postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New York State Pharmaceutical Association, of Syracuse, N. Y., praying for the enactment of legislation providing for an increase in the efficiency of the Medical Department of the United States Army; which was referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented a petition of Noank Council, Daughters of America, of Noank, Conn., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented memorials of sundry librarians of the Otis Library, of Norwich; of the Bronson Library, of Waterbury; of the Wesleyan University Library, of Middletown, and the Public Library of New Haven, all in the State of Connecticut, remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which were referred to the Committee on Patents.

Mr. HEMENWAY presented a memorial of sundry citizens of Sullivan County, Ind., and a memorial of sundry citizens of Monroe County, Ind., remonstrating against the enactment of legislation to authorize the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the petition of A. B. Storms, president, and the faculty of the Iowa State College, Ames, Iowa, praying for the enactment of legislation authorizing the admission into this country of works of art free of duty; which was referred to the Committee on Finance.

Mr. DOLLIVER presented petitions of sundry citizens of Greenfield, Iowa, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. TALIAFERRO presented memorials of sundry citizens of Palmetto, Starke, St. Petersburg, Orlando, Lakeland, Hull, Fort Ogden, Bartow, Windsor, and Terra Ceia, all in the State of Florida, remonstrating against the enactment of legislation to authorize the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. PROCTOR presented the memorial of I. E. Porter and 49 other citizens of Windham County, Vt., and the memorial of Edwin D. Clayton and 49 other citizens of Hartland, Vt., re-

monstrating against the enactment of legislation requiring the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (H. R. 18685) granting an increase of pension to Francis G. Fuller; and

A bill (H. R. 19144) granting an increase of pension to Sarah Louisa Sheppard.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19293) granting an increase of pension to William Colvin;

A bill (H. R. 16856) granting an increase of pension to Joseph McBride;

A bill (H. R. 10814) granting a pension to Eugene A. Myers;

A bill (S. 6814) granting a pension to Alice Bosworth;

A bill (S. 6819) granting an increase of pension to Nelson Bigalow;

A bill (S. 677) granting an increase of pension to Albert G. Peabody, jr.;

A bill (S. 6825) granting an increase of pension to Thomas M. Roberts;

A bill (S. 6239) granting an increase of pension to Kate M. Miner;

A bill (S. 6569) granting an increase of pension to George Porter;

A bill (S. 6568) granting an increase of pension to Wilbur F. Hodge; and

A bill (S. 6576) granting an increase of pension to Michael Meyers.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5073) granting an increase of pension to Daniel G. Smith;

A bill (S. 831) granting an increase of pension to Isaac G. Clark;

A bill (S. 679) granting an increase of pension to Thomas Kelly;

A bill (S. 6822) granting an increase of pension to Christopher Christopherson;

A bill (S. 6821) granting an increase of pension to Jonathan M. Adams;

A bill (S. 4182) granting an increase of pension to Reuben Smalley;

A bill (S. 6052) granting an increase of pension to William E. Redmond; and

A bill (S. 5493) granting an increase of pension to Marcus Wood.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5741) granting an increase of pension to Amelia M. Hawes;

A bill (S. 6347) granting an increase of pension to Edward R. Cunningham;

A bill (S. 6230) granting an increase of pension to Nellie Paxton;

A bill (S. 4389) granting an increase of pension to Florence Plato;

A bill (S. 5725) granting an increase of pension to Alonzo S. Prather;

A bill (S. 768) granting an increase of pension to William H. Rhoads;

A bill (S. 5443) granting an increase of pension to James D. Merrill; and

A bill (S. 5980) granting an increase of pension to Jacob Smith.

Mr. McCUMBER (for Mr. GEARIN), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19357) granting an increase of pension to Anna Lamar Walker;

A bill (H. R. 17481) granting a pension to Eliza F. Wadsworth;

A bill (H. R. 18113) granting an increase of pension to Louisa M. Sees;

A bill (H. R. 19416) granting an increase of pension to Antonio Macello;

A bill (H. R. 19503) granting an increase of pension to David S. Jones;

A bill (H. R. 19601) granting an increase of pension to John E. Kingsbury; and

A bill (H. R. 12667) granting an increase of pension to Charles W. Weber.

Mr. McCUMBER (for Mr. BURNHAM), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted a report thereon:

A bill (H. R. 16169) granting a pension to Neal O'Donnel Parks;

A bill (S. 6561) granting an increase of pension to George W. Blair;

A bill (S. 6723) granting an increase of pension to Agusta P. Morgan;

A bill (S. 6131) granting an increase of pension to Frances A. Jepson;

A bill (S. 1347) granting a pension to Martha W. Pollard; and

A bill (S. 6485) granting an increase of pension to Samuel Cook.

Mr. McCUMBER (for Mr. BURNHAM), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16741) granting an increase of pension to William J. Girvan;

A bill (H. R. 17874) granting an increase of pension to Roseanna Hughes;

A bill (H. R. 18227) granting an increase of pension to Catharine F. Fitzgerald;

A bill (H. R. 19483) granting a pension to Lydia A. Patnaude;

A bill (S. 6560) granting an increase of pension to Reuben D. Dodge;

A bill (S. 6580) granting an increase of pension to Ella B. Green;

A bill (S. 6579) granting an increase of pension to Ezekiel Morrill;

A bill (S. 6586) granting an increase of pension to Wesley J. Ladd.

A bill (S. 6203) granting an increase of pension to Francis W. Crommett;

A bill (S. 10) granting an increase of pension to Roswell Prescott.

A bill (S. 5727) granting an increase of pension to Lucius Rumrill;

A bill (S. 1425) granting an increase of pension to Edward L. Carpenter; and

A bill (S. 1257) granting an increase of pension to Patrick O'Day.

Mr. McCUMBER (for Mr. BURNHAM), from the Committee on Pensions, to whom was referred the bill (S. 6829) granting an increase of pension to Thomas P. Cheney, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4205) granting an increase of pension to Amanda W. Ritchie;

A bill (H. R. 4292) granting a pension to George W. Kelley.

A bill (H. R. 5728) granting an increase of pension to William Harvey;

A bill (H. R. 6956) granting an increase of pension to Henry L. Johnson;

A bill (H. R. 8481) granting an increase of pension to Richard Callaghan;

A bill (H. R. 19298) granting an increase of pension to Job B. Crabtree;

A bill (H. R. 19359) granting an increase of pension to Levi Brader;

A bill (H. R. 17675) granting an increase of pension to Jonas M. Sees;

A bill (H. R. 14199) granting an increase of pension to John Ewing;

A bill (H. R. 14537) granting an increase of pension to Robert B. Crawford;

A bill (H. R. 19511) granting an increase of pension to Alexander Dixson;

A bill (H. R. 19611) granting an increase of pension to Jacob Kinkerly;

A bill (H. R. 12128) granting an increase of pension to Dennis A. Litzinger;

A bill (H. R. 12339) granting an increase of pension to Charles T. Murray; and

A bill (H. R. 12482) granting an increase of pension to Samuel B. McLean.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2315) granting a pension to Miranda Birkhead;

A bill (H. R. 4707) granting an increase of pension to John H. Pitman;

A bill (H. R. 7580) granting an increase of pension to James W. Stewart;

A bill (H. R. 16513) granting an increase of pension to Bridget M. Duffy;

A bill (H. R. 18493) granting an increase of pension to George H. Reeder;

A bill (H. R. 11483) granting a pension to Maria Niles; and

A bill (S. 6186) granting an increase of pension to James L. Estlow.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6438) granting an increase of pension to Martha J. Haller;

A bill (S. 6429) granting an increase of pension to Mary L. Beardsley;

A bill (S. 5826) granting an increase of pension to Isaac C. Phillips; and

A bill (S. 1941) granting an increase of pension to Elvira A. Kelley.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 1857) granting an increase of pension to William Van Tilburgh, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1871) granting an increase of pension to Alonzo Cooper;

A bill (H. R. 8273) granting an increase of pension to John M. Pearson;

A bill (H. R. 19321) granting an increase of pension to Mary E. Turner;

A bill (H. R. 19322) granting an increase of pension to Mary Isabella Rykard;

A bill (H. R. 19323) granting an increase of pension to Orlando L. Levy;

A bill (H. R. 16397) granting an increase of pension to Allie Williams;

A bill (H. R. 16747) granting a pension to Sherman Jacobs;

A bill (H. R. 16748) granting an increase of pension to Lucius C. Fletcher;

A bill (H. R. 18429) granting an increase of pension to David Mitchell;

A bill (H. R. 18860) granting an increase of pension to Andrew J. Anderson;

A bill (H. R. 19119) granting an increase of pension to Susan M. Osborn; and

A bill (H. R. 13057) granting an increase of pension to James S. Salsberry.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6538) granting an increase of pension to Betsey A. Hodges; and

A bill (S. 5138) granting a pension to Jane Metts.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 6353) granting an increase of pension to Dolores S. Foster, reported it with amendments, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 19528) granting an increase of pension to Elizabeth Maddox; and

A bill (S. 2749) granting an increase of pension to John H. Brooks.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19300) granting an increase of pension to Phebe Easley;

A bill (H. R. 17691) granting an increase of pension to George W. Henrie;

A bill (H. R. 18193) granting an increase of pension to Walden Kelly;

A bill (H. R. 18403) granting an increase of pension to Mary Jane Ragan;

A bill (H. R. 19080) granting an increase of pension to Frederick Fienop;

A bill (H. R. 14480) granting an increase of pension to Mary C. Moore;

A bill (H. R. 19587) granting an increase of pension to Martha Ann Jones;

A bill (H. R. 9262) granting an increase of pension to Thomas J. Farrar; and

A bill (S. 6466) granting an increase of pension to Samuel Moser.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 6267) granting an increase of pension to Dennis A. Manning, reported it with amendments, and submitted a report thereon.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 4406) granting an increase of pension to Susan N. Fowler, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6636) granting an increase of pension to Andrew J. Grover, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4053) granting an increase of pension to William A. Smith; and

A bill (S. 6250) granting a pension to Alice G. Clark.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18018) granting an increase of pension to David Evans;

A bill (H. R. 18066) granting an increase of pension to Alexander M. Fergus;

A bill (H. R. 14680) granting an increase of pension to Sampson Parker;

A bill (H. R. 11142) granting an increase of pension to James McQuade;

A bill (H. R. 2715) granting an increase of pension to Charles Martine;

A bill (H. R. 19162) granting an increase of pension to Charles Van Tine;

A bill (H. R. 19161) granting an increase of pension to Marcus D. Tenney;

A bill (H. R. 16342) granting a pension to Matilda Foster;

A bill (H. R. 12190) granting an increase of pension to Milton R. Dungan;

A bill (S. 6718) granting an increase of pension to Augustus L. Holbrook;

A bill (S. 6705) granting an increase of pension to Holmes Clayton;

A bill (S. 6707) granting an increase of pension to Stephen E. Lemon; and

A bill (S. 6709) granting an increase of pension to Samuel Shawver.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6717) granting an increase of pension to Manasa T. Houser; and

A bill (S. 1891) granting an increase of pension to Charles F. M. Morgan.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 480) granting an increase of pension to Silas A. Reynolds; and

A bill (S. 5176) granting an increase of pension to Louis C. Janes.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4689) granting an increase of pension to James Reeder;

A bill (H. R. 4690) granting an increase of pension to Andrew J. Slinger;

A bill (H. R. 7719) granting an increase of pension to George Fetterman;

A bill (H. R. 19404) granting an increase of pension to Elias S. Falkenburg;
A bill (H. R. 18045) granting an increase of pension to John M. Webb;
A bill (H. R. 18214) granting an increase of pension to John Ingram;
A bill (H. R. 19743) granting an increase of pension to W. P. McMichael;
A bill (H. R. 19744) granting an increase of pension to George Casper Homan Hummel, alias George C. Homan; and
A bill (H. R. 9836) granting an increase of pension to Dier Collett.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:
A bill (H. R. 19462) granting an increase of pension to Emily Fox;
A bill (S. 2734) granting an increase of pension to John R. Conyngham; and
A bill (S. 822) granting a pension to Michael V. Hennessy.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 3338) granting an increase of pension to Lafayette Franks;
A bill (H. R. 5846) granting an increase of pension to John M. Chandler;
A bill (H. R. 16211) granting an increase of pension to John W. Montgomery;
A bill (H. R. 19463) granting an increase of pension to Emma L. Patterson;
A bill (H. R. 19534) granting an increase of pension to Noah Ressequie;
A bill (H. R. 19626) granting an increase of pension to Samuel Campbell;
A bill (H. R. 19922) granting an increase of pension to Mary A. Sutherland;
A bill (H. R. 9465) granting a pension to Ella Q. Parish;
A bill (H. R. 12517) granting a pension to William Bays;
A bill (S. 2737) granting an increase of pension to Benjamin Hains; and
A bill (S. 4909) granting an increase of pension to Louis Sidel.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 19889) granting an increase of pension to John M. Melson;
A bill (H. R. 19415) granting an increase of pension to Sarah Ann Reavis;
A bill (H. R. 14144) granting a pension to Allen M. Cameron;
A bill (H. R. 9107) granting a pension to James W. Russell;
A bill (H. R. 19529) granting an increase of pension to Nancy Elizabeth Hutcheson;
A bill (H. R. 19530) granting an increase of pension to Charles P. Gray;
A bill (H. R. 19324) granting an increase of pension to Susan M. Long;
A bill (H. R. 19325) granting an increase of pension to George Oppel;
A bill (H. R. 19326) granting an increase of pension to Margaret R. Vandiver;
A bill (H. R. 15620) granting an increase of pension to David D. Owens;
A bill (H. R. 17651) granting an increase of pension to Mary A. Riley;
A bill (H. R. 19514) granting an increase of pension to James H. Stimpson; and
A bill (H. R. 15619) granting an increase of pension to Samuel W. Atkinson.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:
A bill (H. R. 19035) granting a pension to Elizabeth Moore Morgan; and
A bill (S. 4894) granting an increase of pension to Robert Ramsey.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 8712) granting an increase of pension to Josiah Hall;
A bill (H. R. 19174) granting an increase of pension to Martha A. Billings;
A bill (H. R. 19256) granting an increase of pension to Louisa J. Birthright;
A bill (H. R. 19318) granting an increase of pension to Mary E. Rivers;
A bill (H. R. 19319) granting an increase of pension to Elizabeth Spruell;
A bill (H. R. 19320) granting an increase of pension to Louise J. Pratt;
A bill (H. R. 15713) granting an increase of pension to William McCrea.
A bill (H. R. 17918) granting a pension to Walter S. Harman.
A bill (H. R. 18343) granting an increase of pension to John N. Oliver;
A bill (H. R. 18705) granting an increase of pension to Thomas T. Page;
A bill (H. R. 19101) granting an increase of pension to Sarah C. A. Scott;
A bill (H. R. 19504) granting an increase of pension to Margaret E. Walker;
A bill (H. R. 19819) granting an increase of pension to Johanna Kearney; and
A bill (S. 6035) granting an increase of pension to John Fox.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:
A bill (S. 6232) granting an increase of pension to John L. Anthony; and
A bill (S. 6001) granting an increase of pension to Emily Killian.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 6898) concerning licensed officers of vessels; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:
A bill (S. 6899) granting an increase of pension to George H. Nye;
A bill (S. 6900) granting an increase of pension to Orrel Brown;
A bill (S. 6901) granting an increase of pension to Alvin S. Doughty (with accompanying papers); and
A bill (S. 6902) granting an increase of pension to Alpheus B. Taylor (with accompanying papers).

Mr. GALLINGER introduced a bill (S. 6903) to increase salaries of rural free-delivery carriers; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 6904) for the purchase of a site for a Federal building for the United States post-office at Laconia, N. H.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:
A bill (S. 6905) authorizing the extension of T street NW.;
A bill (S. 6906) to provide for the incorporation of banks within the District of Columbia (with an accompanying paper);
A bill (S. 6907) to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906 (with an accompanying paper); and
A bill (S. 6908) to regulate the production and sale of milk and cream in and for the District of Columbia (with accompanying papers).

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:
A bill (S. 6909) granting an increase of pension to William H. Adams;
A bill (S. 6910) granting an increase of pension to George F. Chamberlin;
A bill (S. 6911) granting an increase of pension to George A. Boyle;
A bill (S. 6912) granting an increase of pension to James G. Harvey; and
A bill (S. 6913) granting an increase of pension to Samuel C. Murdough.

Mr. GALLINGER (for Mr. BURNHAM) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:
A bill (S. 6914) granting an increase of pension to Albert T. Barr;
A bill (S. 6915) granting an increase of pension to Samuel G. Healy (with accompanying papers); and

A bill (S. 6916) granting an increase of pension to Nathan E. Stover (with accompanying papers).

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6917) granting a pension to Thomas A. Parker (with accompanying papers);

A bill (S. 6918) granting an increase of pension to Edward Prince;

A bill (S. 6919) granting an increase of pension to Alfred Pendell (with an accompanying paper); and

A bill (S. 6920) granting an increase of pension to John N. Williams.

Mr. PLATT introduced a bill (S. 6921) to correct the military record of Hiram Van Buren; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6922) granting an increase of pension to Rufus J. Henderson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6923) for the better protection of packages sent through the mails; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 6924) to correct the military record of William S. Russell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6925) granting an increase of pension to Anna R. Shattuck;

A bill (S. 6926) restoring to the pension roll the name of Caroline Kurtz, widow of John Kurtz (with accompanying papers);

A bill (S. 6927) granting an increase of pension to David Coble (with accompanying papers);

A bill (S. 6928) granting an increase of pension to Jacob H. Dewees (with an accompanying paper);

A bill (S. 6929) granting an increase of pension to William C. Todd (with accompanying papers);

A bill (S. 6930) granting an increase of pension to Wilson Siddell (with accompanying papers);

A bill (S. 6931) granting a pension to Eli W. Elzey (with an accompanying paper); and

A bill (S. 6932) authorizing a change in the form of paying pensioners.

Mr. DEPEW introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6933) granting an increase of pension to Frederick Middaugh; and

A bill (S. 6934) granting an increase of pension to Michael Hogan.

Mr. ANKENY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6935) granting an increase of pension to W. R. Neil; and

A bill (S. 6936) granting an increase of pension to Robert Jenkins.

Mr. PILES introduced a bill (S. 6937) granting an increase of pension to Michael Rosbrugh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DRYDEN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6938) granting a pension to Josephine Sinclair;

A bill (S. 6939) granting a pension to William Y. Rohrbach; and

A bill (S. 6940) granting a pension to Andrew T. Blowvelt.

Mr. DRYDEN introduced a bill (S. 6941) for the relief of Capt. Thomas Mason, United States Revenue-Cutter Service (retired); which was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6942) granting an increase of pension to William B. Dow; and

A bill (S. 6943) granting an increase of pension to L. A. Grant.

Mr. BURROWS introduced a bill (S. 6944) authorizing the President of the United States to select from the retired list of the Army an officer not above the rank of brigadier-general who may have distinguished himself during the civil war, throughout twenty-five years of Indian wars, through the Spanish-American war, and the insurrection in the Philippine Islands, and to appoint, by and with the advice and consent of the Senate, the officer so selected to be major-general, United States Army, with the pay and allowances established by law for officers of that grade on the retired list; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6945) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 6946) granting an increase of pension to Charles R. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SUTHERLAND introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6947) granting an increase of pension to C. M. Brough (with accompanying papers);

A bill (S. 6948) granting an increase of pension to Albert H. Nash (with accompanying papers);

A bill (S. 6949) granting an increase of pension to Thomas Wallace (with accompanying papers); and

A bill (S. 6950) granting an increase of pension to John A. Van Pelt.

Mr. DOLLIVER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6951) granting an increase of pension to Thomas Greenley (with accompanying papers);

A bill (S. 6952) granting an increase of pension to Martin A. Rubert (with accompanying papers);

A bill (S. 6953) granting a pension to Alice A. Johnson (with an accompanying paper);

A bill (S. 6954) granting an increase of pension to Henry Matter (with accompanying papers);

A bill (S. 6955) granting an increase of pension to Abram W. Vandel (with accompanying papers);

A bill (S. 6956) granting an increase of pension to Eli Ford, alias Jacob Butler (with accompanying papers);

A bill (S. 6957) granting an increase of pension to Hiram Siegfried (with accompanying papers);

A bill (S. 6958) granting an increase of pension to Keiziah Walker;

A bill (S. 6959) granting a pension to Julia F. Fibbs (with an accompanying paper); and

A bill (S. 6960) granting an increase of pension to Thomas Ashton (with accompanying papers).

Mr. GAMBLE introduced a bill (S. 6961) to authorize the sale of the unallotted and unreserved portion of the Cheyenne River Indian Reservation in South Dakota, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. GAMBLE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6962) granting an increase of pension to Franklin Rust (with accompanying papers);

A bill (S. 6963) granting an increase of pension to William B. Sayles; and

A bill (S. 6964) granting an increase of pension to Silas N. Palmer.

Mr. FULTON introduced a bill (S. 6965) granting an increase of pension to Amos Vance; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 6966) to increase the compensation of rural letter carriers; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 6967) to enlarge the public building at Rome, Ga.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6968) for the relief of the Academy of Richmond County, Ga.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6969) granting an increase of pension to G. W. Mathews;

A bill (S. 6970) granting an increase of pension to Alonzo W. Fuller;

A bill (S. 6971) granting an increase of pension to Thomas Daugherty;

A bill (S. 6972) granting an increase of pension to Ferdinand Capansky;

A bill (S. 6973) granting an increase of pension to Martin V. Harbour;

A bill (S. 6974) granting an increase of pension to Judson E. Cole;

A bill (S. 6975) granting an increase of pension to Ella L. Deweese (with accompanying papers);

A bill (S. 6976) granting an increase of pension to Frank Smyth; and

A bill (S. 6977) granting an increase of pension to William McCarthy.

Mr. GEARIN introduced a bill (S. 6978) granting an increase of pension to Samuel Jackson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6979) for the relief of the trustees of the Union Presbyterian Church, of Cross Keys, Va. (with accompanying papers);

A bill (S. 6980) for the relief of the trustees of the Baptist Church of Falls Church, Va. (with an accompanying paper);

A bill (S. 6981) for the relief of the trustees of Tabernacle Methodist Episcopal Church South, of Culpeper County, Va.;

A bill (S. 6982) for the relief of the trustees of the Presbyterian Church of the town of Culpeper, Culpeper County, Va.; and

A bill (S. 6983) for the relief of the trustees of Providence Church, of Culpeper County, Va.

Mr. MARTIN introduced a bill (S. 6984) to remove from the estate of William J. Cussen, deceased, and from any real estate aliened by him during his lifetime, a cloud resting on the same by reason of a stale judgment of the United States of America; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6985) granting an increase of pension to Andrew J. Crisman (with an accompanying paper); and

A bill (S. 6986) granting an increase of pension to Rachel Beatty (with an accompanying paper).

Mr. LATIMER introduced a bill (S. 6987) permitting the building of a dam across the Savannah River at Gregg Shoals; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 6988) to provide for the purchase of a site and the erection of a building thereon at Abbeville, in the State of South Carolina;

A bill (S. 6989) to provide for the purchase of a site and the erection of a building thereon at Aiken, in the State of South Carolina;

A bill (S. 6990) to provide for the purchase of a site and the erection of a building thereon at Gaffney, in the State of South Carolina;

A bill (S. 6991) to provide for the purchase of a site and the erection of a building thereon at Union, in the State of South Carolina; and

A bill (S. 6992) to provide for the purchase of a site and the erection of a building thereon at Laurens, in the State of South Carolina.

Mr. LATIMER introduced a bill (S. 6993) to create the Barnaby road, from its intersection with the Livingston road to the District line, a public highway in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McENERY introduced a bill (S. 6994) for the relief of the estate of Mary S. Porter; which was read twice by its title, and referred to the Committee on Claims.

Mr. KNOX introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6995) granting an increase of pension to William Smith; and

A bill (S. 6996) granting an increase of pension to John Snyder (with an accompanying paper).

Mr. BULKELEY introduced a bill (S. 6997) granting an increase of pension to William Kennedy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 6998) for the relief of T. L. Love, surviving partner; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6999) granting an increase of pension to Thomas Ogle;

A bill (S. 7000) granting an increase of pension to Saline E. West;

A bill (S. 7001) granting an increase of pension to Jonathan Nowell;

A bill (S. 7002) granting an increase of pension to Jacob Livingston; and

A bill (S. 7003) granting an increase of pension to Martha Holder.

Mr. HEYBURN introduced a bill (S. 7004) granting an increase of pension to Edward G. Burnet; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7005) granting an increase of pension to John Schenk;

A bill (S. 7006) granting an increase of pension to Sylvester M. Johnson;

A bill (S. 7007) granting an increase of pension to Julius Speyer, alias Paul Haber;

A bill (S. 7008) granting a pension to Frederick Lutz;

A bill (S. 7009) granting an increase of pension to Joshua Oldfield;

A bill (S. 7010) granting an increase of pension to Thomas J. Atkinson;

A bill (S. 7011) granting an increase of pension to William W. Scott;

A bill (S. 7012) granting an increase of pension to George A. Miller;

A bill (S. 7013) granting an increase of pension to John W. Jester;

A bill (S. 7014) granting an increase of pension to Benjamin Hammons;

A bill (S. 7015) granting an increase of pension to Joseph Proffett; and

A bill (S. 7016) granting an increase of pension to Commodore P. Barker.

Mr. FLINT introduced a bill (S. 7017) extending the time for making final proof and payment on public lands in certain cases; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WARREN introduced a bill (S. 7018) for the relief of Harry C. Adkins, alias Tim Hamlin; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7019) granting an increase of pension to John McConnell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7020) granting an increase of pension to William B. Cole; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 7021) granting an increase of pension to Hugh J. McJunkin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7022) granting an increase of pension to Davis M. Clark; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 7023) for the relief of Thomas J. Akins, assistant treasurer of the United States at St. Louis, Mo.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEMENWAY introduced a bill (S. 7024) granting an increase of pension to Darius Ault; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 7025) granting a pension to James C. West; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 7026) to provide for the issuance of emergency circulation; which was read twice by its title, and referred to the Committee on Finance.

Mr. MALLORY introduced a bill (S. 7027) to amend an

act entitled "An act to further protect the public health and make more effective the national quarantine," approved June 19, 1906; which was read twice by its title, and referred to the Committee on Public Health and National Quarantine.

Mr. SPOONER introduced a bill (S. 7028) for the relief of the Allis-Chalmers Company, of Milwaukee, Wis.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 7029) granting an increase of pension to James M. Eddy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7030) for the relief of the trustees of the Baptist Church of Paris, Ky.;

A bill (S. 7031) for the relief of the session of the Presbyterian Church of Perryville, Ky.;

A bill (S. 7032) for the relief of the Presbyterian Church and the Green River Masonic Lodge, No. 88, of Munfordville, Ky.; and

A bill (S. 7033) for the relief of the trustees of the Baptist Church of Harrodsburg, Ky.

Mr. McCREARY introduced a bill (S. 7034) to incorporate the International Sunday School Association of America; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7035) granting an increase of pension to William Hobbs;

A bill (S. 7036) granting an increase of pension to Scott Graves; and

A bill (S. 7037) granting an increase of pension to John H. Carter (with accompanying papers).

Mr. DILLINGHAM introduced a joint resolution (S. R. 78) authorizing and empowering the President of the United States to abate and surpress the continued shameful and cruel practice of killing nursing mother fur seals on the high seas, now permitted and conducted; which was read twice by its title, and referred to the Committee on Fisheries.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. CLAY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

HISTORY OF THE CONGRESSIONAL CEMETERY.

Mr. BURKETT. At Thursday's session an order was made to print a statement pertaining to the Congressional Cemetery, prepared by the subcommittee of the Committee on the District of Columbia. There is a small map covering the half dozen blocks of the cemetery, and the map can not be printed without an order of the Senate. I ask that the map may be printed with the document.

The VICE-PRESIDENT. Without objection, it is so ordered.

WITHDRAWAL OF PAPERS—CHARLES H. PENDLETON.

On motion of Mr. PERKINS, it was

Ordered, That the papers in the case of S. 2581, "authorizing the President to appoint Charles H. Pendleton a lieutenant-commander on the retired list, United States Navy," Fifty-ninth Congress, first session, be withdrawn from the files of the Senate, there having been no adverse report thereon.

AFFAIRS OF THE KONGO FREE STATE.

Mr. LODGE submitted the following resolution; which was referred to the Committee on Foreign Relations:

Whereas the reports of the inhuman treatment inflicted upon the native inhabitants of the Kongo Free State have been of such a nature and so well sustained as to draw the attention of the civilized world and excite both the indignation and the compassion of the people of the United States: Therefore, be it

Resolved, That in the opinion of the Senate of the United States the time has come when the affairs of the Kongo Free State should be made the subject of international inquiry, and the Senate respectfully advises the President that in any steps he may deem it wise to take in cooperation with or in aid of any of the powers, signatories of the treaty of Berlin, which shall seek to ameliorate the conditions of the Kongo Free State and redress any evils now existent there he will receive its cordial support.

MESSENGER FOR COMMITTEE ON MANUFACTURES.

Mr. HEYBURN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Manufactures be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate at the rate of $1,440 per annum, until otherwise provided for.

SEIZURE OF AMERICAN SCHOONER SILAS STEARNS.

Mr. MALLORY submitted the following resolution; which was referred to the Committee on Foreign Relations:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interests, to transmit to the Senate copies of all papers, documents, and correspondence now in the possession of the Department of State relating to the seizure and forcible detention of the American fishing schooner *Silas Stearns* by the Mexican authorities; and to inform the Senate whether said schooner has been adjudged forfeited by the decree of any Mexican court, and if so, whether the owners of said schooner were ever given an opportunity, by citation or otherwise, to appear in said court and defend their property; and also to inform the Senate of the present status of said case and what action, if any, has been taken by this Government in the premises.

THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. CULBERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate whether Companies B, C, and D, Twenty-fifth United States Infantry, or either of them, were, prior to August 13, 1906, involved in any riot, raid, or other disturbance with citizens, and if so, to inform the Senate when and where it occurred and its character fully, accompanying his report with copies of all official correspondence on the subject.

FRANCISCO KREBS.

The VICE-PRESIDENT. Are there further concurrent or other resolutions? If not, the morning business is closed.

Mr. MONEY. I ask unanimous consent for the present consideration of Order of Business 3300, which is the bill (S. 5531) for the relief of Francisco Krebs.

Mr. HALE. Mr. President, I rise only to suggest that after the matter which the Senator from Mississippi has in hand shall have been disposed of I think it would be well to go to the Calendar under Rule VIII for the consideration of unobjected cases, and then all Senators will have an equal chance on the Calendar. I will not, however, make that suggestion until the Senator is through with his bill.

Mr. MONEY. The bill which I desire to call up will take but little time.

The VICE-PRESIDENT. The Senator from Mississippi asks unanimous consent for the present consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Private Land Claims with an amendment.

Mr. MONEY. Mr. President, I want to say there is a misprint in the bill. Somewhere there you will find a provision reading, "Comprising 400 feet square, upon which the legislature is now situated," etc. That is a misprint. I ask that a verbal correction may be made by inserting the word "light-house" for the word "legislature."

The VICE-PRESIDENT. The error to which the Senator directs attention is in the committee amendment.

Mr. MONEY. Yes, sir.

The VICE-PRESIDENT. The amendment reported by the Committee on Private Land Claims will be stated with that correction.

The SECRETARY. It is proposed to add to the bill the following:

Provided further, That the site comprising 400 feet square upon which the light-house is now situated shall be excepted from this confirmation.

So as to make the bill read:

Be it enacted, etc., That Francisco Krebs be, and he is hereby, confirmed in his title to a tract of land known as Round Island, in the State of Mississippi, situated in sections 33 and 34, township 8 south, range 6 west, and sections 3 and 4, township 9 south, range 6 west, granted by the Spanish governor, Grimarest, to Francisco Krebs on December 13, 1783, and recorded in translated records, book No. 2, page 51, in the probate court at Mobile, Ala.: *Provided*, That nothing in this act contained shall affect the claim or claims of any other person or persons to the said land, or any part thereof, derived from the United States or any source whatever: *Provided further*, That the site comprising 400 feet square upon which the light-house is now situated shall be excepted from this confirmation.

Mr. MORGAN. Is the consideration of that bill open to objection, Mr. President?

The VICE-PRESIDENT. The bill is now before the Senate, as in Committee of the Whole for consideration.

Mr. MORGAN. I shall have to object to it and ask that it go over. It seems to relate to Mobile.

Mr. MONEY. It has no relation whatever to Mobile. It merely refers to the court at Mobile.

Mr. MORGAN. I beg pardon, and withdraw the suggestion I made.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

H. R. 12318. An act to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 15335. An act for the protection of game animals, birds, and fishes in the Olympic Forest Reserve of the United States, in the State of Washington was read twice by its title, and referred to the Committee on Foreign Reservations and the Protection of Game.

BRITISH SCHOONER LILLIE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a report by the Secretary of State, with accompanying papers, in the claim of the British schooner *Lillie*.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1906.*

LIEUT. COL. L. K. SCOTT.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. KEAN, was, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, concerning the claim of Lieut. Col. L. K. Scott, a British subject, on account of the adoption by the Ordnance Department of the United States Army of a system of sighting of which he is the inventor.

In view of the recognition by the Chief of Ordnance of the Army of the equitable right of Lieutenant-Colonel Scott to payment for the use of his invention, I recommend that provision be made by Congress for the payment of this claim.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1906.*

GORDON, IRONSIDES & FARES COMPANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, in regard to the application of the British embassy, in behalf of Messrs. Gordon, Ironsides & Fares Company, of Canada, for reimbursement in the sum of $7,626.08, which they allege the United States customs authorities improperly exacted of them in November, 1902, as duties on certain sheep and cattle.

I renew the recommendation which I made to the Congress on January 12, 1904, that, in view of the facts shown in the correspondence, provision be made for the company's reimbursement.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1906.*

EASTERN EXTENSION AUSTRALASIA AND CHINA TELEGRAPH COMPANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, with reference to the claim of the Eastern Extension Australasia and China Telegraph Company for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut by the United States forces during the war with Spain.

I renew the recommendation made by President McKinley, that as an act of equity and comity provision be made by the Congress for reimbursement to the company of the actual expenses incurred by it in the repair of the cables.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1906.*

ORDINANCES OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying letter of the Secretary of State, ordered to be printed, and, with the accompanying ordinances, referred to the Committee on Pacific Islands and Porto Rico:

To the Congress:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," and to the provisions of section 2 of the joint resolution approved May 1, 1900, I transmit herewith five ordinances (enumerated in the accompanying report of the Secretary of State) enacted by the executive council of Porto Rico with the approval of the governor thereof.

The attention of Congress is invited to the statement of the Secretary of State that the transmission of these ordinances does not imply any request that they be printed.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1906.*

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Congress:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith nine ordinances (enumerated in the accompanying report of the Secretary of State) enacted by the executive council of Porto Rico with the approval of the governor thereof.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1906.*

CONSIDERATION OF THE CALENDAR.

Mr. HALE. I ask that the Senate proceed to the consideration of unobjected cases on the Calendar under Rule VIII.

The VICE-PRESIDENT. In the absence of objection, that order will be made.

AMERICAN SAILING VESSELS IN COASTING TRADE.

Mr. FRYE. The second bill on the Calendar is the bill (S. 30) to remove discriminations against American sailing vessels in the coasting trade, known as the "pilotage bill." A similar bill has just been defeated by quite a majority in the House of Representatives. Therefore there is no object at all in the Senate sending this bill to the House, and I move that the bill be recommitted to the Committee on Commerce.

The motion was agreed to.

LEASES IN YELLOWSTONE NATIONAL PARK.

The bill (S. 4433) to amend an act approved August 3. 1894, entitled "An act concerning leases in the Yellowstone National Park," was announced as first in order on the Calendar, and the Senate resumed its consideration.

The VICE-PRESIDENT. This bill has heretofore passed the Senate, but the vote by which it was passed was subsequently reconsidered.

Mr. CARTER. I ask that the bill may be read.

The VICE-PRESIDENT. The bill will be read.

The Secretary proceeded to read the bill.

Mr. LODGE. I think that bill has been passed, and that the question now is on its reconsideration.

Mr. GALLINGER. No; the vote by which it was passed was reconsidered.

The VICE-PRESIDENT. The motion to reconsider the vote by which the bill was passed was agreed to.

Mr. LODGE. Then, certainly the bill has been read.

The VICE-PRESIDENT. The bill has been heretofore read.

Mr. CARTER. The bill was passed at the last session. I understand that it fixes a period of twenty years' limitation instead of ten.

The VICE-PRESIDENT. The question is on the passage of the bill.

Mr. HEYBURN. Mr. President, I should like to make an inquiry, having been absent when the last action was taken upon this bill, as to whether section 3 of the bill as we have it before us was amended by inserting after the word "shall" the words "to be in effect only a chattel mortgage?"

I had some conversation with the Senator from Montana in charge of the bill in regard to the matter before my enforced absence from the Senate, and called his attention to the fact that I had no objection to the enactment of this measure, except that I did not want the mortgage authorized to be made to be recognized as a real estate mortgage, because this property is partly in Idaho, partly in Wyoming, and partly in Montana; and the laws of those States regarding the status or the method of foreclosing a mortgage are somewhat different.

Then, again, I did not want to see this measure recognize the right of the Secretary of the Interior or of any other person to place a burden upon the land of a national park. If this is declared to be a chattel mortgage that shall apply only to the buildings, treating them as chattels placed upon the realty under the permission given by this bill, then I should have no objection to it; but I would object to a mortgage partaking of the nature of a mortgage upon real property being authorized at all, because the title to this property is in the United States, and Congress may do what it sees fit with that title. If Congress authorizes the making of a mortgage that would have the effect of being a mortgage upon real property, we would then jeopardize a part of the title to a great national park. I think for precaution in section 3, line 12, on page 2 of the bill, after the word "shall," the words "be in effect only a chattel mort-

gage" will leave no question of doubt as to the character of that incumbrance. Otherwise the bill ought not to pass.

The VICE-PRESIDENT. Those words were inserted in the bill as it was agreed to at the last session.

Mr. HEYBURN. It was during my absence, and the bill before me does not indicate it.

Mr. CARTER. Mr. President, the bill first passed the Senate without the words to which the Senator refers. The only difference between that bill and the unamended text of this bill rests in the difference of the duration of the lease period.

As I understood the request of the Senator from Maine [Mr. HALE] to be that unobjected cases alone should be considered, and inasmuch as the question raised by the Senator from Idaho [Mr. HEYBURN] would lead to some extended explanation, I ask that the bill may now go over.

Mr. HEYBURN. I did not intend to send the bill over by my statement. I merely rose to inquire as to its status. I understood the Senator from Montana to state that his recollection was that this amendment had not been made, and the Chair states that it has been made, as I understand. If that amendment has been made, then I have no objection to interpose, and am willing that the bill shall proceed to final enactment.

Mr. CARTER. Then, if that amendment has been made, I should be constrained to ask the Senate to disagree to it for reasons which I think will appeal very forcibly to the Senator from Idaho.

Mr. LODGE. Let the bill go over, Mr. President.

Mr. CARTER. Inasmuch as the explanation would require time, I shall ask that the bill now go over.

Mr. GALLINGER. Mr. President, before the bill goes over I would ask the Senator if he would have any objection to inserting in line 4, after the word "lease," the words "in his discretion?"

Mr. CARTER. No; not at all.

Mr. GALLINGER. Then I would move that amendment before the bill goes over.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] will be stated.

The SECRETARY. In section 1, on page 1, line 4, after the word "lease," it is proposed to insert "in his discretion."

The amendment was agreed to.

The VICE-PRESIDENT. The bill will lie over, and the next unobjected bill on the Calendar will be stated.

PENSIONS FOR NINETY DAYS' SERVICE.

The bill (S. 976) granting pensions to certain enlisted men, soldiers and officers, who served in the war of the rebellion was announced as next in order.

Mr. MCCUMBER. Mr. President, that bill will require some discussion, and I ask that it be passed over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will lie over, retaining its place on the Calendar.

AGREEMENT WITH YANKTON SIOUX INDIANS.

The bill (S. 2993) to ratify an agreement with the Yankton Sioux Indians of South Dakota, and making appropriation to carry the same into effect, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. Mr. President, is there a report accompanying that bill?

The VICE-PRESIDENT. There is a report accompanying the bill.

Mr. KEAN. Then I ask that the report may be read.

Mr. GALLINGER. It is a very long report.

The VICE-PRESIDENT. The report will be read at the request of the Senator from New Jersey [Mr. KEAN].

The Secretary proceeded to read the report submitted by Mr. GAMBLE from the Committee on Indian Affairs April 4, 1906.

Mr. KEAN. Mr. President, I have discovered what I desired to find out from the report. Therefore I withdraw my request.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his request, and the further reading of the report will be dispensed with.

Mr. NELSON. Mr. President, I should like to have the bill go over. I can briefly state my reasons for making the request.

The VICE-PRESIDENT. The bill has been passed. Does the Senator from Minnesota ask that it go over?

Mr. NELSON. I desire, if there be no objection, to make a statement showing why I ask that the bill go over.

The bill proposes to appropriate $100,000 to these Indians for a section of land. I have been on that land, and I know what it is. It is just a piece of prairie. There are some of these pipestone quarries there to which the Indians go and get stone to make pipes and other ornaments. It seems to me a hundred thousand dollars for that section of land is out of all proportion to its real value. I do not think it is a fair deal on the part of the Government. For that reason I ask that the bill go over.

Mr. GAMBLE. Mr. President, this matter has been pending for some time. The bill has the favorable recommendation of the Department. If the Senator from Minnesota will examine the report, he will see that the question of value was raised. Some of the experts who had knowledge of the land placed its value of $140, $150, and some as high as $200 per acre. I do not pretend to have knowledge concerning its value except what is stated in the report. It contains one section of land, and has stone quarries of unusual value situated upon it. They are the famous pipestone quarries.

Mr. NELSON. I saw this very land. I have seen the pipestone quarries; and it seems to me a hundred thousand dollars for that section of land, which is practically good for nothing else except for these pipestone rocks, is quite out of all proportion.

Mr. GAMBLE. I will state that the Government has appropriated a part of this land and has erected valuable school buildings thereon. The land is adjacent to the city of Pipestone, a prosperous city of some size. As I have heretofore stated, I have no other knowledge concerning the value of the land than that derived from the report. The agreement has been pending for some time and the matter ought to be disposed of.

Mr. NELSON. That is a small town of between two and three thousand people, and it is not a very growing town. This land is a piece of prairie, with nothing but this pipestone quarry on it, and it seems to me that a hundred thousand dollars for it is out of all proportion. I ask that the bill go over.

The VICE-PRESIDENT. The Chair is of opinion, the bill having been passed, that it is beyond the reach of a single objection.

Mr. NELSON. I was not aware the bill had been passed.

The VICE-PRESIDENT. The bill has been passed.

Mr. NELSON. Then I move to reconsider the vote by which the bill was passed.

The VICE-PRESIDENT. The Senator from Minnesota moves to reconsider the vote by which the bill was passed.

Mr. CULBERSON. I ask the Senator from South Dakota in charge of the bill if he objects to having the vote by which the Senate passed the bill reconsidered?

Mr. GAMBLE. No.

Mr. CULBERSON. The Senator does not?

Mr. GAMBLE. No.

Mr. CULBERSON. Then I have nothing to say.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Minnesota to reconsider the vote by which the bill was passed.

The motion was agreed to.

The VICE-PRESIDENT. Under objection, the bill will lie over. The next bill on the Calendar will be stated.

EXTENSION OF GENESEO PLACE AND SUMMIT PLACE.

The bill (S. 5246) to provide for the extension of Geneseo place, District of Columbia, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 1, line 3, before the word "days," to strike out "thirty" and insert "ninety;" in line 10, after the word "southwesterly," to strike out "and westerly direction to Eighteenth street, so as to connect with Summit place" and insert "direction in prolongation of its present lines and to extend Summit place in an easterly direction with a width of 40 feet to connect with said extension of Geneseo place, said extension of Summit place to be north of northerly line of lot 198 of Lanier Heights and said line extended;" so as to make the section read:

That within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Geneseo place, Lanier Heights NW., in said District, in a southwesterly direction in prolongation of its present lines and to extend Summit place in an easterly direction with a width of 40 feet to connect with said extension of Geneseo place, said extension of Summit place to be north of northerly line of lot 198 of Lanier Heights and said line extended; the name of Geneseo place to be changed to Summit place.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 9, after the word "said," to strike out "street such amount thereof"

and insert "streets;" and in line 20, after the word "said," to strike out "street: *Provided*, That if the aggregate amount of the benefits to be assessed, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, reject the award and assessment of the jury, and all proceedings thereunder shall be null and void" and insert "streets. If the total amount of the damages awarded by the jury and the costs and expenses of the proceeding be in excess of the total amount of the assessments for benefits, such excess shall be borne and paid by the District of Columbia;" so as to make the section read:

SEC. 2. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of the said streets shall be assessed by the jury hereinafter provided as benefits, and to the extent of such benefits, against those pieces or parcels of ground on each side of said streets, and also against any or all pieces or parcels of land which may be benefited by the opening of said street as said jury may find said pieces or parcels of land will be benefited; and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the opening or extension of the said streets. If the total amount of the damages awarded by the jury and the costs and expenses of the proceeding be in excess of the total amount of the assessments for benefits, such excess shall be borne and paid by the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 4, page 4, to strike out the first word, "street," in line 9, and insert "streets;" in line 22, after the word "said," to strike out "street" and insert "streets;" and in line 1, page 5, after the word "said," to strike out "street" and insert "streets."

The amendment was agreed to.

The next amendment was, in section 5, page 5, line 8, after the word "said," to strike out "street" and insert "streets."

The amendment was agreed to.

The next amendment was, in section 7, page 6, line 4, after the words "by the," to strike out "Treasurer of the United States, ex-officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commissioners of said District, out of the revenues of the District of Columbia, and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia" and insert "disbursing officer of the District of Columbia from moneys advanced to him by the Secretary of the Treasury upon requisitions of the Commissioners of said District, as provided by law; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia;" so as to make the section read:

SEC. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the disbursing officer of the District of Columbia from moneys advanced to him by the Secretary of the Treasury upon requisitions of the Commissioners of said District, as provided by law; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 11, page 8, line 4, after the word "such," to strike out "street" and insert "streets;" and in line 7, after the word "said," to strike out "street" and insert "streets."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the extension of Geneseo place and Summit place, District of Columbia."

HENRY O. BASSETT.

The bill (S. 4323) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased, was considered as in Committee of the Whole. It proposes to pay to Henry O. Bassett, sole surviving heir of Henry Opeman Bassett, deceased, the sum of $142.59.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INHABITANTS OF PORTO RICO.

The bill (S. 2620) to provide that the inhabitants of Porto Rico shall be citizens of the United States was announced as the next business in order on the Calendar.

Mr. HALE. Let this bill, which will give rise to debate, be sent to the Calendar under Rule IX.

The VICE-PRESIDENT. At the request of the Senator from Maine the bill will go to the Calendar under Rule IX.

ACQUISITION OF LAND FOR PUBLIC PARKS.

The bill (S. 5201) to acquire certain land in the District of Columbia as an addition to Rock Creek Park was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments.

The first amendment of the Committee on the District of Columbia was, in section 2, page 2, line 3, after the word "acquired," to insert "and the location of proposed new streets;" so as to read:

SEC. 2. That the Chief of Engineers of the United States Army and the Commissioners of the District of Columbia, hereinafter referred to as the board of control of Rock Creek Park, shall cause to be made an accurate map of said pieces and parcels of land showing the location, quantity, and character of each piece and parcel of private property to be acquired, and the location of proposed new streets, which map shall be filed and recorded in the public records of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 18, after the word "therefrom," to insert "along the center of a proposed new street;" and in line 20, after the word "line," to insert "following the center line of a proposed new street;" so as to read:

Thence southeasterly and parallel to said center line of Cleveland avenue and 325 feet distant therefrom along the center of a proposed new street to the point where said line intersects the center line of Twenty-ninth street; thence southeasterly by reverse curved line, following the center line of a proposed new street, to the intersection of the center line of Rock Creek drive.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 7, after the word "plan," to strike out "as 90 feet in width;" and in line 9, after the word "are," to strike out "not;" and in the same line, after the words "provided for," to strike out "in said plan" and insert "herein;" so as to read:

And shall, in addition to such conveyance and dedication and in the same deed, enter into an agreement to establish building-restriction lines to agree with the street lines, as shown on said highway plan, or where any new street or streets are provided for herein, the said building-restriction lines to be of a width of 15 feet adjacent to the dedicated portion of the street, the intent of this act being that the width of such street or streets included within such building-restriction lines shall be 90 feet.

The amendment was agreed to.

The next amendment was, to insert as a new section the following:

SEC. 7. That the Secretary of the Interior be, and he is hereby, directed to acquire, by purchase or condemnation, for the purpose of providing a reservation for a public park, the several parcels of ground in the District of Columbia included between Euclid street, Columbia avenue or Fifteenth street, W street or Florida avenue, and Sixteenth street extended, in Hall and Elvan's subdivision of Meridian Hill, containing in the aggregate 437,000 square feet, more or less; and to pay for the said land and premises so taken, and the improvements thereon, the sum of $550,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated: *Provided*, That one-half of the said sum of $550,000, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of 3 per cent per annum upon the deferred payments: *And provided further*, That one half of the sum that shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia, in the same manner now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States. In case said parcels of ground can not be obtained by purchase at a price satisfactory to said Secretary of the Interior the same shall be condemned in the manner hereinafter prescribed.

The amendment was agreed to.

The next amendment was, to insert as a new section the following:

SEC. 8. That the Attorney-General, upon request of the Secretary of the Interior, is authorized and directed to make application to the supreme court of the District of Columbia, by petition, at a general or special term of said court, for an assessment of the value of said parcels of ground, and said petition shall contain a particular description of the property required, with the name of the owner or owners thereof, and his, her, or their residence, as far as the same can be ascertained, and the said court is hereby authorized and required, upon such application, without delay, to notify the owners and occupants of each such parcel, and to ascertain and assess the value of the same by appointing three commissioners to appraise the values thereof and to return the assessment to the court; and when the values of such parcels are thus ascertained and the said Secretary of the Interior shall deem the same reasonable the sum or sums so ascertained shall be paid into said court for their use. That the fee simple of all premises so appropriated for public use under the provisions hereof, and of which an appraisement shall have been made under the order and by direction of said court, shall upon payment into the said court as aforesaid of the amount so ascertained and assessed as to each parcel be thereupon vested fully in the United States, and the right of possession thereof.

The amendment was agreed to.

The next amendment was, to insert as a new section the following:

SEC. 9. That the said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession. The cost occasioned by the said condemnation proceedings shall be paid from the Treasury of the United States, out of any money not otherwise appropriated: *Provided*, That one-half of the said cost shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of 3 per cent per annum upon the deferred payments. Other costs which may arise in the said proceedings shall be paid as the court may direct.

The amendment was agreed to.

The next amendment was, to insert as a new section the following:

SEC. 10. That whenever and as title to the several parcels of such real estate shall be acquired as aforesaid and the same shall be ready for delivery, and the sufficiency thereof shall be certified by the Attorney-General of the United States, the Secretary of the Treasury is hereby authorized and directed, upon the requisition of the said Secretary of the Interior, to pay into court the condemnation price of such property, parcel by parcel.

The amendment was agreed to.

The next amendment was, to insert as a new section the following:

SEC. 11. That the public park authorized and established by this act shall be under the joint control of the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to acquire certain land in the District of Columbia as an addition to Rock Creek Park and in Hall and Elvan's subdivision of Meridian Hill for a public park."

ADMINISTRATION OF RECLAMATION ACT.

The bill (H. R. 17833) providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the "reclamation act," was announced as the next business in order on the Calendar.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from New Hampshire [Mr. GALLINGER] to the bill just announced. There is a memorandum on the bill stating that the Senator from New Hampshire, among others, desired to be present when the bill came up. The name of the Senator from North Dakota [Mr. MCCUMBER] also appears.

Mr. GALLINGER. I think the bill would better go over, Mr. President. I have an objection to it.

The VICE-PRESIDENT. The bill will lie over, retaining its place on the Calendar.

BOUNDARY LINE OF ROCK CREEK PARK.

The bill (S. 823) to rectify the boundary line of Rock Creek Park was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

CAPTURED AND ABANDONED PROPERTY.

The bill (S. 1751) to revive and amend an act to provide for the collection of captured and abandoned property and the prevention of frauds in insurrectionary districts within the United States and acts amendatory thereof was announced as the next business in order on the Calendar.

Mr. GALLINGER. Let the bill go over.

Mr. KEAN. Let it go to the Calendar under Rule IX.

Mr. GALLINGER. Under Rule IX; that is right.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX.

CHILD LABOR IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia was announced as the next business in order on the Calendar.

Mr. SCOTT. Mr. President, let the bill go over, retaining its place.

The VICE-PRESIDENT. At the request of the Senator from West Virginia, the bill will go over, retaining its place.

Mr. DUBOIS. I move that the bill be taken up, notwithstanding the objection of the Senator from West Virginia. There is no child-labor law in the District of Columbia. This is a model bill. It has been objected to two or three times. It has passed the House, and is unanimously reported from the Committee on Education and Labor in the Senate. I move that the bill be taken up, notwithstanding the objection of the Senator from West Virginia.

Mr. NELSON. I make the point of order that the motion is not in order. We agreed by unanimous consent to proceed with the Calendar and to take up only unobjected bills.

The VICE-PRESIDENT. The Chair is of opinion that the motion to proceed to the consideration of the bill, notwithstanding the objection, is in order under the rule. The question is on agreeing to the motion of the Senator from Idaho that the Senate proceed to the consideration of the bill just announced, notwithstanding the objection. [Putting the question.] In the opinion of the Chair the ayes have it.

Mr. SCOTT. I call for the yeas and nays.

The VICE-PRESIDENT. The Senator from West Virginia demands the yeas and nays. Is there a second?

Mr. BACON. Is it in order to ask for the reading of the bill for information?

Mr. LODGE. It is the child-labor bill, which was up at the last session of Congress.

Mr. BACON. I understand.

Mr. LODGE. And it was then read.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Georgia? The Chair hears none, and the Secretary will read the bill.

Mr. LODGE. It is the bill which passed the House.

Mr. BACON. I should like, before voting on the question of consideration, to know what are the terms of the bill.

The VICE-PRESIDENT. The Secretary will read the bill at the request of the Senator from Georgia.

Mr. GALLINGER. I suggest that the amendment of the committee, which is to strike out all after the enacting clause and insert, be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. The amendment reported by the Committee on Education and Labor is to strike out all after the enacting clause and insert:

That no child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house, theater, bowling alley, or in the distribution or transmission of merchandise or messages, or selling newspapers. No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the District of Columbia are in session, nor before the hour of 6 o'clock in the morning or after the hour of 7 o'clock in the evening.

SEC. 2. That no child under 16 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any of the establishments named in section 1, unless the person or corporation employing him procures and keeps on file and accessible to the inspectors authorized by this act and the truant officers of the District of Columbia an age and schooling certificate, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed.

SEC. 3. That an age and schooling certificate shall be approved only by the superintendent of public schools, or by a person authorized by him in writing, who shall have authority to administer the oath provided for therein, but no fee shall be charged therefor.

SEC. 4. That an age and schooling certificate shall not be approved unless satisfactory evidence is furnished by duly attested transcript of the certificate of birth or baptism of such child, or other religious record, or the register of birth or the affidavit of the parent or guardian or custodian of a child, which affidavit shall be required, however, only in case such last-mentioned transcript of the certificate of birth be not procured and filed, showing the place and date of birth of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor.

SEC. 5. That the age and schooling certificate of a child under 16 years of age shall be in the following form:

AGE AND SCHOOLING CERTIFICATE.

This certifies that I am the (father, mother, guardian, or custodian) of (name of child) ——— and that (he or she) was born at (name of town or city) ——— in the county (name of county, if known) ——— and State (or country) of ——— on the day (day and year of birth) ——— and is now (number of years and months) ——— old.

Signature of (father, mother, guardian, or custodian).

(Date.)

There personally appeared before me the above-named (name of person signing) ——— and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief. I hereby approve the foregoing certificate of (name of child) ———, height (feet and inches) ———, eyes (color) ———, complexion (fair or dark) ———, hair (color) ———, having no sufficient reason to doubt that (he or she) is of the age therein certified, I hereby certify that (he or she) can read at sight and can write legibly simple sentences in the English language, and that (he or she) has reached the normal development of a child of (his or her) age, and is in sound health and is physically able to perform the work which (he or she) intends to do, and that (he or she) has regularly attended the public schools, or a school equivalent thereto, for not less than one hundred and thirty days during the school year previous to arriving at the age of 14 years, or during the year previous to applying for such school record, and has received during such period instruction in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic, to and including fractions.

This certificate belongs to (name of child in whose behalf it is drawn) ——— ——— and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer hold-

ing the same; but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools.

(Signature of person authorized to approve and sign, with official character or authority.)

(Date.)

A duplicate of each age and schooling certificate shall be filled out and kept on file by the superintendent of public schools. Any explanatory matter may be printed with such certificate, in the discretion of said superintendent.

SEC. 6. That whoever employs a child under 16 years of age, and whoever having under his control a child under such age permits such child to be employed, in violation of sections 1, 2, 8, or 9 of this act, shall, for such offense, be fined not more than $50; and whoever continues to employ any child in violation of any of said sections of this act, after being notified by an inspector authorized by this act, or a truant officer of the District of Columbia, shall for every day thereafter that such employment continues be fined not less than $5 nor more than $20. A failure to produce to an inspector authorized by this act, or a truant officer of the District of Columbia, any age or schooling certificate or list required by this act shall be prima facie evidence of illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. Any corporation or employer retaining any age and schooling certificate in violation of section 5 of this act shall be fined $10. Every person authorized to sign the certificate prescribed by section 5 of this act who knowingly certifies to any materially false statement therein shall be fined not more than $50.

SEC. 7. That inspectors authorized by this act and the truant officers of the District of Columbia may visit the factories, workshops, and mercantile establishments in the District of Columbia and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the superintendent of public schools and the corporation counsel of the District of Columbia. Inspectors authorized by this act and the truant officers of the District of Columbia may require that the age and schooling certificates and lists provided for in this act of minors employed in such factories, workshops, or mercantile establishments shall be produced for their inspection.

SEC. 8. That no minor under 16 years of age shall be employed, permitted, or suffered to work in any manufacturing, mechanical, or mercantile establishment more than eight hours in any one day, or before the hour of 6 o'clock antemeridian, or after the hour of 7 o'clock postmeridian, and in no case shall the number of hours exceed forty-eight in a week.

SEC. 9. That every employer shall post in a conspicuous place in every room where such persons are employed a printed notice, stating the number of hours required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the inspectors authorized by this act and the truant officers of the District of Columbia, and the employment of any such person for a longer time in any day than that so stated shall be deemed a violation of this section.

SEC. 10. That the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purposes of this act, at a compensation not exceeding $1,200 each per annum.

Mr. DUBOIS. I ask that the report of the committee also be read. It is short.

The VICE-PRESIDENT. The Chair is of opinion that that is not in order, except by unanimous consent. Is there objection to the request that the report of the committee shall be read? The Chair hears none. The Secretary will read the report.

The Secretary read the report, submitted by Mr. DOLLIVER May 3, 1906, as follows:

The Committee on Education and Labor, having had under consideration House bill 17838, report the same to the Senate with the recommendation that Senate bill 5665 be substituted therefor, with certain amendments, as follows:

In line 4, after the word "work," on page 1, insert the words "in the District of Columbia;" and after the word "message," on page 1, line 8, strike out the words "or in the Senate or House of Representatives" and insert "or selling newspapers;" also on page 2, after the word "work," in line 1, insert "in the District of Columbia."

With these amendments the committee recommends the substitution of the Senate bill, introduced by Mr. DUBOIS, for the bill passed by the House of Representatives and that the House bill so amended do pass.

These bills have a common object; they have been framed for the purpose of protecting children of immature years against the evils and temptations incident to the various occupations in which they are now engaged in the District of Columbia. At present the District is entirely without legal restrictions upon child labor, and the result is that hundreds of children under 16 years of age have been crowded into all sorts of occupations, many of them detrimental to the morals of the children and all of them inimical to our system of public education. It is found that there are 700 children in the District of Columbia under 16 years of age who work in the daytime and try to secure their education in the night schools. The records of the probation officer of the District indicate that in the last three months 300 children under 16 years of age who had been employed in various occupations in the city have passed under the jurisdiction of those appointed to take care of child criminals. In the judgment of the committee, it is a reproach to the government of the District of Columbia that its children of tender years should be left to the night schools for education and to the criminal courts for discipline and control.

Many of the occupations of children in the District of Columbia are in their nature such as to bring those who pursue them under influences which tend to destroy their moral character, as well as to deprive them of the opportunity of education and the advantages of home training.

It is the object of this law to prevent the employment of children under 14 years of age in factories, workshops, mercantile establishments, business offices, telegraph offices, restaurants, hotels, apartment houses, theaters, bowling alleys, messenger services, or in the sale of newspapers. As to these occupations, the prohibitions of this proposed statute are full and complete. This bill seeks to prevent altogether the employment of children under 14 in those occupations which undermine their strength or expose them to temptations and moral danger. The bill goes further, and seeks to prevent children under 16 years of age from engaging in the occupations before mentioned at such times as interfere with the school duties of such children; and as to children under 16 years of age, night work is prohibited and the hours of labor regulated.

This bill is based upon a broad consideration of the social welfare of the community. It is modeled upon the State legislation which has proved most efficient and passed the scrutiny of the courts. It involves both a labor question and a problem of public morality. The intrusion of young children into breadwinning occupations is an injustice to the army of workers who are charged with the support of families. It is also an injustice to those whose taxes maintain the public school system. A community which expends the vast sum required for the maintenance of the public schools of Washington has a right to require that children of school age give their attention to the studies which fit them for a useful life. Night schools for children who ought to be at home in bed are a barbarism, unfit for the countenance of the capital of the United States.

More important, however, than the labor question and the school question involved in the employment of children for wages is the question of the moral ruin of hundreds and thousands of boys and girls who, under proper surroundings, might grow up into useful members of society. What effect upon the children themselves does this untimely bearing of the burdens of life have? Dr. Henry J. Harris, secretary of the citizens' child labor committee of the District of Columbia, stated before your committee that in the last three months 300 children less than 16 years of age have graduated in this city from the care of employers to the guardianship of the criminal courts. Such a condition of society is intolerable anywhere, and least of all in the District of Columbia, where Congress is the sole legislative authority.

The VICE-PRESIDENT. Is there a second to the demand of the Senator from West Virginia [Mr. SCOTT] for the yeas and nays?

The yeas and nays were ordered.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. HALE. What is the question?

The VICE-PRESIDENT. On agreeing to the motion of the Senator from Idaho [Mr. DUBOIS] to proceed to the consideration of the bill, notwithstanding the objection.

Mr. HALE. I thought the Senate gave unanimous consent that it would proceed to the consideration of unobjected bills on the Calendar under Rule VIII. When that agreement has been made by the Senate it has never, as far as my knowledge goes, been departed from. That agreement cuts off such a motion.

The VICE-PRESIDENT. That is a matter, in the opinion of the Chair, for the Senate to determine upon the motion.

Mr. HALE. But what is the force of an agreement of the Senate that it shall proceed to the consideration of unobjected bills?

The VICE-PRESIDENT. That is a matter to be addressed to the judgment of the Senate. The Secretary will call the roll on agreeing to the motion of the Senator from Idaho.

Mr. HALE. Mr. President, I have no interest in this bill; but I give notice that hereafter when the Senate agrees unanimously to proceed to the consideration of the Calendar under Rule VIII for action upon unobjected cases, I shall insist upon the agreement. It is no use to make the agreement if any Senator has a right to move to proceed to the consideration of a bill when it is reached and objected to. That course would take away the entire scope and effect of the agreement that the Senate shall consider unobjected bills. We have done that for years, and in that way we make progress. Otherwise, when any bill is reached, if a Senator desires to make a motion to proceed to its consideration, he can make it, and he can do that unless the Senate by unanimous consent has agreed to take up only unobjected cases. I leave that to the Chair.

Mr. LODGE. If there was a unanimous-consent agreement that we should consider only unobjected cases, it seems to me very clear that no friend of the bill (and I am a very strong friend of the bill) would desire to press the motion at this time. The Calendar is a short one. It will be finished, I think, very soon, for there are many measures on it that will go over under objection, and then this motion can be made.

Mr. GALLINGER. There is an agreement to take up another bill at 2 o'clock.

Mr. LODGE. I believe there is an agreement to take up another bill at 2 o'clock.

Mr. KEAN. It is the unfinished business.

Mr. LODGE. It is the unfinished business. In any event, this is hardly a practical question at this time. But I suggest to the Senator from Idaho that if there was unanimous consent given it would be better not to press the motion at this time, for we never wish to interfere with a unanimous-consent agreement.

Mr. DUBOIS. Mr. President, I of course do not desire to antagonize the friends of this bill, who are almost the entire Senate, but I wish to call attention to the fact that I desire to have the bill called up. It has been objected to and the passage of it prevented two or three times in the Senate. I have no desire to prevent other Senators from having bills to which there is no objection passed, and I will therefore withdraw my motion. I can renew it soon.

Mr. LODGE. Let me suggest to the Senator from Idaho

that he give notice now that on Thursday morning (as there are special orders for to-morrow and Wednesday), immediately after the routine morning business, he will move to take up this bill. I think we ought to do it. I think it is a bill that ought to be pressed to a vote. I suggest Thursday, or any day that is agreeable to the Senator.

Mr. HALE. I wish to say that I know nothing whatever about this bill. I did not even know what the bill was. I only invoked the unanimous agreement of the Senate.

Mr. BACON. Mr. President, I wish to ask the attention of the Senator from Maine to a suggestion. I quite agree with him, of course, that wherever there is a unanimous-consent agreement it should be most scrupulously observed.

Under a unanimous-consent agreement to proceed to the consideration of unobjected cases, unless that unanimous consent goes further and specifies the limit of time within which the unanimous consent shall be in force, it can always be set aside by the motion of the Senate to proceed to the consideration of any other matter, thus terminating the unanimous-consent agreement. Otherwise, if the contention of the Senator is correct, when the Senate has once agreed by unanimous consent to proceed to the consideration of unobjected cases on the Calendar, there will be no possibility during the remainder of that sitting to proceed to the consideration of any other measure.

It seems to me that a unanimous-consent agreement, without any time being specified during which the Senate will continue the consideration of unobjected cases, simply means that the Senate will continue in the consideration of unobjected cases until the Senate otherwise orders, and whenever the Senate, upon motion, proceeds to take up another bill it is equivalent to an order to terminate the unanimous-consent agreement. Of course it is not a practical question to-day, and I only state it in order that it may not be drawn into a precedent hereafter. I think the view which I present is the correct one.

Mr. HALE. On the contrary, it has always been the practice of the Senate, in order to get bills through to which there is no objection, to continue the operation of the unanimous-consent agreement until 2 o'clock. It can not go further than that, because then the regular business comes up. I have never known, in my experience here, when such an agreement has been made, that it did not run until 2 o'clock. After that, of course, other business comes up.

Mr. BACON. I simply desire to say, in response to the suggestion of the Senator from Maine, that a request to proceed to the consideration of unobjected cases on the Calendar is very frequently made after 2 o'clock. So in the consideration of this as a parliamentary question that limitation, as suggested by the Senator, would not necessarily control.

EMPLOYERS' LIABILITY BILL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside. The Chair hears no objection, and it is so ordered.

CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. DUBOIS. I move to proceed to the consideration of House bill 17838.

The VICE-PRESIDENT. The Senator from Idaho moves to proceed to the consideration of a bill the title of which will be read by the Secretary.

The SECRETARY. A bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to; and the Senate resumed the consideration of the bill.

The VICE-PRESIDENT. The amendment of the committee was agreed to as in Committee of the Whole and the bill reported to the Senate. The pending question is on the amendment offered by the Senator from Connecticut (Mr. BRANDEGEE) to the amendment made as in Committee of the Whole.

Mr. HALE. I simply wish to say that I have no opposition whatever to the bill, and the course that has been taken is precisely in accordance with the custom of the Senate. The Senator after 2 o'clock had a right undoubtedly to make his motion.

Mr. SCOTT. Mr. President, in anything that I may say in opposition to this bill I do not want to have it construed that I am opposed to the education of the children of this country. Many boys, one of whom I happened to be in my youth, have had to make their living long before 16 years of age, and many a boy has had to support his aged mother and, perhaps, younger children. Many a boy has to receive an education at a night school.

Mr. President, as I understand the pending bill and its operation, you are going to compel boys to desist from labor. You are going to place them in a position where they will not be allowed to earn anything for the support of themselves or their families. You propose to say that they shall go to school.

I think if gentlemen will take the trouble to investigate they will find that at the present time the schools in this city are in no condition to take into the lower grades the boys and girls who are classed in this bill as being compelled to attend school. Many of the grades in many of the schools are so full now that children are not able to attend even half a day, and they are compelled to remain at home.

You may talk about the morals of the boys and girls under 16 being ruined. I ask the Senator from Idaho what possible legislation could be passed that would lead, I might say, to more direct immorality on the part of the girls and boys than being compelled by this law to remain idle and yet unable to attend school?

Mr. President, I wish to say that in my experience as an employer of labor it has been my privilege to educate four boys at night schools. The four boys educated at night schools—and they were orphans, with the exception, perhaps, of two, who had widowed mothers—started at very low wages, and I arranged for them to attend night schools. Out of these four boys I got three good ones—a pretty good average I think Senators will conclude.

One of them was for seven years manager of the factory that I am president of, until he died, a year ago. He was earning a salary of $3,000 a year when he died. He educated his family and cared for his wife and had a comfortable home. The present manager of my factory was a German boy whom I sent to night school, who cared for three orphan sisters and one little brother, his father and mother being dead. He was only 11 years of age when he came to me, and to-day he is managing and caring for the factory with between 750 and 800 people in it. I am glad that the factory and the company that I represent are able to pay him a handsome salary. He lives in a three-story brick building, surrounded by his happy family, and it was due to his own exertions and his education in a night school that he is able to occupy the position he holds to-day.

If by legislation you had compelled that boy to remain idle on the streets, what would have been his condition? In all probability he would have been a loafer, unable to care for himself and his family.

I say, Mr. President, that this bill, ironclad as it is, compelling children to remain idle, would do them the greatest injustice this Senate could possibly inflict. What will become of our pages here in front of you? You could not employ a boy as a page. You will have to get pages over 16 years of age in the Senate Chamber. These boys are earning something for their mothers and fathers, perhaps, and at the same time they are acquiring an education in a way. You would debar them.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. SCOTT. Certainly.

Mr. DOLLIVER. I desire to call the attention of the Senator from West Virginia to the fact that the bill is so amended as to be no longer applicable to the pages.

Mr. SCOTT. In what way, I ask the Senator? As I understand the bill, it says "under 16 years of age."

Mr. DOLLIVER. But it specifies the occupations.

Mr. SCOTT. And this is one that is omitted?

Mr. DOLLIVER. The original bill included the pages of the two Houses of Congress, but the committee on consideration felt that that was not a desirable provision of the bill.

Mr. SCOTT. I would ask the Senator, why except these youths?

Mr. DOLLIVER. The advantages that are derived from our society are supposed to reimburse them.

Mr. SCOTT. What they may absorb in associating with us, I presume.

Mr. WARREN. If the Senator from West Virginia will permit me, I should like to ask the Senator from Iowa what other classes of employment are grouped with the pages of the two Houses?

Mr. DOLLIVER. I will say to the Senator that the employments in which the labor of young children is prohibited are specifically mentioned in the first section of the bill, and the bill is applicable only to those prohibited employments.

They constitute a list including factories, workshops, mercantile establishments, stores, business offices, telegraph offices, restaurants, apartment houses, theaters, bowling alleys, the distribution or transmission of merchandise or messages, and the selling of newspapers.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Wyoming?

Mr. SCOTT. Certainly.

Mr. CLARK of Wyoming. I ask the Senator from Iowa, the chairman of the committee, whether the next paragraph would not bar the pages of the Senate, where the bill says:

> No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the District of Columbia are in session.

Mr. SCOTT. It was my impression that they were barred.

Mr. DOLLIVER. Most of the pages, I think, are not eligible to attend the public schools here, as they have been brought here from their States.

Mr. SCOTT. Mr. President——

Mr. GALLINGER. Will the Senator permit me?

Mr. SCOTT. Certainly.

Mr. GALLINGER. I should like to ask the Senator from Iowa, the chairman of the committee, where the provision is in the Senate amendment excluding the pages from the operation of the law?

Mr. DOLLIVER. The original bill gave a list of prohibited occupations, and among the prohibited occupations was employment in the Senate or the House of Representatives. The committee in redrafting that section omitted the prohibition as applied to the Senate and House of Representatives.

Mr. CLARK of Wyoming. They are still included in the general terms of the bill.

Mr. DOLLIVER. I think not.

Mr. GALLINGER. It seems to me the suggestion made by the Senator from Wyoming is sound, that the general provisions of the bill would necessarily exclude these young boys from service here. I do not know whether that is wise or unwise, but I think that would be the operation of the law.

Mr. SCOTT. Mr. President, I am very sorry indeed that the Senator from Idaho [Mr. DUBOIS] called up this bill to-day. I was not prepared to have it taken up at this time, supposing it would go over under an objection; but being forced into the consideration of the bill, I have in a very feeble way given some of the reasons why I object to it.

Mr. President, there is a good deal of reform, moral preaching on honesty, and so forth, that appears to be abroad in the land. A gentleman by the name of Markham, writing a magazine article not long ago, said that he had visited the glasshouses and had seen children—boys and girls—with emaciated forms, with their eyes, as it were, protruding from their sockets, all due to overwork. He spoke of their little bodies being blistered by the hot furnaces, and a lot more of that kind of magazine stuff, for it is nothing but stuff.

I have been engaged in the manufacture of glass for thirty-five years and over, Mr. President, and if Mr. Markham had come to my factory to see the boys employed there he would have found an entirely different class from those he has described. He would have found an active, energetic set, ready to play leapfrog, catch, and hide and seek, and everything else; and in addition he would have found them singing songs in the factory, the latest production of some comic opera. He would not see anything like that which he described in his magazine article.

I am under the impression that he was not in a glass factory at all. If he was, he misrepresented the conditions prevailing there. The glasshouse boy of to-day becomes the glass manufacturer of to-morrow. There is scarcely a manufacturer of glass in the city of Pittsburg, or in the Ohio Valley, so far as my knowledge goes—and I know the majority of them—who did not commence to learn his trade, as it were, starting from what we call "warming-in boys," "sticking-up" and "carrying-in" boys, and so forth, which are familiar phrases to the glass manufacturer. They were boys who saved their money; boys who learned their trade well, and in the course of a few years became manufacturers.

As I stated a moment ago, to-day two-thirds of the men engaged in the manufacture of glass have come from the factory—boys who learned their trade while they were earning good wages, boys who earned from a dollar to a dollar and a half a day. We do not employ anybody in our factory under 14 years of age, because we now have a State law which forbids it; but the description by this magazine writer of the boys employed in glass factories is absolutely absurd. Such absurdities mislead the public and cause much mischief.

I would be very sorry, Mr. President, if we should deprive the boys and the girls of the District of Columbia of the opportunity of earning a livlihood and compel them to loaf on the streets, acquire bad habits, such as smoking cigarettes and the like, when it is impossible to get a majority of them into the public schools owing to their crowded condition. If gentlemen are so anxious to have this bill become a law, I ask them to wait until we can provide the facilities in our schools for taking care of the boys and girls who will be thrown idle upon the streets by its passage. I am not opposed, as I said at the beginning of my remarks, to the education of the youth of the land. But I am opposed to the bill as it now stands. I will gladly vote for it if it is amended as proposed by the Senator from Washington [Mr. PILES]. With this amendment it would read, on page 7, line 3, after the word "age," "who is not wholly dependent upon his own labor or who is not the sole support of a disabled father, or a widowed mother, or of a younger brother or sisters."

Mr. LODGE. Mr. President, the Senator from West Virginia [Mr. SCOTT] seems to me to prove too much. He argues that it would be a hardship to compel children to go to school because they might be used to support their families and themselves. If that is true, and that argument is sound, there ought to be no child-labor law on any statute book, and we should leave children unrestrained to earn their living and go without education.

The Senator describes to us boys to whom he has shown his generosity and kindness, speaks of their success, and attributes it to the night schools which they were enabled to attend—in other words, their education and not their ignorance was the ground of their success.

Finally, the Senator says the schools of Washington are insufficient to accommodate all the children of school age, and therefore we should allow a certain number of them to run about the streets or to earn money at all hours and seasons of the day.

Mr. SCOTT. Will the Senator allow me a moment?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. LODGE. Certainly.

Mr. SCOTT. They would have to run about the streets if this bill became a law, because they could not be cared for in the schools.

Mr. LODGE. Mr. President, I somewhat doubt the fact; but at all events I have no doubt of what our duty is in these premises.

There is nothing new, Mr. President, in these efforts to protect children. The laws limiting the hours of labor for women and children are of an old date in England, and go back to their factory acts passed in the forties and the fifties. Those factory acts or similar acts were brought forward in the early fifties in my State by my late colleague, Mr. Hoar. It is generally recognized in all civilized communities that there should be proper legislation protecting the children of the community, boys and girls who are growing up, and giving them that education on which, according to our American belief, the safety of the country and of the State rests.

Now, Mr. President, there is nothing new in this bill which it is proposed to apply to the District of Columbia. The provisions of this bill are taken from the laws of my own State and from the laws of New York and of Ohio very largely. Last year when the subject first came up in the Senate I took occasion to examine the laws of Maine and of Vermont, meaning to examine the laws of all the New England States. In those two States I found ample provision under their truant laws to make it certain that the children of those States should go to school when they were under 14 years of age, and should not be deprived of that great opportunity by being compelled to labor. I speak out of the experience of my own State, where we have very strong restrictive laws in regard to child labor. My State is a prosperous State.

Mr. FRYE. What is the limit in your State?

Mr. LODGE. Fourteen years.

Mr. FRYE. This, I think, is 16 years.

Mr. LODGE. No; I beg the Senator's pardon, it is 14 years in the Senate bill.

Mr. FRYE. I thought it was 16.

Mr. LODGE. No; 14 in the Senate bill. The same provision that is in the Massachusetts law is in this bill, if my memory serves me, that between the ages of 14 and 16 a child can only be allowed to work at a trade or in a factory if he has a certificate from the proper school authorities that he has attended school before the age of 14.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. Certainly.

Mr. CARMACK. I wish to ask the Senator whether the law

of Massachusetts as it applies to factories is as broad as this proposed act?

Mr. LODGE. The law of Massachusetts is as broad as this proposed act. I have not made a side-by-side comparison, but I know it has the same provisions about child labor of all sorts, and as I have read this bill it seemed to me, speaking from memory, that it had been copied pretty closely from the provisions of the Massachusetts law.

Mr. CARMACK. Is this act broad enough to prevent children under 14 years of age being engaged in any employment during school sessions?

Mr. LODGE. During school sessions; and that is the Massachusetts law in substance. It is also the law of New York and of Ohio, from which, I think I am correct in saying, this bill is also taken.

Mr. WARREN. The Senator is speaking of the Massachusetts law. I want to know if there are any exceptions in that law to any kind of employment of children under 14 years of age?

Mr. LODGE. Under the Massachusetts law?

Mr. WARREN. Yes.

Mr. LODGE. I do not now recall any, but I could not answer a question of that sort without having the statute before me. I think I have a copy of the education law in my committee room.

Mr. WARREN. Mr. President, I should be glad to have information on that point. I want to know if the law of that State or of any other State prohibits children under a certain age from every kind of employment, under any kind of circumstances, and if so, how it has worked?

Mr. LODGE. It certainly prohibits them from the employments enumerated in the act or in the Senate amendment of the act.

Mr. WARREN. Yes; but it seems to me that there are others not mentioned here. The question is whether it applies to all labor under the second portion of the section of the bill now before us which prohibits them from being employed in any kind of labor.

Mr. LODGE. They are prohibited from all night work whatever. There is an enumeration made.

Mr. WARREN. The language of the amendment is:

> No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the District of Columbia are in session, nor before the hour of 6 o'clock in the morning or after the hour of 7 o'clock in the evening.

Mr. LODGE. Certainly; that is the law of Massachusetts, I know.

Mr. WARREN. That is, no child of 14 years of age shall be employed in any occupation or vocation whatever during school hours.

Mr. LODGE. During school hours.

Mr. WARREN. Yes; during school hours.

Mr. LODGE. The theory being that every child under 14 during those hours ought to be in the public schools.

When the Senator interrupted me I was saying that we have had these laws in Massachusetts for some time. There have been, as there always are, many efforts to evade these laws in the manufacturing towns.

Mr. CLARK of Wyoming. May I ask the Senator a question?

Mr. LODGE. Certainly.

Mr. CLARK of Wyoming. I should like to ask the Senator from Massachusetts whether it is true that there is not seating capacity in the public schools of the District of Columbia for all the children of school age under the age of 14?

Mr. LODGE. That I do not know, but if such a condition as that exists it ought to be remedied. But that has nothing to do with the merits of this bill, if the Senator will permit me.

Mr. CLARK of Wyoming. It seems to me that it has a good deal to do with the merits of the bill. I merely asked for information, because, if that condition exists, the children who can not be accommodated in the schools are thrown upon the streets if they can not be employed.

Mr. LODGE. It seems to me that we are proceeding in a vicious circle if we say if there are not sufficient schools we will not pass a law to prevent child labor.

Mr. CLARK of Wyoming. The Senator misunderstood me. I was not arguing in a circle. I was simply asking the Senator if he had information as to the condition of the schools in this particular.

Mr. LODGE. I have not got a report of the District schools, but I have here an abstract of the acts of Massachusetts, prepared for the use of the district police, who are called upon to enforce the child-labor laws.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I do.

Mr. BACON. Will the Senator permit me to offer an amendment so that he may address himself to it in the course of his remarks? It is very short.

Mr. LODGE. Certainly; I have no objection.

Mr. BACON. It is to strike out one word and insert another.

The VICE-PRESIDENT. The Chair will state to the Senator from Georgia that there is an amendment pending.

Mr. BACON. I ask, then, that my proposed amendment may be read, Mr. President, for information, to be offered at the proper time.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Georgia will be stated.

The SECRETARY. On page 7, line 3, of section 1 of the amendment, before the word "years," it is proposed to strike out "fourteen" and insert "twelve;" so as to read:

> That no child under 12 years of age shall be employed, etc.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. LODGE. I do.

Mr. MALLORY. I should like to inquire of the Senator from Massachusetts if it is contemplated by this act, if it be enacted into law, to cover the case of the boys who act as pages in the House of Representatives and Senate?

Mr. LODGE. That I do not know. I am not on the committee in charge of the bill. I was addressing myself to the general question of child labor. I see no reason, unless arrangements can be made for their education and they can get the necessary certificate, why they should not be included as well as boys engaged in any other labor; and if arrangements can be made, owing to the arrangement of our sessions, by which those boys get the quantity of education required, of course there is no reason why in the other time they should not be employed in such an occupation; but it seems to me that that is a perfectly unimportant detail, if the Senator will permit me.

Mr. MALLORY. I think the language employed may be construed to apply to them, and it occurs to me that there may be some reason why it should not apply to them.

Mr. LODGE. I dare say there may be.

Now, Mr. President, returning to the question of the Senator from Wyoming [Mr. WARREN], I have here an abstract of the child-labor laws of the State of Massachusetts, used, as I have said, by the district police, the State police who are required to enforce those laws. It is, I repeat, only an abstract. It reads:

> No minor under 14 years of age may be employed at any time in any factory, workshop, or mercantile establishment.
>
> During the hours when the public schools of the city or town in which a minor under the age of 14 years of age resides are not in session that minor may be employed in outdoor pursuits, as the selling of papers, magazines, etc., farm work, etc.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. CLAY. Does not the Senator from Massachusetts think the measure which we are now considering, if it were enacted into law, would be much more drastic than the law of Massachusetts?

Mr. LODGE. I do not think so. It is only a difference in wording. The measure before us says children shall not be employed in certain occupations while school is in session. The Massachusetts law says that they may be employed in those occupations when the schools are not in session. That is the only difference.

Mr. CLAY. Under the provision of this bill, I desire to ask the Senator whether a child under 14 years of age can be employed in any business whatever? If I read it correctly, I understand that—

> No child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house, theater, bowling alley, or in the distribution or transmission of merchandise or messages, or selling newspapers.

And further—

> No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the District of Columbia are in session, nor before the hour of 6 o'clock in the morning, or after the hour of 7 o'clock in the evening.

I will say to the Senator that I myself believe that we ought not to permit children to work in factories and machine shops, or to do any kind of work of that sort, until they arrive at 14 years of age; but when it comes to depriving a child out of school hours of selling papers and carrying messages, frequently

in many cases for the purpose of supporting a widowed mother, it becomes a most serious question.

Mr. LODGE. The section which the Senator from Georgia has just read is not happily framed.

Mr. CLAY. I think not.

Mr. LODGE. The first clause appears to make a general and absolute prohibition. The second clause——

Mr. WARREN. Mr. President——

Mr. LODGE. Let me finish the sentence.

The second paragraph is a limited prohibition, which is the one which, as I understand it, conforms to all the State laws; that is, it provides that children shall not engage in any of these pursuits during school hours, but allows them to engage in all gainful pursuits not in factories or mines or mercantile establishments—all other out-of-door pursuits, particularly out in the air, when the schools are not in session. I think that is the intention of that section, which, as I have said, I think is not happily worded.

Mr. CLAY. If the Senator from Massachusetts is correct in his construction, then I agree with him, and would favor such legislation; but I think it would be difficult to construe in the way he suggests.

Mr. LODGE. I agree with the Senator that as this first section of the Senate amendment reads it has the appearance, especially in the first paragraph, of excluding such children from all forms of labor at all times, whether the schools are in session or not. I am sure that is not the intention of the committee which framed the bill. It can, however, be very easily corrected, as I think it is very largely a mistake in punctuation.

Mr. WARREN. Mr. President, I dislike to interrupt the Senator, but along the line he was arguing I wish to ask him a question. The Senator is reading from the Massachusetts law some vocations in which children are permitted to engage outside of school hours, and they are the ones I want some information about. Are they occupations connected with farms, gardens, lawns, etc.?

Mr. LODGE. They are prohibited from engaging in the enumerated occupations in Massachusetts during school hours. It is only a difference in the way it is stated in that law and in this bill. In the bill it is stated that they shall not engage in those occupations during school hours, while in the Massachusetts law it is stated that they may engage in those occupations outside of school hours—exactly the same thing.

Mr. WARREN. If I heard the reading of the Senator correctly, in Massachusetts such boys may sell newspapers.

Mr. LODGE. Outside of school hours.

Mr. WARREN. And by this bill they can not.

Mr. LODGE. That is owing to the way the first section is framed, as I just tried to explain to the Senator from Georgia [Mr. CLAY].

Mr. WARREN. It is hardly a matter of punctuation, as the Senator has suggested. It is a matter of difference between the Massachusetts law and the pending bill.

Mr. LODGE. I agree with the Senator that it is worded in such a way that in the first part of the section it is an absolute prohibition. The second half interposes a limited prohibition conforming to the State laws. I think that could be very easily arranged, for I am sure, from the conversation I have had with the Senator in charge of the bill, that the intention is to cover what is covered by the statutes of Massachusetts, New York, and Ohio.

Mr. DUBOIS. I ask the Senator from Massachusetts if the objection would not be met by striking out, in line 8 of section 1 of the amendment, the words "or selling newspapers," and, in the same line, striking out the word "such?"

Mr. LODGE. Mr. President, I do not think, if the Senator will allow me, that that would reach the point that I understand the Senator from Wyoming [Mr. WARREN] has been making. It is not that he wants to except one specific occupation——

Mr. DUBOIS. I thought it was.

Mr. LODGE. But it is that all of those occupations, other than in factories and workshops, should be open to child labor when the schools are not in session.

Mr. WARREN. That is correct.

Mr. LODGE. On that I agree with the Senator.

The VICE-PRESIDENT. The Chair would call the attention of the Senator of Massachusetts to the fact that the bill is in the Senate, and the question is on the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE] to the amendment made as in Committee of the Whole. It might be well for the Secretary to read that amendment for the information of the Senate.

Mr. GALLINGER. Let it be stated.

The VICE-PRESIDENT. The Secretary will state the proposed amendment.

Mr. LODGE. I suppose I am at perfect liberty to speak upon the general merits of the bill, but I should be glad to have the amendment read, for it may meet the precise point I am trying to make.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 1, on page 7, line 8, after the word "newspapers," it is proposed to insert "except that the Board of Commissioners of the District of Columbia may make regulations for the issuance of licenses to minors between the ages of 12 and 14 years to sell newspapers: *Provided*, That no such licenses shall be issued except on the written consent of the superintendent of the public schools, and that such licenses so issued shall be revoked at any time on the demand of the said superintendent of the public schools."

Mr. LODGE. Mr. President, the trouble with that amendment is that it relates specifically to one occupation. It seems to me that the provision which I have been led to read by questions as to the Massachusetts statutes meets what I think most Senators desire:

> During the hours when the public schools of the city or town in which a minor under the age of 14 years of age resides are not in session that minor may be employed in outdoor pursuits, as the selling of papers, magazines, etc., farm work, etc.

I think that latitude ought to be allowed as it is in all of the States that have child-labor laws, and I think it is a reasonable one. The statute continues:

> But minors so employed may not work before 6 o'clock in the morning or after 7 o'clock at night.

I think a little revision of the first section of the bill will meet what we all desire—that is, allow minors, outside of the hours when the schools are in session, to take part in perfectly healthful employments and exclude them altogether under the age of 14 years from the factory and the workshop.

Mr. SCOTT. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. LODGE. I do.

Mr. SCOTT. Of course, Mr. President, I recognize my inability to discuss this question with so able and learned a Senator as the Senator from Massachusetts, and I realize that it would perhaps be much better for me if there had been a child-labor law when I was a boy; but, if there had been, I fear I sometimes should have gone hungry to my books. I want to ask the Senator what he would have done with the young man in charge of my factory to-day, who told me, when he came to me for work years ago, that he had three sisters and a brother, and he was their only means of support. He was less than 12 years of age. Would the Senator have sent them all to the poorhouse, or what would he have done? I am just as much in favor of education as is the Senator from Massachusetts, and I am sorry that I have not a better one; but I do not want to put anything in the way of the boy who is by necessity compelled to earn a living for himself or for his parents or for his brothers and sisters, or to bar him from that privilege. I would rather see him grow up a good mechanic, a hard-working, honest man, than a loafer.

Mr. LODGE. Again, Mr. President, we have the same argument, and if that argument is sound there ought not to be any child-labor laws at all. I do not know how old the boy referred to was who subsequently became the manager of the Senator's factory.

Mr. SCOTT. He was less than 12 years of age.

Mr. LODGE. Under the laws of Massachusetts a boy of 16 may be employed regardless of the fact whether he is literate or illiterate, because the night schools are open to him, and he can attend those schools. I do not know, Mr. President, that we suffer any more in Massachusetts than do the people in any other State from the lack of facilities of child labor. The law is made sufficiently elastic to allow children of an age suitable for labor to work in a factory, and they are not excluded from healthful labor of other kinds; but children below 14 years are excluded from the mine and the factory, and I believe that is sound public policy.

Mr. MONEY. Will the Senator from Massachusetts permit me?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. Certainly.

Mr. MONEY. I have listened with great interest to the Senator, and I should like to ask him if he will not propose as a substitute for this proposed law the law of Massachusetts as it stands?

Mr. LODGE. I can embody that section.

Mr. MONEY. I should myself like, if the Senator will permit

me a moment further, to say that I want to vote for something of that sort. I do not understand this proposed law exactly, because I have not given it any attention, but at the same time I do not like the exclusion of boys, even below the age of 12 years, from work of any kind or character that is lawful and wholesome in order to aid in the family support.

Another thing. I totally object to any human being being required to get a license to do honest work. It is the privilege and the right of every man to work without a license.

Mr. LODGE. Certainly.

Mr. MONEY. I ask the Senator now if he will not offer as an amendment the Massachusetts law, which I believe to be a good law, and think it would meet the case here.

Mr. LODGE. The Senator, of course, understands that we issue no license in Massachusetts to work.

Mr. MONEY. I understand that.

Mr. LODGE. It is simply a certificate that the minors between 14 and 16 years of age have had sufficient education to read and write. That is, that their education has not been wholly neglected.

Mr. MONEY. Then the Senator thinks that there ought not to be a license?

Mr. LODGE. I do not think there ought to be a license. All we are trying to provide for is a certificate as to education.

Mr. MONEY. If the Senator will permit me a word further, even in that case it is almost impossible for some boys selling newspapers to get any kind of education whatever, and as they are excluded from these little trades during school hours, the certificate ought to be quite sufficient. I have noticed boys 4 and 5 years old—and I have bought newspapers from them, although I did not want to read them—who are obliged to pursue a vocation by which they can make something for the support of the family.

Mr. LODGE. If the Senator will allow me, I probably did not make myself clear. The certificate applies only to minors between the ages of 14 and 16.

Mr. MONEY. Oh, yes.

Mr. LODGE. It does not apply to any age below that.

Mr. MONEY. That would be very well.

Mr. LODGE. Only between 14 and 16, the theory of the State being that after 14 the minor can be employed, provided he has not been deprived of previous school education.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from North Dakota?

Mr. LODGE. I do.

Mr. McCUMBER. I wish to ask the Senator one question, inasmuch as he has observed the working of the law in his own State, and that is this: What is done with cases of minors under 12 years of age who have no parents or anyone else to take care of them and who have no way of securing a living other than by their own labor? I assume there would not be very many of them, but certainly there must be some in the great cities. What provision is made for the education of those children who have no parents or anyone else who is interested enough to take care of them?

Mr. DUBOIS. May I answer the question?

Mr. LODGE. Certainly.

Mr. McCUMBER. I shall be glad to have an answer from any source.

Mr. DUBOIS. So far as the question is local—and this bill is local, relating merely to the District of Columbia—the associated charities of the District of Columbia gladly take care of all cases where children have no means of support.

Mr. McCUMBER. That is a charitable institution.

Mr. DUBOIS. They came before the committee and showed that they had ample provision and were prepared to take care of all such cases as the Senator from North Dakota mentions.

Mr. McCUMBER. And send them to school?

Mr. DUBOIS. And send them to school.

Mr. McCUMBER. And not send them to a workshop?

Mr. DUBOIS. No.

Mr. McCUMBER. That is the point.

Mr. LODGE. In Massachusetts, as the Senator asked me the question, I will say that children who are left orphans and who are entirely destitute of any relative or natural guardian are taken care of very largely at schools especially provided for that class of children by the State. Of course it is a limited number of children, and they can be taken care of by the State in that way. That is, they are clothed and fed and taken care of by the State or perhaps by the locality. But they are not a large number of children. I can only say that in practice there is no appearance in my State of any suffering being caused in any direction by the laws restricting the employment of child labor.

Mr. CARMACK. I wish to suggest an amendment to the first section.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. I will, although I shall be through in a moment; and, as I say, I am not in charge of the bill, and I can not say anything about the acceptance of amendments.

Mr. CARMACK. I merely wish to suggest an amendment.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maine?

Mr. LODGE. I do.

Mr. HALE. Let me make a suggestion in respect to the order of business. The Senator in charge of the bill, a bill which I think the Senate generally is for upon principle, must see that there are so many suggestions made of amendments to be offered here that it will be almost impossible to perfect the bill at this time. I suggest to him, if this view has impressed him, that by some agreement the whole matter go over, or be recommitted to the committee, as the Senator chooses, so that we may have a bill reported either upon the basis of the Massachusetts statute or upon some other basis which recognizes all the difficulties that arise, and for which all of us in the end can vote. Let all the proposed amendments accompany the bill.

I make that suggestion to the Senator in charge of the bill, and, if we can agree upon that course now, there will be no need of further time being taken in the suggestion of amendments.

Mr. DUBOIS. Mr. President——

Mr. LODGE. I was merely going to say that I see no occasion to recommit the bill.

Mr. DUBOIS. Mr. President, I desire to say that the Senator from Iowa [Mr. DOLLIVER], the chairman of the committee, I think is in charge of the bill. I introduced the bill, and it was referred to the committee of which the Senator from Iowa is the chairman. I myself would not think of consenting to the bill being recommitted. It seems to me that the objections which have been urged here have been answered by reference to the States where similar laws are in force. This is a carefully drawn bill. Almost all of the controverted points have been passed upon by the courts. Such a law is working satisfactorily in Illinois and Ohio and Massachusetts and other States.

Mr. CARMACK. I do not think the first section is in very good shape.

Mr. LODGE. I should be glad if I might finish what I have to say. I do not want to interrupt an agreement as to the bill, but I am very nearly concluded.

It seems to me that the first section can be put in form which will command the general assent of the Senate by meeting the views which I think we all have, and which I think we certainly all ought to have, that child labor ought to be stopped in the factory and the mines, and as to the other forms of child employment, they ought to be limited in such a way as not to interfere with the education of the child. That I think covers the whole ground. I do not believe it is good for the children of any country—I am speaking broadly, and you have to legislate for all and not for a few cases—to be placed in the factories or the mines or amidst machinery before the age of 14. It not only stunts their minds, but it must in the long run stunt their bodies. I have been through factories—clean and airy and healthful factories—where children were employed. But it is not a good thing for children to be so employed.

In almost all our States some limit is put upon the hours of employment for women. At the bottom of all this lies, to my mind, the great question of humane dealing with these children, to whom we are to confide and pass on the destinies of the country. I want them to have all the education the State can give them, and I want them also to have all the chance that is possible to develop soundly and well physically.

I have no doubt there are laws on the statute books of other States which are just as good as the laws of the State of Massachusetts, but I happen to be familiar with those laws. I believe that that is the sound way to treat the question—to exclude the child from the factory, the workshop, and the mines at any time of the day until he or she is 14 years of age; and after that, if they have a school certificate that they have been to school, then they can get employment. But up to that time I would exclude them absolutely. As to other employments out of doors, healthful employments in places which keep the children about and moving and out in the open air, I would give the same relaxation that the Massachusetts law gives. I would allow them to pursue those callings in the hours when the schools are not in session. I think it is the soundest policy,

not only economically, but in the interest of humanity and of the future of the voters and citizens of the United States to have legislation of that kind.

I ask, Mr. President, that this abstract of the Massachusetts law be printed in the RECORD as a part of my remarks.

The VICE-PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

COMMONWEALTH OF MASSACHUSETTS,
OFFICE OF CHIEF OF THE DISTRICT POLICE, STATE HOUSE,
Boston, August 16, 1906.

To whom it may concern:

The following paragraphs constitute a brief synopsis of the provisions of the Revised Laws of the Commonwealth of Massachusetts regarding the employment of minors. The purpose of this pamphlet is to state concisely and logically the restrictions under which minors may be employed, and references to chapters and sections of the statutes containing the provisions quoted are included, the laws themselves following on succeeding pages of this pamphlet.

No minor under 14 years of age may be employed at any time in any factory, workshop, or mercantile establishment. (Sec. 28 of chapter 106, Revised Laws, as amended by chapter 267 of the Acts of 1905.)

During the hours when the public schools of the city or town in which a minor under 14 years of age resides are not in session that minor may be employed in outdoor pursuits, as the selling of papers, magazines, etc., farm work, etc., but minors so employed may not work before 6 o'clock in the morning or after 7 o'clock at night. (Same reference as above.)

No minor between the ages of 14 and 16 years, to whom has not been granted a certificate by the school authorities of the town in which said minor resides, testifying to the fact that he or she is able to read and write the English language, may be employed in any factory, workshop, or mercantile establishment, except that on Saturdays minors between the ages of 14 and 16, who do not hold school certificates, may be employed between the hours of 6 a. m. and 7 p. m. in mercantile establishments. (Sec. 28, chapter 106, Revised Laws, and sec. 2, chapter 284, of the Acts of 1906.) This requirement is operative during the regular school vacation periods, as well as when school is in session.

The illegal employment of a minor under 16 years of age is punishable by a fine of not more than $300 or six months' imprisonment, or both. If, after notification from a truant officer or inspector of factories and public buildings, the illegal employment of any such minor is continued, the party responsible may be punished by a fine of not less than $20 nor more than $100 or by imprisonment for not more than six months for each day said illegal employment is so continued. (Chapter 499 of the Acts of 1906.)

Employers must secure a school certificate from each minor between the ages of 14 and 16 in their employ, which certificates must be kept on file accessible to truant officers and inspectors of factories and public buildings. Employers must also keep on file a complete list of all such minors, posting a duplicate of that list in a conspicuous place near the main entrance of the building in which the children listed are employed. Employers must also keep on file a list of all minors whom they employ who can not read and write the English language, forwarding a duplicate of that list to the school authorities of the place in which their plants are located. (Sec. 29 of chapter 106, Revised Laws, and sec. 4 of chapter 499, Acts of 1906.)

Minors over 16 years of age may be employed regardless of their state of literacy during that portion of the year when a public evening school is not in session in the cities or towns in which they reside. When a public evening school is in session in the place of residence of a minor over 16 years of age that minor may not be employed in any factory, workshop, or mercantile establishment unless he or she has procured the regular school certificate testifying to his or her ability to read and write the English language, or a permit to work from the school department based upon a certificate signed by a registered practicing physician stating that said minor's health will not admit of attendance at day or evening school in connection with daily labor; or, failing to secure either of these certificates, said minor may yet be employed provided he or she furnishes to his or her employer each week while the evening school is in session a record proving regular attendance at either the day or evening schools of the place in which he or she resides. A record of school attendance showing absences excused by a school department official or teacher holding proper authority for justifiable cause may be accepted as proving regular attendance; but when the weekly record shows unexcused absences it becomes irregular, and the employer who allows the holder of that record to work violates the law. These provisions do not apply in cities and towns which do not maintain public evening schools.

The penalty for the violation of the requirements stated in the foregoing paragraph is a fine of $100 or less for the employer and a fine of not more than $20 for the parent, guardian, or custodian who permits the minor to be employed. (Chapter 106, Revised Laws, sec. 28, as amended by chapter 267 of the Acts of 1905, and sec. 35, as amended by chapter 183 of the Acts of 1902.)

Inspectors of factories and public buildings and truant officers are directed and empowered to strictly enforce the laws hereinbefore referred to. (Chapter 499 of the Acts of 1906.)

Respectfully,

JOSEPH E. SHAW,
Chief Massachusetts District Police.

[Chapter 267, Acts of 1905.]

AN ACT RELATIVE TO THE EMPLOYMENT AND SCHOOL ATTENDANCE OF MINORS.

Be it enacted, etc., as follows:

SECTION 1. Section 28 of chapter 106 of the Revised Laws is hereby amended by inserting after the word "years," in the first line, the words "and no child who is over 14 and under 16 years of age who does not have a certificate as required by the following four sections certifying to the child's ability to read at sight and to write legibly simple sentences in the English language;" by striking out the word "such" in the third line; by inserting after the word "child," in the third line, the words "under the age of 14 years;" and by striking out the word "nor" in the sixth line and inserting in place thereof the word "or;" so as to read as follows:

"SEC. 28. No child under the age of 14 years and no child who is over 14 and under 16 years of age who does not have a certificate as required by the following four sections certifying to the child's ability to read at sight and to write legibly simple sentences in the English language shall be employed in any factory, workshop, or mercantile establishment. No child under the age of 14 years shall be employed at work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the city or town in which he resides are in session, or be employed at work before 6 o'clock in the morning or after 7 o'clock in the evening."

SEC. 2. No certificate, as provided for by sections twenty-nine to thirty-two, inclusive, of chapter one hundred and six of the Revised Laws, shall be approved by any person for a minor under the age of sixteen years who intends to be employed in a factory, workshop, or mercantile establishment, unless such person is satisfied that such minor is able to read at sight and to write legibly simple sentences in the English language.

SEC. 3. This act shall take effect on the first day of January in the year nineteen hundred and six. Approved April 6, 1905.

[Chap. 284, Acts of 1906.]

SEC. 2. Minors to whom the said chapter two hundred and sixty-seven (Acts of 1905) applies shall be permitted to work on Saturdays between the hours of six in the morning and seven in the evening in mercantile establishments.

[Chap. 106, Revised Laws, secs. 29, 30, 31, 32.]

SEC. 29. No child under sixteen years of age shall be employed in a factory, workshop, or mercantile establishment unless his employer procures and keeps on file, accessible to the truant officers of the city or town, and to the district police and inspectors of factories and public buildings, an age and schooling certificate, and keeps two complete lists of all such minors employed therein—one on file and one conspicuously posted near the principal entrance of the building in which such children are employed, and also keeps on file and sends to the superintendent of schools, or, if there is no superintendent, to the school committee, a complete list of the names of all minors employed therein who can not read at sight and write legibly simple sentences in the English language.

SEC. 30. An age and schooling certificate shall be approved only by the superintendent of schools or by a person authorized by him in writing, or, if there is no superintendent of schools, by a person authorized by the school committee; but no member of a school committee or person authorized as aforesaid shall approve such certificate for any minor then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer, or employee. The person who approves the certificate may administer the oath provided for therein, but no fee shall be charged therefor.

SEC. 31. An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism of such minor, the register of birth of such minor with a city or town clerk, or in some other manner, that such minor is of the age stated in the certificate.

SEC. 32. The age and schooling certificate of a minor under 16 years of age shall not be approved and signed until he presents to the person who is authorized to approve and sign it an employment ticket duly filled out and signed. A duplicate of each age and schooling certificate shall be filled out and shall be kept on file by the school committee. Any explanatory matter may, in the discretion of the school committee or superintendent of schools, be printed with such certificate. The employment ticket and the age and schooling certificate shall be separately printed and shall be filled out, signed, and held or surrendered, as indicated in the following forms:

[Employment ticket, Revised Laws, c. 106, sec. 32.]

When (name of minor) ———, height (feet and inches) ———, complexion (fair or dark), hair (color) ———, presents an age and schooling certificate duly signed I intend to employ (him or her).

(Signature of intending employer or agent.)

(Town or city and date.)

[Age and schooling certificate, Revised Laws, c. 106, sec. 32.]

This certifies that I am the (father, mother, guardian, or custodian) of (name of minor) ———, and that (he or she) was born at (name of city or town) ———, in the county (name of county, if known) ———, and State (or country) of ———, on the (day and year of birth) ———, and is now (number of years and months) ——— old.

(Signature of father, mother, guardian, or custodian.)

(City or town and date.)

Then personally appeared before me the above-named (name of person signing) ———, and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief. I hereby approve the foregoing certificate of (name of minor) ———, height (feet and inches) ———, complexion (fair or dark), hair (color) ———, having no sufficient reason to doubt that (he or she) is of the age therein certified. I hereby certify that (he or she) (can or can not) read at sight and (can or can not) write legibly simple sentences in the English language.

This certificate belongs to (name of minor in whose behalf it is drawn) ———, and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same; but if not claimed by said minor within thirty days from such time, it shall be returned to the superintendent of schools, or, if there is no superintendent of schools, to the school committee.

(Signature of person authorized to approve and sign, with official character or authority.)

(City or town and date.)

In the case of a minor who can not read at sight and write legibly simple sentences in the English language the certificate shall continue as follows after the word "language:"

I hereby certify that (he or she) is regularly attending the (name) ——— public evening school. This certificate shall continue in force only so long as the regular attendance of said minor at the evening school is indorsed weekly by a teacher thereof.

Whoever, being authorized to sign the foregoing certificate, knowingly certifies to any materially false statement therein shall be punished by a fine of not more than $50.

[Chapter 106, Revised Laws, sec. 35, as amended by chapter 183 of the acts of 1902.]

SEC. 35. While a public evening school is maintained in the city or town in which any minor who is over 14 years of age and who does not have a certificate signed by the superintendent of schools, or by the school committee, or by some person acting under authority thereof, certifying to the minor's ability to read at sight and write legibly sim-

ple sentences in the English language resides, no person shall employ him, and no parent, guardian, or custodian shall permit him to be employed unless he is a regular attendant at such evening school or at a day school; but upon presentation by such minor of a certificate signed by a registered practicing physician and satisfactory to the superintendent of schools, or, if there is no such superintendent, to the school committee, showing that his physical condition would render such attendance in addition to daily labor prejudicial to his health, said superintendent or school committee shall issue a permit authorizing the employment of such minor for such period as said superintendent or school committee may determine. Said superintendent or school committee, or teachers acting under authority thereof, may excuse any absence from such evening school which arises from justifiable cause. Any minor not holding the certificate described above shall furnish to his employer a record of his school attendance each week while the evening school is in session, and when this record shows unexcused absences from the sessions his attendance shall be deemed irregular according to this act. Whoever employs a minor in violation of the provisions of this section shall forfeit not more than $100 for each offense to the use of the evening schools of such city or town. A parent, guardian, or custodian who permits a minor under his control to be employed in violation of the provisions of this section shall forfeit not more than $20 to the use of the evening schools of such city or town.

[Chapter 499, acts of 1906.]

AN ACT RELATIVE TO THE ILLEGAL EMPLOYMENT OF MINORS AND TO THE DUTIES OF TRUANT OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. Whoever employs a minor under the age of 16 years, and whoever procures or, having under his control a minor under such age, permits such minor to be employed in violation of the provisions of sections 28 or 29 of chapter 106 of the revised laws, as amended by chapter 267 of the acts of the year 1905, shall for each offense be punished by a fine of not more than $300, or by imprisonment for not more than six months, or by both such fine and imprisonment; and whoever continues to employ a minor in violation of the provisions of either of said sections as so amended, after being notified thereof by a truant officer or by an inspector of factories and public buildings, shall for every day thereafter while such employment continues be punished by a fine of not less than twenty nor more than one hundred dollars, or by imprisonment for not more than six months.

SEC. 2. Inspectors of factories and public buildings shall visit all factories, workshops, and mercantile establishments within their respective districts, and ascertain whether any minors are employed therein contrary to the provisions of chapter 106 of the revised law and amendments thereof or additions thereto, or contrary to the provisions of this act, and shall enter complaint against whomever is found to have violated any of said provisions. Any inspector of factories and public buildings who knowingly and wilfully violates any provision of this section may be punished by a fine of not more than $100.

SEC. 3. A truant officer may apprehend and take to school, without a warrant, any minor under the age of sixteen years who is employed in any factory, workshop, or mercantile establishment in violation of the provisions of sections twenty-eight or twenty-nine of chapter one hundred and six of the Revised Laws, and of any amendments thereof or additions thereto, and such truant officer shall forthwith report to the police, district, or municipal court, or trial justice within whose judicial district the illegal employment occurs, the evidence in his possession relating to the illegal employment of any child so apprehended, and shall make complaint against whomever the court or trial justice may direct. Any truant officer who knowingly and wilfully violates any provision of this section may be punished by a fine of not more than one hundred dollars for each offence.

SEC. 4. Inspectors of factories and public buildings, and truant officers may require that the age and schooling certificates and lists of minors who are employed in factories, workshops, or mercantile establishments shall be produced for their inspection. A failure to produce to an inspector of factories and public buildings or to a truant officer an age and schooling certificate or list required by law shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. A corporation or other employer or any agent or officer thereof who retains an age and schooling certificate in violation of the provisions of said certificate shall be punished by a fine of not less than ten nor more than one hundred dollars.

SEC. 5. Police, district, and municipal courts and trial justices shall have jurisdiction of offences arising under the provisions of this act. A summons or warrant issued by any such court or justice may be served, at the discretion of the court or magistrate, by an inspector of factories and public buildings, or by a truant officer, or by any officer qualified to serve criminal process.

SEC. 6. Section thirty-three of chapter one hundred and six of the Revised Laws, and all other acts and parts of acts inconsistent herewith, are hereby repealed. [*Approved June 20, 1906.*]

Mr. BACON. Before the Senator from Massachusetts takes his seat, as he is quite familiar with this matter and has given it great thought, I wish to ask a question.

I find that an amendment has been offered by the Senator from Washington [Mr. PILES] to insert on page 7, line 3, after the word "age," the words "who is not wholly dependent upon his own labor or who is not the sole support of a disabled father or a widowed mother or of a younger brother or sister;" so that it would read:

That no child under 14 years of age who is not wholly dependent upon his own labor or who is not the sole support of a disabled father or a widowed mother or of a younger brother or sister shall be employed, etc.

I should like to know, for I suppose the matter has had consideration——

Mr. LODGE. If any exception of that sort is going to be made, it must be very carefully guarded. We have found in practice in Massachusetts that there is a constant effort to evade the provisions of law and to put children into factories by parents who may not be disabled except by their own fault, and I have a great suspicion of exceptions of that kind.

Mr. BACON. Very well.

Mr. LODGE. They ought to be very carefully guarded, and, if they are to be admitted for a moment, they ought to be in the control of some board in this District which will supervise them very carefully. Our law works perfectly well without such exceptions.

Mr. BACON. But what I want to know of the learned Senator is this: If, with the safeguards which he suggests, he recognizes that there may be cases where there ought to be such an exception——

Mr. LODGE. Everybody must recognize that there are such cases.

Mr. BACON. This bill does not make any such exception; and I would ask the Senator if he would not favor an amendment, properly guarded, which would make such an exception?

Mr. LODGE. Allow me to say that I am not in charge of this bill. It is not for me to say what amendments should be accepted or rejected. I have taken time which I ought not to have taken, led on by the debate which has arisen. The bill is in charge of the Senator from Iowa [Mr. DOLLIVER], the chairman of the committee, who is thoroughly familiar with the measure, and I do not feel that I have the right to pass upon amendments at all. I am prepared to support the Senator from Iowa in getting his bill through.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. BACON. I do not wish the Senator from Massachusetts to understand me as asking him to accept an amendment, because I know the Senator is not in charge of the bill. But the Senator was discussing the subject, and being familiar with the matter generally I wished to direct his attention to a point which I thought very important.

While I am on the floor, without any disposition to occupy the time at length or to discuss the bill generally, I desire to suggest another thing, and this time I will suggest to the Senator who is in charge of the bill. There ought to be a distinction made between the prohibition of the employment of children in factories and other occupations deleterious to health and the employment of children in outdoor occupations which are contributory to health. It seems to me there is a very wide difference. While the subject generally must commend itself to the favorable consideration of Senators, at the same time there are very important details which ought to be most carefully looked into; and unless there is going to be a very careful and elaborate discussion of the question, in which there will be a full interchange of opinions and a careful arrangement of details, I should very much prefer the suggestion of the Senator from Maine [Mr. HALE] that this matter have further consideration from the committee, in view of the suggestions which have been made and which will be made in the progress of this debate.

Mr. DOLLIVER obtained the floor.

Mr. SCOTT. Before the Senator from Iowa starts on his argument——

Mr. DOLLIVER. I am not going to make an argument.

Mr. SCOTT. Will he yield to me for a moment?

Mr. DOLLIVER. Certainly.

Mr. SCOTT. With the suggestion of the Senator from Georgia, if we could bring about the adoption of such an amendment, I would certainly agree most heartily. Before the Senator from Iowa starts, I ask the Secretary to read a short article as a part of what I wish to say.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested by the Senator from West Virginia.

The Secretary read from the New York Sun of Saturday, December 8, 1906, as follows:

BLIND BILLY IS IN HARD LUCK—NO ONE NOW TO HELP HIM SELL HIS DAILY PAPERS—POLICE SWOOP DOWN ON HIS STAND AND CART AWAY THE TWO LITTLE GIRLS WHO HAD LONG LOOKED OUT FOR THE BUSINESS—FEARS HE WILL HAVE TO GO TO POORHOUSE.

Blind Billy was sad of heart last night. In the many years he has kept the little news stand at Mulberry and Bleecker streets, right in the shadow of police headquarters, he has heard the clanging of the patrol-wagon bells until the sound is to-day the most familiar thing that strikes Billy's ears. Year in and year out he has heard the patrol wagons go by.

But when the Mercer street police station patrol came to a stop right near Billy's stand last night something told the blind newsvender that trouble was at hand. He couldn't explain the feeling that came over him; he just knew that something was going to happen.

Two bluecoats sprang out of the patrol—bluecoats who have known Billy for nigh on to ten years—and although they hated to do it, they went up and told him he was violating the law in having girls under 16 years of age working for him. They told Billy they wouldn't arrest him, but they would have to take Annie Fagan, 10 years old, who has been his assistant for the past two years, and her sister Tina, 12 years, who helps during the evening rush hours.

Some citizen had complained to the police that the two girls who helped Billy to make a living were under age, and that it must be stopped. The police had no alternative; they had to stop it.

Annie, whom all the officials and attachés at police headquarters call "Merry Yom Kippur," thought the police were playing a joke on Billy, but she and Lena soon learned that the officers were in dead earnest. Yom Kip and Lena had to go to the station house.

Billy pleaded that he be arrested instead of the girls, but the police wouldn't hear of it—the children were the real offenders. And off the wagon rolled with the tiny prisoners, leaving the sightless Bill sad and alone. As best he could he locked the stand for the night and slowly picked his way through the street to his home at 324 Bowery. The little girls, after being arraigned in the Mercer street station, were sent to the rooms of the Children's Society for the night, and to-day will be arraigned before Justice Olmsted in the children's court.

Blind Billy was having a streak of bad luck when Merry Yom Kippur came into his life. Twice his stand was burned down by mischievous lads in the neighborhood, and it took all his savings to build new ones. Unscrupulous persons, taking advantage of the plight of the sightless vender, took papers without leaving the money on the stand, and Billy often found his stock depleted and no money to pay for the next day's wares. The youngsters, too, lurked near the stand, and when change was deposited by patrons they would snatch it up and run off.

One day two years ago Merry Yom Kippur was on her way home from school when she saw three boys steal money from the stand. The little girl's heart was touched. She knew Blind Billy was powerless to prevent such things and she walked up boldly and offered to help him. From that day on Yom's face had protruded from the window of the stand and thousands are familiar with her cry, "Uxtree! uxtree! Blind Billy keeps this stand, and this stand helps to keep Blind Billy."

With Yom on the job Billy prospered. There were no more thefts and no unscrupulous patron could go off without paying for his or her paper. And soon Billy was able to pay Merry Yom a stipend. The Fagins were poor and the $2 a week which Billy has been able to pay has helped the Fagins. The father is sickly and unable to work most of the time, so very often Yom is the mainstay of the household. For weeks at a time they have lived in a tenement at 234 East Tenth street on Yom's earnings and tips alone. The father has been sick since cold weather set in, but Yom has kept the wolf from the door.

She and her sisters attend the Houston Street School, and early every morning and in the afternoon and evening Yom was at the stand crying her wares.

Blind Billy—Highley is his last name—is an old circus performer and for many years traveled with the G. F. Bailey and the Barnum & Bailey shows. At one time he was the best clown in the circus world. He was stricken blind about twelve years ago. He has supported his aged mother despite his affliction, and last night had saved up $10.70 with which he planned to buy her a fine Christmas present.

While Billy is not inclined to be pessimistic, he said last night he feared that he and his mother will wind up in the poorhouse if the authorities take Merry Yom Kippur away from him.

Mr. DOLLIVER. Mr. President, it is no purpose of mine to make any elaborate speech or to indulge in any elaborate discussion of this bill, although I have toward it a sort of parental relation in the sense that the committee of which I am chairman considered it and directed me to make a report in favor of it. And that circumstance makes me just a little sensitive when it is calmly suggested by brethren who have given their attention to the bill for the first time to-day that it ought to be redrafted by the committee in the interest of clear phraseology.

I do not think, either, that I ought to allow the suggestion to go unquestioned that the first section of the bill is hard to understand. It may be hard to approve, but it certainly is plain enough to understand. It prohibits in certain occupations named the labor of children under 14 years of age, and it allows in occupations not named the employment of such children out of school hours in the daytime.

Now, it is agreed by everybody that the labor of children in mines and in factories is bad and ought to be prevented. The Committee on Education and Labor listened with very great patience to some of the most intelligent men and women interested in philanthropic work in the District of Columbia and elsewhere in the United States, and this was drawn in strict accordance with their counsel and in conformity to the testimony which they bore.

It is true that, as a rule, the labor of children in factories and in mines is the worst of all possible child labor, but in the District of Columbia, to which this bill is applicable, there are places in which children labor where the injury to them is more fatal than it would be in any mine or in any factory. It was the testimony of these philanthropic women—and this, I may say, is largely, from the humane standpoint, a woman's question, a question which enlists of the interest of every mother in the United States—and their unanimous opinion that the labor of children in the District of Columbia in carrying messages and in selling newspapers at nighttime, and in restaurants and in theaters and in hotels and in bowling alleys was more detrimental not only to their intellectual, but to their moral, welfare than the labor of children in well-regulated factories or even in mines; and I am disposed to believe that these women who have studied this question profoundly told the exact truth.

Therefore there need be no misunderstanding among us. It is the object of this bill, applicable to the District of Columbia, where Congress has complete jurisdiction, to prevent the labor of children under 14 years of age in any of these prohibited occupations. As to occupations not specifically mentioned, their labor is also prohibited except out of school hours in the daytime; and I venture to say that when the Congress of the United States fully discusses the child-labor question, as it will before very long, it will not adopt a standard very far from the prohibitions of section 1 of this proposed statute.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. DOLLIVER. Certainly.

Mr. CARMACK. I understand the first sentence of section 1 to prohibit the employment at any hour of children under 14 years of age in certain enumerated occupations.

Mr. DOLLIVER. That is correct.

Mr. CARMACK. Now, why does that include the selling of newspapers out of school hours?

Mr. DOLLIVER. It was the testimony of charitably disposed persons and of practical students of this question that the employment of little children on the streets selling newspapers, especially in the nighttime, was the most demoralizing of all the possible pursuits of these children. That was the testimony.

Mr. CARMACK. I can understand it as it relates to the nighttime, but within the hours prescribed in the second part of section 1——

Mr. DOLLIVER. It was their testimony that newspapers were put into the hands of children of very tender years in this town, and that they run a fearful risk of developing not into business men, but into beggars and criminals. Testimony was presented before our committee that of 700 children eligible to the night schools in this city, in a single quarter 300 of them, nearly one-half, passed through these occupations to the criminal courts and to the reform school of the District of Columbia. The showing was so tragical that not a member of the committee doubted the wisdom of preventing the employment of children of tender years in these occupations that bring them into contact with the rough and dangerous aspects of life upon the streets of great cities. It is a sad and humiliating thing to see these little ones dodging into saloons and into places of evil resort, engaged in what appears to the public to be a business, but is, in fact, a trap for their moral character and a reckless waste of their innocent lives.

Mr. CARMACK. I did not mean to express an objection of my own. I wanted to hear the Senator upon that point and to know if it had been carefully considered by the committee. I really think the Senator is right about it.

Mr. DOLLIVER. I confess I was prejudiced against the prohibition of the sale of newspapers by children—interesting little fellows in all cities, they have seemed to me. But I have lately, going home from this Capitol, encountered child after child from 6 to 10 years of age who was mingling the business of selling newspapers with the degradation of street beggary; children who ought to grow up into the stature of good citizenship of the United States.

Mr. BACON. I should like to ask the Senator from Iowa a question.

Mr. DOLLIVER. Certainly.

Mr. BACON. I understand the Senator to be now contending that the employment of these children in the selling of newspapers and kindred occupations is destructive of their moral character, a trap really for their destruction. The question I wish to ask the Senator is this: If such is the fact, why is it that the bill does not entirely prohibit it rather than simply limit it? Why is it, if it is thus destructive, that the prohibition extends only to school hours, and that such employment is permitted without limit outside of school hours?

Mr. DOLLIVER. It distinctly extends to all hours. It is an absolute prohibition of children under 14 years of age selling newspapers.

Mr. BACON. It is not the first section that the Senator is on, then?

Mr. DOLLIVER. Yes. As to the occupations enumerated, the prohibition is without any qualification.

Mr. BACON. I did not so read it.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. DOLLIVER. Certainly.

Mr. WARREN. I agree with very much that the Senator from Iowa says, especially as to the contaminating influence of certain places upon boys of a tender age. But since the subject has been brought up by another Senator, I wish to ask the Senator from Iowa if he is prepared to say that section 1, in its second portion, does not preclude the employment by the Senate during school hours of pages who are now with us? I assume, of course, that he will not contend that there are any contaminating influences surrounding the boys here. I want to know whether, under the bill as it now stands, these boys can

be employed for such work during school hours in the District of Columbia?

Mr. DOLLIVER. Mr. President, as the bill came to the committee it contained an express prohibition of child labor in the Senate and in the House of Representatives. It was the opinion of the committee—and I will say that that opinion was shared by some of the most intelligent of the men and women who gave their attention to the subject before our committee—that the employment of these children in the Senate and House of Representatives of the United States was a distinct advantage to them and not a detriment, and it was with the full consent, I think, of nearly all the good people who bore testimony before the committee that the employment of our pages here in the Senate and in the House of Representatives was left out of the prohibitions of the proposed law.

Mr. WARREN. Then, I ask the Senator again, does he not undertake positively to prohibit them?

Mr. DOLLIVER. I will say in answer that it was not the understanding of the committee that such a prohibition was made. But if there is any doubt about it, it will be perfectly easy in three words to save the pages of the Senate and House of Representatives from the operation of this proposed statute.

Mr. WARREN. The Senator does not answer the question. Does the bill prohibit their employment or not?

Mr. DOLLIVER. I have said that there is an ambiguity in the matter which might enable a man to take either side of the question, and I am perfectly willing to relieve it by a plain amendment, because it was not the purpose of the committee to prevent the employment of children in the two Houses of Congress.

Now, Mr. President, just a word or two more. It is obvious that the Government of the United States is face to face with a universal discussion of the child-labor question. I do not know whether it has impressed you as it has me, but the whole outlook of our public opinion in the United States has undergone a noticeable change amounting to a revolution within the last few years. There are good people, and wise people, too, who believe that the most important question now pending at the bar of the American public opinion is the rescue of these children, in number amounting, it may be, to millions, from the heavy burdens and hardships of life in their tender years, that they may be left in the schoolhouses where they belong in the daytime and in their beds at night under the protection of their fathers and mothers.

Now, the District of Columbia is a favored spot on the map of this country. It constitutes a model for the States of the Union throughout the breadth of our national domain. It appears to me a strange negligence of Congress, which has the sole authority here, that not a line has been put upon the statute books of the United States in keeping with the philanthropic spirit of our States in respect to the employment of child labor in the District.

This proposed bill intends to correct that oversight, for it can hardly be more than a negligence and an oversight of Congress. In drawing the bill the committee has been careful to make what appears to it at least to be an approved statute upon this subject. We had recourse to the most enlightened legislation in England and in New England, and in Ohio, in New York, and in other States of the Union, and we have produced here a simple measure providing that in certain occupations prejudicial to children the labor of our boys and girls under 14 years of age shall be absolutely prohibited. In all other occupations their employment is prohibited except out of school hours in the daytime, and as to children more than 14 years of age and less than 16 a certificate is required from the school authorities.

I count the bill as important, first, because the welfare of nearly a thousand children in the District of Columbia is directly involved. I confess to you, Mr. President, that when it was stated before our committee in cold blood that practically half of the children employed in the District under 14 years of age in the course of a single year make their way through the police court to the reform school, it filled my heart with a good deal of sadness and anxiety for the future of the District of Columbia. That state of things ought to be corrected, and it ought to be done now. It is not a sound public policy to maintain a system of public schools as costly as we have here in the District of Columbia and then send our children to night schools. Children who work in the daytime, according to the testimony of all teachers, can not study at night in any proper sense of the word. The body is weary, the energies are overtaxed, and study at night schools is an addition to the burdens of these struggling young lives that ought to be avoided.

I have as much sympathy as anybody has with the gospel of hard work. I believe that the work which men do in this world is their salvation, physically, intellectually, and morally. I shall not say a word here to disparage that. And yet there is in the good providence of God a little respite from labor given to the very young and to the very old. It is given to the young in order that they may mature their bodies and train their minds to the labors of life, and that little respite we ought not to deny to the children who live under the shadow of the Dome of the Capitol of the United States.

Mr. PROCTOR. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Vermont?

Mr. DOLLIVER. Certainly.

Mr. PROCTOR. I should like to ask the chairman of the committee that reported the bill whether under the bill children up to the age of 14 are denied the right to work in the summer, in the long vacation?

Mr. DOLLIVER. No, sir; they are not, except in certain enumerated occupations.

Mr. PROCTOR. Does not that enumeration cover practically everything?

Mr. DOLLIVER. Oh, no; the labor incident to agriculture is not included.

Mr. PROCTOR. Agriculture in the District of Columbia is not a matter of general occupation of the people, I believe——

Mr. DOLLIVER. It is ahead of mining.

Mr. PROCTOR. Except as far as mending fences may go. [Laughter.]

Mr. CLAY. With the Senator's permission——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. DOLLIVER. Certainly.

Mr. CLAY. I will ask the Senator this question: Is it not true that under the bill children below 14 years of age could not work at all at any time during the year in factories, workshops, mercantile establishments, stores, telegraph offices, restaurants, apartment houses, or in taking messages or selling papers? They could not work after school was out in those hours at all?

Mr. DOLLIVER. No, sir; not under 14 years of age.

Mr. CLAY. Then, as I understand the Senator, there is intended to be a total prohibition of all children before arriving at the age of 14 as to those classifications which I have mentioned.

Mr. DOLLIVER. That is correct.

Mr. CLAY. If I understand the Senator further, the next provision of the bill provides that as to all other occupations except those enumerated above they can work either in the vacation or after school hours, except before the hour of 6 o'clock in the morning or after the hour of 7 o'clock in the evening. The Senator intends to allow children under 14 years of age to work during the hours named in all occupations except those which are specified in the first part of the section?

Mr. DOLLIVER. That is correct.

Mr. CLAY. And the Senator does not intend that they shall engage in any kind of work before 6 o'clock in the morning and after 7 o'clock in the evening?

Mr. DOLLIVER. That is exactly the idea. Those who testified before our committee thought that the children ought to be in school at that age in the daytime and at home at night.

Now, Mr. President, just a word further.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. DOLLIVER. Certainly.

Mr. FORAKER. If the Senator will allow me to interrupt him, I rise only to get information. I am not on the committee and I do not know what was presented to the committee. The Senator has told us what the testimony was before the committee as to the effect of the employment of children under 14 years of age in factories and workshops and in some other kinds of employment. But I should like to ask the Senator what the opinion was as to the employment in mercantile establishments, in stores, in business offices, in telegraph offices, and in places that are presumed to be places where there is a good, wholesome atmosphere. Was there any testimony to the effect that it was prejudicial to a child simply because under the age of 14 years of age to be employed in an office, for instance, as a messenger boy or as a boy to receive a card at the door?

Mr. DOLLIVER. There was. The most interesting part of the testimony that was taken by the committee was that which related to the total wreck of moral character of children in messenger-boy service in the United States.

Mr. FORAKER. I understand there was testimony as to some of these employments, and I can understand why there might be such testimony; but I am a little bit surprised to hear that kind of a statement made as to the character of employment I have called attention to.

According to my experience (and I have had occasion to be a pretty close observer of that), while it is bad to have a child employed in some of these occupations, there is only one thing worse, and that is absolute idleness. It seems to me as between a boy 13 years of age, for instance—and that would be under 14—being absolutely idle and being employed in a business office or in a store where there is a good, healthful atmosphere, I should think he would be better off if employed. But, of course, I do not know what the testimony was. I ask simply for information.

Mr. PROCTOR. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Vermont?

Mr. DOLLIVER. Certainly.

Mr. PROCTOR. I should like to ask the Senator from Iowa, as the report does not show what that testimony was, by whom it was offered on what authority it comes to us?

Mr. FORAKER. There is another question I should like to ask the Senator, if he will allow me further to interrupt him. Does the testimony show how many of those about whom this testimony was given, who made a failure of life, so to speak, and drifted into the criminal court, would have drifted there anyhow if they had not been employed? That is to say, was it the employment that led to it? I do not think that result would follow employment in a dry goods store as a cash boy, if there are still stores with cash boys. I believe that work is now done by machinery or some kind of apparatus that one hears when he goes into a store. But in any employment of that kind it never occurred to me that there was any danger to a boy being destroyed there—not half as much as if he were out in an alley playing marbles for keeps with some other boy.

Mr. PROCTOR. The chairman says that the testimony in regard to the ill effects of this labor of boys as messengers, etc., was given by Doctor Harris. I see from the report that Dr. Henry J. Harris is the secretary of the Citizens' Child-Labor Committee of the District of Columbia. He stated before the committee that in the last three months 300 children less than 16 years of age have graduated in this city from the care of employers to the guardianship of the criminal courts. He does not say how many children who had been attending school have graduated from schools to the criminal courts. I do not like to discredit his testimony, but I should like something a little more accurate from the record. Doctor Harris is evidently the secretary of an association, and to justify his employment he must make a report that will arouse and startle the sentiment of the community on this subject. I myself, like the Senator from Ohio, am a believer in the saving ordinance of work, and I know a great many boys who, I think, have been saved from harm by work, even at a comparatively early age. I believe many more are saved than are harmed, and in this city especially. It is one where there is a great official population, and there is employment for many boys as messengers, servants, etc. There are many families who I know would suffer seriously if this employment was cut off. If it is a question between the family starving and the child going to school, and at the same time having a chance to work outside in some decent employment, I should say give the child a chance to work.

Mr. FORAKER. Will the Senator from Iowa allow me to ask the Senator from Vermont a question before he takes his seat?

The VICE-PRESIDENT. Does the Senator from Iowa yield?

Mr. DOLLIVER. Certainly.

Mr. FORAKER. The Senator from Vermont read from some report, which I have not had the fortune to see, as to how many children have graduated from employment into crime.

Mr. PROCTOR. It is at the end of the report.

Mr. FORAKER. I have not time now, but I will ask the Senator to look over it and see whether the report states how many have graduated from idleness into crime. I have always heard all my life that the danger to youth is idleness beyond almost anything else. I know there are employments that children should not be allowed to engage in. I would exclude factories, mines, and workshops. The Senator from Maine [Mr. HALE] reminds me of the lines in the primer:

> Satan finds some mischief still
> For idle hands to do.

That has been the experience of the whole world.

Mr. PROCTOR. Will the Senator from Iowa allow me a moment on another question?

Mr. DOLLIVER. Mr. President, I dislike to disturb the meditations that are evidently arising in the mind of my honorable friend.

Mr. PROCTOR. For only a moment. The laws of the New England States have been referred to. These child-labor laws fifty years ago in England and in New England in the early days of manufacturing were a necessary protection; but in my somewhat long life—and I believe it is longer than that of any one I see, though I yield a little to my friend from Illinois [Mr. CULLOM]—I have never known any abuse of child labor. Public sentiment would correct it. I have never known an employer but who carefully guarded any violation of what was right. I suppose there is a child-labor law on the statute book of Vermont. I never knew it to be invoked. I have asked my colleague [Mr. DILLINGHAM], who is more familiar with the law, and he says the same thing. Public sentiment takes care of it.

Mr. DOLLIVER. They obey it there.

Mr. PROCTOR. I believe they do very generally. I have known boys employed in mines, and boys under this age, but they were employed as water boys and errand boys. I have never known one to be employed in any capacity or at any time to seriously interfere with the reasonable chance for education or to injure him physically or morally. So far as the moral point is concerned, I believe it is in favor of giving the boy a chance to work rather than to keep him in idleness.

Mr. DOLLIVER. Mr. President, this is a matter which everybody has got to form a conclusion of for himself. It can hardly be that a State like Vermont, full of good, sensible people, would enact child-labor laws unless there were abuses of child labor that required correction. Referring to the observations of the honored Senator from Ohio [Mr. FORAKER], while it is hardly a perfect defense for the committee, it is at least something in the nature of an explanation that the provision of this act in relation to the prohibition of the labor of children in the messenger service is copied from the statutes of Ohio. The arrangement worked well there and has the moral support of that Commonwealth.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. DOLLIVER. Certainly.

Mr. FORAKER. If the Senator will allow me, I am told that the provision is in the statutes of Ohio. I was not aware of that fact. But, Mr. President, that does not change my mind about it. A good many things get into the statutes, when there is discussion about them, that might be better left out. I do not know how it has worked in Ohio. I do not know what the provoking cause was for it. A committee, I suppose, reported on it to the Ohio legislature, and took some testimony, but I have never heard in all my life any complaint of harm coming to any boy who worked in a good, healthy atmosphere, such as stores and business houses and business offices usually are for boys to be employed in. My purpose in interrupting the Senator was only to ask what his information was that was given to the committee which induced them to put such a provision in the bill. I shall move to strike all that out at the proper time.

Mr. DOLLIVER. Mr. President, I do not desire to detain the Senate any longer, except to say that there is running through the literature of the child-labor agitation, both in England and America, a close facsimile of the arguments that have just been so ably submitted by the Senator from Vermont and by the Senator from Ohio.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Washington?

Mr. DOLLIVER. Certainly.

Mr. PILES. I should like to ask the Senator from Iowa, should this bill be enacted into law, if it would not prevent me, if I were practicing law in the District of Columbia, from employing my own son to work in my law office, carrying papers to and from the court, if I saw fit to send him there and educate him in that way?

Mr. DOLLIVER. In the school hours of the daytime you would have to let him go home.

Mr. PILES. Now, if the Senator from Iowa will permit me, I should like to say that I shall urge the amendment which I have proposed to this bill at the proper time.

Mr. DOLLIVER. What is that amendment?

Mr. PILES. It provides that this law shall not have application to a boy who is dependent upon his own labor for his support, or who is the sole dependent of a disabled father or of a widowed mother or of a younger sister or brother. It really should be a dependent sister or brother, as the case might be.

Mr. SCOTT. If the Senator will put that in the bill I think there will be no opposition to it whatever.

Mr. WARREN. I rose to ask the Senator from Washington if he would not put in the word "dependent" in place of "younger," before the words "brother or sister?"

Mr. PILES. Yes; I will. I think it should be amended in that respect.

If I may be permitted just a moment, I believe if a boy desires to fight his own way in the world he should have that opportunity. I believe that the charities should look after those deserving of charity and who claim charity, but I believe a boy who says, "I seek no charity; I wish to make my own way in this world; I wish to support my aged or decrepit father or widowed mother or my dependent sister or brother," should have that opportunity in any healthful, moral employment; and, in my opinion, whenever the Government prevents a youth of that character from working in such employment it will have upon its statute books a law almost as detrimental to the citizenship of our country as the infamous system of working children in mines and factories.

Mr. President, under this bill no lawyer in this city would be permitted to employ his own son in his office, under the age of 14, to carry papers from his office to the court-house during the summer vacation, or to perform any light service in his office which would be, in the opinion of the father, of advantage for his son to perform, and which would have a tendency to educate his son along legal lines; neither could a merchant, during the vacation, employ his own son in his store, giving the boy such work as in the opinion of the father would be to his advantage and aid him in acquiring a thorough knowledge of the mercantile business.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. DOLLIVER. Certainly.

Mr. BEVERIDGE. With the permission of my friend from Iowa [Mr. DOLLIVER], I should like to ask my friend from Washington [Mr. PILES] a question.

Mr. PILES. Certainly.

Mr. BEVERIDGE. Would the Senator from Washington, who is a lawyer and a very excellent one, begin the education of his son in his law office in the practice of the law and in the science of the art of jurisprudence under 14 years of age?

Mr. PILES. As to whether I would or would not, Mr. President, is not the question. I feel, however, that I should have that right, and that my boy should have that privilege. Take, for instance, the case of a young boy but 13 years of age whose father is a successful merchant. That boy is idle in the summer. What objection can there be to his working in his father's business office, or in his father's store, under the direction of his father, who certainly has his best interests at heart?

Mr. BEVERIDGE. Just let us take up first the question of the law office.

Mr. PILES. Very well.

Mr. BEVERIDGE. I did not ask whether the Senator thought he ought to have the right to put his boy under 14 years of age in his law office for the purpose of teaching him to be a lawyer; I asked him whether he thought, as a matter of wisdom, that any man who expected to make a lawyer out of his son would put him in a law office with that object in view when the boy was under 14 years of age.

Mr. PILES. I may say, for the information of my friend, that I knew a boy who went into his father's office when 13 years of age, and it did not injure him.

Mr. BEVERIDGE. Did it help him?

Mr. PILES. In my opinion it did.

Mr. BEVERIDGE. Then, I will ask the Senator this question: Would a lawyer practicing in a city like Washington, for instance, and having probably not only means, but also wisdom and humanity, preserve his place at the bar if he did not have his boy in school during the school sessions and on vacation or at play when the sessions were not being held, up to the age of 14 years? I myself have had some slight acquaintance with lawyers, and I confess that I hardly think that any boy would be aided in the mastery of that greatest of sciences by beginning its study before 14 years of age.

Mr. PILES. I am not discussing the advisability of a boy commencing the study of the science of the law at the age of 14; but I do know from my own observation that some of the ablest lawyers of my acquaintance have not thought it improper to employ their sons in their offices in vacation, teaching them some of the routine work of the office, keeping their minds employed, and paying them for their services so as to encourage them in their work; nor did I ever hear of such a course injuriously affecting a lawyer's standing at the bar.

Mr. BEVERIDGE. Boys under 14 years of age?

Mr. PILES. Under 14 years of age.

Mr. BEVERIDGE. Does the Senator advise that as a course of legal study?

Mr. PILES. I am not advising it; I have no objection to it, and I say that the right as it now exists should remain. I say it can not ordinarily be an injury to a boy, but it may be of great benefit to him.

I do not desire to trespass upon the time of the Senator from Iowa [Mr. DOLLIVER], but I wish to say that I am in favor of a law which will prevent children from becoming public messengers, from working in mines, factories, and all other places deleterious to physical and intellectual development; also in all places which have a tendency to degrade or reduce the moral tone of the children of the country. But I believe, Mr. President, that every boy should have the right to fight his way in the world and an opportunity to make a name for himself in all employments which are not harmful to his physical, mental, and moral development; and when a boy to that end desires to engage in any such employment, I do not think he should be restrained by law from so doing and forced to accept public charity in order to attend the public schools. You need not, Mr. President, worry about a boy with the spirit of success in him, for he will find both the way and the means to acquire an education which will be of real and lasting benefit to him and the country in which he lives.

Mr. DOLLIVER. Mr. President, I do not think it necessary for me to go into the matters just referred to by the Senator from Washington [Mr. PILES], because I find nothing in the proposed legislation that would interfere with the parental authority of which he speaks. I am, of course, impressed by what he has said and by what is said by men of such practical wisdom in this world as the Senator from West Virginia [Mr. SCOTT] and the Senator from Vermont [Mr. PROCTOR], and I probably would be entirely persuaded by what they say if I did not find the same arguments as to child labor scattered freely through the entire controversy from the beginning of the agitation more than half a century ago.

There could be no more serious weakening of this proposed law than to amend it in such a way as to allow people to permit their children to work when they are under the pressure of poverty and necessity. It does seem a little hard to let them starve when they might be saved by the labor of a child, but that same hardship appears in the enforcement of our health laws and in the enforcement of many of the schemes that society has adopted for its own preservation.

I was so impressed by the argument that families living in poverty might be saved from distress, at least, by the labor of little children that I asked the good people who appeared before the Committee on Education and Labor how stood that case in the District of Columbia, and those who were familiar with the work of the Board of Charities in this District, being before our committee, upon their authority and responsibility in connection with the associated charities of Washington, said that that association had investigated in this District every case in which a child could properly be said to be working for the support of anybody, and there publicly, before our committee, they undertook that that association would relieve all the distress occasioned by the discharge from the army of workers of these little children of the District of Columbia.

I suggest to those who are interested in this question, but are not interested particularly in a running discussion such as we have had here to-day, to take the hearings that were printed by the Committee on Education and Labor and examine that mass of testimony. I doubt very much whether any Senator, after fully investigating this matter, will refuse his support to the effort that this bill makes to put an end to conditions in this District which would be looked upon anywhere in the United States as discreditable and in this fortunate and happy community are little short of disgraceful.

Mr. CULLOM. I desire to ask the Senator who has charge of the pending bill whether he will not yield to me to make a motion to proceed to the consideration of executive business?

Mr. DOLLIVER. I will.

Mr. CULLOM. I want to say to the Senator that there are quite a number of Senators who desire to speak in regard to the question of child labor, and I do not see much prospect of being able to get this bill through this afternoon. I am myself for the bill, but I think I will insist upon making the motion that the Senate proceed to the consideration of executive business.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Iowa?

Mr. CULLOM. I do.

Mr. DOLLIVER. I desire to ask unanimous consent that the bill may be made the unfinished business for 2 o'clock to-morrow.

The VICE-PRESIDENT. There is unfinished business which, by order of the Senate, will come up at 2 o'clock to-morrow.

MEMORIAL ADDRESSES ON THE LATE SENATOR BATE.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Tennessee?

Mr. CULLOM. I do.

Mr. CARMACK. I simply wish to given notice that on Thursday, January 17, I shall ask the Senate to consider resolutions of respect to my late colleague, Senator Bate, of Tennessee.

EXECUTIVE SESSION.

Mr. CULLOM. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 11, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 10, 1906.

ASSISTANT COLLECTOR OF CUSTOMS.

Frank F. Patterson, of New Jersey, to be assistant collector of customs for the port of Camden, N. J., in the district of Philadelphia, in the State of Pennsylvania. (Reappointment.)

COMPTROLLER OF THE CURRENCY.

William B. Ridgely, of Illinois, to be Comptroller of the Currency. (Reappointment.)

UNITED STATES ATTORNEY.

Jose R. F. Savage, of Porto Rico, to be United States attorney for the district of Porto Rico, vice N. B. K. Pettingill, removed.

UNITED STATES MARSHAL.

Edson S. Bishop, of Connecticut, to be United States marshal for the district of Connecticut. A reappointment, his term expiring December 10, 1906.

UNITED STATES DISTRICT JUDGE.

Thomas Ives Chatfield, of New York, to be United States district judge for the eastern district of New York, in the place of Edward B. Thomas, who is to resign soon.

PROMOTIONS IN THE ARMY.

Cavalry arm—to be captain.

First Lieut. James D. Tilford, First Cavalry, from October 1, 1906, vice Stevens, Second Cavalry, promoted.

Chaplain with the rank of major.

Capt. Patrick J. Hart, chaplain, Artillery Corps, to be chaplain, with the rank of major, from December 5, 1906.

CHIEF OF BUREAU OF YARDS AND DOCKS.

Civil Engineer Harry H. Rousseau, United States Navy, to be Chief of the Bureau of Yards and Docks, in the Department of the Navy, with the rank of rear-admiral, from the 5th day of January, 1907.

PROMOTIONS IN THE NAVY.

Commander Albert Mertz to be a captain in the Navy from the 2d day of November, 1906, vice Capt. William H. Emory, promoted.

Lieut. James F. Carter to be a lientenant-commander in the Navy from the 2d day of June, 1906, vice Lieut. Commander John H. L. Holcombe, deceased.

Lieut. David Van H. Allen to be a lieutenant-commander in the Navy from the 10th day of October, 1906, vice Lieut. Commander Harold P. Norton, promoted.

Asst. Surg. Winfield S. Pugh to be a passed assistant surgeon in the Navy from the 23d day of September, 1906, upon the completion of three years' service in his present grade.

The following-named assistant surgeons to be passed assistant surgeons in the Navy from the 12th day of October, 1906, upon the completion of three years' service in their present grade:

Elwin C. Taylor.
Franklin E. Campbell.
James E. Gill.
Isaac S. K. Reeves.

John H. Knapp, a citizen of Missouri, to be an assistant paymaster in the Navy from the 5th day of December, 1906 (subject to the physical examinations required by law), to fill a vacancy existing in that grade on that day.

PROMOTIONS IN THE MARINE CORPS.

The following-named officers on the retired list of the Marine Corps to be advanced from the 29th day of June, 1906, to the rank and retired pay of one grade above that actually held by them at the time of their retirement, as indicated, in accordance with a provision contained in the naval appropriation act approved June 29, 1906:

Col. William S. Muse, United States Marine Corps, to be a brigadier-general on the retired list of the Marine Corps.

Majs. Augustus S. Nicholson and Erastus R. Robinson, United States Marine Corps, to be lieutenant-colonels on the retired list of the Marine Corps.

Capts. Frederick H. Corrie, Frank D. Webster, and Archibald S. Taylor, United States Marine Corps, to be majors on the retired list of the Marine Corps.

Second Lieut. Edward R. Miller, United States Marine Corps, to be a first lieutenant on the retired list of the Marine Corps.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 10, 1906.

DISTRICT JUDGE.

Loyal E. Knappen, of Michigan, to be United States district judge for the western district of Michigan.

COLLECTOR OF CUSTOMS.

Philip S. Malcolm, of Oregon, to be collector of customs for the district of Willamette, in the State of Oregon.

MEMBER OF PHILIPPINE COMMISSION.

W. Morgan Shuster, of the District of Columbia, to be a member of the Philippine Commission and to be secretary of public instruction in the Philippine Islands, provided for in the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. William Vans Edmondson Jacobs to be a captain in the Revenue-Cutter Service of the United States, to rank as such from November 4, 1906.

First Lieut. James Mahool Moore to be a captain in the Revenue-Cutter Service of the United States, to rank as such from October 1, 1906.

APPOINTMENTS IN THE ARMY.

General officers.

Maj. Gen. Arthur MacArthur to be Lieutenant-General from September 15, 1906.

Brig. Gen. Jesse M. Lee to be major-general from September 18, 1906.

Capt. John J. Pershing, Fifteenth Cavalry, to be brigadier-general from September 20, 1906.

Inspector-General's Department.

Col. Ernest A. Garlington, inspector-general, to be Inspector-General, with rank of brigadier-general, for the period of four years beginning October 1, 1906, with rank from that date.

Pay Department.

Col. Culver C. Sniffen, Assistant Paymaster-General, to be Paymaster-General, with the rank of brigadier-general, for the period of four years beginning September 11, 1906, with rank from that date.

Col. Arthur Murray, Artillery Corps, to be Chief of Artillery, with the rank of brigadier-general from October 1, 1906.

Medical Department.

Brig. Gen. Robert M. O'Reilly, surgeon-general, to be Surgeon-General with the rank of brigadier-general for the period of four years beginning September 7, 1906, with rank from September 7, 1902.

Cavalry Arm.

Second Lieut. William W. West, jr., Twenty-fifth Infantry, from the infantry arm to the cavalry arm, August 28, 1906, with rank from June 13, 1905.

Artillery Corps.

Second Lieut. Edward J. Cullen, Seventeenth Infantry, from the infantry arm to the artillery corps, September 12, 1906, with rank from June 13, 1906.

Promotion in Porto Rico Provisional Regiment of Infantry.

Second Lieut. Eduardo Iriarte, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from September 7, 1906.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Capt. Joseph T. Crabbs, quartermaster, to be quartermaster with the rank of major from June 30, 1906.

Medical Department.

Capt. Edward L. Munson, assistant surgeon, to be surgeon with the rank of major from July 11, 1906.

Pay Department.

Lieut. Col. William H. Comegys, deputy paymaster-general, to be assistant paymaster-general with the rank of colonel from September 13, 1906.

Maj. Elijah W. Halford, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel from September 13, 1906.

Capt. Eugene Coffin, paymaster, to be paymaster with the rank of major from August 6, 1906.

Capt. John R. Lynch, paymaster, to be paymaster with the rank of major from September 13, 1906.

CORPS OF ENGINEERS.

To be colonel.

Lieut. Col. Ernest H. Ruffner, Corps of Engineers, from September 9, 1906.

To be lieutenant-colonels.

Maj. Frederic V. Abbot, Corps of Engineers, from September 9, 1906.

Maj. Thomas L. Casey, Corps of Engineers, from September 26, 1906.

To be majors.

Capt. William W. Harts, Corps of Engineers, from September 9, 1906.

Capt. Edgar Jadwin, Corps of Engineers, from September 26, 1906.

To be captains.

First Lieut. John R. Slattery, Corps of Engineers, from June 27, 1906.

First Lieut. Curtis W. Otwell, Corps of Engineers, from September 9, 1906.

First Lieut. Hubert L. Wigmore, Corps of Engineers (subject to examination required by law), from September 17, 1906.

First Lieut. Alfred B. Putnam, Corps of Engineers, from September 26, 1906.

To be first lieutenants.

Second Lieut. Joseph H. Earle, Corps of Engineers, from June 27, 1906.

Second Lieut. Thomas M. Robins, Corps of Engineers, from September 9, 1906.

ORDNANCE DEPARTMENT.

To be majors.

Capt. George W. Burr, Ordnance Department, from June 25, 1906.

Capt. Colden L'H. Ruggles, Ordnance Department, from June 25, 1906.

Capt. Odus C. Horney, Ordnance Department, from June 25, 1906.

Capt. George Montgomery, Ordnance Department, from June 25, 1906.

Capt. Tracy C. Dickson, Ordnance Department, from June 25, 1906.

Capt. Lawson M. Fuller, Ordnance Department, from June 25, 1906.

Capt. Charles C. Jamieson, Ordnance Department, from June 25, 1906.

Capt. John W. Joyes, Ordnance Department, from June 25, 1906.

Capt. Jay E. Hoffer, Ordnance Department, from June 25, 1906.

CAVALRY ARM.

To be colonels.

Lieut. Col. Walter S. Schuyler, Third Cavalry, from August 20, 1906.

Lieut. Col. Henry P. Kingsbury, Eighth Cavalry, from August 31, 1906.

Lieut. Col. Frank West, Seventh Cavalry, from October 1, 1906.

Lieut. Col. George F. Chase, Twelfth Cavalry, from October 2, 1906.

To be lieutenant-colonels.

Maj. George K. Hunter, Sixth Cavalry, from June 30, 1906.

Maj. Charles M. O'Connor, Fourteenth Cavalry, from August 20, 1906.

Maj. Wilber E. Wilder, Fifteenth Cavalry, from September 13, 1906.

Maj. John F. Guilfoyle, unassigned, from October 1, 1906.

Maj. Charles H. Watts, Fifth Cavalry, from October 1, 1906.

Maj. Frank A. Edwards, Fourth Cavalry, from October 2, 1906.

To be majors.

Capt. J. F. Reynolds Landis, First Cavalry, from June 30, 1906.

Capt. Parker W. West, Fifteenth Cavalry, from August 20, 1906.

Capt. Frederick S. Foltz, Second Cavalry, from September 13, 1906.

Capt. John H. Gardner, Second Cavalry, from September 13, 1906.

Capt. Charles J. Stevens, from October 1, 1906.

To be captains.

First Lieut. Clark D. Dudley, Fourteenth Cavalry, from June 30, 1906.

First Lieut. Edwin A. Hickman, First Cavalry, from July 18, 1906.

First Lieut. Warren W. Whitside, Fifteenth Cavalry, from August 20, 1906.

First Lieut. Samuel A. Purviance, Fourth Cavalry, from September 13, 1906.

First Lieut. Frederick C. Johnson, Second Cavalry, from September 13, 1906.

First Lieut. Guy Cushman, Eleventh Cavalry, from September 20, 1906.

To be first lieutenants.

Second Lieut. William N. Haskell, Ninth Cavalry, from April 26, 1906.

Second Lieut. Henry A. Meyer, jr., Thirteenth Cavalry, from June 30, 1906.

Second Lieut. Frank Keller, Eighth Cavalry, from July 18, 1906.

ARTILLERY CORPS.

To be colonels.

Lieut. Col. Henry L. Harris, Artillery Corps, from October 1, 1906.

Lieut. Col. Arthur Murray, Artillery Corps, from October 1 1906.

Lieut. Col. John A. Lundeen, Artillery Corps, from October 2, 1906.

To be lieutenant-colonels.

Maj. George L. Anderson, Artillery Corps, from October 1, 1906.

Maj. Lotus Niles, Artillery Corps, from October 1, 1906.

Maj. William H. Coffin, Artillery Corps, from October 3, 1906.

To be majors.

Capt. Thomas Ridgway, Artillery Corps, from June 30, 1906.

Capt. John W. Ruckman, Artillery Corps, from June 30, 1906.

Capt. William P. Stone, Artillery Corps, from September 30, 1906.

Capt. Ira A. Haynes, Artillery Corps, from October 1, 1906.

Capt. Willoughby Walke, Artillery Corps, from October 1, 1906.

Capt. William F. Hancock, Artillery Corps, from October 3, 1906.

Capt. John Conklin, Artillery Corps, from October 3, 1906.

To be captains.

First Lieut. Harry W. Newton, Artillery Corps, from June 30, 1906.

First Lieut. Allen D. Raymond, Artillery Corps, from June 30, 1906.

First Lieut. James R. Pourie, Artillery Corps, from September 30, 1906.

First Lieut. John L. Hughes, Artillery Corps, from October 1, 1906.

First Lieut. John W. C. Abbott, Artillery Corps, from October 1, 1906.

First Lieut. Harry T. Matthews, Artillery Corps, from October 3, 1906.

First Lieut. Harry C. Barnes, Artillery Corps, from October 3, 1906.

First Lieut. Stephen H. Mould, Artillery Corps, from October 16, 1906.

To be first lieutenants.

Second Lieut. Charles C. Burt, Artillery Corps, from June 9, 1906.

Second Lieut. William N. Michel, Artillery Corps, from June 22, 1906.

Second Lieut. Howard S. Miller, Artillery Corps, from June 30, 1906.

Second Lieut. William H. Menges, Artillery Corps, from June 30, 1906.

Second Lieut. Arthur L. Keesling, Artillery Corps, from July 1, 1906.

Second Lieut. Francis J. Behr, Artillery Corps, from September 28, 1906.

Second Lieut. Thomas A. Jones, Artillery Corps, from September 30, 1906.

Second Lieut. John R. Musgrave, Artillery Corps, from October 1, 1906.

Second Lieut. Hartman L. Butler, Artillery Corps, from October 1, 1906.
Second Lieut. William H. Peek, Artillery Corps, from October 3, 1906.
Second Lieut. James E. Wilson, Artillery Corps, from October 3, 1906.
Second Lieut. Thomas W. Hollyday, Artillery Corps, from October 16, 1906.
Second Lieut. Albert L. Rhoades, Artillery Corps, from October 19, 1906.

INFANTRY ARM.

To be colonels.

Lieut. Col. Herbert S. Foster (since retired from active service), Twelfth Infantry, from June 25, 1906.
Lieut. Col. John C. Dent, Twenty-fourth Infantry, from July 2, 1906.
Lieut. Col. George K. McGunnegle, Seventeenth Infantry, from July 3, 1906.
Lieut. Col. Edgar B. Robertson, Ninth Infantry, from October 6, 1906.
Lieut. Col. Henry A. Greene, First Infantry, from October 20, 1906.

To be lieutenant-colonels.

Maj. Francis H. French, unassigned, from June 25, 1906.
Maj. Ammon A. Augur, Twenty-ninth Infantry, from July 2, 1906.
Maj. Charles McClure, Fourteenth Infantry, from July 3, 1906.
Maj. Silas A. Wolf, Nineteenth Infantry, from July 13, 1906.
Maj. Charles G. Starr (since retired from active service), unassigned, from September 4, 1906.
Maj. William C. Buttler, Twenty-ninth Infantry, from October 6, 1906.
Maj. James S. Rogers, Fourth Infantry, from October 20, 1906.
Maj. George S. Young, Eighteenth Infantry, from October 30, 1906.
Maj. Robert L. Bullard, Twenty-eighth Infantry, from October 31, 1906.

To be majors.

Capt. Elmore F. Taggart, Eighth Infantry, from June 25, 1906.
Capt. Samson L. Faison, unassigned, from June 30, 1906.
Capt. Alfred Hasbrouck, Fourteenth Infantry, from July 2, 1906.
Capt. Jacob F. Kreps, Twenty-second Infantry, from July 3, 1906.
Capt. Henry C. Cabell, Fourteenth Infantry, from July 13, 1906.
Capt. Frederick Perkins, Eighth Infantry, from August 7, 1906.
Capt. William P. Burnham, Ninth Infantry, from August 20, 1906.
Capt. James M. Arrasmith, Eighteenth Infantry, from September 11, 1906.
Capt. William H. Johnston, Sixteenth Infantry, from October 6, 1906.

To be captains.

First Lieut. Frederick S. L. Price, Fourteenth Infantry, from June 25, 1906.
First Lieut. Clifton C. Kinney, Ninth Infantry, from June 30, 1906.
First Lieut. Woodson Hocker, Eleventh Infantry, from July 2, 1906.
First Lieut. James S. Young, jr., Tenth infantry, from July 2, 1906.
First Lieut. William M. Parker, Eleventh Infantry, from July 2, 1906.
First Lieut. Charles B. Clark, Fifth Infantry, from July 3, 1906.
First Lieut. Irvin L. Hunt, Nineteenth Infantry, from July 7, 1906.
First Lieut. George S. Simonds, Twenty-second Infantry, from July 13, 1906.

To be first lieutenants.

Second Lieut. George W. Sager, Nineteenth Infantry, from June 5, 1906.
Second Lieut. Thorne Strayer, Twenty-sixth Infantry, from June 6, 1906.
Second Lieut. Francis B. Eastman, Tenth Infantry, from June 15, 1906.
Second Lieut. Kneeland S. Snow, Ninth Infantry, from June 30, 1906.
Second Lieut. Bates Tucker, Fourteenth Infantry, from July 2, 1906.

RETIRED LIST OF ARMY.

With the rank of brigadier-general.

Col. Louis V. Caziarc, retired, from October 1, 1906.
Col. Oliver E. Wood, retired, from October 1, 1906.
Col. William M. Wallace, retired, from October 2, 1906.
Col. Charles H. Noble, retired, from October 20, 1906.

POSTMASTERS.

ALASKA.

A. Zilpah Hopkins to be postmaster at Ketchikan, Alaska.

ARKANSAS.

John L. Smith to be postmaster at Van Buren, in the county of Crawford and State of Arkansas.

CALIFORNIA.

Frank E. Cushing to be postmaster at Red Bluff, in the county of Tehama and State of California.
Lizzie McGann to be postmaster at Richmond, in the county of Contra Costa and State of California.
Henry W. Nash to be postmaster at Stirling City, in the county of Butte and State of California.
Benjamin F. Newby to be postmaster at Dixon, in the county of Solano and State of California.
John F. Rudolph to be postmaster at Lompoc, in the county of Santa Barbara and State of California.

COLORADO.

John A. Bunker to be postmaster at Paonia, in the county of Delta and State of Colorado.
Emma C. Burke to be postmaster at Sterling, in the county of Logan and State of Colorado.

IDAHO.

John H. Bruce to be postmaster at Weiser, in the county of Washington and State of Idaho.

ILLINOIS.

Edward I. Boies to be postmaster at Sycamore, in the county of Dekalb and State of Illinois.
William P. Dickie to be postmaster at Bunker Hill, in the county of Macoupin and State of Illinois.
Luranah Haworth to be postmaster at Georgetown, in the county of Vermilion and State of Illinois.
Peter E. Low to be postmaster at Eureka, in the county of Woodford and State of Illinois.
Milton M. Rodenberger to be postmaster at Windsor, in the county of Shelby and State of Illinois.
William H. Whitehouse to be postmaster at Mount Olive, in the county of Macoupin and State of Illinois.

INDIANA.

Will H. Conway to be postmaster at Aurora, in the county of Dearborn and State of Indiana.
Roy E. Turner to be postmaster at Dana, in the county of Vermilion and State of Indiana.

INDIAN TERRITORY.

Lura M. Allen to be postmaster at Okemah, District 9, Indian Territory.
Joseph H. Butler to be postmaster at Vinita, in District 2, Indian Territory.

KANSAS.

George W. Benedick to be postmaster at Plainville, in the county of Rooks and State of Kansas.
John A. Davidson to be postmaster at White City, in the county of Morris and State of Kansas.

MICHIGAN.

Robert H. Barnum to be postmaster at Iron River, in the county of Iron and State of Michigan.

MINNESOTA.

Manley S. Elliott to be postmaster at Paynesville, in the county of Stearns and State of Minnesota.
Clinton D. Grinols to be postmaster at St. Cloud, in the county of Stearns and State of Minnesota.
Fred Herring to be postmaster at Hawley, in the county of Clay and State of Minnesota.
Mary H. James to be postmaster at Virginia, in the county of St. Louis and State of Minnesota.

MISSOURI.

George N. Gromer to be postmaster at Pattonsburg, in the county of Daviess and State of Missouri.

MONTANA.

Edward H. Cooney to be postmaster at Great Falls, in the county of Cascade and State of Montana.

NEW JERSEY.

John E. Morton to be postmaster at Palmyra, in the county of Burlington and State of New Jersey.

NEW YORK.

Pryce W. Bailey to be postmaster at Seneca Falls, in the county of Seneca and State of New York.

NORTH CAROLINA.

Barnabas A. Baber to be postmaster at Shelby, in the county of Cleveland and State of North Carolina.

OHIO.

Samuel N. Patton to be postmaster at Hillsboro, in the county of Highland and State of Ohio.

William D. Powley to be postmaster at Monroeville, in the county of Huron and State of Ohio.

Charles J. Thompson to be postmaster at Defiance, in the county of Defiance and State of Ohio.

TENNESSEE.

Frank W. Galbraith to be postmaster at Jefferson City, in the county of Jefferson and State of Tennessee.

N. J. Tallent to be postmaster at Dayton, in the county of Rhea and State of Tennessee.

William J. Wells to be postmaster at Loudon, in the county of Loudon and State of Tennessee.

WASHINGTON.

Hiram Hammer to be postmaster at Sedro Woolley, in the county of Skagit and State of Washington.

Charles P. Kimball to be postmaster at Bremerton, in the county of Kitsap and State of Washington.

Daniel C. Pearson to be postmaster at Stanwood, in the county of Snohomish and State of Washington.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 10, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Friday, December 7, was read and approved.

COMMITTEE APPOINTMENT.

The SPEAKER appointed Representative BRADLEY of New York, a member of the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, Mr. DRESSER was given leave of absence indefinitely, on account of illness.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, under the rules this is District day. I understand that there is an appropriation bill before the House which it especially desires to act upon, and for that reason I ask unanimous consent that it may be in order to call up business reported by the Committee on the District of Columbia next Monday instead of to-day.

Mr. CRUMPACKER. Mr. Speaker, I understand next Monday will be suspension day. I do not think that a special order ought to be made for that day.

Mr. BABCOCK. Then, Mr. Speaker, I would suggest next Tuesday.

Mr. MUDD. Mr. Speaker, it is very important that I should be present on District day, and I shall be obliged to be absent on Tuesday. I shall therefore object.

Mr. BABCOCK. Then, Mr. Speaker, I will change my request and ask that it be in order to call up business reported by the Committee on the District of Columbia on the day following the conclusion of the appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title and the following resolution were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate concurrent resolution 25:

Resolved by the Senate (the House of Representatives concurring), That the President by requested to return to the Senate the bill (S. 3454) entitled "An act granting an increase of pension to William Wilson"—

to the Committee on Invalid Pensions.

An act (S. 6261) to establish a fund for public works in the Territory of Hawaii, and for other purposes—to the Committee on the Territories.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

REPRINT OF A BILL.

Mr. WILSON. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 9754) to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes.

The request was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, and pending that I desire to ask the other side of the House if we can agree upon any time for general debate?

Mr. LIVINGSTON. I suggest to my colleague on the committee that debate can run on a while until we can ascertain later in the day how much time we want on either side.

Mr. BINGHAM. Could we not agree on two days for general debate?

Mr. LIVINGSTON. I am inclined to think that we do not want as much as two days.

Mr. BINGHAM. Very well; then at present we will allow the debate to run without limit.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry. The gentleman from Pennsylvania [Mr. BINGHAM] in charge of the bill will necessarily be absent to-morrow, and if general debate should close before that time, it ought to be understood that the bill should not be taken up under the five-minute rule Wednesday.

Mr. LIVINGSTON. I will agree to that, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that if general debate should close before the adjournment on Tuesday, the bill shall not be called for reading under the five-minute rule until Wednesday. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Speaker, I do not think that the question of division of time has been agreed upon. I do not know whether the gentleman from Pennsylvania and the gentleman from Georgia desire to make any agreement about it.

Mr. BINGHAM. I would suggest, Mr. Speaker, that the time for general debate be equally divided between the two sides of the House, the time to be controlled on the other side by the gentleman from Georgia and on this side by myself.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the time for general debate be equally divided, the time to be controlled by the gentleman from Georgia and the gentleman from Pennsylvania, or such Members as they may designate in their absence. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. BINGHAM was then agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial apropriation bill, with Mr. HEPBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of the consideration of the legislative, executive, and judicial appropriation bill. The Clerk will read the bill.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. BINGHAM. Mr. Chairman, my remarks in presenting this bill for the consideration of your committee will be most limited so far as the details of the bill are concerned. The current law, which this House made at its first session, was so fully and ably discussed that this body—the Committee of the Whole House on the state of the Union—is perhaps as familiar with it as any explanation I could make, and I shall advert to it only in this respect, that the current law was presented to the House on March 9 and to the Committee of the Whole House on March 13, and passed the House on March 24. If my recollection of the reading be correct, there was but one important change in the bill as presented by the committee. The bill, therefore, as it came from the committee—that is, the complete examination covering some seven hundred and fifty-odd pages of testimony, consuming a number of days in the hearing of that testimony—was so thorough and complete that upon the presentation of the details the House accepted the action of your committee. That law has operated during this fiscal year and has resulted in much good administration in the legislative, the executive, and the judicial departments of the Government.

This bill, as has been common for some ten years past, comes from your committee after having assembled—the subcommittee of the Committee on Appropriations—on the 26th day of November last. Beginning with that date and continuing from day to day the deliberations of the committee, they will be found to occupy some 300 pages of printed testimony, and they are respectfully submitted to the House in detail. Your Book of Estimates was critically gone through, and I think a wise conclusion reached. The committee, sitting, as I have stated, before the usual assembling of the House, followed a practice which has been common for the past ten years and more. Therefore there is nothing unusual in presenting this legislation to the House at this early date. The rulings of the Chair with reference to the many points of order, together with the report from the Committee on Rules which passed the House by a vote of 169 yeas to 109 nays, had been adopted and followed, and the bill passed upon under those rulings in their qualifications may present the same propositions in this House. This bill is built upon the same lines as the bill that you acted upon in the first session. It is open to the same character of points of order, and I am free to say that, so far as I am concerned, the ruling of the Chair was clear, and may be quoted in this debate at some period during the details of the bill. There will be no time lost in taking exception to the ruling, because it is a clear ruling, so far as this bill is concerned. We have endeavored in presenting the legislation that is before you to make the bill economic in relation to the current-year appropriations, as well as careful with reference to the estimates submitted by the several Departments of the Government.

The estimates on which the bill is based will be found on pages 9–95 and 140–151 of the Book of Estimates for 1908, and aggregate $31,215,525.80, of which amount there is recommended in the bill $30,529,853.80, a reduction of $685,652 under said estimates. Your committee are of the opinion that in submitting that conclusion we have been neither neglectful of the requirements of the several Departments and their needs, nor have we been forgetful of the merits of some limited number of the subordinate force who are recommended for increase in salary. The appropriations for the same purposes for the current fiscal year, including $448,066 carried in the sundry civil, deficiency, and other acts, aggregate $30,168,485.30, being $361,368.50 less than is recommended in the accompanying bill for the service of the fiscal year 1908. The whole number of salaries specifically provided for in the bill is 14,727, or 202 less than the number estimated for and 29 more than the number provided for in the law for the current year.

I shall not at this time select from the report such parts of the proposed changes as I think may commend themselves perhaps to the criticism or approval of the committee, but at a later stage, when we reach the paragraphs of the bill, I may do so.

The Government Printing Office, acting under the authority of the current law, has submitted to us in detail such force as can hereafter be placed in this bill at a fixed compensation. The Library of Congress we have left almost as it is in the current law, and in that connection at this time permit me to suggest that the great part of this bill is current law. As to the Department of State, I shall advert to it in my remarks by quoting some of the statements of the Secretary. We have been generous to that Department in this bill, as has been the current law. In the Treasury Department, with its upward of 3,000 subordinates, there are a limited number of changes. The same may be said of the War Department. There is a limited changes in respect to the office of public buildings and grounds, and there are some changes in the matter of the State, War, and Navy building, where also there has been a reduction of force—a change in the heating apparatus of the building. The Navy Department is most limited in the changes we have made, as is also the Department of the Interior, one of the great Departments of the Government. I may say the same of the Post-Office Department, with its great growth, and of the Department of Justice, as well as the Department of Commerce and Labor, and also the Court of Claims.

I will place in my remarks for the information of the House and its convenience a full report that goes into detail of the several paragraphs of increases or changes in the bill. Gentlemen will find on page 23 of the bill now before the House the first limitation, or submission, as it may be called, of new law:

Hereafter in printing documents authorized by law or ordered by Congress or either branch thereof the Government Printing Office shall follow the rules of orthography established by Webster's or other generally accepted dictionaries of the English language.

The Congress has been now in session a week, and the question of simplified spelling has been one of general discussion. I believe the list embraces 300 words. It is not my purpose to enter into a debate which will undoubtedly be entered into by gentlemen of the House, but the matter came before your subcommittee on Appropriations naturally. The Book of Estimates contained the simplified spelling. Throughout all the items submitted in the book were appropriations recommended in that way. The print coming from the Public Printer came to us with the simplified spelling. In that way it came to our attention. The matter was discussed in committee. The Public Printer was called, together with his proof reader and his chief of printing. We heard them, and I shall make as part of my remarks all of the testimony before the subcommittee that pertains to simplified spelling. The bill before you, printed by order of the House and for its use, is printed in the old form or style of orthography. There has been current a rumor in newspapers that the Supreme Court by some dicta or utterance has declared that these and other matters should be printed in the old form. I can state to the House there has been no such official declaration. It would seem that the Solicitor-General of the United States recently, in submitting to the court a brief, had his attention called to it by the Chief Justice, who stated that in quoting to the court any authority the use of simplified spelling was not a literal quotation. That, I believe, is all the Supreme Court has uttered upon the subject of simplified or old-style spelling. The printing of the Supreme Court continues to be done according to the old style of spelling, the court having given no instructions to use the simplified form. I think that will cover all that I desire to say at this time with reference to simplified spelling.

Mr. CRUMPACKER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Indiana?

Mr. BINGHAM. Yes.

Mr. CRUMPACKER. I wondered what gave this matter such gravity and importance as to justify Congress to enact a law fixing the style of orthography. Is there any economy or other reason——

Mr. BINGHAM. I believe if the gentleman will hold his inquiry in abeyance until he reads what I may have to say in tomorrow's RECORD he will get the whole discussion in the committee with the Public Printer, together with his proof reader and chief of printing, which exhibits exactly, as near as we can reach, what the addition of expense will be. As to complications, perhaps we would not have them in the House in the matter of spelling, as they would in quotations before the Supreme Court, but I have simply called attention to the proposed action in order that, as debate will perhaps continue for several days, the whole subject might be gone into, illuminated, if it is possible, by the report we have to submit from the Public Printer. There is nothing, I may say further, beyond a general discussion in print, as well as conversations of men, especially here, that one print directed by the Congress for the printing of a bill would be in one form and the print submitted by the Treasury Department in the estimates in another form. We want, so far as the legislative branch of the Government is concerned, that there should be a consistency in our printing.

Mr. CRUMPACKER. Well, unless there be something above the mere establishment of uniformity I do not think Congress ought to enact any legislation on the question at all, because the standard of spelling is virtually of usage, and spelling is improving all the time. There is a gradual evolution in spelling words in the English language. I think there ought to be. I think I may be satisfied when I read the gentleman's speech.

Mr. BINGHAM. There is one matter which will come up very early when you reach the bill, and it might be well to refer to it at this time.

On page 21 of the printed bill, and I advert to it early in order that it may form part of the early debate, because it comes very early in the consideration of the bill, is the following paragraph:

For clerk hire, Members and Delegates: To pay each Member and Delegate for clerk hire necessarily employed by him in the discharge of his official and representative duties, $1,500 per annum, in monthly installments, $594,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation.

For the information of the House I have been requested to repeat the amount, namely, $1,500, in lieu of the present law of $1,200. I would submit that in the Senate there is one committee——

Mr. KEIFER rose.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. BINGHAM] yield to the gentleman from Ohio [Mr. KEIFER]?

Mr. BINGHAM. Certainly.

Mr. KEIFER. Before leaving that point I want to ask the gentleman to state to the House what distinction there is in the

matter of drawing the salary of a clerk under the old law and under the proposed law?

Mr. BINGHAM. Under the old law it is limited to $100 per month, with a certification that the amount has been expended during that month. This puts the sum total of $1,500 unqualifiedly under the control of the Member, with only this qualification, that the clerk has necessarily been employed by him in the discharge of his official and representative duties.

Mr. KEIFER. Mr. Chairman, further——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Ohio?

Mr. BINGHAM. Certainly.

Mr. KEIFER. Then we know, do we not, that there is no certificate required to be made at all by the Member as a condition of his drawing the $1,500?

Mr. BINGHAM. I understand that the $1,500 is in his absolute control, to be expended during the year, without regard to the month.

Mr. KEIFER. Does it not look like it is adding $1,500 to the salary of each Member?

Mr. BINGHAM. I can not answer the question. The House can do that.

Mr. McCALL. Would it not be necessary to certify that the clerk was necessarily employed by him in the discharge of his duties?

Mr. BINGHAM. Without a doubt.

Mr. KEIFER. I say there is no provision for a certificate to be required at all. It does put some little moral obligation upon the Member that he necessarily expend it, but that does not hurt anything.

Mr. McCALL. It seems to me there should be a certificate to comply with the law.

Mr. KEIFER. None whatever is provided for.

Mr. BINGHAM. I have made the statement just as the law reads to the House. When it comes up we can make such qualifications as we desire.

For the information of the House I will state that in the Senate there is one committee having a clerk at $3,000; one committee having a clerk at $2,500; forty committees having clerks at $2,220; two committees having clerks at $2,100; twenty-one committees having clerks at $1,800; making sixty-five committees of the Senate having annual clerks. The chairmen of these committees have no other allowance for clerk hire. Twenty-five Senators who are not chairmen of committees are entitled to one clerk each, at $1,800. These Senators have no other allowances for clerk hire. In the House there are two clerks of committees receiving $3,000 each; thirty-two committees having clerks at $2,000 each; ten committees having clerks at $6 per day each during the session. All of the 392 Members and Delegates are entitled to an allowance at the rate of $1,200 each per annum for clerk hire during the recess of Congress, and all of the Members and Delegates except those who are chairman of a committee having clerks at $6 per day are entitled to the allowance of $1,200 per annum for clerk hire all the year round. The chairmen of committees having clerks at $6 per day during the session receive no other allowance for clerk hire during the session.

I have no other general statement to make at this time. As debate progresses and criticism of the bill runs I may feel it necessary, as other members of the committee may, to defend the provisions of the bill.

I emphasize the statement that this bill in its build-up is consistent with the current law. The Book of Estimates for next year has been investigated by the same subcommittee that considered the estimates for the current fiscal year, and has been acted upon by the same general committee. I hope and believe that this House can find it in its power, in view of the presentation of this bill in its many qualifications, that there can be consummated after the reading of the bill the passage of the same, as has heretofore occurred, in one day, several times in two days.

The following is from the hearings before the Appropriations Committee:

SIMPLIFIED SPELLING.

Mr. LITTAUER. We find in the next paragraph the word "catalog," and below the word "cataloguer," and we would like to know why you have changed the orthography of the documents that you have sent here?

Mr. BINGHAM. Is there any statute that gives the President authority in any way to change the spelling—have you looked into that?

Mr. STILLINGS. No, sir; I have not.

Mr. BINGHAM. Then, if a Department should want to change the spelling from what is known as the normal or usual spelling, you would accept the order?

Mr. STILLINGS. Under the order of the President the Departments were ordered to have spelling done that way, and would naturally have to obey the order.

Mr. BINGHAM. There is nothing in the statute that authorizes him to give that order, either for or against that proposition?

Mr. STILLINGS. I do not know as to that.

Mr. BINGHAM. Why did you, then, print these bills under that special spelling?

Mr. STILLINGS. I do not know why it should have been done in this case.

Mr. TAWNEY. Is not the Book of Estimates printed in the same manner?

Mr. STILLINGS. The Book of Estimates emanates from the Treasury Department and is printed at the Treasury branch. An effort has been made to carry out the President's order in reference to simplified spelling.

Mr. TAWNEY. The Book of Estimates is printed at the Treasury branch?

Mr. STILLINGS. Yes, sir.

Mr. TAWNEY. This bill is printed in your office?

Mr. STILLINGS. Yes, sir.

Mr. TAWNEY. In printing this bill, then, your employees must have followed the spelling contained in the Book of Estimates?

Mr. STILLINGS. Undoubtedly.

Mr. TAWNEY. And that is how it came about?

Mr. STILLINGS. Yes, sir; if this was copied from a departmental document which was prepared on the simplified spelling lines.

Mr. TAWNEY. What was the President's order, and have you a copy of it?

Mr. STILLINGS. I have not a copy here.

Mr. TAWNEY. Will you kindly furnish a copy of the order and have it appear in connection with your testimony?

Mr. STILLINGS. Yes, sir.

THE WHITE HOUSE, WASHINGTON,
Oyster Bay, N. Y., August 27, 1906.

MY DEAR MR. STILLINGS: I inclose herewith copies of certain circulars of the Simplified Spelling Board, which can be obtained free from the board at No. 1 Madison avenue, New York City. Please hereafter direct that in all Government publications of the Executive Departments the 300 words enumerated in circular No. 5 shall be spelled as therein set forth. If anyone asks the reason for the action, refer him to circulars 3, 4, and 6, as issued by the Simplified Spelling Board. Most of the criticism of the proposed step is evidently made in entire ignorance of what the step is, no less than in entire ignorance of the very moderate and common-sense views as to the purposes to be achieved, which views are so excellently set forth in the circulars to which I have referred. There is not the slightest intention to do anything revolutionary or initiate any far-reaching policy. The purpose simply is for the Government, instead of lagging behind popular sentiment, to advance abreast of it and at the same time abreast of the views of the ablest and most practical educators of our time, as well as of the most profound scholars—men of the stamp of Professor Lounsbury and Professor Skeat.

If the slight changes in the spelling of the 300 words proposed wholly or partially meet popular approval, then the changes will become permanent without any reference to what public officials or individual private citizens may feel; if they do not ultimately meet with popular approval they will be dropt, and that is all there is about it. They represent nothing in the world but a very slight extension of the unconscious movement which has made agricultural implement makers and farmers write "plow" instead of "plough;" which has made most Americans write "honor" without the somewhat absurd, superfluous "u;" and which is even now making people write "program" without the "me"—just as all people who speak English now write "bat," "set," "dim," "sum," and "fish," instead of the Elizabethan "batte," "sette," "dimme," "summe," and "fysshe;" which makes us write "public," "almanac," "era," "fantasy," and "wagon," instead of the "publick," "almanack," "aera," "phantasy," and "waggon" of our great-grandfathers. It is not an attack on the language of Shakespeare and Milton, because it is in some instances a going back to the forms they used, and in others merely the extension of changes which, as regards other words, have taken place since their time. It is not an attempt to do anything far-reaching or sudden or violent; or indeed anything very great at all. It is merely an attempt to cast what slight weight can properly be cast on the side of the popular forces which are endeavoring to make our spelling a little less foolish and fantastic.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. CHARLES A. STILLINGS,
Public Printer, Washington.

Mr. TAWNEY. Was there any reference in the order to the report of a board on simplified spelling?

Mr. STILLINGS. I was referred to the report of a board on simplified spelling.

Mr. BINGHAM. How many words does the new spelling book contain?

Mr. STILLINGS. Three hundred.

Mr. TAWNEY. Three hundred words the spelling of which was changed by the report of this board?

Mr. STILLINGS. No, sir; many of the 300 words in this were already in preferred use.

Mr. TAWNEY. In looking over the names of the men constituting this board I notice Mr. Isaac K. Funk, editor and publisher of the Standard Dictionary. In the event that Congress adopted the simplified spelling by having Congressional documents and laws printed in accordance with the report of this board, would it be necessary to get out a new dictionary?

Mr. STILLINGS. I think it would ultimately; yes, sir.

Mr. TAWNEY. I notice, also, the names of Mr. Charles P. G. Scott, etymological editor of the Century Dictionary; Mr. E. O. Vaile, of Chicago. Do you know what business he is engaged in?

Mr. STILLINGS. No, sir.

Mr. TAWNEY. I also notice the names of Mr. Benjamin E. Smith, editor of the Century Dictionary, New York, and Henry Holt, a publisher of New York. Is that a school-book publishing house?

Mr. STILLINGS. I understand it to be.

Mr. TAWNEY. The adoption by Congress of this form of spelling would ultimately, and in the very near future, no doubt, necessitate the publication of a new dictionary and new school books and their purchase by the citizens of the United States?

Mr. STILLINGS. That would probably be the result.

Mr. LITTAUER. It was a mistake, acording to your opinion, to print this bill in this manner?

Mr. STILLINGS. Certainly; Congressional printing was not contemplated in the President's order.

Mr. BINGHAM. As matters now stand with reference to spelling, suppose Congress directs the publication or the issuance of a thousand copies of a report, a publication from one of the Departments, what spelling would you adopt?

Mr. STILLINGS. We should follow the usual style.
Mr. BINGHAM. So that the general publications of the Government without any act of Congress or any movement on the part of the Executive would be printed in the old spelling?
Mr. STILLINGS. Where the order comes from Congress we have no authority to change the spelling.
Mr. LITTAUER. Let us get at the effect of this order on your work. In the first place, we will say that a Department sends you copy and it is in the new spelling. You then simply set up the type in accordance with that order, do you not?
Mr. STILLINGS. Yes, sir.
Mr. LITTAUER. If it were a document that would require submission to Congress and Congress should declare that all documents coming to Congress should be in the usual spelling, would it require the resetting of the type?
Mr. STILLINGS. It would require the correcting of that portion of the standing type or plate wherein the changes had to be made.
Mr. LITTAUER. On each page or on every two or three pages?
Mr. STILLINGS. Possibly once every two pages.
Mr. LITTAUER. And if it was set up on a linotype machine?
Mr. STILLINGS. We would have to cast a new slug.
Mr. TAWNEY. What, in your judgment, approximately, would be the additional expense of those changes?
Mr. STILLINGS. That is something I do not know, because we have never had an occasion to try it out. Here is the point that must be thought out: The bulk of our documents are printed from plates.
Mr. LITTAUER. Could the plates be changed?
Mr. STILLINGS. Yes, sir; if you are going to change from the simplified to the usual spelling, you would make the changes on the plate in most cases. How much of it would be done is very difficult to estimate. The foreman of our proof division, from his experience in handling copy, seems to feel that it would not be so radical a change as appears on the surface. Of course you can see that if a document comes to you with the word "through" spelled without the "ough," we might possibly be able to insert the "ough" by respacing the line so as to get in the extra letters. If we could not, we would have to run over each line in that paragraph, or enough lines to finally come out even with good justification.
Mr. LITTAUER. If it was on a plate you would have to destroy the plate and make a new one?
Mr. STILLINGS. No, sir; we could set the paragraph up, electrotype it, and patch it onto the original plate.
Mr. LITTAUER. You would not be able to tell what the expense would be in the case of an ordinary pamphlet of 30 or 35 pages?
Mr. STILLINGS. It is very difficult to estimate.
Mr. BURLESON. Where are the Supreme Court reports printed?
Mr. STILLINGS. Under contract by a commercial printing house. We do a large amount of work for the Supreme Court; the cases, among other items.
Mr. BURLESON. Do you propose to make the change there?
Mr. STILLINGS. They have objected. Recently the question of simplified spelling came up.
Mr. LITTAUER. Is it not going to lead to a great deal of confusion?
Mr. STILLINGS. Yes, sir.
Mr. BURLESON. The Supreme Court have refused to follow the simplified mode of spelling?
Mr. STILLINGS. Yes, sir.
Mr. BURLESON. And necessarily we are going to have the executive branch of the Government, as to the President's message, spelling one way and another department of the Government spelling another way?
Mr. STILLINGS. That is right.
Mr. BINGHAM. Up to this date have you issued any Government publication using the new spelling?
Mr. STILLINGS. There are quite a number of publications that have been issued in the simplified spelling. Here is another point that came up. In the case of a serial which was started last January—and the question came up immediately, Shall we use simplified spelling for the balance of the year or not? Instructions came from the President that wherever the work had been started in the usual spelling it should be continued. The President has been very broad-gauged in the matter of simplified spelling, stating that there was no desire to force this proposition and that if it was not a popular move it would be dropped.
Mr. LITTAUER. Have you had any other protests except from the Supreme Court?
Mr. STILLINGS. We have had a protest from the Commissioner of Internal Revenue in connection with the word "gauger;" from the Navy Department also; from the Census Bureau and the Department of Commerce and Labor in connection with work in serial form. We have had a query regarding it from the Committee on the Revision of the Laws.
Mr. LITTAUER. What has been the practice in the Government Printing Office; spelling has been to a certain extent changed?
Mr. STILLINGS. Yes, sir.
Mr. LITTAUER. What recognition of the progression in spelling has the Public Printer taken?
Mr. STILLINGS. We have been largely guided, in fact almost entirely governed, by the action of the publishers of Webster's Dictionary.
Mr. BINGHAM. Is there any difference between the Webster and Worcester Dictionary?
Mr. STILLINGS. I know very little about the Worcester Dictionary; I have not examined it recently.
Mr. ROBINSON, foreman of proof division, Government Printing Office, was questioned as follows:
Mr. LITTAUER. We would like to have you tell us the extra work in the various processes that have to be gone through from one spelling to the other, changing the plates, and so on, and the probable cost that will be entailed by the use of simplified spelling in some publications and not in others.
Mr. ROBINSON. You mean the change from one to the other?
Mr. TAWNEY. An executive document comes to the Public Printer to be printed in the simplified form and is also sent to Congress and becomes an executive document and is printed by Congress in the old form.
Mr. ROBINSON. I think the labor of the proof reader and the compositor correcting the work from the new to the old would probably be the principal part of the cost.
Mr. BURLESON. Is there any other difficulty that is involved?
Mr. ROBINSON. I think there is no other difficulty; it is simply a matter of reading the proof and of catching the words, and sending it to the compositor, and the compositor would correct the type.
Mr. LITTAUER. Correcting the type, would not that be an expense?
Mr. ROBINSON. Somewhat, but not very high.
Mr. LITTAUER. How much would it cost if there were ten changes on a page?
Mr. ROBINSON. I estimate that there is not an average of two words to the page ordinarily, and taking the average of those words, the words that require different spaces, I should think a man should correct those pages at the rate of three to five minutes to a page. He is paid 50 cents an hour for that work. He ought to correct twenty pages in an hour.
Mr. LITTAUER. What would be the total expense in a day's work done at the Office?
Mr. ROBINSON. The proof would not necessarily have to be read very carefully, because you are only looking for those particular words.
Mr. TAWNEY. That is 160 pages at a cost of 50 cents an hour?
Mr. ROBINSON. That is for the compositor. The proof reading would cost 50 per cent more. He does not have to read it closely because he is only looking for those words. He only looks for the words that are to be changed from one spelling to another. It would be an experiment, I can not tell exactly, but I think he ought to read 100 pages a day—he might read 150 pages a day.
Mr. TAWNEY. And he gets how much an hour?
Mr. ROBINSON. Fifty-eight and a half cents an hour.
Mr. TAWNEY. And works eight hours a day?
Mr. ROBINSON. Yes, sir; the cost would not be over 4 cents a page. I suppose the cost would be from 3 to 4 cents a page.
Mr. BURLESON. When a proof reader has a certain document that he is reading, if it is set up in the simplified method of spelling he reads it a certain way, and if the same proof reader has another document following that in the old style of spelling he has a difficult task of reading one document one way and immediately thereafter reading another document another way. It is a little wearing on his intellectual faculties?
Mr. ROBINSON. There is no doubt about that. I have here a couple of specimens [exhibiting.] There is the new spelling and there is the old spelling. The editor marks it, as you see, and when the proof reader gets that he knows at once what to do with that galley, if he is at all familiar with the list of words.
Mr. BURLESON. He is required to commit those words to memory?
Mr. ROBINSON. Yes, sir.
Mr. BURLESON. And he must be familiar with the entire dictionary?
Mr. ROBINSON. Yes, sir.
Mr. YOUNG, foreman of printing, Government Printing Office, was questioned as follows:
Mr. LITTAUER. When we come to the plates would there be any greater expense?
Mr. YOUNG. I do not think that would amount to any more.
Mr. LITTAUER. Than the correction of the type?
Mr. YOUNG. No, sir.
Mr. LITTAUER. How much do you think it would cost to make two changes on a page?
Mr. YOUNG. It would probably take five minutes.
Mr. LITTAUER. You would have to handle every plate?
Mr. YOUNG. No; just as I hold this book you would go down to the page that you want and you would take the plate out and correct it and put it back.
Mr. LITTAUER. One man would have to go over the plates and give the correct page plate to another man?
Mr. YOUNG. Not necessarily. He would have to go down to the vault and get it; the plates are not kept upstairs.
Mr. LITTAUER. Can these plates be readily changed from one form of spelling to another?
Mr. YOUNG. They can be changed, but a plate correction is always a bad thing. I do not think a plate correction should ever be made if it can be avoided.
Mr. LITTAUER. The proof reading would be more expensive than the changing of the plate?
Mr. YOUNG. Yes, sir.
Mr. BURLESON. You spoke about these plates, that is, with the 300 words now adopted?
Mr. YOUNG. Yes, sir.
Mr. BURLESON. Now, suppose they adopt the next batch, say, 1,200 words?
Mr. YOUNG. Then it would be out of the question.
Mr. BURLESON. It would increase the number of changes on each page?
Mr. YOUNG. Yes, sir.
Mr. TAWNEY. I notice in the report of the Comptroller of the Treasury the spelling is "Controller."
Mr. YOUNG. He sanctioned that.
Mr. TAWNEY. The Comptroller of the Currency refused to accept the form of spelling for his office?
Mr. YOUNG. Yes, sir; he stands on the ground that the statute calls him Comptroller instead of Controller.
Mr. TAWNEY. The statute spells the title of the office of the Comptroller of the Treasury the same as the Comptroller of the Currency?
Mr. YOUNG. Yes, sir; the Comptroller of the Treasury does not take the same view of it that the other man does.
Mr. TAWNEY. The head of every bureau could have his official designation spelled according to his own idea?
Mr. ROBINSON. It is only a matter of opinion. The Comptroller of the Treasury says he will accept either spelling. He says Controller is right, but if we print it Comptroller it is all right—he will accept it. The Comptroller of the Currency will not have it so.
Mr, TAWNEY. If we have this dual form for the legislative and executive departments of the Government the proof reading is virtually duplicated on all work that first goes to the Printing Office and then is authorized to be reprinted or republished by Congress?
Mr. YOUNG. Yes, sir; anything that emanates from a Department.
Mr. TAWNEY. That is why proof reading is the principal expense in the form of the spelling unless it is made uniform in all the several departments of the Government?
Mr. YOUNG. Yes, sir.

Mr. LIVINGSTON. Mr. Chairman, I regret that, as a member of the subcommittee making up this bill, we did not have that length of time to consider the bill that we had last session. We spent several days upon it, looking into the details of the bill.

The usual objections in the Committee of the Whole to increase in salaries, I think, Mr. Chairman, will not prevail at

this time, if Members will remember that in the estimates there were 202 increases called for and the committee has given only 29.

I am aware of the fact that those who are left out will complain and wonder why we put in the 29 increases. It appeared to the Appropriation Committee the right thing to do—the proper thing to do at this time—to increase these 29 salaries. The increases are all set out in the report, and I hope Members will not require me to go over them in detail. Each increase is separately set out in the report. Some of them were, perhaps, more deserving than others. I am informed that the President will send a special message to this House and Senate in a day or two asking an increase all along the line of 20 per cent. This rumor seems to be well founded. I am aware of the fact that a majority of the Keep Commission has recommended an increase all along the line. Of course, it will be left to the wisdom of this House to determine whether we can afford to do that or not. We must take into consideration as a matter of course, the revenues on hand or estimated to be available when we come to disburse the money. That proposition Members will each have to consider for themselves, and will come up later on its merits.

I desire to say just here, and I think every Member upon the floor will bear me out, that the cost of living is getting outrageously high in Washington City. Whether it is simply a rise in the cost of necessities of living—clothes, food, rent, fuel, heat, and light, and of other articles of necessary consumption—or whether it is in part owing to extravagance, I will not undertake to say. The fact exists all the same.

There is one matter left out of this bill, Mr. Chairman, that I want to bring to the attention of southern Members especially. I also want to appeal to all Members to consider fairly and give cotton producers and spinners a square deal. In our last appropriation bill we had this clause:

For compensation at not more than $10 per day and actual necessary traveling expenses to special agents to investigate trade conditions abroad, with the view of promoting the foreign commerce of the United States, $50,000, not more than $20,000 of which shall be used in the investigation of markets for cotton products.

I shall add "and cotton-seed products."

And the result of such investigation shall be reported to Congress. I shall at the proper time move to reinstate the clause.

I am aware of the fact, Mr. Chairman, that our eastern and western friends, that raise no cotton, will say, "Why put in this bill a particular product, as they are interested in other products." Twenty thousand dollars of this amount—$50,000—is specially appropriated for those things. A Senator at the other end of the Capitol amended and put in $20,000 for cotton products. You must remember, gentlemen, that while the people of the South raise the cotton, they spin a very small amount of it. That is done by the East and the Middle States; so you are just as much interested as we of the South are. When you remember that out of all the cotton fabrics exported into the world, England made the great bulk of them; four hundred and more millions furnished by her to the other markets of the world, and this country only fifty-seven millions. That is the trouble we are endeavoring to get at. I ask, why do not China and Japan and Russia and the other divisions and subdivisions of the earth buy from us? It is simply because England has pushed her trade and made it apparent to the world that she has the market and the control of this crop and its products.

But if the United States Government will continue this $50,000 appropriation and this part of it set apart to cotton and its fabrics, the world will soon get acquainted with the fact that we can supply these same goods just as cheaply and of just as good quality, and we will get, perhaps, our share of the commerce of the world on this line. It was this object at first, and it is the object now, if we can reinsert it in the bill.

Again, why should cotton be specified? For the reason that during the last five years, three years out of five, the exportations of cotton have paid the balance against this Government and saved us from a financial panic.

Mr. LITTAUER. The gentleman means raw cotton, does he not?

Mr. LIVINGSTON. I am speaking about raw cotton now. Any commodity produced in this country that will save us from financial panics ought to have some attention and some legislation, and if we can broaden our markets for raw cotton and its products, it is of the utmost importance that we should do it.

There is also $30,000 in the amendment to broaden our market for other manufactures. I have no objection to implements and boots and shoes being added, if they were not already cared for and already covered in that $30,000.

Mr. CANDLER. What is the amount of the appropriation?

Mr. LIVINGSTON. The amount of the appropriation is $50,000, $30,000 for outside products and $20,000 for cotton.

Mr. LEVER. Is cotton seed included in that?

Mr. LIVINGSTON. Cotton-seed products are included in this amendment, to be inserted in the bill when it is considered under the five-minute rule. I shall offer a motion to reinstate the current law with this amendment, to insert after the word "cotton" the words "and cotton-seed products."

Mr. MANN. What is the item?

Mr. LIVINGSTON. It is the item in the present law giving $50,000, of which thirty thousand is given to general manufactured articles and $20,000 to cotton products.

Mr. MANN. The gentleman does not refer to the item about commercial agents abroad, does he?

Mr. LIVINGSTON. Yes.

Mr. MANN. I understand there was an item inserted last year for special agents to investigate trade conditions in the Department of Commerce and Labor.

Mr. LIVINGSTON. That is right.

Mr. MANN. Is that the item the gentleman has reference to?

Mr. LIVINGSTON. That is the item.

Mr. MANN. Does the gentleman propose to endeavor to reinsert that item?

Mr. LIVINGSTON. I do.

Mr. MANN. I am in full sympathy with the gentleman's purpose.

Mr. LIVINGSTON. I am giving notice of it now, that when we come to that section of the bill under the five-minute rule I will move to reinsert it.

Mr. CANDLER. It was in the bill last year?

Mr. LIVINGSTON. It is the current law. The point of order can not lie against it. The point of order can lie against my amendment as to cotton-seed products, but it can not lie against the paragraph now current law.

Mr. CANDLER. Do you propose to endeavor to secure the same appropriation as last year?

Mr. LIVINGSTON. The same appropriation as the current law. If it were otherwise, it would be subject to a point of order.

There are some limitations on this bill that I want to call your attention to. The first one is:

Hereafter, in printing documents authorized by law and ordered by Congress, or either branch thereof, the Government Printing Office shall follow the rules of orthography established by Webster's or other generally accepted dictionaries of the English language.

There are many reasons why that ought to be done. In the first place every school book in the United States, in every schoolroom, college, or university would have to be abolished, and a new lot of school books republished and bought by the patrons of the schools. That would be an enormous expenditure.

In addition to this enormous expense, it creates derangement and confusion worse confounded in all parts of the Government Printing Office; all the stereotype plates in the Office would have to be reformed. I am not authorized to say what the President's message cost in the saving of 113 words, but the rumor comes from a very good source that it cost $760 to save those 113 words. I want it understood that I am not stating that authoritatively, but I understand it is about that amount.

It makes no difference, Mr. Chairman, how advantageous it might seem from some point of view, but you can all see at a glance what a revolution this new spelling would work in our schools and colleges, in printing offices, and in every newspaper office throughout the country.

There is another good reason for it. We are tied to a language spoken by people all over the world, and especially in Great Britain and Canada. Now, when we undertake to revolutionize the English language in that way we must consult those who use it with us; it is nothing but right that we should consult them. Are we to follow all along the line a spelling that would follow phonetic pronunciation? If so, then we would have one spelling in France, another in Germany, a different one in the South Central American States, where none pronounce English words as we pronounce them.

There is another limitation here. In the Treasury Department until recently they have always furnished the Committee on Appropriations with an estimate of about how much money we can spend—that is, estimating the revenues for the coming year. The present Secretary refused to do this last year, and your committee, or its chairman and clerk, had to make that estimate. That is not a safe way of doing business. In other words, the Committee on Appropriations must know as near as possible about how much money will be available for appropriations and disbursements. It is made the duty, by this limitation, of the Secretary of the Treasury to give us that estimate.

The next limitation, on page 4, is one which in my opinion by all means should be left in the bill. Let me read it:

SEC. 4. Only such books, periodicals, and pamphlets shall be purchased out of any appropriation made in this or any other act for the use of any library or office or officer as are strictly essential to the technical and professional work of the particular Department, bureau office, or officer authorized to use such library or collection of books; and all books, periodicals, and pamphlets which now form a part of or belong to any library or office collection of books and which are not strictly essential to the technical and professional work of the particular Department, bureau, or office shall be transferred on or before January 1, 1908, to the Library of Congress, except that books of fiction and belles-lettres shall be transferred to the Free Public Library of the District of Columbia, and all expenses of making this transfer, not otherwise sufficiently provided for, shall be paid from appropriations made for contingent expenses of the several Executive Departments or other Government establishments to which this section shall apply.

Some of our departmental libraries we discovered were filled with fiction of the cheapest kind. I am informed that when the Spanish war closed, one of our Departments, finding several thousands of volumes of this cheap fiction on their hands, shipped it all to the Philippines. I don't think that was good policy, for if it was not fit to be read here, it certainly was not fit to send to those people. I am informed that another Department has about 50,000 volumes scattered through the city in the hands of private parties. Our purpose is to draw these books back into the hands of the Departments.

We have gone a step further and provided that any of such books or periodicals in these libraries that do not come within this limitation must be sent to the Carnegie Library of Washington or to the Congressional Library.

Mr. MANN. Will the gentleman yield for a question?

Mr. LIVINGSTON. Certainly.

Mr. MANN. I do not know whether the gentleman is aware of the practice, but it is a fact that in the Light-House Service we have a good many light-houses located off the shore in the water, where the keepers do not get ashore once a month, and sometimes in the winter not as often as that. The Government provides them with a small library. Of course, it would be nonsense to provide them with technical books merely for study. These books are provided for the purpose of reading light literature, and are passed on from one light-house to another.

Mr. LITTAUER. Will the gentleman state under what provision of law those books are furnished?

Mr. MANN. Under an appropriation for light-house supplies, I suppose. I should think that would be a very proper appropriation; they are furnished as other necessities of the light-house.

Mr. LITTAUER Then they would not belong to the departmental libraries here in Washington?

Mr. MANN. I do not think they would.

Mr. LITTAUER. Then this provision would not apply to them.

Mr. LIVINGSTON. They could not be affected by this limitation. I would suggest to the gentleman from Illinois that he might offer an amendment to supply all the light-houses from this source instead of having them turned back into the Carnegie and Congressional libraries; they might be contributed to the life-saving stations.

Mr. MANN. It might be a very good way. I had read over the limitation, and I did feel certain that it did not apply.

Mr. LIVINGSTON. No; it does not apply. I will read it over again:

SEC. 4. Only such books, periodicals, and pamphlets shall be purchased out of any appropriation made in this or any other act for the use of any library or office or officer as are strictly essential to the technical and professional work of the particular Department, bureau, office, or officer authorized to use such library or collection of books; and all books, periodicals, and pamphlets which now form a part of or belong to any library or office collection of books and which are not strictly essential to the technical and professional work of the particular Department, bureau, or office shall be transferred, on or before January 1, 1908, to the Library of Congress, except that books of fiction and belles-lettres shall be transferred to the Free Public Library of the District of Columbia, and all expenses of making this transfer, not otherwise sufficiently provided for, shall be paid from appropriations made for contingent expenses of the several Executive Departments or other Government establishments to which this section shall apply.

Mr. MANN. I think it would, myself, the way it reads.

Mr. LIVINGSTON. Well, Mr. Chairman, if the gentleman from Illinois [Mr. MANN] thinks so, he may make the exception when the bill comes up under the five-minute rule.

Mr. MANN. I wanted to know whether they were intended to cover anything outside of Washington.

Mr. LIVINGSTON. They were not. Mr. Chairman, there is another matter which the committee has reported to which I wish to refer. We have increased the salary of the clerks of the Members from $1,200 to $1,500. My opinion in the committee—and it is my opinion still—was that these clerks should go on the rolls and have $1,500 paid to them direct. There are some objections to that. One very good one is that some Members have two clerks and divide the salary between the two, taking one home with them and leaving one in Washington. There is another objection to it that can be easily met, and that is that the Congressman ought to control his own clerk absolutely, dismiss him when he pleases or reinstate him when he pleases. That can be easily arranged, even if the clerk be on the rolls. The justice and absolute necessity for this increase is patent to every man. It has been charged that we have been taking this amount of money, some of us, and using it as an increase of our own salaries. The committee is not aware of the fact that that has been the practice. We have no proof of it. But to get rid of all scandal—all liability to scandal of every kind—this clerk ought to go on the rolls and be paid by the Sergeant-at-Arms as we are paid, with the power left in the hands of the Member or Delegate to dismiss that clerk at any time. It is not intended, and never was intended, as an increase to our salaries, and on that subject let me say that we purpose in some way or somehow while this bill is under consideration to test this House as to whether you want to increase your salaries or not. If these clerks go on the rolls it can not be charged that we are increasing our salaries indirectly, which is now charged, and if our salaries are not sufficient to decently maintain a Congressman and his family here while the session lasts, then say so to the public and increase your salaries in the bill, and I am sure your constituency will approve it. If you have no reason for it, they will not indorse it.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. LIVINGSTON. Yes.

Mr. GOULDEN. What do the clerks of Senators receive aside from those who are employed by the chairmen of committees?

Mr. LIVINGSTON. One thousand eight hundred dollars a year.

Mr. GOULDEN. Why this discrimination between the Senators and the clerks of Members of the House?

Mr. LIVINGSTON. There should be none.

Mr. GOULDEN. Is there any explainable reason for it?

Mr. LIVINGSTON. There is no reason for it. There is no reason why there should be a difference, and I want to say just here that all salaries ought to be on all fours wherever possible. To have it otherwise creates discontent and unrest. Where one man is doing the same work that another does, in the same hours, spending the same amount of money to live, it is not reasonable, it is not fair, that these differences in salaries should remain as they are now. That condition obtains among our clerks in the Departments, and it ought not to be so. It ought not to be the condition between the House and the Senate, and I am more than willing that the Senate should come down to $1,500 or that we should go up to $1,800. If they can show this House that $1,800 is a fair salary for their clerks, then we ought to put ours up ot $1,800. If they can not do it, then they ought to put theirs down to $1,500. They certainly ought to be on all fours in this bill. Mr. Chairman, I reserve the balance of my time.

Mr. GOULDEN. Mr. Chairman, before the gentleman takes his seat I would like to ask him another question. I would like to ask the gentleman whether he regards it as good policy to increase the salaries of the employees of this House when there is a committee regularly appointed to take charge of these matters, and when that committee has had before it many of the salaries that are now proposed to be increased in this bill—whether the gentleman considers that to be good policy and courteous treatment?

Mr. LIVINGSTON. Mr. Chairman, I must confess that if there is a committee of this House whose business it is to recommend the increases of salaries of House employees, that perhaps the Appropriations Committee should let those alone. But I understand that there is no salary increased of employees of this House except by the consent of the chairman of that committee, and perhaps the members of that committee.

Mr. GOULDEN. As a member of the Committee on Accounts, I desire to say that a number of these, four or five of them at least, were before our committee in the last session, and were not reported favorably.

Mr. LITTAUER. Which ones?

Mr. GOULDEN. The minority employees and those in the Sergeant-at-Arms department in charge of the pairs were not reported at all, though a strong pressure was brought to bear on the members of the committee, but it seems to me, Mr. Chairman, that if there is a committee having charge of this matter it should be given the duties as well as responsibilities. I have no objection personally to the matter as reported by the gentleman's committee, but I do think that the committee in charge of the matter, that of Accounts, should at least be treated with courtesy.

Mr. LIVINGSTON. Mr. Chairman, the responsibility can not be delivered by the Committee on Appropriations. That responsibility is given by the House and the committee is appointed and its limitation of duty fixed, and therefore we could not give you the authority nor take it away from you, but as a matter of courtesy, I want to repeat, Mr. Chairman, in my humble opinion, if this committee is charged with that duty these increases of salaries of the employees of the House should come from that committee.

Mr. GOULDEN. I agree with you. As I said, personally I have no objection to the increases. I believe in good salaries, and in return would demand faithful services. I merely suggested it belonged to that committee, and I do not think the Committee on Appropriations mean to interfere with the privileges of any committee.

Mr. LIVINGSTON. Let me ask the gentleman why he has not acted on these increases?

Mr. GOULDEN. Because we were in doubt whether they were entitled to the increase and for a lack of time.

Mr. LIVINGSTON. I mean this session.

Mr. GOULDEN. We have not yet had an opportunity to take them up.

Mr. LIVINGSTON. Will you indorse these increases?

Mr. GOULDEN. It is a very ungracious thing, indeed, to make the point of order which I think would lie against these increases, and I shall not do it as a member of the committee. I do not see the chairman of the Committee on Accounts on the floor of the House, but personally I shall interpose no objection, but let the Committee on Appropriations take the responsibility in the matter.

Mr. LITTAUER. I would like to add one word, if my colleague will permit me, here, and that is the Committee on Appropriations acts upon the estimates and recommendations of the heads of bureaus and departments. The case of the three pair clerks was recommended to the Committee on Appropriations by the Sergeant-at-Arms of the House, and consequently considered by them.

Mr. GOULDEN. The same recommendation has been made to the Committee on Accounts.

Mr. LITTAUER. That we were not advised of or were not particularly aware of, although we understood last session there was some discussion about this subject.

Mr. GOULDEN. There was considerable.

Mr. LITTAUER. But it came to us and we considered it in the regular way.

Mr. GOULDEN. But does not the gentleman think it would have been at least courteous and right to have ascertained from the Committee on Accounts whether it had taken any action or not?

Mr. LITTAUER. Under the circumstances, yes.

Mr. Chairman, I reserve the remainder of my time.

Mr. BINGHAM. If the gentleman will allow me a word. It was certainly not the desire of the Committee on Appropriations to be discourteous to the gentleman's committee. The information we received came to the committee, as it always does, from the officers of the House in charge or supervision of the subordinate force. As this was a matter distinctly for the House's convenience and comfort of the Members and an expedition of the House's work, we saw no impropriety in placing them in the bill, and certainly no discourtesy was intended toward the Committee on Accounts.

Mr. GOULDEN. I wish to disclaim all intention of reflecting upon the Committee on Appropriations as being discourteous to our committee. I know them individually too well and know that they would not be guilty of anything of the kind.

Mr. LIVINGSTON. Mr. Chairman, I reserve the balance of my time.

Mr. BINGHAM. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, I presume that some of the Members of this House read, as I did in some of Saturday's papers, that I held up the Committee on Appropriations for three or four hours by a discussion of the new spelling, and in that way had delayed the progress in this House of that bill for that length of time. I only wish to say, Mr. Chairman, that the correspondent who gave that report must have been an easy mark for some ingenious person who had fake news to dispose of, because there was absolutely not the slightest foundation for the statement. The whole discussion in the committee did not take five minutes. It was entirely good humored, and the words which were put in my mouth were fabricated, and the whole statement was without foundation except for the fact that we spent a few minutes very informally in discussing the question. But inasmuch as it has been so exaggerated, and inasmuch as I have had sentiments put into my mouth which I did not express, I will take now a few minutes to state my position on the subject. I do believe in a simplification of our spelling. I have not been particularly intense in that opinion. Personally, I should have been willing that the movement should go on as it has been going on for many years, simplifying our complicated and barbarous spelling by the constant usage of the public, and of the publishers, and of the newspapers. It seems to me that it is exceedingly desirable that that steady progress should continue, because the English language is gradually becoming the commercial language of the globe.

As we all wish that that process shall continue it seems to me we all must feel that it will tend to increase that progress to have our spelling as simple and methodical as possible and to have the various idiosyncracies and inconsistencies which frighten and confuse a stranger removed as far as can be done without interfering with the etymology or history of words. French has long been the court language of the world, but English is now getting to be the commercial language, and I think in the future courts will be much more likely to take the language of the people than the people will be likely to take the language of the courts, and it is not unreasonable to expect that, as all North America uses English, as Australia uses it, as India is a center for it, and the Philippines is a center for it, it will gradually become a universal commercial language. And so we should all be interested in making that language as simple and uniform as possible. I can see no reason why this steady progress toward simplicity, which we all must observe in our personal usage, should not be hastened. Most of us do not use the letter "u" in "honor" or "candor" any longer, and the most of us spell "plough" "plow."

Most of us are constantly falling in with the simplifications of the language, and now when I am faced with the proposition of shortening 300 specific words on the recommendation of a studious committee of public-spirited men, it seems to me a more rapid step toward accomplishing what our natural instinct is slowly accomplishing, and for that reason I favor it. There is only one objection I have to their list. I confess that the word "through" spelled as "t-h-r-u" does not appeal to me, and I can not see why that spelling was inserted.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question or two.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. GILLETT] yield to the gentleman from Missouri?

Mr. GILLETT. Certainly.

Mr. CLARK of Missouri. Has the gentleman calculated how long it would take to modify the English language at the rate of 300 words a year?

Mr. GILLETT. No; I have not.

Mr. CLARK of Missouri. It would take four hundred years. Now, one other question. If you are going into this modification business at all——

Mr. GILLETT. May I ask the gentleman what he means by saying that it would take four hundred years to do it?

Mr. CLARK of Missouri. To remodel the spelling of three hundred thousand words in the English language.

Mr. GILLETT. They do not all need it, of course.

Mr. CLARK of Missouri. The most of them do, as much as these 300 words.

Mr. GILLETT. Oh, no.

Mr. CLARK of Missouri. Now, another question. If you are going into this remodeling business, why not go the whole hog and take the phonetic system of spelling that has forty-four letters in it, and that absolutely abolishes the task or stunt of learning to spell at all?

Mr. GILLETT. That would interfere in many cases with the derivation or history of words. This does not.

Mr. CLARK of Missouri. There is not one man out of forty thousand who cares anything about derivation at all, is there?

Mr. GILLETT. I think there are many more than that. I do——

Mr. CLARK of Missouri. Now, you propose to make a commercial language——

Mr. GILLETT. I hope that is what we are growing to.

Mr. CLARK of Missouri. I hope our language will become a commercial language, but these men that are engaged in commerce do not stop to study etymology.

Mr. GILLETT. They do not; but does the gentleman mean that he favors the phonetic system?

Mr. CLARK of Missouri. I mean this, that this 300-words business is such an infinitesimal reform that if I was going into the reform business at all I would at one jump adopt the phonetic system of spelling and the shorthand system of writing, and do away with the double task of learning how to spell and write, the learning how to write the way we write now. Then you would have a reform that is a reform.

Mr. GILLETT. The gentleman's suggestion seems to me in accord with many suggestions that are made in this House by gentlemen opposed to a measure. He objects to a slight step on the ground that he would take some other step which everybody knows is impossible. That is what is often done by a Member in this House as a means of defeating a measure. Now, I do not think that such a criticism as that is very weighty. The gentleman knows that we are not going to adopt phonetic spelling. That is impossible at the present. But he also knows that we are every year simplifying our spelling by ordinary use—the ordinary popular use—and here is a simple attempt to somewhat accelerate the progress which is going on from year to year. And as I approve of all of this progress that is going on, so I approve of this acceleration. It is not a revolution. We can not effect any such phonetic revolution as the gentleman suggests. I do not know whether I would favor it, but I do not think it is practicable. We only consider what is before us, and here is a practical suggestion that comes which seems to be sensible and right and in accord with what we are doing all the time. Therefore I shall be very glad if the House will adopt it.

Mr. MACON. Will the gentleman allow me to ask him a question?

Mr. GILLETT. Yes.

Mr. MACON. If this simplified spelling were to be adopted, would it not necessitate the abolition of spelling books now being used in all the schools of the country?

Mr. GILLETT. Why of course not. Our changing it does not make it necessary to change school books. I have no doubt that in the next edition of the school books they would probably adopt it themselves, but they are not compelled to do it.

Mr. MACON. Then if the school books should not follow it, why do you want it? Why have a boy taught to spell one way and then when he gets through with his education have to learn to spell another way?

Mr. GILLETT. The gentleman makes that assumption contrary to the idea that I have been endeavoring to express. I say that the country would follow it up gradually. It does not follow that because we adopt these 300 words this year that all the school books must be changed immediately. It is not a radical revolutionary change. It is a small and moderate change. It does not follow that all the school books must be changed, but they would follow it up gradually. I think many of these words are already spelled so in the school books.

Mr. MACON. If the school books all have to be changed, it would work a hardship on those who have to buy them.

Mr. GILLETT. There are only 300 words. It is not a revolution in our spelling. It is only what I have attempted to show before—a little acceleration of the change which is going on every year in the newspapers, and in our own correspondence.

Mr. CLARK of Missouri. I would like to ask the gentleman from Massachusetts if he is in favor of this reform made in the spelling of the word "through" by spelling it "t-h-r-u?"

Mr. GILLETT. I do not think that is the correct way, because we pronounce "through" as if it were spelt "t-h-r-o o" and not "t-h-r-u." It seems to me that entirely confuses the yowels.

Mr. CLARK of Missouri. But did not the President in his message use the word "t-h-r-u" all the way through? [Laughter.]

Mr. GILLETT. I presume he did.

Mr. CLARK of Missouri. Then your remark is a reflection upon the wisdom of the President.

Mr. GILLETT. I do not agree with the President in all that he says and does.

Mr. CLARK of Missouri. I am glad to hear it.

Mr. GILLETT. Now, I just wanted to make this statement of my position, because the newspaper statement of it was an unfounded fabrication. If anybody has anything further to suggest in reference to what I have said——

Mr. SULLIVAN. May I ask the gentleman where he can find any authority under our system of government which enables the President to order the spelling of his message in the manner in which he has done it?

Mr. GILLETT. I have not looked into that. I suppose that he has the same right to spell as he chooses that I have and that you have.

Mr. SULLIVAN. I would ask, then, whether a member of the present Cabinet who has in his department a printing plant independent of the Government Printing Office has the right to inflict his personal ideas of spelling upon the great body of men who are afterwards to read these public documents; and if so, where does he get that right?

Mr. GILLETT. I suppose he has exactly the same authority that I have in writing.

Mr. SULLIVAN. Let me ask this further question. Now, why is it that the Public Printer spells public documents in a manner other than the usual one? Where does he get the authority to do that?

Mr. GILLETT. Who?

Mr. SULLIVAN. The Public Printer.

Mr. GILLETT. I say I think he has a right to do so until we tell him differently. He is our servant, and he must obey our directions.

Mr. SULLIVAN. My question is, Whence did he derive that right? From what did it proceed?

Mr. GILLETT. Every man has a right to spell as he pleases. I suppose he has the same right that the rest of us have, if he has not any instructions to the contrary. We each of us could order our speeches to be spelled exactly according to our manuscript.

Mr. SULLIVAN. Then the gentleman's idea is that if the Public Printer chose deliberately to misspell all the words in a public document because that method of spelling conformed to his idea of correct spelling, he might continue to do so until Congress ordered him to stop?

Mr. GILLETT. I think he might run that risk if he wanted to, but I do not think that is a practical suggestion. Of course no Public Printer would think of doing it. He would very soon receive orders from us.

Mr. SULLIVAN. I think the President's notion of authority is the same as the gentleman's in that particular.

Mr. BINGHAM. If the gentleman will allow me, perhaps I can elucidate briefly the gentleman's inquiry.

The CHAIRMAN. Does the gentleman yield?

Mr. GILLETT. I yield to the gentleman from Pennsylvania, of course.

Mr. BINGHAM. In the report of the hearing, which will be printed in the RECORD to-morrow, in connection with this subject of what is called simplified spelling, I made this inquiry:

Mr. BINGHAM. Is there any statute that gives the President authority in any way to change the spelling—have you looked into that?
Mr. STILLINGS. No, sir; I have not.
Mr. BINGHAM. Then, if a Department should want to change the spelling from what is known as the normal or natural spelling, you would accept the order?
Mr. STILLINGS. Under the order of the President the Departments were ordered to have spelling done that way, and would naturally have to obey the order.
Mr. BINGHAM. There is nothing in the statute that authorizes him to give that order, either for or against that proposition?
Mr. STILLINGS. I do not know as to that.
Mr. BINGHAM. Why did you, then, print these bills under that special spelling?
Mr. STILLINGS. I do not know why it should have been done in this case.
Mr. TAWNEY. Is not the Book of Estimates printed in the same manner?
Mr. STILLINGS. The Book of Estimates emanates from the Treasury Department, and is printed at the Treasury branch. An effort has been made to carry out the President's order in reference to simplified spelling.
Mr. TAWNEY. The Book of Estimates is printed at the Treasury branch?
Mr. STILLINGS. Yes, sir.
Mr. TAWNEY. This bill is printed in your office?
Mr. STILLINGS. Yes, sir.
Mr. TAWNEY. In printing this bill, then, your employees must have followed the spelling contained in the Book of Estimates?
Mr. STILLINGS. Undoubtedly.
Mr. TAWNEY. And that is how it came about?
Mr. STILLINGS. Yes, sir; if this was copied from a departmental document which was prepared on the simplified spelling lines.
Mr. TAWNEY. What was the President's order, and have you a copy of it?
Mr. STILLINGS. I have not a copy here.

I will state to the gentleman that there will be printed with my remarks to-morrow the full order of the President to Mr. Stillings, the Public Printer.

Mr. GILLETT. I should suppose that naturally the Public Printer would print and his natural duty would be to print every document according to the manuscript sent, but I suppose, out of kindness to us, if he sees a mistake in our copy, he naturally corrects it, and I suppose he goes by some standard dictionary.

Mr. LITTAUER. The custom has been to follow Webster.

Mr. GAINES of Tennessee. Does not the gentleman draw a distinction between an official document and a private letter?

Mr. GILLETT. Of course there are differences. I do not know just what the gentleman has in mind.

Mr. GAINES of Tennessee. For instance, I have a right to spell my name as I please, whether intentionally or ignorantly; but when the President is writing an official document to Congress should he not confine his spelling to the usual form as found in our statutes?

Mr. GILLETT. I think he could use Greek if he wanted to.

Mr. GAINES of Tennessee. Well, he might use Moro or Tagalog, Filipino or German.

Mr. GILLETT. Certainly, I think that is entirely in his discretion.

Mr. GAINES of Tennessee. Or he might send a message here in Latin.

Mr. GILLETT. Certainly.

Mr. GAINES of Tennessee. Do you think the President would have that right?

Mr. GILLETT. I do. I think he could use what language or what spelling he chose.

Mr. GAINES of Tennessee. Suppose he should issue a military proclamation affecting the Army or Navy of the United States, affecting the life, liberty, or property of a member of either, and that proclamation should come before the Supreme Court of the United States for consideration, and the President should spell it in his own way or get up a new word for each idea he undertook to express. Do you not think that the Supreme Court would be extremely embarrassed and would have to send for the President's dictionary, and possibly for the President himself to come and translate that message? It could be carried to that extreme, of course.

Mr. GILLETT. The gentleman is confusing two things, it seems to me; he is confusing the right and the expediency. I think the President, or anyone else, has the right to spell and publish as he pleases. Of course in practice we are all going to exercise reason and good sense.

Mr. GAINES of Tennessee. Suppose he should spell the word "due" in this passage from the Constitution "due process of law"—suppose he should spell it "d-e-w." Do you not think that would be confusing to a man who was imprisoned under an order of the President, and would it not be confusing to the Supreme Court if his case should go there?

Mr. GILLETT. I don't think it would confuse the man.

Mr. GAINES of Tennessee. Don't you think it would confuse the court?

Mr. GILLETT. No.

Mr. GAINES of Tennessee. Has not the Chief Justice been already confused by this new spelling?

Mr. GILLETT. I do not know that he has. It might displease the court.

Mr. GAINES of Tennessee. The Chief Justice asked a member of the bar—an officer of the Department of Justice, I believe—who had spelled a word in the Rooseveltian method, what he meant by it. The gentleman sees to what confusion it would yield.

Mr. GILLETT. The gentleman from Tennessee is not distinguishing between expediency and the right.

Mr. GAINES of Tennessee. The gentleman from Massachusetts goes to the extent of saying that the President has a right to do what he pleases with official documents in spelling, and I take the ground that he has no right to do it, especially in matters that may come before the Supreme Court or Congress.

Mr. GILLETT. I think the President has the same right that we all have—to spell as he pleases.

Mr. GAINES of Tennessee. I know that the President wants to do right. I am a great admirer of President Roosevelt, but I am talking about the ridiculous proposition of having a message sent here to Congress spelled one way and Congress printing it as spelled in the RECORD, and alongside of it the proceedings of Congress spelling the identical same words in a different way.

Mr. CHARLES B. LANDIS. I would like to ask the gentleman from Massachusetts [Mr. GILLETT] if he is a member of this Amalgamated Association for Simplified Spelling? [Laughter.]

Mr. GILLETT. No; I am not.

Mr. BINGHAM. Mr. Chairman, if the gentleman will allow me, I want to read the President's letter to Mr. Stillings. It is as follows:

THE WHITE HOUSE, WASHINGTON,
OYSTER BAY, N. Y., *August 27, 1906.*

MY DEAR MR. STILLINGS: I inclose herewith copies of certain circulars of the Simplified Spelling Board, which can be obtained free from the board at No. 1 Madison avenue, New York City. Please hereafter direct that in all Government publications of the Executive Departments the 300 words enumerated in Circular No. 5 shall be spelled as therein set forth. If anyone asks the reason for the action, refer him to Circulars 3, 4, and 6, as issued by the Simplified Spelling Board. Most of the criticism of the proposed step is evidently made in entire ignorance of what the step is, no less than in entire ignorance of the very moderate and common-sense views as to the purposes to be achieved, which views are so excellently set forth in the circulars to which I have referred. There is not the slightest intention to do anything revolutionary or initiate any far-reaching policy. The purpose simply is for the Government, instead of lagging behind popular sentiment to advance abreast of it and at the same time abreast of the views of the ablest and most practical educators of our time, as well as of the most profound scholars—men of the stamp of Professor Lounsbury and Professor Skeat.

If the slight changes in the spelling of the 300 words proposed wholly or partially meet popular approval, then the changes will become permanent without any reference to what public officials or individual private citizens may feel; if they do not ultimately meet with popular approval they will be dropt, and that is all there is about it. They represent nothing in the world but a very slight extension of the unconscious movement which has made agricultural implement makers and farmers write "plow" instead of "plough;" which has made most Americans write "honor" without the somewhat absurd, superfluous "u;" and which is even now making people write "program" without the "me"—just as all people who speak English now write "bat," "set," "dim," "sum," and "fish," instead of the Elizabethan "batte," "sette," "dimme," "summe," and "fysshe;" which make us write "public," "almanac," "era," "fantasy," and "wagon," instead of the "publick," "almanack," "aera," "phantasy," and "waggon" of our great-grandfathers. It is not an attack on the language of Shakespeare and Milton, because it is in some instances a going back to the forms they used, and in others merely the extension of changes which, as regards other words, have taken place since their time. It is not an attempt to do anything far-reaching or sudden or violent; or indeed anything very great at all. It is merely an attempt to cast what slight weight can properly be cast on the side of the popular forces which are endeavoring to make our spelling a little less foolish and fantastic.

Sincerely, yours, THEODORE ROOSEVELT.

Hon. CHARLES A. STILLINGS,
Public Printer, Washington.

Mr. GILBERT. It seems that the gentleman from Pennsylvania and all the members of that committee concede that this is not a governmental matter; that in spite of any legislation that we may enact, every college, every school, every teacher, every individual may still adhere to the old method of spelling. Now, would not the adoption of that new method tend to create a greater disorder and a greater degree of confusion in spelling rather than more harmony?

Mr. BINGHAM. All I can say to the gentleman is that we think that the qualification in this proposed amendment is right. It will come duly before the committee when we reach that paragraph in the bill, which will be early in its consideration. It reads as follows:

Hereafter in printing documents authorized by law or ordered by Congress or either branch thereof the Government Printing Office shall follow the rules of orthography established by Webster's or other generally accepted dictionaries of the English language.

It is simply, so far as this proposed amendment or legislation goes, a continuation of the existing system and existing orthography. That is its sole purpose. Now, the committee believe that in view of the presentation of the Book of Estimates of the bill that goes with it for the consideration of the committee, all that comes from the Secretary of the Treasury in official form for our consideration should be spelled in the usual system of orthography.

Mr. GILBERT. What I want to know is this: Is not Congress making itself ridiculous and absurd to enter upon that subject at all?

Mr. BINGHAM. I do not think that the committee before whom the proposition is submitted in the form of a document to that committee, coming from the Secretary of the Treasury, makes it ridiculous in taking the sense of the committee and calling attention of Congress to it.

Mr. GILBERT. Might we not as well spend our time in regulating the color of our cravats? [Laughter.]

Mr. LITTAUER. If the gentleman will permit me, the Committee on Appropriations is concerned with this matter from the financial and economical standpoint. We were met by the statement that if we were to continue two kinds of spelling in printing documents the extra cost in producing the publications of the Government would be a considerable one. The use of two methods would involve an extra cost for proof reading, an extra cost for changing type, and so forth.

Consequently, we felt that in trying to bring about economic administration of the Public Printer's office, it was well that some official mandate should be given where the authority rested to determine that the work of the Public Printer should be conducted in the most economic and, even, as we also believe, the proper way. The order of the President we recognize, but we also recognize the intimation—not the dictum—of the Supreme Court that if you are going to quote law in a printed brief you must quote it as the law reads and not quote it with some new style of spelling. Then other Departmental officers refused to have the spelling of their designations changed, because they are statutory. If we were to continue here or after in all these publications the necessity of having the proof reader go over them twice in order to inject this new spelling, and then for the printers and the plate makers and so on to change their work, it is quite plain that we will add considerable to the cost of the Public Printer's work; and it is from the standpoint of cost that we have submitted this matter of legislation here.

Mr. GILBERT. Mr. Chairman, I think the committee is entirely right, but that is apart from the question I propounded to the gentleman. We know that in the times of Queen Elizabeth the Parliament of England would sit for months fixing the price of tinware, of hats and shoes, etc., and we know that in the time

of Louis XIV the States-General would sit to settle questions of etiquette before the court; and I do not want the Congress of the United States to be guilty of what seems to me a piece of folly in passing a piece of legislation that no court would pay any attention to as being any part of any governmental function to be exercised by any Congress.

Mr. BINGHAM. The gentleman will understand this, that we are dealing just with the official documents, so far as this House or so far as Congress is concerned. Now, one point—the printing is in the simplified form, we will say. The question was put to Mr. Young, foreman of the Government Printing Office, on page 44 of the hearing, as follows:

Mr. LITTAUER. Can these plates be readily changed from one form of spelling to another?
Mr. YOUNG. They can be changed, but a plate correction is always a bad thing. I do not think a plate correction should ever be made if it can be avoided.
Mr. LITTAUER. The proof reading would be more expensive than the changing of the plates?
Mr. YOUNG. Yes, sir.
Mr. BURLESON. You spoke about these plates—that is, with the 300 words now adopted?
Mr. YOUNG. Yes, sir.
Mr. BURLESON. Now, suppose they adopt the next batch, say 1,200?
Mr. YOUNG. Then it would be out of the question.

That is the testimony of a practical man in that office.

Mr. GAINES of Tennessee. Does not the President of the United States have the right to authorize the reprint of certain executive documents?

Mr. BINGHAM. That I can not answer. I presume he has that right.

Mr. GAINES of Tennessee. We have a great many maps, for instance——

Mr. TAWNEY. Mr. Chairman, if the gentleman from Pennsylvania will permit, I will say that the President has not that right.

Mr. LITTAUER. The Public Printer is under Congress.

Mr. GAINES of Tennessee. We order these executive documents containing these fine plates. They are the ordinary spelling. Under this new way of spelling all these plates would have to be changed, and it would cost a great deal of money to do it, of course, and take up a great deal of time, and so forth. Is that what the gentleman from whom you quote had in mind when he spoke about the "plates?"

Mr. BINGHAM. That is what the gentleman had in mind, all plates. He simply states that they can handle the 300 words, but when it comes to 1,200 or 1,500 words it is out of the question.

Mr. TAWNEY. Mr. Chairman, I will state, in answer to the question of the gentleman from Tennessee [Mr. GAINES], that we have public documents that are printed in accordance with law and we have others printed by order of Congress. Now, under the present the Executive documents that are sent down to the printer to be printed, coming directly from the Executive Department to the Government Printing Office, will be printed under the Executive order in accordance with the rule of simplified spelling. Then these same documents come to Congress and they go back to be printed by Congress for the use of Congress. The proof must all be reread, unless Congress specifically adopts the simplified form of spelling, thereby giving direction to the Public Printer, who is under the control of Congress, giving him an authority to reprint these documents or have them printed identically in the same form of spelling they were printed in when they came from the Executive Department.

Mr. GILLETT. Why would that be necessary? Why, without the explicit declaration of Congress, could not the Public Printer send it here in the simplified spelling, if we did not say we would not permit it?

Mr. TAWNEY. Well, I suppose that the Public Printer construes the order of the Executive to relate only to publications that are printed under authority of law and by direction of the Executive Department. I do not think the Public Printer would consider the order of the Executive to apply to publications that are printed by authority of Congress. While it was not stated in the hearings, he said to me that he would expect before printing the documents that are printed by authority of Congress in the simplified form of spelling, he would expect Congress to give some direction otherwise, or in the absence of any direction he would feel bound to go on and print the documents printed by authority of Congress in the manner that has heretofore obtained.

Mr. MANN. Will the gentleman yield for a question? Did the Public Printer have any instructions in reference to printing the RECORD?

Mr. TAWNEY. The CONGRESSIONAL RECORD?

Mr. MANN. Yes.

Mr. TAWNEY. I understand the chairman of the Committee on Printing of the House has made some announcement, at least there was an announcement in the press, whether he did to the Printer or not, that the RECORD would be printed in the usual form of spelling. I do not think he had any direction one way or the other.

Mr. MANN. And which, of course, I suppose, would carry with it the printing of those documents referred by the Speaker to be printed.

Mr. TAWNEY. Absolutely.

Mr. MANN. So that unless there is some legislative action one way or the other we will be put in the position of having the same documents printed by the same printing office for the Government one lot spelled in one way and another lot spelled in another way.

Mr. TAWNEY. Exactly.

Mr. MANN. And if there should be a third edition issued of those documents I suppose they would have to toss a copper to see how the third edition should be spelled.

Mr. TAWNEY. It would require some legislative action. The purpose of this provision to secure uniformity in spelling in all public documents that are issued by the Executive Departments and subsequently referred to Congress, or referred to Congress as Executive documents and then having them printed under authority of Congress. The purpose is to have uniformity in spelling and save the expense of duplication work and expense.

Mr. SOUTHARD. Do you not think if you let this subject alone it will result in uniformity?

Mr. TAWNEY. It has not.

Mr. SOUTHARD. So far as Government printing is concerned.

Mr. CRUMPACKER. I desire to make an inquiry. Perhaps I am a little obtuse or have some wrong impressions. I understand there is no standard fixed by law now; that it is a question of custom at the Government Printing Office.

Mr. MANN. There is a standard fixed by the Government Printing Office.

Mr. CRUMPACKER. Not fixed by the Government Printing Office?

Mr. MANN. Oh, yes.

Mr. CRUMPACKER. I understand it is just a custom and usage; that there is no law.

Mr. MANN. They have rules at the Government Printing Office which themselves in many cases violate the dictionaries. I will say to the gentleman that they do not follow the dictionaries in all cases by any means.

Mr. CRUMPACKER. Those rules simply refer to a standard or an accepted usage; that is all. Now, the Public Printer can conform, in the absence of any legislation, to this new standard. It is not necessary that Congress should—let me ask, does the chairman of the Committee on Printing have authority to fix the standard of printing for Congressional documents? I assume not. I think that requires an act of Congress. The whole question, I understand, is open now; that the public printing except in so far as it has been directed by the President of the United States in respect to certain classes of publications—all the balance is a matter discretional with him, a matter of taste, a matter of usage.

Mr. BINGHAM. Now let me read what he says about that.

Mr. LITTAUER. What recognition of the progress in spelling has the Public Printer taken?
Mr. STILLINGS. We have been largely guided, in fact almost entirely governed, by the action of the publishers of Webster's Dictionary.

I merely give you that.

Mr. CRUMPACKER. I insist that the situation——

The CHAIRMAN. To whom does the gentleman from Massachusetts yield?

Mr. GILLETT. I yield now to the gentleman from Indiana.

Mr. CRUMPACKER. The situation is simply this: It is simply a matter of practice or a matter of custom that there is no lawful standard of spelling for public documents.

Mr. TAWNEY. Except in so far as the Executive order proposes to make a lawful standard.

Mr. MANN. That is purely a matter of taste. The Public Printer is not required to follow the law. It is utterly beyond the law.

Mr. TAWNEY. And if we do not enact any legislation the Public Printer may make documents conform to the Executive standard; he may use the Executive standard for printing some classes of documents and some other standard in relation to others.

Mr. GILLETT. I had not thought of this, but I must confess at first blush I would go a step further than the gentleman. I would say that if I made a speech here and sent it down to the

Public Printer and told him I wanted it spelled in a particular way that I have a right to have it spelled in the way I say.

Mr. MANN. He would not do it. He would not spell it that way, either.

Mr. CLAYTON rose.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. GILLETT] yield to the gentleman from Georgia [Mr. CLAYTON]?

Mr. GILLETT. Certainly.

Mr. CLAYTON. May I ask the gentleman from Massachusetts [Mr. GILLETT] a question?

Mr. GILLETT. Certainly.

Mr. CLAYTON. We understand from the remarks of the gentleman from Indiana [Mr. CRUMPACKER] that there is no law compelling the Public Printer to spell in any particular way, no positive law, no legislative enactment; but does not the Executive order of the President, whose appointee he is, bind him to the extent that the President may remove him if he does not conform to his directions? Would not he do it, knowing the President as you know him, and that when he says a thing he generally has some meaning to it? Do you not think he would discharge the Public Printer if he did not conform to his directions?

Mr. GILLETT. I think his recommendation to the Public Printer is very apt to receive the Public Printer's careful consideration.

Mr. CLAYTON. The Public Printer is a wise man and onto his job.

Mr. NORRIS rose.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. GILLETT] yield to the gentleman from Nebraska [Mr. NORRIS]?

Mr. GILLETT. I yield to the gentleman.

Mr. NORRIS. If it be true, and it seems to me that it is, that the duty of the printer, either public or otherwise—if we are going to be at all technical about it—is to spell as the manuscript before him is spelled. He ought, it seems to me, as the gentleman has suggested, if he is requested to print his speech for the CONGRESSIONAL RECORD in the reform method of spelling, to spell it that way. For the same reason the President ought to be allowed to control such things as emanate from the Executive Department, and they ought to be settled in accordance with the manuscript that he sends to the Printing Office to have printed.

Mr. SOUTHARD. In every case?

Mr. NORRIS. I should think so. It is the duty of the printer, and I can see that it is, to simply print what is given to him in the shape of manuscript. He ought to follow it, and if it comes from the Executive Department it would be his duty to follow it, and he ought to be removed if he does not follow it.

Mr. CLARK of Missouri rose.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Missouri?

Mr. CLARK of Missouri. Mr. Chairman, I am not asking the gentleman from Massachusetts [Mr. GILLETT] to yield. I want some time in my own right.

Mr. GILLETT. All right. I have finished, Mr. Chairman. I am very glad that the gentleman from Missouri can take the floor.

Mr. CLARK of Missouri. Mr. Chairman, this matter is not so much of a joke as it might seem at first blush. I most heartily indorse what the Committee on Appropriations did in this matter when they say:

> Hereafter in printing documents authorized by law or ordered by Congress or either branch thereof the Government Printing Office shall follow the rules of orthography established by Webster's or other generally accepted dictionaries of the English language.

In the beginning I wish to modify one remark that I made to the gentleman from Massachusetts [Mr. GILLETT] a little while ago. I asked him if it were not true that there is not more than one citizen of the United States out of 40,000 interested in the origin or etymology of words. Of course I know that was a very extravagant question myself. What I meant was this, that the number of persons who are interested in etymology or the derivation of words is very small in comparison with the entire population of the United States. I have spent some time, and I have no doubt that the gentleman from Massachusetts [Mr. GILLETT] has spent some time, ransacking the dictionaries to find out the derivation of words. Before I got to be as busy as I am now I spent a good deal of time at it. It is fascinating work. I started out to be a precisian in the use of words. Law and politics lured me from that ambitious project. It vanished along with many other dreams of my youth. But that is neither here or there. Before the President issued his remarkable ukase there was no trouble in this country about spelling. Everybody either tried to conform his spelling to the generally accepted authorities or he paid no attention to the authorities at all and spelled to suit himself.

I will not go as far as the gentleman from Georgia [Mr. LIVINGSTON] went in saying that this order of the President makes "confusion worse confounded." I think that is an extravagant statement, too. But I do think that it makes a muddle where there was no sense in having any muddle. Some time before very long the people of the United States are going to insist on having a President who will attend strictly to his own constitutional functions and expend his energies only on subjects of great pith and moment. As to the Public Printer, his duty, without any statute on the subject, is to conform the spelling of these public documents that he has charge of to the usually accepted authorities in the matter of spelling, and that is what he would have done if he had been let alone. That he feels under obligations to conform his action to this order of the President I have no doubt. Failure to do so would, in all probability, mean that he would soon be ex-Public Printer. The truth is that the Public Printer has at times exercised prerogatives which nobody ever intended that he should exercise. I had a very interesting experience with the first speech I ever made in this House. I am not at all certain that any public speaker in this country, except the preacher or the lawyer or the doctor delivering a lecture, has any right to incorporate into his speech any sentence or phrase from a foreign language, because our language is the richest and most flexible ever spoken by the children of men. It grows richer and more flexible every day.

If anybody does not believe that it is the most flexible, all that he has to do is to read Don Juan to discover the most complete illustration of the flexibility of the English language. I would not recommend Don Juan to a boarding school, but in that great poem Lord Byron gave a marvelous demonstration of the flexibility of our vernacular. Our language is a hash language. Perhaps it would be in better taste to say a composite language or a verbal mosaic. It is built on a basis of German, which we often call Anglo-Saxon, a palpable misnomer, and there have been grafted on it words from every language of the world, ancient or modern. Whenever we need a new word we simply reach out into somebody else's vocabulary and appropriate it. But to return to my mutton: In the first speech I ever made here of course I made every effort to put my best foot forward. I wrote it and rewrote it and boiled it down and polished it and committed it to memory [laughter]; and I am not at all certain that it would not be better if we all did that all the time now. We would make fewer speeches, but better ones, no doubt. I wanted to be sure that I was putting the best foot forward, so I quoted a Latin sentence: "*Facilis descensus averni*"—"Easy the road to the deuce." I sent it down to the Printing Office, and they sent it back changed to "*Facilis descensus averno*," which is only the change of one letter. But I did not propose that the Public Printer should doctor up my speech, and I wanted to be certain that it was correct the way I had it. Looking over here within 40 or 50 feet I saw the most universal scholar who has been in the House in my time—Dr. William Everett, of Massachusetts—so I went to him. I presented the question to him, and he said: "Well, it does not make much difference. They both mean substantially the same thing; they are both grammatically correct; but I believe that the weight of authority is on your side."

So I sent it off to the Public Printer. In about twenty minutes Doctor Everett wrote me a note stating: "I have been investigating the matter and there are four accepted readings for that line. *Facilis descensus averni; facilis descensus averno; facilis descensus averni est*, and *facilis descensus averno est;* and the Public Printer is right." He told me afterwards that he had twenty-six editions of Virgil—twenty-three more than I knew before had been printed. Thus I settled my matter with the Public Printer.

In the shape in which this question now arises it is a practical problem. A gentleman asked me if I am in favor of phonetic spelling. I am not certain whether we could adopt it, but if we could there is no question that if we had the phonetic system of spelling which has forty-four letters in it we would absolutely save two years of the time that a child is learning to spell. They are natural-born spellers. Take any child—and every school-teacher on the floor of the House knows it—and give him the word "owl" to spell, he would spell it "ow-l" instead of "o-w-l," two letters instead of three, because there is the one sound represented by the two letters "o" and "w." If you take the forty-four letters you will have every sound included in the language. Then if you adopt the shorthand system of writing—

and you can learn that as well as you can the system we now write—you will save from three to five years in the life of every citizen in this Republic in getting an education.

There is something practical about that, but there are three arguments against that. All the etymologists will be against it. The men who want to learn the derivation of words will be against it. Every printed book in the English language is an argument against it, and every human being who has learned to spell in the usual way is a living, moving argument against it. They do not want to take the trouble to learn to spell any other way. But there is no doubt that if that system were adopted two or three years in the life of every child now living and during the life of every child to be born in the future would be saved in the matter of getting an education.

As to this order of the President, it is absolutely pitiable. It produces confusion without doing any good. I undertake to say that if you take the scholars of the House, such as my learned friend from Massachusetts, and ask them to pick 300 words for the experiment in simplified spelling no two would pick the same words and no two would agree on the spelling of the 300 words. The President says "thru;" but the gentleman from Massachusetts [Mr. GILLETT] objects to spelling the word "through" in the way that the President spelled it all through his message—"thru"—because in certain places the letter "u" has a different sound from what it has in the word "through." The gentleman from Massachusetts would spell it "throo," because, so he thinks, "u" never has the sound of "oo." Now, that is all a question of geography. It depends on the section of country you are in as to whether certain sounds prevail. For instance, the word "calf" is as much entitled, under Webster's Standard Dictionary, to be pronounced "c-a-w-f" as "palm" is entitled to be pronounced "p-a-w-m;" yet let a man go into an agricultural section of the country, where they raise calves, and go around through the country talking about a c-a-w-f, and he will run good risk of having a writ de lunatico inquirendo sworn out for him.

The changing of the spelling of these 300 words does not do any good. It simply muddles things.

Mr. GILLETT. Does not the gentleman think that this simplification of spelling, which, of course, he knows is going on slowly all the time, is a desirable thing?

Mr. CLARK of Missouri. Why, certainly I do.

Mr. GILLETT. Then here are 300 words, most of them being changed very slightly. Why is not the adoption of this list an acceleration of the progress in that direction? Why does the gentleman say it is so confusing?

Mr. CLARK of Missouri. It gets up two systems of spelling right away.

Mr. GILLETT. Every change gets up two systems of spelling.

Mr. CLARK of Missouri. I know, but it is very gradual.

Mr. WILLIAMS. On the very point you are talking about, take the word "thru." That might spell "through" in German, it might spell "through" in half a dozen languages, but the English "u" is never pronounced "oo," and you can not make "throo" out of it. In New England there is a disposition to make "oo" sound out of "u," the old English "u." In other parts of the world "u" is pronounced "eu," and if the President was going to spell phonetically he might have done better by using "throo." This is just an illustration of the wonderful diversities of opinion which will spring up at once as to how you are going to make the spelling correspond with the sound.

Mr. GILLETT. I do not think you can suggest a single other word in the list of 300 as to which the same thing is true.

Mr. CLARK of Missouri. It is just the old question of "shibboleth" and "sibboleth" over again. One of the most distinguished Members of the House (I will not name him, because it might seem invidious) invariably pronounces the word "does" as though it were spelled "doos." He is not going to agree to this simplified scheme of spelling. But what I was trying to get at is the practical part of it, in answer to the gentleman from Massachusetts [Mr. GILLETT]. I say that the spelling of the English language is a growth, and every man who has ever read Chaucer, and from him on up, knows that very thing.

Mr. SHACKLEFORD. Will the gentleman permit an interruption there?

Mr. CLARK of Missouri. Yes; with pleasure.

Mr. SHACKLEFORD. If all of these changes mean growth, then where growth has taken place why should not the CONGRESSIONAL RECORD, as well as the other literature of the country, accept it?

Mr. CLARK of Missouri. Well, these 300 words have not developed as a growth yet.

Mr. SHACKLEFORD. Oh, I think they have.

Mr. CLARK of Missouri. They have not. Here is where the trouble comes in about it. All over this country, without any law about it except the law of custom, where we get the common law, we have been accepting Webster's Dictionary as the established authority, or Worcester's or some of the rest of them. Now, there must be somewhere in the neighborhood of from fifty to seventy-five thousand school-teachers in the United States, and maybe more. They apply for school certificates under the statutes of their States. In Missouri we have three or four different kinds of certificates. If they stand such and such an examination, they get a certificate for life. If they stand another test, they get a certificate for five years, but the most of them get yearly certificates. Spelling is one of the things on which they are examined. I always did doubt whether there was any sense in examining anybody on spelling, because it is largely a matter of memory, except in the case of scholars who go into the derivation of words. Suppose some of these faddists got hold of these examinations, and a teacher should come up for examination; these 300 words are in the list; and the teacher spells every one of them according to the authorized standard dictionary. That teacher gets zero on spelling when graded by a faddist.

Another thing about it. We appoint boys to West Point and to Annapolis. They are examined on spelling. They are graded on spelling. Now, inasmuch as this question has been raised, suppose they set up this improved standard of spelling, but suppose they do not tell the boys what standard they are going to be judged by. Then they take enough words out of this preferred list of correctly spelled words under the new system, 300, to make up that examination, and the boys spell them according to the old standard. Every one of them gets zero on spelling.

No sensible man will sanction such rank injustice as that.

Then turn it round the other way. Suppose the applicants for school certificates and the appointees to West Point and Annapolis all believe in the simplified spelling, and these 300 words are given them to spell and they spell them according to the new style and the examiners all believe in the old style, the result is again zero in spelling for them all.

No sensible man will sanction such rank injustice as that.

Mr. GILLETT. I would like to ask the gentleman from Missouri if he does not have exactly that difficulty now with such words as "honor" and "candor," which are among the list of 300. They are spelled sometimes o-u-r and sometimes o-r. According to the theory of the gentleman, he would have the some difficulty to-day when a boy passed an examination. There are two standards, and you can not say that this one is right or that one is right; both are right. The 300 words are words of that kind which already have two classes of spelling, and that confusion exists now. This simplifies and recognizes one spelling instead of the other.

Mr. CLARK of Missouri. Common usage in this country has left the "u" out of the second syllable in all such words as "honor," "candor," etc.

Mr. GILLETT. They are spelled both ways by the standard dictionaries.

Mr. CLARK of Missouri. I know they are, but they are not spelled both ways by the bulk of the people, and the majority have as much right to determine the system of spelling as the system of government.

Mr. GILLETT. The boy would be right in spelling it either way.

Mr. CLARK of Missouri. I know he would.

Mr. GILLETT. And so he would with any of the 300 words.

Mr. CLARK of Missouri. The main thing to be said about this is that it produces confusion without doing any good. I say that inasmuch as the question was raised, the Committee on Appropriations did well to bring in this proviso and let us express our opinion about it. I am willing to go the whole hog on reformed or simplified spelling, but I am not willing to take 300 words out of 120,000 and pester ourselves and everybody else with this new-fangled orthography. At that rate we would require 400 years to make a new dictionary, and then some, for while we are correcting the 120,000 words we now have we would accumulate a few thousand new words which would need correcting.

Mr. Chairman, the gentleman from Georgia [Mr. LIVINGSTON] asked me to control the time in his absence. I now yield as much time as he wants to the gentleman from Arkansas [Mr. MACON].

Mr. MACON. Mr. Chairman, it is not my purpose to speak upon the subject of appropriations at this time, nor shall I speak but a short while upon any other subject; but, sir, there is one question that, in my judgment, concerns the farming interests of this country more than any other, and to that cause do I propose to address myself at this hour.

A good many years ago I happened to be a member of the

legislature of the State of Arkansas, and while serving in that capacity I prepared and introduced a bill in that body to prevent the dealing in futures in agricultural products. The legislature saw fit to enact the measure into law, and the result was that bucket shops and agricultural gamblers and speculators were driven out of business in that State for the time being; but the interested parties were not willing to abide by the action of the legislature, and hence made a test case of the question in the courts of the State upon the ground that the law was unconstitutional in that it conflicted with that clause of the constitution which prohibited a legislative enactment in restraint of trade. The supreme court of the State, however, held that the law was not in conflict with the constitution, that it did not restrain legitimate trade in any sense of the word, and consequently every little bucket shop was driven from the State; but later the question was before the Supreme Court of the United States, and there it was held that a legislature of a State could not enact a law that would prevent a citizen of one State from having a future transaction with a citizen of another State upon the ground that it would be interfering with interstate transactions. In order, therefore, that the State law might become effective, it became necessary under the holding of the Supreme Court that Congress should pass a law preventing or prohibiting interstate transactions of that character. As soon as the Supreme Court holding was made known to me I resolved that if I was ever in a position to do so I would do everything in my power to have the Congress of the United States pass a law prohibiting interstate buying or selling or otherwise dealing in what is known as futures in so far as it affected agricultural products. So when I had the good fortune to become a member of this body I took the matter up, and I discovered that Senator BERRY, a distinguished Senator from my own State, had introduced a bill of similar character in the Senate and that it was then pending before that body. Considering his long service in the Senate entitled him to recognition upon the question as against myself, I did not introduce a bill upon the subject during the early days of my service here.

But it has been decreed that he must retire from legislative life on the 4th day of March next. Knowing that fact, I did not consider that the proprieties required that I longer wait upon his action in the matter, and hence I have prepared and introduced in this body, for the earnest consideration of its membership, the bill that I now send to the Clerk's desk to be read in my time and to be made a part of my remarks upon the subject under consideration.

The Clerk read as follows:

A bill (H. R. 20554) to prohibit interstate buying or selling or otherwise dealing in what is known as futures.

Be it enacted, etc., That interstate buying or selling or otherwise dealing in what is known as futures, either in cotton, meat, grain, or any other agricultural product whatsoever, is hereby declared to be unlawful.

SEC. 2. That whoever shall so engage in buying or selling or otherwise dealing in futures in the United States of America, either in cotton, meat, grain, or any other agricultural product, shall be guilty of a felony, and upon conviction shall be fined in any sum not less than $1,000 or imprisoned not less than one year, or both.

SEC. 3. That no letter, postal card, circular, newspaper, pamphlet, or writing or publication of any other kind containing money or any other representative of value or information of any character to be used in any manner connected with, concerning, or in furtherance of any project or transaction pertaining to the buying or selling or otherwise dealing in what is known as futures, either in cotton, meat, grain, or any other agricultural product, shall be carried in the mail or delivered at or through any post-office or branch thereof or by any letter carrier or other postal agent or authority. Whoever shall knowingly deposit or cause to be deposited, or who shall knowingly send or cause to be sent, anything to be conveyed or delivered in violation of this section, or who shall knowingly deliver or cause to be delivered by mail anything

SEC. 4. That all laws in conflict with this act be, and they are hereby, than $500 or by imprisonment for not less than six months, or both. demeanor, and upon conviction shall be punished by a fine of not less herein forbidden to be carried by mail, shall be deemed guilty of a misrepealed.

Mr. MACON. Mr. Chairman, it is known of all men that the farmers of the world sustain it and that they have done so since its foundation. Therefore, if any class of people on earth are entitled to recognition by way of legislative enactment, they are entitled to it. Civilization, prosperity, comfort, and happiness owe more to the farmers than to any other class of people on earth, for, as stated, they have sustained the earth from its creation. Without the fruits of the farmers' toil, lawyers, doctors, bankers, merchants, mechanics—nay, sir, every other class of citizens upon the face of the earth—must within about nine days after the farmers' products give out be sent to their grave by the pangs of starvation, or else become cannibals, feasting upon their fellows, or wild men living upon the herbs and berries of the forests. In addition to producing every morsel of food upon which man subsists the farmer produces every rag of apparel that shields his form from the freezing blasts of a winter's storm or the scorching rays of a summer's sun. Then, sir, if the farmers be the one class that feed and clothe the peoples of every character, I can see that it is the highest duty of the people's representatives to consider their cause first when they come to the enactment of law bearing upon any subject. But, sir, strange as it may seem, instead of considering the farmers' cause first, it is nearly always put aside to the last, and when the time does come to consider them the Congress is so busy in winding up its business that it can not find time to give any thought whatever to the farmer or his cause. The farmers of the country, recognizing the havoc that has been annually wrought to their cause by the dealing in futures in their products, have petitioned legislatures and Congresses from time to time to enact some law that would relieve them from the great evil that necessarily came of such gambling transactions. Last year the farmers of this country produced about 550,000,000 dollars worth of cotton, more than a billion dollars worth of corn, and nearly three-quarters of a billion dollars worth of wheat, and yet there were several hundred times as many bales of cotton, bushels of corn and wheat sold by the stock gamblers of the country as were raised. Sold in competition with the honest product, of the honest toil, of the honest farmer, and by reason of that nefarious practice prices were run up and down at the will of the speculator, so as to cause havoc with the honest price of the product from one day to another throughout the year. I have seen cotton fluctuate in price as much as $10 a bale within as many hours. There was no apparent reason for such a change in price other than the will of the gambling speculator. Such a practice is destructive of all honest value of the product and results in the enrichment of the speculator and the impoverishing of the men who produce it.

Mr. Chairman, aside from the great injury done the farmer by the bucket shops of the country, good citizens of every community have been wooed by them to a financial doom. These good citizens are told that some one invested a hundred dollars yesterday and made as much or more upon the investment, and hence they are encouraged to place their hard-earned coin upon the turn of the wheel of the speculator and are drawn into a whirlpool of ruin before they can extricate themselves from the great danger that always attends such investments. When they lose, as they nearly always do, they are then told by these captains of the bucket-shop industry that if they will try their fortune again they are sure they will come out all right and win back what they lost on the other transaction. Thus they are led on, step by step, until they become out-and-out gamblers themselves. To show to what extremes these speculators will go in order to lure the good citizenship of the country into their net, I will send a letter to the Clerk's desk to be read that I received from Mr. W. H. Avery, of Eldorado, Kans., and a letter that he inclosed me in the one just mentioned, written by J. K. Comstock & Co., of Chicago, to Mr. W. S. Avery, of Eldorado.

The Clerk read as follows:

ELDORADO, KANS., *December 6, 1906.*

Hon. Mr. MACON, M. C.,
Washington, D. C.

DEAR SIR: I notice that you have introduced a bill to do away with "bucket shops." I inclose a letter from one of these concerns. Such letters are received about twice each month, and are usually sent to young men working on salary, and this man has in some instances gotten all their wages. I hope your bill will become a law at this session of Congress.

Very respectfully,

W. H. AVERY.

CHICAGO, *December 3, 1906.*

Mr. W. S. AVERY, *Eldorado, Kans.*

DEAR SIR: There is certainly going to be something "doing" in this wheat market, and it may be this coming week, and if you will only take a risk of $6.25 or $12.50 you will stand an excellent chance of getting 5,000 or 10,000 bushels of wheat for this small amount of money. On Friday, December 7, you can buy ups on May wheat 1½ cents away from the closing price of market on that day for eight days and 2½ cents away for fifteen days, and if the advance comes as we expect it will be for 4 or 5 cents, and you can figure your profit as well as we can. Each 1 cent advance above your up price means $50 profit for each $6.25 invested.

Wheat is cheap, and here is your opportunity. If market closes lower than 79 cents on Friday, so much the better for you and your purchase. If above 79 cents, it shows advance has started sooner than we expected. Everything is in your favor.

Don't delay. Send order by return mail so we can book it. If far away "wire it" at our expense and let funds follow by first mail. Orders mailed Friday, December 7, accepted. Six dollars and twenty-five cents buys five ups on 5,000 bushels for seven or fifteen days; $12.50 buys five ups on 5,000 bushels for seven and fifteen days.

Very truly, yours,

J. K. COMSTOCK & CO.

Mr. MACON. You will observe from the reading of Mr. Avery's letter that these gamblers are anxious to catch the young men of the country, and, from the reading of the Comstock letter, that they want to catch them quick. They are not willing for them to wait to send in their orders by letter for fear they will have time to think and decide not to engage in the nefarious practice; consequently they are called upon to

"Wire it at our expense." Since introducing this bill I have received letters from each of the great subdivisions of the United States urging me to do all I could to have it passed at this session, but I will not take up the time of the House by having more of them read. I had the Avery and Comstock letters read for the purpose of showing that the people of the country are being filched of their hard earnings in every quarter of it by these speculators and the wily practices resorted to by the speculators to catch the innocent "nibbler." The Comstock letter represents that the concern deals in grain and provisions, and you would naturally suppose from the large letters on the letter head that they were legitimate dealers, but when you glance at the right-hand corner of the page you will find printed "Ups and downs a specialty," which would give the whole matter away to an experienced business man, but, as Mr. Avery says, these communications are nearly always sent to young men who are working on a salary, and they, being without experience, do not comprehend at a glance that they are dealing with speculating sharks, and hence are caught before they know it. Yes, sir, as Mr. Avery says, this concern sends out this character of letter to the young men of the country about twice a month, encouraging them to take stock in their hazardous business, and urging them to be quick about it, to write at once, and if far away to wire at their expense. Mr. Chairman, in order to catch an idea of the infamy of the business engaged in by Comstock & Co., it is only necessary to read the first part of their letter to Mr. Avery, which is as follows:

DEAR SIR: There is certainly going to be something "doing" in this wheat market, and it may be this coming week, and if you will only take a risk of $6.25 or $12.50 you stand an excellent chance of getting 5,000 or 10,000 bushels of wheat for this small amount of money.

Why, sir, any man of any sense at all ought to be able to see robbery stamped all over the face of that declaration. It means, simply, assuming wheat to be worth a dollar a bushel, that if one were to put up $6.25 and get 5,000 bushels of wheat in return therefor that some one must necessarily be robbed of $4,993.75 in order for him to get it.

Mr. Chairman, I can not conceive of a more reprehensible business than that of controlling the price of the products of the toiling masses of the country by speculative practices and at the same time debauching the young men of the country, teaching them the gambling habit, whereby they may rush in with their savings of a week or month, perhaps a year, and have them vanish on a simple turn of the speculative wheel instead of "a turn of the card."

Gentlemen, if the farmers who have been clamoring for this kind of legislation for years will only take the matter up in a plain, practical, business way with their Representatives in Congress, they will have this bill passed; but unless they unite upon the subject and organize and direct, nay, command, their Representatives here to vote for a measure of this character they will never get any relief from these "skin-game" speculators. They go on from bad to worse, enticing men of splendid character into this gambling practice, and in a sense debauching the morals of many of the best citizens of the community. How often is it in reading the press that you see where the cashier, or the assistant cashier, or the teller of this or that bank has become a defaulter in the sum of from $10,000, perhaps, to $500,000, all by reason of speculating in futures? Gentlemen, it is demoralizing to business in every way, and there is no one who can advocate it, from a moral or a business standpoint, except the speculator, who filches money from the pockets of the people who play at their game of hazard and ruin the farmer by controlling the price of the product of his toil. I want the farmers of this country to organize themselves and see to it that this or a measure similar to it is passed. I have no personal pride in passing this particular bill, and I am willing for it to pass under the name of any other member of this body. I simply want it passed, and I do not care whose name it bears. I want some measure passed that will give relief along the lines indicated by the measure. Sirs, a law prohibiting interstate transactions of this kind, supplemented by a legislative act preventing a citizen of a State from having similar transactions with citizens of the same State, would put an end to the whole business, and certainly the passage of this bill will stop these "luring" letters that are sent out by these gambling institutions twice a month, according to Mr. Avery, from going through the mails and enticing and inducing the young men of the country to "wire" their $6.25 in, if they have not time to write, so that the transaction can be made without delay or without fail.

Mr. GARRETT. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Arkansas yield?

Mr. MACON. Certainly.

Mr. GARRETT. Does not the gentleman think there might be some very proper and profitable legislation along the line of excluding from the mails letters of the character which the gentleman has had read?

Mr. MACON. This bill provides for that.

Mr. GARRETT. The bill provides that? I am not familiar with the bill.

Mr. MACON. Yes, sir; the bill provides that all matter, written or printed, which in any wise pertains to dealing in futures shall be excluded from the mail. There is nothing, in my judgment, that concerns the farmer so much just now as this very question. I believe it is of more importance to him than any other bill that is pending before Congress at this hour. I say that with a full knowledge of the fact that there are many important measures pending here that would be helpful to the farmers if enacted into law; but, sirs, I believe this is above all with them, because it deals with a practice that controls the price of their products absolutely. They have nothing to say about it at all. It makes the price fictitious all the time. They do not know, gentlemen, where they are at at any stage of the proceeding. Sirs, as I have indicated, a bale of cotton, well rounded, weighing 500 pounds, worth $50 to-day, ought to be worth $50 to-morrow, and would be worth $50 to-morrow but for this speculation in price, which, gentlemen, will run it down perhaps to where it is only worth $40 to-morrow. When the little fellows take hold of the bait and begin to nibble, the prices begin to fluctuate at once, and it is only a question of a short time when they will be safely landed in the speculator's basket, where they can flounder to the crack of doom without hope of relief. That kind of dealing makes a fictitious price, gentlemen, and is unjust in every conceivable sense, and should not be tolerated by the representatives of the American people when they know that the foundation of every institution rests upon the farmer as its corner stone. [Applause.]

Mr. Chairman, the reason this kind of legislation is ignored by Congress is because the farmer goes along in his everyday way, following the mule from daylight until dark, too busily engaged making an honest living to agitate questions, too busy to think whether he will wire his Representative about this or that species of legislation, too tired at night to write him a letter requesting him to interest himself in this or that kind of legislation, and hence he is neglected by his Congressman. But the stockbrokers in the city of New York, in Chicago, and in all of the other speculative centers are never tired; they are never too busy to look out for their interests. They, sirs, have their eyes open for such legislation as this all the time, and they can and will use the wire or the mail or any other instrumentality that can be brought to bear in order to prevent legislation of this sort. But if the farmers will organize themselves as they should, they can have their day of legislation; if they resolve that, "by the Eternal," a measure of this kind shall be passed, that they shall have relief, sirs, they can get it. All they will have to do will be to say to a candidate for Congress, "I will not vote for you for the nomination unless you pledge yourself to vote for a bill to prohibit dealing in futures." If he refuses to pledge himself, then they can nominate a candidate who will pledge himself to do it, and they can find some one in every community who will. Sirs, standing here as a Democrat, loving the principles of Democracy as I do, I want to say to you that if the farmers will consult their own interests they will not again vote for anyone for nomination or election to Congress who will not pledge himself to vote to kill the "future business." If that is party treason, make the most of it. The farmers must open their eyes to the facts as they are; they have got to wake up, and if they will do it they will accomplish something along legislative lines.

But, as I have said, they have been too busy, they have not had the time; but the time is coming when they will have it; and when they do wake up, when they do start, they will make just as good hands in the matter of controlling legislation as they made soldiers in the mighty conflict between the States of this Union; and no braver or better soldiers than they ever put foot upon a battlefield or rode a charger to his death. Therefore, gentlemen, I warn you now to give the matter some thought. Investigate, see for yourselves if you do not think that the farmers are being imposed upon by the speculators of this country; see if you think it is right that they shall make the farmers' cotton worth $40 one day and $50 the next, and vice versa; see whether you think the farmer or the speculator ought to control the price of the farmers' cotton, their corn, their meat, and wheat. The speculators are doing it now, three hundred and sixty-five days in the year. Will you, the people's representatives, allow them to continue to do so is the question that I submit to each and every one of you?

Mr. GARRETT rose.

The CHAIRMAN. Does the gentleman from Arkansas [Mr. MACON] yield to the gentleman from Tennessee [Mr. GARRETT]?

Mr. MACON. Certainly.

Mr. GARRETT. Mr. Chairman, I would like to ask the gentleman if he can state approximately the effect that these "future" prices have on "spots?" I believe that the real thing is called "spots."

Mr. MACON. The "real thing" is called "spots."

Mr. GARRETT. Now, has the gentleman kept a sufficiently careful tab on prices during any given season to be able to state approximately how much the price of "futures" affects the price of "spots?"

Mr. MACON. I do not know, sir; nor do I know that anyone else does. I have a letter in my office which indicates that there is a difference of about a cent and a half between the "futures" and the "spots."

Mr. GARRETT. And does the price of the "spots" follow in fluctuation pretty much the price of the "futures?"

Mr. MACON. Yes, sir; it does absolutely. Each morning these bucket shops get telegraphic communications from their brokers, saying that middling cotton is worth so much that morning. They will immediately send runners all over the town to persons that they think would like to buy or sell at the opening figure, and it is not long before the "suckers" show up. The merchants have fallen into line with them in a large measure, and when the news comes to the broker he communicates with them by a phone, or otherwise, and they immediately adopt the speculator's price for their price. And so it has gone on and on until it has gotten to where the speculator controls the price of cotton, wheat, corn, and meat every hour of every day of every year from one end of this country to the other.

Mr. GARRETT. Can the gentleman state whether it is the practice of cotton dealers, I mean reputable cotton dealers, in the real article at the time of purchasing cotton to also purchase some cotton "futures" for the purpose of protecting themselves on the market? Is that the practice?

Mr. MACON. I believe when they buy "spots" they are forced to sell "futures" against the purchase on account of the spectacular fluctuation of the market furnished them by the speculators.

Mr. GARRETT. Is it not true that the effect of future dealing is to force legitimate cotton dealers into that practice?

Mr. MACON. There is no doubt about that. If you could do away with this "rapid-fire" speculation that could be avoided, but so long as prices change $5 per bale in a few hours or in a day it will continue. We must do something to break up this practice that is plunging so many into crime and bankruptcy. These men are driven into the practice. It is hateful to them, and they would shout for joy to know that they were rid of it forever.

Mr. GARRETT. Now another question. Does the gentleman know a single instance in his observation where any individual in his section of the country has kept up this dealing in cotton futures for as much as three years, that that individual has not "gone broke," as they say, using a common expression?

Mr. MACON. I do not know of any.

Mr. GARRETT. They all eventually go to the wall.

Mr. MACON. In the very nature of things they will go to the wall if they keep it up.

Mr. WALLACE. Will the gentleman allow me to ask him a question?

Mr. MACON. Certainly.

Mr. WALLACE. You have alluded to bucket shops. Does your bill also cover cotton exchanges?

Mr. MACON. The bill covers everything that pertains to "dealing in futures." It seeks to prevent anybody from dealing in "futures" through an exchange, "bucket shop," or any other instrumentality of whatever name or character.

Mr. WALLACE. I thought that was your purpose, and therefore I asked the question.

Mr. GARRETT. I will ask the gentleman if he does not think it would be well to grant inquisitorial powers to the grand jury?

Mr. MACON. I think it would be well to require the district judge to make specific mention of the provision of the statute to the grand jury at every sitting of the court.

I have heard it said by gentlemen that it is necessary to have future transactions in order to establish markets, but that is not true. We have a tobacco market that is not established by "future" transactions. Tobacco stands on its own bottom. It is put in the hogshead and stored away in the warehouse, and buyers come and buy it according to the rule of supply and demand.

Mr. JAMES. I would state to the gentleman that tobacco is sold absolutely at the price fixed by the trust.

Mr. MACON. I suppose they can fix it; they usually do as they please, because we can not get the courts to prosecute them.

Mr. JAMES. Nobody is to be deceived by the idea that the price of tobacco is controlled by the law of supply and demand, because it is absolutely dictated by the trust; and in order to protect our part of the country from that, organizations have been made for the protection of the tobacco grower against the trust.

Mr. MACON. I am glad that is true. I think trusts ought to be organized against everywhere and prosecuted to the letter.

Mr. JAMES. The tobacco trust has monopolized the tobacco market absolutely, and denies the farmer the right to sell in an open market, but permits him only to sell in a monopolized market.

Mr. MACON. Well, of course, the trusts have things pretty much their own way, for the reason stated a moment ago. I was merely speaking of tobacco as an illustration. If its price was not controlled by the trust it would be established by the law of supply and demand, the very best market maker in the world. So would the price of cotton, meat, and grain be fixed by that God-given law but for "bucket shops."

Now, Mr. Chairman, I am through with the subject for this time. I have had more to say than I thought when I took the floor, but, sir, my sincere desire to do something for the farmer, who has done so much, and who is still doing so much for mankind, has controlled me in what I have said, and is the only excuse I have to offer for having detained the House as long as I have. Judging by the small amount of legislation that has been enacted by Congress in behalf of the farmer, I am constrained to think that his cause has consumed but a bagatelle of the time of this body for the past forty years. Seemingly we have had legislation for everybody and everything but the farmer in that time, and it strikes me that it is high time for Representatives to interest themselves in his cause.

Therefore, gentlemen, I am going to ask you to give this measure careful consideration. Get a copy of the bill and read it, consult your constituents about it, and see whether or not, in your honest judgment, the condition of the agricultural toilers of this country would not be bettered if a measure of this character should become a part of the law of our land. [Applause.]

Mr. CLARK of Missouri. Mr. Chairman, I now yield ten minutes to the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. Mr. Chairman, the expenditures of the United States Government have reached an appalling figure, and they have become so voluminous and so complicated that it is a matter of impossibility for any individual Member here to vote intelligently upon any particular item. Take, for instance, a few items in the present bill, "two clerks of class 4, four clerks of class 3, six clerks of class 2, and twenty-five clerks of class 1, etc." What Member here is in position to know whether the number of clerks in the various classes is demanded by the actual necessities of the service, or whether the compensation defined in the bill is a just compensation? What member of the Appropriations Committee is able to give a satisfactory explanation of the necessity of the number of clerks in the different classes and the compensation provided?

The Manual of the House has provided certain committees whose duty it is to make a thorough investigation of the expenditures in each Department, and the particular rule providing for these committees reads as follows:

42. The examination of the accounts and expenditures of the several departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the nine standing committees on the public expenditures in the several Departments, as follows:

43. In the Department of State: To the Committee on Expenditures in the State Department.

And the enumeration continues until every Department is assigned to a committee of investigation.

Thus the rules provide committees the specific duty of which is to examine thoroughly every expenditure in every Department of the Government. And yet these committees never hold meetings, and I doubt whether 90 per cent of the members of these committees can tell you to-day where their committee room is located. And the chairmen of these committees are making use of the committee rooms. Whether they are using them for their own personal purposes or for public purposes other than those provided in the rule for these committees, I am not in position to say. But we have reached that amazing condition where the chairmen of these committees have monopolized the committee rooms, and Members themselves hardly feel at liberty

to enter them. And I dare say that the same situation obtains with reference to many other committees than these committees on expenditures.

I make the assertion in good faith that it is doubtful if 90 per cent of the members of these various committees on expenditures in the different Departments could locate the committee rooms if they were asked to do so to-day. [Laughter.] This statement is applicable to every one of these committees except the Committee on Expenditures in the Agricultural Department. The chairman of that committee, Mr. LITTLEFIELD, of Maine, during the last session of Congress introduced a bill authorizing his committee to send for witnesses and papers and to institute an investigation of the expenditures in the Agricultural Department in line with the spirit of the Manual. The committee to which it was referred reported it favorably. The House adopted it, and an investigation of the Agricultural Department began. The result we have yet to learn.

The chairman of the Committee on Expenditures in the Department of Commerce and Labor introduced a similar resolution; it was held up in the Committee on Rules, and no other chairman has made, so far as I know, any very great effort to revive these committees and give them the functions which they were originally designed to exercise under the intendment of the law.

I introduced myself bills reviving all of these committees except the Committee on Expenditures in the Department of Commerce and Labor and the Committee on Expenditures in the Department of Agriculture. These bills were referred to the Committee on Rules, and there they sleep to-day. The Committee on Rules has taken no step to give these committees the control and the authority for investigation which they should possess by favorably reporting such bills. These are some of the reasons that the expenditures of the Government are passing beyond the management and even the comprehension of the House. We are not making the investigation which we should make under the rule. We have allowed the committees whose duty it is to conduct such investigation to become absolutely inactive.

It is an illustration of the utter helplessness into which the House has fallen under the domination of the Speaker and the Committee on Rules. Once the Government was in reality a Government of three departments, the executive, the judicial, and the legislative, but the inactivity of these committees is one of the greatest illustrations of the humiliating condition which we occupy to-day before the country, the Speaker regarded as the House and the Members of the House as mere automatons registering his will. It was once a government of the legislative, executive, and judicial departments, but the delectable triumvirate which now dominates the Republic is composed of Theodore Roosevelt, JOSEPH G. CANNON, and the eternal devil. [Laughter and applause.]

A MEMBER. To what department of the Government does he belong? [Laughter.]

Mr. SHEPPARD. To all departments, under the present political dispensation; the invisible but most influential attendant at every Cabinet meeting.

Mr. WALLACE. Can the gentleman from Texas inform me whether the Committee on Improvement of the Levees of the Mississippi River has ever been revived?

Mr. SHEPPARD. Are you a member of that committee?

Mr. WALLACE. I was for two years, and there was never a called meeting of it, to the best of my recollection.

Mr. SHEPPARD. Did you know where the committee room was located?

Mr. WALLACE. I walked in front of the door once, but never darkened it. [Laughter.]

Mr. MACON. I will tell the gentleman that we brought that committee to life at the last session of Congress, and it recommended to the House and the House passed a bill from that committee.

Mr. WALLACE. I thank the gentleman for the information, and congratulate him and all who were interested in bringing it about.

Mr. BINGHAM. I will ask the gentleman in charge of the time on the other side [Mr. LIVINGSTON] if he has anyone else who desires to speak at the present time?

Mr. LIVINGSTON. I have no other demand from my side of the House.

Mr. BINGHAM. There is no demand from that side of the House for time, but I understand there will be to-morrow; and I move that the committee do now rise.

The question was taken; and the motion was agreed to.

Mr. MACON. Mr. Chairman, before that motion is declared carried, I ask leave to extend my remarks.

The CHAIRMAN. The gentleman can do that in the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21574, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

REPRINT OF LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, being informed that copies of the House bill now under consideration are exhausted, together with the report, I ask unanimous consent for a reprint of the bill and report.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for a reprint of the legislative, executive, and judicial appropriation bill and the report thereon. Is there objection?

There was no objection.

GORDON, IRONSIDES & FARES COMPANY.

The SPEAKER laid before the House the following message from the President:

To the Senate and House of Representatives:

I transmit a report by the Secretary of State, with accompanying papers, in regard to the application of the British embassy, in behalf of Messrs. Gordon, Ironsides & Fares Company, of Canada, for reimbursement in the sum of $7,626.08, which they allege the United States customs authorities improperly exacted of them in November, 1902, as duties on certain sheep and cattle.

I renew the recommendation which I made to the Congress on January 12, 1904, that, in view of the facts shown in the correspondence, provision be made for the company's reimbursement.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1906.*

The message and accompanying documents were referred to the Committee on Claims, and ordered to be printed.

PORTO RICO.

The SPEAKER also laid before the House the following message from the President:

To the Congress:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," and to the provisions of section 2 of the joint resolution approved May 1, 1900, I transmit herewith five ordinances (enumerated in the accompanying report of the Secretary of State) enacted by the executive council of Porto Rico with the approval of the governor thereof.

The attention of Congress is invited to the statement of the Secretary of State that the transmission of these ordinances does not imply any request that they be printed.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1906.*

The SPEAKER. The message transmitting these ordinances contains the following:

The attention of Congress is invited to the statement of the Secretary of State that the transmission of these ordinances does not imply any request that they be printed.

Now, the Chair is under the impression that the fact of the reference will, under the rule, carry with it the printing of the ordinances. Apparently they are not very bulky, and if there is no motion to the contrary, the message and the accompanying documents will be referred to the Committee on Insular Affairs, and be printed.

BRITISH SCHOONER LILLIE.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Claims and ordered printed.

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a report by the Secretary of State, with accompanying papers, in the claim of the British schooner *Lillie.*

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1906.*

ORDINANCES OF EXECUTIVE COUNCIL, PORTO RICO.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Insular Aiairs and ordered printed.

To the Congress:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith nine ordinances (enumerated in the accompanying report of the Secretary of State) enacted by the executive council of Porto Rico with the approval of the governor thereof.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1906.*

EASTERN EXTENSION AUSTRALASIA AND CHINA TELEGRAPH COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the

accompanying documents, was referred to the Committee on War Claims and ordered printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, with reference to the claim of the Eastern Extension Australasia and China Telegraph Company for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables which were cut by the United States forces during the war with Spain.

I renew the recommendation made by President McKinley, that as an act of equity and comity provision be made by the Congress for reimbursement to the company of the actual expenses incurred by it in the repair of the cables.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1906.*

LIEUT. COL. L. K. SCOTT.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Claims, and ordered printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, concerning the claim of Lieut. Col. L. K. Scott, a British subject, on account of the adoption by the Ordnance Department of the United States Army of a system of sighting of which he is the inventor.

In view of the recognition by the Chief of Ordnance of the Army of the equitable right of Lieutenant-Colonel Scott to payment for the use of his invention, I recommend that provision be made by Congress for the payment of this claim.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 10, 1906.*

ADJOURNMENT.

Then, on motion of Mr. BINGHAM (at 3 o'clock and 5 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of State, asking authority from Congress for Capt. Dorr F. Tozier, United States Revenue-Cutter Service, to accept a sword tendered him by the Lords Commissioners of the British Admiralty—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting draft of proposed legislation authorizing the Secretary to rent buildings on sites purchased by the Government for public buildings—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Astoria Harbor, Oregon—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Postmaster-General, submitting a detailed statement of claims of postmasters acted on during the fiscal year ended June 30, 1906—to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

A letter from the Attorney-General, submitting his annual report—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting the report of Edwin W. Sims on the Alaskan fur-seal fisheries—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of increased appropriation for the post-office at Red Wing, Minn.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for survey, etc., of lands in Flathead Indian Reservation—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for the Truckee-Carson irrigation project as related to the Paiute allotments—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Big and Little Fork rivers, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Broadkill Creek, Delaware—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Ordnance, a statement of cost of manufacture of guns by the Government during the fiscal year ended June 30, 1906—to the Committee on Expenditures in the War Department, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Susan Shatswell, executrix of estate of Nathaniel Shatswell, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William L. Ross against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ernest C. North against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John H. Arey against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin S. Ford against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph D. Wyatt against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William W. Wenner, executor of estate of Joseph Waltman, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John W. Harvey, jr., administrator of estate of Z. H. German, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of P. L. Williams, administrator de bonis non cum testamento annexo of estate of John S. Pendleton, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Minor Saunders against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles A. Rolfe, administrator of estate of Oscar A. Rolfe, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. M. Davidson, administrator of estate of Margaret Davidson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Clarissa H. Tipton, administratrix of estate of Isaac Tipton, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. C. Gill, administrator de bonis non of estate of Edward O. Watkins, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William H. Boswell against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of A. P. Young, administrator of estate of John R. Pearson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Millingar against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the actions filed by the court in the cases of W. Delap and Hallam Eldredge against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, trans-

mitting a copy of the findings filed by the court in the case of Margaret A. Hickman against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John B. Eads against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Delaware Indians against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action filed by the court in the cases of Thomas Bowler and sundry others against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action filed by the court in the cases of W. J. McGowan and Samuel G. Holland's executor against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a list of certain cases dismissed by the court for want of prosecution—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action filed by the court in the cases of Joseph C. Hodges and sundry others against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Nora Walsh against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action filed by the court in the cases of Nelson O. Underwood and sundry others against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action of the court in the cases of Thomas Watkins and others against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action filed by the court in the cases of Ann Worthington and sundry others against The United States, because of findings that claimants were not loyal—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Julia Zepp, administratrix of estate of Henry Zepp, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Septimus Brown against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph H. Harrison and others, heirs of estate of Henry Harrison, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the decisions filed by the court in the cases of A. Jackson Jones and William Rutherford against The United States, dismissed for want of prosecution—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Solomon Foulk against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Postmaster-General, transmitting papers relating to the claim of Arthur G. Fiske, postmaster at San Francisco, Cal.—to the Committee on Claims, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Long Cove, Maine—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3297) granting an increase of pension to Thomas Lonergan, reported the same without amendment, accompanied by a report (No. 5329); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1673) granting an increase of pension to Jennie E. Edson, reported the same without amendment, accompanied by a report (No. 5330); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20623) granting an increase of pension to James B. O. Horbach, reported the same without amendment, accompanied by a report (No. 5331); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20829) granting an increase of pension to David M. Watkins, reported the same with amendment, accompanied by a report (No. 5332); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2761) granting an increase of pension to Michael Mahoney, reported the same without amendment, accompanied by a report (No. 5333); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20844) granting an increase of pension to Milton Russell, reported the same with amendment, accompanied by a report (No. 5334); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20899) granting an increase of pension to C. W. Carpenter, reported the same with amendment, accompanied by a report (No. 5335); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20965) granting an increase of pension to Harvey Sine, reported the same with amendment, accompanied by a report (No. 5336); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21054) granting an increase of pension to William G. Wilson, reported the same with amendment, accompanied by a report (No. 5337); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21228) granting an increase of pension to Pleasant Crissip, reported the same without amendment, accompanied by a report (No. 5338); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12557) granting an increase of pension to John C. Berry, reported the same with amendment, accompanied by a report (No. 5339); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21304) granting an increase of pension to Jacob Kohl, reported the same without amendment, accompanied by a report (No. 5340); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18089) granting an increase of pension to Daniel J. Harte, reported the same with amendment, accompanied by a report (No. 5341); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18454) granting an increase of pension to Barlow Davis, reported the same with amendment, accompanied by a report (No. 5342); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19044) granting an increase of pension to Samuel C. McCormick, reported the same with amendment, accompanied by a report (No. 5343); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19990) granting an increase of pension to Susan F. Christie, reported the same with amendment, accompanied by a report (No. 5344); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 19963) granting an increase of pension to Charles Alford Carter, reported the same with amendment, accompanied by a report (No. 5345); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19541) granting an increase of pension to Job F. Martin, reported the same without amendment, accompanied by a report (No. 5346); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20350) granting an increase of pension to Theodore F. Reighter, reported the same without amendment, accompanied by a report (No. 5347); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20384) granting an increase of pension to Mary Wilson, reported the same with amendment, accompanied by a report (No. 5348); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14298) granting an increase of pension to John Remick, reported the same with amendment, accompanied by a report (No. 5349); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14543) granting an increase of pension to Charles Barnell, alias Richard North, reported the same without amendment, accompanied by a report (No. 5350); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15471) granting an increase of pension to Eli Stover, reported the same without amendment, accompanied by a report (No. 5351); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16002) granting a pension to Theodore T. Bruce, reported the same with amendment, accompanied by a report (No. 5352); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12554) granting an increase of pension to William Larraby, reported the same with amendment, accompanied by a report (No. 5353); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16101) granting a pension to Alice Pugh, reported the same with amendment, accompanied by a report (No. 5354); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18295) granting a pension to Joshua B. Casey, reported the same with amendment, accompanied by a report (No. 5355); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10751) granting an increase of pension to George W. Harris, reported the same with amendment, accompanied by a report (No. 5356); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10760) granting a pension to Libbie Merrill, reported the same with amendment, accompanied by a report (No. 5357); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10916) granting an increase of pension to Charles H. Shreeves, reported the same with amendment, accompanied by a report (No. 5358); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11701) granting a pension to Marion Waldorph, reported the same with amendment, accompanied by a report (No. 5359); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12370) granting an increase of pension to Mary E. Randolph, reported the same with amendment, accompanied by a report (No. 5360); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13455) granting an increase of pension to Josiah P. Higgins, reported the same with amendment, accompanied by a report (No. 5361); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4834) granting an increase of pension to Silas V. White, reported the same without amendment, accompanied by a report (No. 5362); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6705) granting an increase of pension to William H. Zachary, reported the same with amendment, accompanied by a report (No. 5363); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8312) granting an increase of pension to Abram Sours, reported the same with amendment, accompanied by a report (No. 5364); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8915) granting an increase of pension to Susan Woolley, reported the same with amendment, accompanied by a report (No. 5365); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8668) granting an increase of pension to Stephen H. Rogers, reported the same with amendment, accompanied by a report (No. 5366); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21302) granting an increase of pension to Nicolaus Kirsch, reported the same without amendment, accompanied by a report (No. 5367); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 21669) to provide for the incorporation of banks within the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 21670) to regulate the production and sale of milk and cream in and for the District of Columbia—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 21671) to provide for the rapid defense of the Pacific coast ports—to the Committee on Naval Affairs.

By Mr. GARRETT: A bill (H. R. 21672) to increase the weight of packages of fourth-class matter that may be conveyed by mail over local rural free-delivery routes and fixing the rate of postage thereon—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Texas (by request): A bill (H. R. 21673) to enlarge the jurisdiction of the Supreme Court of the United States over the court of appeals of the District of Columbia—to the Committee on the Judiciary.

By Mr. RANDELL of Texas: A bill (H. R. 21674) to prohibit Senators and Representatives in Congress and Senators and Representatives elect from serving or receiving pay from public service corporations and other persons as officer, agent, representative, or attorney, and providing penalties therefor—to the Committee on the Judiciary.

By Mr. ACHESON: A bill (H. R. 21675) to regulate the salaries of letter carriers in free-delivery offices—to the Committee on the Post-Office and Post-Roads.

By Mr. STEENERSON: A bill (H. R. 21676) authorizing readjustment of compensation to be paid for transportation of mails on railroad routes—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: A bill (H. R. 21677) to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa—to the Committee on Interstate and Foreign Commerce.

By Mr. DIXON of Montana: A bill (H. R. 21678) to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana—to the Committee on the Public Lands.

Also, a bill (H. R. 21679) to provide for the erection of a public building in the city of Billings, Mont.—to the Committee on Public Buildings and Grounds.

By Mr. McGUIRE: A bill (H. R. 21680) making an appropriation for the improvement of the Arkansas River between the mouth of the Poteau River and the mouth of the Grand River, near the city of Muscogee—to the Committee on Rivers and Harbors.

By Mr. RUSSELL: A bill (H. R. 21681) to appropriate $50,000, in addition to the sum now being expended, for demonstration farm work in the cotton-growing States afflicted with the Mexican cotton boll weevil—to the Committee on Agriculture.

By Mr. BATES: A bill (H. R. 21682) to provide for an allowance for subsistence of rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 21683) to increase salaries of rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. ALLEN of Maine: A bill (H. R. 21684) to amend section 2 of an act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 31, 1906—to the Committee on the District of Columbia.

Also, a bill (H. R. 21685) for the extension of Nineteenth street NW. from Woodley road to Biltmore street, and for other purposes—to the Committee on the District of Columbia.

By Mr. GILLESPIE: A bill (H. R. 21686) to extend the privileges of the transportation of dutiable merchandise without appraisement to the city of Fort Worth, in the State of Texas—to the Committee on Ways and Means.

By Mr. SMITH of Iowa: A bill (H. R. 21687) to further promote the safety of employees and travelers upon railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLESPIE: A bill (H. R. 21688) to provide for the erection of a public building in the city of Cleburne, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. MANN: A bill (H. R. 21689) to increase the limit of cost of five light-house tenders heretofore authorized—to the Committee on Interstate and Foreign Commerce.

By Mr. AIKEN: A bill (H. R. 21690) for the erection of a public building at Abbeville, S. C.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21691) to increase the compensation of carriers on rural free-delivery mail routes—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: A bill (H. R. 21692) to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records—to the Committee on Ways and Means.

By Mr. BEALL of Texas: A bill (H. R. 21693) to provide for the purchase of a suitable site and the erection of a public building for the United States post-office at Hillsboro, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. AIKEN: A bill (H. R. 21694) for the erection of a public building at Newberry, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. STEVENS of Minnesota: A joint resolution (H. J. Res. 196) relating to the construction of a bridge at Fort Snelling, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. LOWDEN: A joint resolution (H. J. Res. 197) proposing an amendment to the Constitution fixing the term of the President and Vice-President at six years—to the Committee on the Judiciary.

By Mr. TOWNSEND: A joint resolution (H. J. Res. 198) requiring the Interstate Commerce Commission to investigate and report on car shortage of interstate carriers—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: A concurrent resolution (H. C. Res. 45) concerning the adjournment of Congress for the holiday recess—to the Committee on Ways and Means.

By Mr. MANN: A resolution (H. Res. 651) directing the Postmaster-General to report to the House certain information concerning clerks and carriers in the Chicago post-office—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLER: A resolution (H. Res. 652) requesting the Secretary of Commerce and Labor to investigate the causes of the high prices of lumber in the various stages of manufacture—to the Committee on the Judiciary.

By Mr. BURTON of Ohio: A resolution (H. Res. 653) for the appointment of a stenographer to the Committee on Rivers and Harbors—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 21695) granting an increase of pension to James A. Maxwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21696) granting a pension to Oliver C. C. Pollock, alias John E. Douglass—to the Committee on Pensions.

Also, a bill (H. R. 21697) granting an increase of pension to Clark Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21698) granting an increase of pension to George W. Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21699) granting an increase of pension to Marshall Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21700) granting an increase of pension to Eli Hovis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21701) for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers—to the Committee on Claims.

By Mr. BANNON. A bill (H. R. 21702) granting an increase of pension to John Cyrus Rinehart—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 21703) granting an increase of pension to Carl F. Reickert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21704) granting an increase of pension to George Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21705) granting an increase of pension to Alexander Hammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21706) granting a pension to W. M. Atkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21707) granting an honorable discharge to Robert D. Keffer—to the Committee on Military Affairs.

Also, a bill (H. R. 21708) granting an honorable discharge to Haden Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 21709) granting a pension to Susan Hensley—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 21710) granting an increase of pension to Truman Covert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21711) granting an increase of pension to Thor Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21712) granting an increase of pension to George C. Howland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21713) granting an increase of pension to William Orr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21714) granting an increase of pension to William A. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21715) granting an increase of pension to Wesley McCarty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21716) granting an increase of pension to John Sine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21717) granting an increase of pension to John M. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21718) granting an increase of pension to Franz Z. F. W. Jensen—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 21719) granting a pension to Winnie Turner—to the Committee on Pensions.

By Mr. BRICK: A bill (H. R. 21720) granting a pension to Clark R. Parcel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21721) granting a pension to John R. Kissinger—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 21722) granting an increase of pension to Joseph Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21723) granting an increase of pension to Daniel B. Leach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21724) granting an increase of pension to John D. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21725) granting an increase of pension to John S. McNair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21726) granting an increase of pension to Victory T. Trail—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21727) granting an increase of pension to Cynthia A. Benson—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 21728) granting a pension to James W. Beville—to the Committee on Pensions.

Also, a bill (H. R. 21729) to authorize the President of the United States, with the consent of the Senate, to place James M. Alden on the retired list of the Navy with the rank and retired pay of a lieutenant—to the Committee on Naval Affairs.

By Mr. COLE: A bill (H. R. 21730) granting an increase of pension to Levi S. Raff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21731) granting an increase of pension to Anna R. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21732) granting an increase of pension to John Gumpert—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 21733) granting an increase of pension to Josiah Matley—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 21734) granting an increase

of pension to Stephen B. H. Shanks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21735) granting an increase of pension to Walter W. Brunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21736) granting an increase of pension to Philip H. Albright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21737) granting an increase of pension to William C. George—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21738) granting an increase of pension to Harrison P. Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21739) granting an increase of pension to John Rittenhouse—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 21740) granting an increase of pension to Maria R. Klindt—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 21741) for the relief of William J. Briggs—to the Committee on War Claims.

Also (by request), a bill (H. R. 21742) granting a pension to Mary J. Kerens—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 21743) granting an increase of pension to Daniel Palmer—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 21744) for the relief of the estate of John Hoey, deceased—to the Committee on War Claims.

By Mr. DAWSON: A bill (H. R. 21745) for the relief of Maj. George A. Smith—to the Committee on War Claims.

By Mr. DENBY: A bill (H. R. 21746) granting an increase of pension to William N. Carlisle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21747) granting an increase of pension to Bell R. Finleyson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21748) granting an increase of pension to Thomas J. Spencer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21749) granting an increase of pension to Annie Reaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21750) granting a pension to the minor children of William Ferguson—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 21751) granting an increase of pension to William D. Wolford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21752) granting an increase of pension to James Dees—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21753) granting an increase of pension to Samuel Black—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21754) granting an increase of pension to William Perry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21755) granting an increase of pension to Monroe Godby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21756) granting an increase of pension to William T. Belk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21757) granting a pension to Newton Gambrel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21758) granting an honorable discharge to Amasa Hodge—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 21759) granting an increase of pension to Jacob D. Perkins, alias Jacob Perkey—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 21760) granting a pension to Morgan Van Gorder—to the Committee on Pensions.

By Mr. FLOYD: A bill (H. R. 21761) granting an increase of pension to John Tims—to the Committee on Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 21762) granting an increase of pension to Darwin A. Brink—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21763) granting an increase of pension to S. J. Sargent—to the Committee on Invalid Pensions.

By Mr. GOEBEL: A bill (H. R. 21764) granting an increase of pension to Ment Stannah—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 21765) granting an increase of pension to Ida E. Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21766) granting a pension to Louisa M. Berry—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 21767) granting an increase of pension to George Young—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 21768) granting a pension to Eliza Bracelin—to the Committee on Pensions.

Also, a bill (H. R. 21769) granting a pension to Emma Aiken—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21770) granting a pension to Mary A. Alliger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21771) granting an increase of pension to George W. Amick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21772) removing the charge of desertion from the record of Benjamin F. Hurley—to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 21773) for the relief of R. K. Forrest, administrator of J. W. Forrest, deceased—to the Committee on War Claims.

By Mr. HAYES: A bill (H. R. 21774) granting a pension to Samuel Meade Lawrence—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 21775) for the relief of F. M. Wadley—to the Committee on War Claims.

Also, a bill (H. R. 21776) granting an increase of pension to Samuel W. Tobey—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 21777) granting a pension to Mary D. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21778) granting a pension to Lucy F. Brown—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 21779) granting an increase of pension to James Burke—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 21780) granting an increase of pension to Luman Van Hoosen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21781) granting an increase of pension to J. P. Miller—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 21782) granting an increase of pension to Anderson Graham—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 21783) granting an increase of pension to Oscar Ricklefsen—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 21784) granting an increase of pension to William Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21785) granting a pension to Sarah A. Allen—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 21786) granting a pension to Thomas Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21787) granting a pension to Alexander Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21788) granting a pension to Satina A. Waymer—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 21789) granting an increase of pension to Marion W. Brosier—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 21790) for the relief of Hyter Myers—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 21791) granting a pension to Icybinda Spalding—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 21792) granting a pension to Frank H. Loud—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 21793) granting an increase of pension to Charles H. Pratt—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 21794) granting an increase of pension to Centennial W. Shreckengaust—to the Committee on Pensions.

Also, a bill (H. R. 21795) granting an increase of pension to Nelson Church—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 21796) granting a pension to Richard Hudson—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 21797) granting an increase of pension to Edgar F. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21798) granting an increase of pension to Andrew Spencer—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 21799) granting an increase of pension to Andrew Rickrode—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21800) granting an increase of pension to Louis N. Brady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21801) granting an increase of pension to John Roth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21802) granting a pension to Charles P. Kibler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21803) granting a pension to Anna R. Slothower—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21804) granting a pension to Ella K. Wolf—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 21805) grant-

ing an increase of pension to Ira Shafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21806) granting an increase of pension to Michael L. Oliver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21807) granting an increase of pension to James T. Bell—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 21808) granting an increase of pension to Levi Mitchell—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 21809) granting an increase of pension to Robert W. McStraw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21810) granting an increase of pension to Daniel H. Dornsife—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21811) granting an increase of pension to Melvin W. Diver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21812) granting an increase of pension to Stephen F. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21813) granting an increase of pension to George W. Kelmer—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 21814) granting an increase of pension to Phoebe P. Soper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21815) granting an increase of pension to William H. Hall—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 21816) granting an increase of pension to Louisa E. Holt—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 21817) granting a pension to Jennie E. Keown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21818) granting an increase of pension to William Hardesty—to the Committee on Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 21819) granting an increase of pension to Joseph Peach—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 21820) for the relief of Martin H. Avey—to the Committee on War Claims.

Also, a bill (H. R. 21821) for the relief of William Vincent—to the Committee on Military Affairs.

Also, a bill (H. R. 21822) granting a pension to John B. Laillet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21823) granting a pension to Myron T. Spencer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21824) granting a pension to Martha E. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21825) granting a pension to Elizabeth H. Nicholls—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21826) granting an increase of pension to John Mehaffey—to the Committee on Pensions.

Also, a bill (H. R. 21827) granting an increase of pension to Francis Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21828) granting an increase of pension to Noah Perrin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21829) to amend the military record of Joseph H. Gibler—to the Committee on Military Affairs.

Also, a bill (H. R. 21830) to amend the military record of Joseph S. Hurst—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 21831) granting an increase of pension to Anson B. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21832) granting an increase of pension to John W. Wilkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21833) granting an increase of pension to Charles W. Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21834) granting a pension to Nancy J. Goodwin—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 21835) granting an increase of pension to Allen L. Bevan—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 21836) granting a pension to Mary C. Hall—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 21837) granting an increase of pension to James W. Kasson—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 21838) granting an increase of pension to Fannie J. Terry—to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 21839) granting an increase of pension to Marian A. Mulligan—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 21840) granting an increase of pension to Charles Tribolin—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 21841) for the relief of H. C. Linn and Samuel Powell—to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 21842) granting an increase of pension to Danford Redding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21843) granting an increase of pension to Robert H. Delaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21844) for the relief of Hansell Hatfield, of McMinn County, Tenn.—to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: A bill (H. R. 21845) granting an increase of pension to Rebecca Hemphill—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 21846) granting a pension to Mayer Frankel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21847) granting a pension to John Baringer—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 21848) granting an increase of pension to Charles W. Arthur—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 21849) granting an increase of pension to John P. Dix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21850) granting an increase of pension to James Orlando Cummings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21851) granting a pension to Joseph W. Little—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 21852) granting an increase of pension to James M. Eaman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21853) granting an increase of pension to William A. Whitaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21854) granting an increase of pension to Hugh Irwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21855) granting an increase of pension to Joseph A. McCormick—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 21856) granting an increase of pension to John G. Viall—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 21857) to correct the military record of Jacob Rockwell—to the Committee on Military Affairs.

Also, a bill (H. R. 21858) to remove the charge of desertion from the record of William H. Reynolds—to the Committee on Military Affairs.

By Mr. PRINCE: A bill (H. R. 21859) granting an increase of pension to Simon Stone—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 21860) granting an increase of pension to William F. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21861) granting an increase of pension to William Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21862) granting an increase of pension to Eliza Brown—to the Committee on Pensions.

Also, a bill (H. R. 21863) granting an increase of pension to Joseph W. Stowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21864) granting an increase of pension to Charles S. Davis—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 21865) for the relief of John B. Page, first lieutenant Company K, Fifth Regiment Kentucky Volunteer Cavalry—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 21866) granting an increase of pension to Richard H. Atkinson—to the Committee on Pensions.

By Mr. RUCKER: A bill (H. R. 21867) for the relief of Charles L. Blanton—to the Committee on Claims.

By Mr. SCROGGY: A bill (H. R. 21868) granting an increase of pension to Theodore Tiebe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21869) granting an increase of pension to Mary G. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21870) granting an increase of pension to John A. Mayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21871) granting an increase of pension to H. B. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21872) granting a pension to Samuel J. Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21873) to remove the charge of desertion from the record of John Huffman—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 21874) granting an increase of pension to Joseph Chisam—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 21875) granting an increase of pension to Mary J. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21876) granting a pension to Jane Knight—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 21877) granting a pension to Cinderella Walton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21878) granting an increase of pension to Charles W. Chase—to the Committee on Invalid Pensions.

Also a bill (H. R. 21879) granting an increase of pension to Even Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21880) granting an increase of pension to Samuel F. Noel—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 21881) granting an increase of pension to Mahala Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21882) granting an increase of pension to Frank Breazeale—to the Committee on Pensions.

Also, a bill (H. R. 21883) granting an increase of pension to George W. Saunders—to the Committee on Pensions.

By Mr. SOUTHARD: A bill (H. R. 21884) granting an increase of pension to John H. Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21885) granting a pension to Sylvania S. Clark—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 21886) granting an increase of pension to John Bryant—to the Committee on Pensions.

Also, a bill (H. R. 21887) granting an increase of pension to James H. Hayman—to the Committee on Pensions.

Also, a bill (H. R. 21888) granting an increase of pension to Andrew Canova—to the Committee on Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 21889) granting a pension to Albert V. Sieren—to the Committee on Pensions.

Also, a bill (H. R. 21890) granting an increase of pension to Lewis D. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21891) granting an increase of pension to Mary J. Sinclair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21892) granting an increase of pension to James F. Westenberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21893) granting an increase of pension to George Albright—to the Committee on Pensions.

By Mr. TAWNEY: A bill (H. R. 21894) granting an increase of pension to Jacob W. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21895) granting an increase of pension to John Satory—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 21896) granting an increase of pension to George H. Field—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 21897) granting a pension to C. F. Schantz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21898) granting a pension to Joseph Cornelius—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21899) granting an increase of pension to Catharine Koch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21900) granting an increase of pension to Hellen O. Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21901) granting an increase of pension to Mary Hickey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21902) granting an increase of pension to Sybbil Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21903) granting an increase of pension to Celia Congdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21904) granting an increase of pension to Margaretha Esswein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21905) granting an increase of pension to J. W. Everly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21906) granting an increase of pension to John M. Bruder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21907) granting an increase of pension to William Lange—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21908) granting an increase of pension to Edward Dullea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21909) granting an increase of pension to George W. W. Tanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21910) granting a pension to Emil S. Weisse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21911) granting an increase of pension to George Newton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21912) granting an increase of pension to William H. Chapin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21913) granting an increase of pension to Henry Pieper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21914) granting an increase of pension to Ferdinand Pahl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21915) granting an increase of pension to John A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21916) granting an increase of pension to John W. Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21917) granting an increase of pension to William D. Hambright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21918) granting an increase of pension to Anthony Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21919) granting an increase of pension to Orland F. Weaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21920) granting an increase of pension to Isabella Jillson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21921) granting an increase of pension to Lewis Hyde—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21922) granting an increase of pension to Hugo Arndt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21923) granting an increase of pension to Sebastian Fuchs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21924) granting an increase of pension to Donald McMillan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21925) granting a pension to Catherine Brill—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3224) granting a pension to Catherine Eberlein—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21450) granting a pension to Will. P. Hall—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21528) granting a pension to Martha A. Wright—Committee on Invalid Pensions discharged, and refered to the Committee on Pensions.

A bill (H. R. 21529) granting a pension to Charlotte Game—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21530) granting a pension to Elizabeth A. Bonner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21531) granting an increase of pension to Ann E. Macy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Edward W. Ferry and 1,575 other veteran soldiers in the Home for Disabled Volunteer Soldiers, against removal of the canteen from the Homes—to the Committee on Military Affairs.

Also, resolutions of a mass meeting of the colored citizens of Danville, Ill., under directions of the Constitional League, relative to the discharge of colored soldiers of Companies B, C, and D of the Twenty-fifth United States Infantry—to the Committee on Military Affairs.

Also, petition of the Continental Legion, of Danville, Ill., regarding the discharged colored soldiers of the Twenty-fifth United States Infantry—to the Committee on Military Affairs.

Also, petition of the National Rivers and Harbors Congress, for an appropriation of not less than $50,000,000 annually for improvement of rivers and harbors and waterways—to the Committee on Rivers and Harbors.

Also, petition of Division No. 78 of the Order of Railway Conductors and other labor organizations, for the Merchant Marine Commission shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Newspaper Publishers' Association, for legislation relative to the law of libel (H. R. 11027, by Mr. GOEBEL)—to the Committee on the Judiciary.

By Mr. ACHESON: Paper to accompany bill for relief of Stephen C. Allbright—to the Committee on Invalid Pensions.

By Mr. ALLEN of Maine: Petition of 283 citizens of Portsmouth and Newcastle, N. H., and Kittery, Me., for an appropriation to dredge Peppereles Cove, in Portsmouth Harbor—to the Committee on Rivers and Harbors.

By Mr. ANDREWS: Petition of Hansen J. Schwartz and 282 other residents of Roswell, N. Mex., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ANDRUS: Petition of the Yonkers Federation of La-

bor, praying enactment of an eight-hour law so framed as to be applicable to work on battle ships, etc.—to the Committee on Labor.

By Mr. BABCOCK: Paper to accompany bill for relief of Calvin E. Morley—to the Committee on Invalid Pensions.

By Mr. BANNON: Petition of McDermott Council, No. 266, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BARCHFELD: Petition of the New York State Pharmaceutical Association, favoring an increase in the efficiency of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petitions of Patriotic Council, No. 47, Daughters of Liberty; Smoky City Council, No. 119; Lescallette Council, No. 442, and Purity Council, No. 554, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Alexander Hanner—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of the New York State Pharmaceutical Association, to increase the efficiency of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the New York State Pharmaceutical Association, favoring the Mann patent bill—to the Committee on Patents.

By Mr. BONYNGE: Petition of Ben Franklin Council, No. 10, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BRADLEY: Petition of Olympia Council, of Middletown, N. Y., and Delaware Council, of Port Jervis, N. Y., Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of the Society for the Protection of New Hampshire Forests, for Appalachian and White mountains forest reservations—to the Committee on Agriculture.

Also, petition of Abe Lincoln Council, No. 64, Junior Order United American Mechanics, of North Sedgwick, Me., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Tennessee: Papers to accompany bill for relief of Nannie S. Berry, heir of Henry Smith—to the Committee on War Claims.

By Mr. CASSEL: Resolutions of Akron Council, No. 906, of Akron, Pa., and Empire Council, No. 120, of Lancaster, Pa., Junior Order United American Mechanics, in favor of the passage of bill S. 4403, for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CLARK of Florida: Petition of A. B. Lowry, against the feature of the copyright bill detrimental to mechanical musical instruments—to the Committee on Patents.

Also, petition of J. A. Turner, jr., of Tampa, Fla., against the feature of the copyright law detrimental to mechanical musical instruments—to the Committee on Patents.

Also, petition of the Board of Trade of the City of Key West, Fla., for an increase of the artillery corps of the United States—to the Committee on Military Affairs.

Also, petition of the Federation of Women's Clubs of Florida, for repeal of the duty on works of art—to the Committee on Ways and Means.

Also, petition of the New York State Pharmaceutical Association, for increase of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the American Musical Copyright League, against the feature of the copyright bill detrimental to mechanical musical instruments—to the Committee on Patents.

Also, petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Philadelphia Board of Trade, for bill S. 6291, the Merchant Marine Commission bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. CROMER: Petitions of Dunkirk Council, No. 14; Boundary Council, No. 59, and Delaware Council, No. 4, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petitions of General McClellan Council, No. 150; Eureka Council, No. 38, and Star of the West Council, No. 465, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DAVEY of Louisiana: Paper to accompany bill for relief of the estate of John Hoey—to the Committee on War Claims.

By Mr. DAWSON: Petition of Armory Lodge, No. 429, International Association of Machinists, of Rock Island, Ill., for the shipping bill (subsidy)—to the Committee on the Merchant Marine and Fisheries.

By Mr. DOVENER: Paper to accompany bill for relief of Will P. Hall (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. EDWARDS: Papers to accompany bills for relief of Amasa Hodge and Newton Gambrel—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James Dies—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Petition for the repeal of bankruptcy law—to the Committee on the Judiciary.

By Mr. FLOYD: Papers to accompany bill H. R. 21385, relative to improvements on the White River, in States of Missouri and Arkansas—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bills for relief of S. H. Britts and A. H. Alfrey—to the Committee on Invalid Pensions.

By Mr. GOEBEL: Paper to accompany bill for relief of Ment Stannah—to the Committee on Invalid Pensions.

Also, petitions of New Era Council, No. 229; Winton Council, No. 283, and Price Hill Council, No. 210, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of A. E. Yoell, for inquiry by Congress into the methods and motives of Panama Canal Commission relative to the employment of Chinese labor on the canal—to the Committee on Labor.

Also, petitions of Vine Cliff Council, No. 83, Daughters of Liberty, and Decatur Council, No. 613, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Troy Hill Council, No. 319, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Fruit Growers' Association, for legislation to further the admission of American fruit to German markets under minimum duties—to the Committee on Ways and Means.

Also, petition of Hilldale Council, No. 235, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of J. H. Harrison and 1,150 business men of Pittsburg, Pa., for bill H. R. 9754, relative to improvement in the classification of the clerical force in post-offices and for an increase of salaries, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of the New York State Pharmaceutical Association, favoring an increase of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of Washington Council, No. 2, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of the librarian of Brown University and of Redwood Library, of Newport, R. I., against section 30 of the bill H. R. 19853 and of the bill S. 6330, against restriction of importation of English books—to the Committee on Ways and Means.

By Mr. HAY: Paper to accompany bill for relief of R. K. Forrest, administrator of estate of J. W. Forrest—to the Committee on War Claims.

By Mr. HAYES: Paper to accompany bill for relief of Samuel Meade Lawrence—to the Committee on Invalid Pensions.

By Mr. HIGGINS: Petition of H. L. Reynolds and 75 others, of Connecticut, for an appropriation to remove obstructions in Eightmile River, Connecticut—to the Committee on Rivers and Harbors.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of James Burke—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Paper to accompany bill for relief of A. H. Fox—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Paper to accompany bill for relief of John F. Yeargin—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Thomas Kay & Son, against that feature of the copyright law detrimental to mechanical musical instruments—to the Committee on Patents.

Also, petitions of Goddess of Liberty Council, No. 155; Pride of Mechanics' Home Council, No. 61, of Jamesburg, N. J., and Golden Rod Council, No. 20, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Elizabeth McCormick—to the Committee on Invalid Pensions.

By Mr. KNAPP: Paper to accompany bill for relief of Andrew Spencer—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Paper of Major Jenkins Post, No. 99, Grand Army of the Republic, of Hanover, Pa., to accompany bill for relief of Henry Hamme—to the Committee on Invalid Pensions.

Also, petitions of Peach Bottom Council, No. 715, and Cordorus Council, No. 115, Junior Order United American Mechanics; Dallaston Council, No. 105, Daughters of Liberty; Iowa Council, No. 26, Daughters of America; Aurora Council, No. 304, Junior Order United American Mechanics; Betsey Ross Council, No. 119, Daughters of Liberty, and Moss Ross Council, No. 292, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LAMB: Petition of William McKinley Council, No. 182, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of George Upington, for bill S. 6339, relative to a general revision of the copyright laws—to the Committee on Patents.

Also, petition of citizens of New York, against the tariff on art works—to the Committee on Ways and Means.

By Mr. LOUD: Petition of Fisher Grange, No. 790, against the free distribution of seeds—to the Committee on Agriculture.

By Mr. LOUDENSLAGER: Petitions of Rescue Council, of Camden, N. J.; Diamond Council, and Thomas Jefferson Council, Junior Order United American Mechanics, and Pride of Bridgeport Council, Daughters of Liberty, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McCALL: Petitions of citizens of Somerville, Mass., and the Woman's Education Association of Boston, against the tariff on art works (bill H. R. 15268)—to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of G. N. Hawley, against that feature in the copyright law inimical to mechanical musical instruments—to the Committee on Patents.

Also, petition of the Rock Island Business Men's Association, for the improvement of the Mississippi River in the interest of transportation—to the Committee on Rivers and Harbors.

By Mr. McMORRAN: Paper to accompany bill for relief of James W. Kasson—to the Committee on Invalid Pensions.

By Mr. MAHON: Petitions of Waynesboro Council, No. 760, Junior Order United American Mechanics; James A. Garfield Council, No. 129, Daughters of Liberty, and Lewisburg Council, No. 52, Daughters of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MANN: Paper to accompany bill for relief of Charles Tribolen—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of James Nipper—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of Robert H. Delaney, Thomas R. Elliott, James P. Shaw, Danford Redding, Hansel Hatfield, J. H. Allison, and T. R. Harris—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany bill for relief of John Short—to the Committee on Invalid Pensions.

By Mr. PEARRE: Paper to accompany bill for relief of George H. Layman—to the Committee on War Claims.

Also, petitions of Pride of Alleghany Council, No. 28, and Golden Rule Council, No. 31, Daughters of Liberty; Resolute Council, No. 5, Junior Order United American Mechanics; Jennings Rens Council, No. 15, Daughters of America; Progressive Council, No. 83; Mountain City Council, No. 11; Valley Council, No. 26, and Myersville Council, No. 125, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, papers to accompany bills for relief of Michael Isanogle and heirs of Upton Worthington—to the Committee on War Claims.

By Mr. POLLARD: Paper to accompany bill for relief of James M. Eaman—to the Committee on Invalid Pensions.

By Mr. PUJO: Paper to accompany bill for relief of J. Martin Compton, heir of John Compton, and the heirs of Harvey N. Parham—to the Committee on War Claims.

By Mr. RYAN: Paper to accompany bill for relief of Charles G. Perrin—to the Committee on Pensions.

Also, paper to accompany bill for relief of Warren A. Woodson—to the Committee on Pensions.

By Mr. SAMUEL: Petition of the Central Labor Union of Shamokin, Pa., favoring the shipping bill (Senate subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHACKLEFORD: Petition of citizens of Missouri, praying for legislation for the protection of fruit growers against dishonest commission firms—to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: Paper to accompany bill for relief of R. T. Barber—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George W. Saunders—to the Committee on Pensions.

Also, paper to accompany bill for relief of Frank Breazeale—to the Committee on Pensions.

By Mr. SOUTHARD: Petition of the librarian of the Toledo public library, against abridgement of the existing rights of libraries to import English books—to the Committee on Ways and Means.

Also, petition of S. B. May, against the feature of the copyright law inimical to mechanical musical instruments—to the Committee on Patents.

Also, petition of Future Great Council, No. 290, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. STEVENS of Minnesota: Petition of the Commercial Club of St. Paul, Minn., for the Steenerson drainage bill (H. R. 10502; January 5, 1906)—to the Committee on the Public Lands.

By Mr. STERLING: Paper to accompany bill for relief of Mary J. Stone—to the Committee on Invalid Pensions.

Also, petition of Paperhangers, Decorators, and Painters' Local Union No. 766, of Bloomington, Ill., for the subsidy shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the One hundred and thirteenth Illinois Veteran Volunteer Infantry Association, favoring an increase of pensions—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Emma S. Hunter, J. E. Waldon, and Andrew Sayles—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Paper to accompany bill for relief of William A. Whitaker—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: Petition of Victory Council, No. 93, Daughters of Liberty, of Jersey City, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WOODYARD: Petitions of Palestine Council, No. 30; Burning Springs Council, No. 17; Parkersburg (W. Va.) Council, No. 13, and Young America Council, No. 201, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WOOD: Petitions of Pride of Trenton Council, No. 4, and Capital City Council, No. 20, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *December 11, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM UTAH.

Mr. DUBOIS. I desire to state that on Thursday next, the 13th instant, immediately after the morning business, I shall call up for consideration Report No. 4253 and the resolution "That REED SMOOT is not entitled to a seat in the Senate as a Senator from the State of Utah," and submit some remarks thereon.

STATE PUBLIC SCHOOL SYSTEMS.

Mr. RAYNER. I wish to state that to-morrow, at the conclusion of the morning business, I shall briefly address the Senate on the resolution in connection with the public schools of California and Japanese pupils.

POPULAR EDITION OF RECORD.

The VICE-PRESIDENT laid before the Senate a communication from the Public Printer, transmitting a report of an examination into the cost of labor and material required, etc., with respect to printing, at a reduced price, a special edition of the

CONGRESSIONAL RECORD, etc.; which, with the accompanying papers, was referred to the Committee on Printing, and ordered to be printed.

STANDING ROCK INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, together with accompanying papers, in relation to the allotting work on the Standing Rock Indian Reservation, N. Dak.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ROUND VALLEY INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, together with accompanying papers, in favor of the enactment of legislation providing for the payment to the Indians of the Round Valley Reservation in California of the purchase price of the lands which were taken in cash entry, etc., under the act of October 1, 1890; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ALLOTMENT OF INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs in reference to the work of allotting the Indians of the Cheyenne River, Standing Rock, and Pine Ridge reservations, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Franklin Lodge, No. 4, Independent Order of Odd Fellows, of Franklin, Tenn., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BURKETT presented a memorial of the librarian of the State library, of Lincoln, Nebr., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyrights; which was referred to the Committee on Patents.

He also presented a petition of sundry citizens of Hebron, Nebr., praying for the passage of the so-called "Littlefield original-package bill," and for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented sundry papers to accompany the bill (S. 877) granting an increase of pension to Robert P. Farris; which were referred to the Committee on Pensions.

Mr. BENSON presented memorials of sundry citizens of Emporia, Clyde, Pomona, Bronson, and Kincaid, all in the State of Kansas, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. WHYTE presented the memorial of Elizabeth Britton and sundry other citizens of Maryland, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. FRAZIER presented a memorial of sundry citizens of Bristol, Tenn., remonstrating against the passage of the so-called "parcels-post bill," and praying for the enactment of legislation providing 1-cent letter postage; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Division No. 149, Order of Railway Conductors, of Jackson, Tenn., and a petition of Holston Division, No. 239, Brotherhood of Locomotive Engineers, of Knoxville, Tenn., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of Holston Division, No. 239, Brotherhood of Locomotive Engineers, of Knoxville, Tenn., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented petitions of Westmoreland, Morning Star, Keystone, Fork Creek, Ivory Circle, Oneida, Grant, Moodyville, Columbia, Greeneville, Glover Hill, Biceville, Christiana, Piney Grove, Oliver Springs, Coal Creek, Cave Creek, Springfield, Jacksboro, Friendship, Nathan Hale, Flint Hill, Clinch, Greenbrier, Powell and Clinch River, Prosperity, Banner, Big Spring, Caney Creek, Unity, Holston, and Garfield councils, all of the Junior Order of United American Mechanics, in the State of Tennessee, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. GEARIN presented a memorial of sundry citizens of Portland, Oreg., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. STONE presented a petition of the Gould Directory Company, of St. Louis, Mo., praying for the enactment of legislation to amend and consolidate the acts respecting copyright; which was referred to the Committee on Patents.

He also presented a petition of the Wednesday Club, of St. Louis, Mo., praying for the enactment of legislation to repeal the duty on works of art; which was referred to the Committee on Finance.

He also presented a memorial of the Missouri Library Association, of Joplin, Mo., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which was referred to the Committee on Patents.

Mr. GALLINGER presented a petition of the East Washington Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for extensions of street railways to the lines of the Capital Traction Company; which was referred to the Committee on the District of Columbia.

He also presented a petition of the East Washington Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for the use of electric motors instead of steam locomotives within the limits of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. KEAN presented a petition of sundry citizens of Cliffwood, N. J., praying for the passage of the so-called "Littlefield original-package bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Reading Club, of Rutherford, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of sundry students of the Princeton Theological Seminary, of Princeton, N. J., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented the memorial of Charles L. Stryker, of Washington, N. J., remonstrating against the enactment of legislation to withdraw second-class postal rates from newspapers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the New Jersey Baptist Association, of Trenton, N. J., remonstrating against the enactment of legislation to repeal the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Cape May City, N. J., praying for an investigation into the discharge of Companies B, C, and D of the Twenty-fifth United States Infantry; which was referred to the Committee on Military Affairs.

Mr. TELLER presented a petition of sundry citizens of Durango, Colo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. McCREARY presented a memorial of sundry citizens of Kentucky, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. HALE presented a petition of the Board of Trade of Portland, Me., praying for the enactment of legislation to reorganize and increase the artillery force of the United States Army; which was referred to the Committee on Military Affairs.

Mr. PATTERSON presented a memorial of sundry colored citizens of Pueblo, Colo., praying for an investigation of the discharge of colored companies of the United States Army by order of the President; which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Silverton, Colo., praying for the adoption of the Klinger tandem torpedo for use in the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. DEPEW presented a petition of the congregation of the

Congregational Church of Brooklyn, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented memorials of Fred S. Bailey and 20 other citizens of Sheridan, of Manley R. E. Amister and 11 other citizens of Allegany County, of Mrs. C. M. Sauerwin and 7 other citizens of Silver Creek, of W. H. Lewis and 18 other citizens of Vienna, of F. W. Gotts and 38 other citizens of Celoron, and of G. F. Butts and 17 other citizens of Jamestown, all in the State of New York, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. HOPKINS presented a memorial of sundry citizens of Martinsville, Ill., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented memorials of the librarians of the public libraries of Peoria, Evanston, and of the Northwestern University, of Evanston, all in the State of Illinois, remonstrating against the enactment of legislation abridging the existing rights of librarians to import books in the English language; which were referred to the Committee on Patents.

He also presented a petition of the Rock Island Business Men's Association, of Rock Island, Ill., praying for the enactment of legislation providing for the improvement of the waterways of the United States; which was referred to the Committee on Commerce.

Mr. FORAKER presented a petition of the Constitution League of the United States, praying that Congress institute an inquiry relative to the discharge "without honor" of Companies B, C, and D, Third Battalion, Twenty-fifth United States Infantry; which was ordered to be printed as a document, and referred to the Committee on Military Affairs.

Mr. PROCTOR presented memorials of Rutland Valley Grange, No. 314, Patrons of Husbandry, of Center Rutland, Vt.; of Central Grange, No. 34, Patrons of Husbandry, of Apponaug, and of Narragansett Grange, Patrons of Husbandry, of Wakefield, all in the State of Rhode Island; of the Commercial Club of Bismarck, N. Dak.; of Capital Grange, No. 18, of Dover, and of Sunnyside Grange, No. 7, of Bridgeville, Patrons of Husbandry, in the State of Delaware; of Morning Light Grange, No. 19, of Monroe; of Willow Brook Grange, No. 352, of Newfield; of Acorn Grange, No. 418, of East Wilton; of Canton Grange, No. 110, of Canton, Patrons of Husbandry, and of 32 citizens of Waldoboro, all in the State of Maine; of Brooklyn Grange, No. 351, Patrons of Husbandry, of La Cygne, Kans.; of Sunapee Lake Grange, No. 112, Patrons of Husbandry, of New Hampshire; of Berlin Grange, No. 629, of Delaware; of Butler Grange, No. 993, of Salem, Patrons of Husbandry, and of the Horticultural Society of Portage County, all in the State of Ohio; of Fairview Grange, 817, of Farmington; of Elk Lake Grange, No. 806, of Susquehanna County; of Central Grange, No. 194, of Towanda; of Spring Brook Grange, No. 637, of Spring Brook; of Corydon Grange, No. 1205, of Corydon, Patrons of Husbandry, and of W. A. H. Schwartz's Sons, of York, all in the State of Pennsylvania; of White Clover Grange, No. 279, of Mehalem; of Harding Grange, No. 122, of Oregon City, and of Cretown Grange, of Cretown, Patrons of Husbandry, in the State of Oregon; of Gouverneur Grange, Patrons of Husbandry, of New York; of Knoxboro Grange, No. 758, of Knoxboro; of Ethan Allen Grange, of Crown Point; of Ellington Grange, No. 528, of Ellington; of Barnes Corners Grange, No. 84, of Barnes Corners; of Corinth Grange, No. 823, of Palmer; of Fort Covington Grange, of Fort Covington; of Oswego Falls Grange, No. 719, of Fulton; of Pine Bush Grange, No. 1014, of Pine Bush; of Huguenot Grange, No. 1028, of New Paltz, Patrons of Husbandry, and of the Tarrytown Horticultural Society, of Tarrytown, all in the State of New York; of Wheatland Grange, No. 273; of Pittsford Grange, No. 273, of Pittsford; of Belleville Grange, No. 331, of Belleville; of Union Grange, No. 820, of Oakley; of Ashbaugh Grange, No. 1202, of Lake City; of Quincy Grange, No. 152, of Branch County; of Fisher Grange, No. 190, of Harrisville, Patrons of Husbandry, and of the Horticultural Society of Lenawee County, all in the State of Michigan; of H. W. Brown, of New Albany, Ind.; of East Lyme Grange, No. 157, of East Lyme, and of Rippowan Grange, No. 145, of Long Ridge, Patrons of Husbandry, in the State of Connecticut; of the Santa Barbara County Horticultural Society, of California; of the Committee on Governmental Seed Distribution of Louisville, Ky., and of Tewksbury Grange, No. 270, Patrons of Husbandry, of Tewksbury, Mass., remonstrating against the enactment of legislation providing for the free distribution of seeds and plants; which were referred to the Committee on Agriculture and Forestry.

SPANISH TREATY CLAIMS COMMISSION.

Mr. CULLOM. Sundry papers relating to the progress and condition of business before the Spanish Treaty Claims Commission, being a letter of the Commission to the President of August 1, 1906, two extensions of the Commission's report to March 2, 1907, and two reports of the Assistant Attorney-General of September 29 and November 1, 1906, etc., have been sent to me, and I think they ought to be printed. I move that the papers be printed as a document.

The motion was agreed to.

LA BOCA TERMINAL.

Mr. MORGAN. As a member of the Committee on Interoceanic Canals, I wrote to Mr. Edward A. Drake, who styles himself assistant to the president, secretary, and treasurer of the Panama Railroad Company, for information which completes a statement that he left with the committee when it was engaged in an investigation relating to the La Boca pier, etc., in connection with the canal. It is an important paper, and I ask that it be printed as a document and referred to the Committee on Interoceanic Canals.

The VICE-PRESIDENT. Without objection, it is so ordered.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 6776) to enlarge the jurisdiction of the Court of Claims, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5963) granting an increase of pension to James Reed;

A bill (S. 5892) granting an increase of pension to Daniel W. Redfield;

A bill (S. 6005) granting an increase of pension to John G. Bridaham;

A bill (S. 2563) granting a pension to Isaac Carter;

A bill (S. 3767) granting an increase of pension to Samuel Turner; and

A bill (S. 2249) granting an increase of pension to George W. Smith.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 6537) granting an increase of pension to William Eppinger, reported it with amendments, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 11273) to incorporate The National German-American Alliance, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary; which was agreed to.

CRIMINAL, PAUPER, AND DEFECTIVE CLASSES.

Mr. CLAPP. I ask that the Committee on the Judiciary be discharged from the further consideration of the bill (S. 3250) to establish a laboratory for the study of the criminal, pauper, and defective classes, and that it be referred to the Committee on Education and Labor. This change of reference has the approval of the chairman of the Committee on the Judiciary.

The VICE-PRESIDENT. Without objection, the Committee on the Judiciary will be discharged from the further consideration of the bill, and it will be referred to the Committee on Education and Labor.

BILLS INTRODUCED.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7038) granting an increase of pension to William Curran; and

A bill (S. 7039) granting an increase of pension to Robert Hamilton.

Mr. GALLINGER introduced a bill (S. 7040) to provide for the erection of a District of Columbia building and an appropriate exhibit therein at the Jamestown Tercentennial Exposition, and for other purposes; which was read twice by its title.

The VICE-PRESIDENT. To what committee shall the bill be referred?

Mr. GALLINGER. I think probably it had better go to the Committee on the District of Columbia, unless the Select Committee on Industrial Expositions desires it. There are certain matters the Committee on the District of Columbia desire to inquire into concerning it.

The VICE-PRESIDENT. Without objection, the bill, with

the accompanying paper, will be referred to the Committee on the District of Columbia.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 7041) to provide for reports and registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District (with an accompanying paper); and

A bill (S. 7042) to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia (with an accompanying paper).

Mr. GALLINGER introduced a bill (S. 7043) for the purchase of a site for a Federal building for the United States post-office at Somersworth, N. H.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7044) granting an increase of pension to Sylvester O. Pevear; and

A bill (S. 7045) granting an increase of pension to Charles S. French.

Mr. ALLEE introduced a bill (S. 7046) for the relief of Frank P. Murphy; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CARTER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (S. 7047) to provide for the submission to the Court of Claims of the claims against the Mississippi Choctaws of Joseph W. Gillett, J. M. McMurty, W. N. Vernon, T. A. Bounds, William C. Thompson, sr., and the Tuskarora Land and Investment Company, assignee of James E. Arnold, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation;

A bill (S. 7048) to provide for the final disposition of the enrollment of members of the Choctaw and Chickasaw tribes; and

A bill (S. 7049) to provide for the final disposition of the affairs of the Mississippi Choctaws, and making appropriation for expenses of their removal from Mississippi to Indian Territory and for their enrollment and settlement in Indian Territory.

Mr. MILLARD introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds:

A bill (S. 7050) to provide for the erection of a public building in the city of Plattsmouth, State of Nebraska; and

A bill (S. 7051) to provide for the erection of a public building in the city of Columbus, State of Nebraska.

Mr. MILLARD introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7052) granting an increase of pension to Thomas W. Ritchie; and

A bill (S. 7053) granting an increase of pension to Solomon Draper.

Mr. KITTREDGE introduced a bill (S. 7054) granting an increase of pension to Charles H. Clapp; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 7055) granting a pension to Cora C. O'Neill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7056) granting an increase of pension to Frederick Carel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 7057) referring to the Court of Claims the claim of Arthur W. Kelley, of Jamestown, N. Dak., for damages for personal injuries sustained; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 7058) granting an increase of pension to Gilbert Baillie; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7059) granting an increase of pension to Samuel Hale; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEYBURN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7060) granting an increase of pension to John Hager (with accompanying papers);

A bill (S. 7061) granting an increase of pension to Hugh McNaughton; and

A bill (S. 7062) granting a pension to John Monroe.

Mr. NELSON introduced a bill (S. 7063) granting an increase of pension to William F. Hastings; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CRANE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7064) granting a pension to Edward T. Blodgett;

A bill (S. 7065) granting an increase of pension to Lovisa Donaldson;

A bill (S. 7066) granting an increase of pension Timothy Drew;

A bill (S. 7067) granting an increase of pension to Edmund Fillio;

A bill (S. 7068) granting an increase of pension to Richard B. Hall;

A bill (S. 7069) granting an increase of pension to Marshall Johnson; and

A bill (S. 7070) granting an increase of pension to Daniel McAdams.

Mr. CRANE introduced a bill (S. 7071) to correct the military record of Stephen Johns; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FULTON introduced a bill (S. 7072) granting an increase of pension to Robert Hatfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FLINT introduced a bill (S. 7073) granting an increase of pension to D. Rodney Browne; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STONE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7074) granting an increase of pension to William Jenkins (with accompanying papers);

A bill (S. 7075) granting an increase of pension to J. S. Lewis (with accompanying papers);

A bill (S. 7076) granting an increase of pension to William C. Best;

A bill (S. 7077) granting an increase of pension to Mary E. Hattan; and

A bill (S. 7078) granting a pension to Daniel Schaffner.

Mr. TELLER introduced a bill (S. 7079) to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 7080) granting an increase of pension to Miletus F. Blodgett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 7081) for the relief of the trustees of Harpeth Academy, of Franklin, Williamson County, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. RAYNER introduced a bill (S. 7082) granting a pension to Susan A. Evans; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 7083) to authorize the President to appoint James M. Alden to the rank of lieutenant in the United States Navy and to place him on the retired list; which was read twice by its title and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. KNOX introduced a bill (S. 7084) granting an increase of pension to Thomas J. Postlewait; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7085) for the relief of the trustees of the Tonoloway Baptist Church, of Fulton County, Pa.;

A bill (S. 7086) for the relief of the consistory of the Trinity German Reformed Church, of Gettysburg, Pa.; and

A bill (S. 7087) for the relief of the consistory of St. Mark's German Reformed Church, of Gettysburg, Pa.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7088) granting an increase of pension to Daniel Scheetz (with accompanying papers);

A bill (S. 7089) granting an increase of pension to William A. Dougan; and

A bill (S. 7090) granting an increase of pension to George W. Kinsel.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs.

A bill (S. 7091) to correct the military record of Michael K. Herman;

A bill (S. 7092) to correct the military record of William W. Shivers (with accompanying paper); and

A bill (S. 7093) to amend section 1754 of the Revised Statutes.

Mr. FORAKER introduced a bill (S. 7094) granting an increase of pension to George B. Drake; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7095) for the relief of Frank M. Wyant; which was read twice by its title, and referred to the Committee on Claims.

Mr. SUTHERLAND introduced a bill (S. 7096) granting an increase of pension to Margaret McCullough; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 7097) to pay the Canadian Electric Light Company, of Levis, Quebec, its claim on account of damages caused by the U. S. gunboat *Essex;* which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 7098) granting an increase of pension to Henrietta Teague; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

On motion of Mr. FORAKER, it was

Ordered, That there may be withdrawn from the files of the Senate, after retaining a copy of the same, the discharge of John Hill, for whose relief the bill S. 309 was introduced in the first session of the Fifty-second Congress, said bill having been reported upon adversely.

GERTRUDE A. DAVISON.

Mr. KEAN. On behalf of the Senator from West Virginia [Mr. ELKINS], the chairman of the Committee on Interstate Commerce, I submit a resolution for reference.

The resolution was read, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to Gertrude A. Davison, mother of F. L. Davison, late clerk of the Senate Committee on Interstate Commerce, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

ARTHUR W. KELLEY.

Mr. McCUMBER submitted the following resolution, which was referred to the Committee on Claims:

Resolved, That the bill (S. 7057) referring to the Court of Claims the claim of Arthur W. Kelley, of Jamestown, N. Dak., for damages for personal injuries sustained, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate their findings of fact and law.

AFFAIRS IN PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. FORAKER, was, with the accompanying papers and illustrations, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

On November twenty-first I visited the island of Porto Rico, landing at Ponce, crossing by the old Spanish road by Cayey to San Juan, and returning next morning over the new American road from Arecibo to Ponce; the scenery was wonderfully beautiful, especially among the mountains of the interior, which constitute a veritable tropic Switzerland. I could not embark at San Juan because the harbor has not been dredged out and can not receive an American battle ship. I do not think this fact creditable to us as a nation, and I earnestly hope that immediate provision will be made for dredging San Juan Harbor.

I doubt whether our people as a whole realize the beauty and fertility of Porto Rico and the progress that has been made under its admirable government. We have just cause for pride in the character of our representatives who have administered the tropic islands which came under our flag as a result of the war with Spain; and of no one of them is this more true than of Porto Rico. It would be impossible to wish a more faithful, a more efficient, and a more disinterested public service than that now being rendered in the island of Porto Rico by those in control of the insular government.

I stopped at a dozen towns all told, and one of the notable features in every town was the gathering of the school children. The work that has been done in Porto Rico for education has been noteworthy. The main emphasis, as is eminently wise and proper, has been put upon primary education; but in addition to this there is a normal school, an agricultural school, three industrial and three high schools. Every effort is being made to secure not only the benefits of elementary education to all the Porto Ricans of the next generation, but also as far as means will permit to train them so that the industrial, agricultural, and commercial opportunities of the island can be utilized to the best possible advantage. It was evident, at a glance, that the teachers, both Americans and native Porto Ricans, were devoted to their work, took the greatest pride in it, and were endeavoring to train their pupils not only in mind, but in what counts for far more than mind in citizenship—that is, in character.

I was very much struck by the excellent character both of the insular police and of the Porto Rican regiment. They are both of them bodies that reflect credit upon the American administration of the island. The insular police are under the local Porto Rican government. The Porto Rican regiment of troops must be appropriated for by the Congress. I earnestly hope that this body will be kept permanent. There should certainly be troops in the island, and it is wise that these troops should be themselves native Porto Ricans. It would be from every standpoint a mistake not to perpetuate this regiment.

In traversing the island even the most cursory survey leaves the beholder struck with the evident rapid growth in the culture both of the sugar cane and tobacco. The fruit industry is also growing. Last year was the most prosperous year that the island has ever known before or since the American occupation. The total of exports and imports of the island was forty-five millions of dollars, as against eighteen millions in 1901. This is the largest in the island's history. Prior to the American occupation the greatest trade for any one year was that of 1896, when it reached nearly 23 millions of dollars. Last year, therefore, there was double the trade that there was in the most prosperous year under the Spanish régime. There were 210,273 tons of sugar exported last year, of the value of $14,186,319.00, $3,555,163.00 of tobacco, and 28,290,322 pounds of coffee, of the value of $3,481,102.00. Unfortunately what used to be Porto Rico's prime crop, coffee, has not shared this prosperity. It has never recovered from the disaster of the hurricane, and, moreover, the benefit of throwing open our market to it has not compensated for the loss inflicted by the closing of the markets to it abroad. I call your attention to the accompanying memorial on this subject of the Board of Trade of San Juan, and I earnestly hope that some measure will be taken for the benefit of the excellent and high-grade Porto Rican coffee.

In addition to delegations from the Board of Trade and Chamber of Commerce of San Juan, I also received delegations from the Porto Rican Federation of Labor and from the Coffee Growers' Association.

There is a matter to which I wish to call your special attention, and that is the desirability of conferring full American citizenship upon the people of Porto Rico. I most earnestly hope that this will be done. I can not see how any harm can possibly result from it, and it seems to me a matter of right and justice to the people of Porto Rico. They are loyal, they are glad to be under our flag, they are making rapid progress along the path of orderly liberty. Surely we should show our appreciation of them, our pride in what they have done, and our pleasure in extending recognition for what has thus been done by granting them full American citizenship.

Under the wise administration of the present governor and council marked progress has been made in the difficult matter of granting to the people of the island the largest measure of self-government that can with safety be given at the present time. It would have been a very serious mistake to have gone any faster than we have already gone in this direction. The Porto Ricans have complete and absolute autonomy in all their municipal governments, the only power over them possessed by the insular government being that of removing corrupt or incompetent municipal officials. This power has never been exercised save on the clearest proof of corruption or of incompetence such as to jeopardize the interests of the people of the island; and under such circumstances it has been fearlessly used to the immense benefit of the people. It is not a power with which it would be safe, for the sake of the island itself, to dispense at present. The lower house is absolutely elective, while the upper house is appointive. This scheme is working well; no injustice of any kind results from it, and great benefit to the island, and it should certainly not be changed at this time. The machinery of the elections is administered entirely by the Porto Rican people themselves, the governor and council keeping only such supervision as is necessary in order to insure an orderly election. Any protest as to electoral frauds is settled in the courts. Here again it would not be safe to make any change in the present system. The elections this year were absolutely orderly, unaccompanied by any disturbance, and no protest has been made against the management of the elections, although three contests are threatened where the majorities were very small and error was claimed; the contests, of course, to be settled in the courts. In short, the governor and council are cooperating with all of the most enlightened and most patriotic of the people of Porto Rico in educating the citizens of the island in the principles of orderly liberty. They are providing a government based upon each citizen's self-respect and the mutual respect of all citizens; that is, based upon a rigid observance of the principles of justice and honesty. It has not been easy to instill into the minds of people unaccustomed to the exercise of freedom the two basic principles of our American system, the principle that the majority must rule and the principle that the minority has rights which must not be disregarded or trampled upon. Yet real progress has been made in having these principles accepted as elementary, as the foundations of successful self-government.

I transmit herewith the report of the governor of Porto Rico, sent to the President through the Secretary of State.

All the insular governments should be placed in one bureau, either in the Department of War or the Department of State. It is a mistake not so to arrange our handling of these islands at Washington as to be able to take advantage of the experience gained in one when dealing with the problems that from time to time arise in another.

In conclusion, let me express my admiration for the work done by the Congress when it enacted the law under which the island is now being administered. After seeing the island personally, and after five years' experience in connection with its administration, it is but fair to those who devised this law to say that it would be well-nigh impossible to have devised any other which in the actual working would have accomplished better results.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 11, 1906.*

PURCHASE OF DEPARTMENT SUPPLIES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Com-

mittee on Organization, Conduct, and Expenditures of the Executive Departments, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress the report to the President by the Committee on Department Methods relative to the purchase of Department supplies. I heartily approve the recommendations of the committee.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 11, 1906.*

MESA VERDE NATIONAL PARK.

Mr. PATTERSON. At the last session the Senate passed the bill (S. 3245) creating the Mesa Verde National Park. The House passed a bill by the same title and for the same purpose, and that House bill was passed by the Senate. A motion was made and carried recalling the Senate bill from the House, and it has been returned, and there is a motion pending to reconsider the vote by which the Senate bill was passed. I ask that the motion to reconsider be now put.

Mr. ALDRICH. When did the bill pass?

Mr. PATTERSON. The bill was passed at the last session of Congress.

Mr. ALDRICH. And the motion is to reconsider the vote by which the bill was passed at the last session of Congress?

Mr. PATTERSON. The bill passed the Senate and went to the House, but in the meantime a House bill, with the same title and for the same purpose, was passed, and that House bill was passed by the Senate. At the last session I made a motion to recall the Senate bill. It was adopted, and a motion was entered to reconsider the vote by which the Senate had passed the Senate bill, and the question on the motion to reconsider has never been taken.

The VICE-PRESIDENT. Without objection, the votes by which the bill was ordered to a third reading and passed will be reconsidered.

Mr. PATTERSON. I move that the bill be indefinitely postponed.

The motion was agreed to.

SENATOR FROM UTAH.

Mr. BURROWS. Mr. President, I ask that Senate resolution 142 be now laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from Michigan, which will be read.

The Secretary read the resolution reported by Mr. BURROWS from the Committee on Privileges and Elections, June 11, 1906, as follows:

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

Mr. BURROWS. Mr. President, no duty devolving upon the Senate can be more important than that imposed by the fifth section of the first article of the Constitution of the United States, wherein it is provided (touching the Congress) that "Each House shall be the judge of the elections, returns, and qualifications of its own members."

The proper exercise of this power, coupled with that other provision of the Constitution which declares that "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member," is the only method by which the legitimacy and integrity of this body can be secured and maintained. Whenever, therefore, the right of a Senator to a seat in this Chamber is challenged for any cause, it is incumbent upon the Senate to make investigation and pass judgment upon the issue so raised. No other tribunal is clothed with jurisdiction to try and determine such a controversy.

When the credentials of the Hon. REED SMOOT were laid before the Senate, certifying to his election as a Senator from the State of Utah for the term of six years from the 4th of March, 1903, there was at the same time presented to the Senate a protest against his being, in the language of the remonstrance, "permitted to qualify by taking the oath of office or to sit as a member of the United States Senate."

THE PROTEST.

Subsequently, and on the 5th of March, 1903, conforming to the established practice of the Senate to accord to the holder of a duly authenticated certificate of election the prima facie right to admission, the oath of office was administered to Mr. SMOOT and he was admitted to the membership of this body as a Senator from the State of Utah. On the same day the protest against his admission was, by order of the Senate, referred to the Committee on Privileges and Elections. The grounds of such protest are summarized in its preamble as follows:

We protest that Apostle REED SMOOT ought not to be permitted to qualify or take the oath of office or to sit as a member of the United States Senate for reasons affecting the honor and dignity of the United States and their Senators in Congress, and upon the grounds and for the reason that he is one of a self-perpetuating body of fifteen men, who, constituting the ruling authorities of the Church of Jesus Christ of Latter-Day Saints, or Mormon Church, claim, and by their followers are accorded the right to claim, supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever, civil and religious, temporal and spiritual, and who, thus uniting in themselves authority in church and state, do so exercise the same as to inculcate and encourage a belief in polygamy and polygamous cohabitation; who countenance and connive at violations of the laws of the state prohibiting the same, regardless of pledges made for the purpose of obtaining statehood, and of covenants made with the people of the United States, and who, by all means in their power, protect and honor those who in themselves violate the laws of the land and are guilty of practices destructive of the family and the home.

In a further protest, presented to the Senate and referred to the committee, it is charged that—

The oath of office required of and taken by the said REED SMOOT as an apostle of the said church is of such a nature and character as that he is thereby disqualified from taking the oath of office required of a United States Senator.

Later, and on the 27th of January, 1904, the Senate, by resolution, authorized and directed the Committee on Privileges and Elections—

To investigate the right and title of REED SMOOT to a seat in the Senate as a Senator from the State of Utah.

In the execution of this order the Committee on Privileges and Elections proceeded to make inquiry into the various allegations contained in the protests, and generally to comply with the mandate of the Senate—

To investigate the right and title of REED SMOOT to a seat in the Senate as a Senator from the State of Utah.

In the performance of this duty protracted hearings were had, at which more than a hundred witnesses were examined, and the testimony, covering over 3,000 pages of printed matter, has been submitted to the Senate.

Of course it is impossible in the discussion to review in detail before the Senate this great mass of evidence, but the report of the committee sets forth the substance thereof bearing upon the vital issues involved. I shall attempt no more, therefore, than to touch upon the salient points in the case and the evidence relating thereto.

Let me say at the outset, touching the charge that the Senator from Utah is a polygamist, and for that reason disqualified from holding a seat in this body, no evidence was submitted to the committee in support of such allegation, and, so far as the investigation discloses, the Senator stands acquitted of that charge. This relieves the inquiry of its personal character, always distressing, and the Senator stands before the Senate in personal character and bearing above criticism and beyond reproach, and if found disqualified for membership in this body it must be upon other grounds and from other considerations. I propose, therefore, to state as briefly as possible the reasons which impel the majority of the committee to the conclusion reached in their report.

HISTORY OF THE MORMON CHURCH.

In passing upon the issue involved it is important, indeed absolutely essential, to an intelligent application of the evidence elicited and the law applicable thereto to recall and hold in mind the accredited facts of history in connection with the organization and development of the Mormon Church, especially that community known as the "Utah Mormons" or "Brighamites," with headquarters at Salt Lake City, presided over by one Joseph F. Smith, recognized and acknowledged by his devotees as "president, prophet, seer, and revelator," and with which organization Senator SMOOT is publicly identified as one of the so-called "apostles," and who, by virtue of his ecclesiastical office therein, occupies a conspicuous place in this Mormon hierarchy.

The regular and legitimate Mormon Church had its origin in and grew out of an alleged discovery of some metallic plates, said to have been found near Palmyra, N. Y., by one Joseph Smith, bearing certain inscriptions which were said to have been translated by him and embodied in what is known and accepted as the "Book of Mormon," belief in which formed, in 1830, the basis of an organization styling itself "The Church of Latter-Day Saints," which for fifteen years increased in membership and extended its influence, until in 1844 it numbered about 50,000 adherents. On the 27th day of June, 1844, Joseph Smith, the founder of this cult, while confined in jail at Carthage, Ill., was set upon by a mob and killed.

With the details of the early history of this people, from 1830 to 1844, and their tenets we have nothing to do. It is sufficient for the purpose of this discussion to state that previous to the death of the prophet there were no dissensions in the organization so far as known, all subscribing to a common creed and holding a common faith. Judge Phillips, in the circuit court of the United States for the western district of Missouri, in delivering the opinion of that court in 1894 in what is known as the

"Temple Lot Cases," involving the title to certain real estate, said:

Beyond all cavil, if human testimony is to place any matter at rest, this church was one in doctrine, government, and purpose from 1830 to June, 1844, when Joseph Smith, its founder, was killed. It had the same federal head, governing bodies, and faith. During this period there was no schism, no dissensions, no parting of the ways in any matter fundamental or affecting its oneness.

THE REORGANIZED CHURCH.

The death of Joseph Smith in 1844, however, carried dismay and demoralization throughout the entire membership of the Mormon Church, scattering its adherents in divers directions and for the time being seemed to presage the complete overthrow and dissolution of the organization. Recovering, however, from the shock, the scattered bands soon reappeared in various parts of the country and promulgated their doctrines with increased zeal, and set to work to reassemble and reorganize their scattered forces, resulting finally in the formation of what is now known and recognized as the "Reorganized Church of Jesus Christ of Latter-Day Saints," with headquarters at Lamoni, Iowa, and presided over by Joseph Smith, a son of the prophet. The courts have repeatedly declared this organization to be the legitimate successor of the original Mormon Church, and its adherents, numbering some 50,000 peaceable, patriotic, and law-abiding citizens scattered throughout the United States in small church societies, conforming to the laws of their country wherever they may be and adhering to the faith of the founder of their creed, repudiating and denouncing the doctrine of polygamy and its attendant crimes, without temple, endowment house, or secret order, worship in the open like other church organizations, unquestioned and unmolested.

BRIGHAM YOUNG'S USURPATION.

During this period of disintegration one Brigham Young, who had identified himself with the Mormon organization as early as 1832, a man of indomitable will and undaunted courage, bold and unscrupulous, seized upon the occasion of the demoralization incident to the death of the prophet to place himself at the head of some 5,000 Mormons, and marching over desert and mountain, established himself with his adherents in the valley of Salt Lake, July 24, 1847, then Mexican territory, where he undoubtedly indulged the hope that the new doctrine of polygamy about to be publicly proclaimed by him might be promulgated with impunity and practiced and maintained without interference by the United States. These hopes, however, were destined to be blasted, for by the treaty of Guadalupe-Hidalgo of February 2, 1848, this territory passed from the jurisdiction of Mexico to the sovereignty of the United States, and its inhabitants thereupon became amenable to its laws.

Upon this transfer of sovereignty, and in 1849, Brigham Young and his followers, without authority from any source whatever, proceeded to set up a government of their own, embracing a territory of imperial dimensions, christening it the "State of Deseret," electing Brigham Young, the head of the church, governor; Heber C. Kimball, an apostle, lieutenant-governor, and filling all other official positions in the proposed State with their trusted adherents. At the same time a general assembly was chosen, which in 1849 petitioned Congress to admit the "State of Deseret" into the Union, and commissioned a Delegate to the Lower House of Congress, who subsequently presented his credentials and the memorial praying for statehood.

EARLY ATTEMPT TO OBTAIN STATEHOOD.

Shortly previous to this time it began to be bruited that the leaders of this organization and founders of the new State were fugitives from justice and apostates from the true Mormon faith and were living in polygamy; and it is an historic fact that when Brigham Young arrived in Salt Lake, in 1847, he had seventeen wives, and all the so-called apostles, twelve in number, except possibly one, from two to twenty wives each. This rumor gained credence and confirmation by a protest against the admission of the State of Deseret sent to the Congress of the United States December 31, 1849, and now on file in its archives, from which I make the following extracts:

Your petitioners respectfully represent that whereas efforts are now being made by the Salt Lake Mormons to obtain, by false representations and fallacious presentations, from the Government of the United States a State organization to be called the State of Deseret; and whereas we believe that it would be highly detrimental to the best interests of our country to comply with their request, we do therefore respectfully petition your honorable body to provide some other way for the government of the Salt Lake settlement. Your petitioners know most assuredly that Salt Lake Mormonism is diametrically in opposition to the pure principles of virtue, liberty, and equality, and that the rulers of the Salt Lake church are bitter and inveterate enemies of our Government. They entertain treasonable designs against the liberties of American freeborn sons and daughters. * * * They have elected Brigham Young, who is the president of their church, to be the governor of the proposed State of Deseret. Their intention is to unite church and state. * * * We have authentic information that more than 1,500 Salt Lake Mormons took the following oath in the Temple of God at Nauvoo:

"You do solemnly swear, in the presence of Almighty God, His holy angels, and these witnesses, that you will avenge the blood of Joseph Smith on this nation, and teach your children, and that you will from this time henceforth and forever begin and carry out hostilities against this nation, and to keep the same intent a profound secret now and forever. So help me God."

The rulers of the Salt Lake church hypocritically pretend to venerate the name and character of the prophet Joseph Smith, that they may retain their popularity among that people who believe that he was a true prophet. These rulers are apostates from the true Church of Jesus Christ of Latter-Day Saints, which church Joseph Smith was president of. They teach and practice polygamy. * * * Surely your honorable body will not lend your aid to legalize adultery and all manner of wickedness. These men have left their country for their country's good. They have left it that they might escape the punishment which their crimes have invoked. * * * They have been guilty of murders, treason, robbery, counterfeiting, swindling, blasphemy, and usurpation of power, both political and ecclesiastical. This is the character of the man who is the political and ecclesiastical governor of the Salt Lake colony. The Salt Lake settlement is like Sodom and Gomorrah. Save the rising generation of that land from being trained up in such a sink of corruption, blasphemy, and treason.

The practice of polygamy by this band of apostate Mormons received further confirmation in the official report of the Indian agent for the Territory of Utah, dated March 29, 1852, in which it was stated:

Among these men (speaking of the Mormons) was Willard Richards, who kept a harem of some dozen or fifteen women, to all of whom he is wedded. He is acting secretary of state and postmaster of the city.

Upon the presentation of the remonstrance referred to, the National House of Representatives declined to consider the petition for the admission of the "State of Deseret" into the Union, or receive its representative, but in lieu thereof and on the 7th day of September, 1850, Congress passed an act providing for the organization and government of the Territory of Utah. In 1850 President Fillmore appointed Brigham Young governor of the Territory for the term of four years, who entered upon the duties of the office in February, 1851, and thus the chief polygamous saint and head of the church became the chief executive of the Territory. These public and official declarations confirmatory of the rumors of the practice of polygamy by Brigham Young and his apostles made further concealment of their crime impossible, and it became necessary in some way to excuse or justify so flagrant an assault upon public decency and the civilization of the age.

THE POLYGAMIC REVELATION.

To that end a special conference of the sect was called to convene at Salt Lake City on the 28th day of August, 1852, over which Brigham Young presided, attended by the so-called apostles and high officials of the church to the number of over 2,000, at which conference, for the first time, the doctrine of polygamy was publicly proclaimed and declared to be an accepted tenet of the Utah Mormon faith. Preliminary to its formal promulgation, and to promote its reception by the followers of Brigham Young, it was deemed expedient that some of the high dignitaries who were associated with him should bear testimony to the saintly character of their master and the divine origin of the nefarious doctrine. To this end Heber C. Kimball, one of the first presidency and a polygamist, in calling the meeting to order, took occasion to say:

Brother Brigham Young is the successor of Joseph Smith and a better man never lived upon the earth, nor ever sought the interest of this people more fervently.

Elder Benson, another polygamist, joined in the laudation by saying:

I know that the principles that have been taught by the Prophet Joseph and Brothers Brigham, Heber, and Willard—

Composing the first presidency—

and by every other good man in this church are correct principles, and that these men have been borne on triumphantly over every trial and difficulty they have been called to pass through. The elders, therefore, can go to the nations with their consciences as clean as drifting snow, and with the satisfaction that all is right in Zion and we are led by the best men upon the face of the earth. I am glad in my heart, and I say, God bless Brigham, Heber, and Willard. They are the counsel of heaven to this people, and I mean to honor them in the earth wherever I go, and I would preach down in the bowels of hell the same as I do here and not be ashamed of it.

Pandemonium would be a fit place for its promulgation.

My story all the time is, Hurrah for Mormonism. * * * I only throw out these few hints that you may be prepared to act when you receive the proper instructions from your president.

Then came Orson Pratt, one of the oldest and most famous of the apostles and the husband of three wives, who public declared:

It is quite unexpected to me to be called upon to address you on the subject of the plurality of wives. It is rather new ground to the inhabitants of the United States, and not only to them, but a portion of the inhabitants of Europe. A portion of them have not been in the habit of preaching a doctrine of this description; consequently we will have to break up new ground. It is well known, however, to the congregation before me that the Latter-Day Saints have embraced the doctrine of the plurality of wives as a part of their religious faith.

In order to induce his followers more readily to accept this infamous doctrine, Brigham Young himself invoked the name of

Joseph Smith, the martyr, whom many sincerely believed to be a true prophet, and ascribed to him the reception of a revelation from the Almighty in 1843, commanding the saints to take unto themselves a multiplicity of wives, limited in number only by the measures of their desires. Why and how this revelation had been kept a secret for nine years Brigham Young explained as follows:

You heard Brother Pratt state this morning that a revelation would be read this afternoon which was given previous to Joseph's death. It contains a doctrine which a small portion of the world is opposed to. Though that doctrine has not been preached by the elders, this people have believed in it for many years.

The original copy of this revelation was burnt up; William Clayton was the man who wrote it from the mouth of the prophet. In the meantime it was in Bishop Whitney's possession. He wished the privilege to copy it, which Brother Joseph granted. Sister Emma burnt the original.

The revelation will be read to you. The principle we believe in. And I tell you—for I know it—it will sail over and ride triumphantly above all the prejudice and priestcraft of the day; it will be fostered and believed in by the more intelligent portions of the world as one of the best doctrines ever proclaimed to any people. I am now ready to proclaim it.

This revelation has been in my possession many years; and who has known it? None but those who should know it. I keep a patent lock on my desk, and there does not anything leak out that should not.

Such the mythical story palmed off on a deluded people. Let me now quote the material part of the pretended revelation of polygamy as given out by authority of Brigham Young in 1852:

Verily, thus saith the Lord unto his servant Joseph: * * * behold and lo, I am the Lord thy God * * * therefore prepare thy heart to receive and obey the instructions which I am about to give unto you, for all those who have this law revealed unto them must obey the same, for behold, I reveal unto you a new and everlasting covenant, and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory; * * * and as pertaining to the new and everlasting covenant, it was instituted for the fullness of my glory, and he that receiveth a fullness thereof must and shall abide the law or he shall be damned, saith the Lord God. And again, as pertaining to the law of the priesthood, if any man espouse a virgin and desire to espouse another, and the first give her consent, and if he espouse the second, and they are virgins and have vowed to no other man, then is he justified. He can not commit adultery, for they are given unto him, for he can not commit adultery with that that belongeth to him and to none else; and if he have ten virgins given unto him by this law he can not commit adultery, for they belong unto him and are given unto him; therefore is he justified.

Thus did Brigham Young and his associates attempt to explain and justify a practice revolting to every sense of public decency, subversive of the home, and destructive of the very foundations of society. Thus were laid with unholy hands what Brigham Young was pleased to call the foundations of "Zion," upon which it was proposed to erect "the kingdom of God on earth." But a doctrine so monstrous needed something more than the unsupported testimony of Brigham Young to insure its reception and give it credence, in view of the fact that it had no warrant in the Book of Mormon and was specially condemned in the book of "Doctrines and Covenants," wherein it is declared "One man should have one wife, and one woman but one husband." To give this creed the semblance of authority and insure its permanency as an article of this Utah Mormon faith the doctrine of monogamy was torn from the book of "Doctrines and Covenants," and the doctrine of polygamy inserted in its stead, where it is still retained as a cardinal principle of the Utah Mormon faith. In this way was the practice of polygamy inaugurated in the Territory of Utah and fostered and encouraged by the leaders of this sect.

DOMINATION BY HIERARCHY.

The subsequent history of this community is too familiar to justify extended review. From the hour they took possession of the territory in 1847 the domination of this Mormon hierarchy in civil as well as so-called "religious" affairs has been absolute and supreme, and there was then inaugurated and carried on for over forty years a carnival of crime in this Territory unexampled in the history of a civilized state. The armies of the United States were forbidden to come within its borders; Federal judges and other Government officials were driven from the Territory; the statutes of the United States spurned and trampled on; the ministers of the law insulted and defied; lawlessness ran riot and there was no authority in the Territory respected or enforced but that of the Mormon hierarchy. The conditions at this time can not be more accurately or graphically described than in the report of the chief justice and the associate justice of the supreme court of the Territory, who, unable to discharge their functions, were compelled to fly from the Territory, stating in their report to the President of the United States, December 19, 1851:

It becomes our duty as officers of the United States for the Territory of Utah to inform the President that we have been compelled to withdraw from the Territory and our official duties in consequence of an extraordinary state of affairs existing there which rendered the performance of those duties not only dangerous, but impracticable, and a longer residence in the Territory, in our judgment, incompatible with a proper sense of self-respect and the high regard due to the United States. We have been driven to this course by the lawless acts and the hostile and seditious feelings and sentiments of Brigham Young, the executive of the Territory, and the great body of the residents there, manifested toward the Government and officers of the United States in aspersions and denunciations so violent and offensive as to set at defiance not only a just administration of the laws, but the rights and feelings of citizens and officers of the United States residing there. To enable the Government to understand more fully the unfortunate condition of affairs in that Territory, it will be necessary to explain the extraordinary religious organization existing there, its unlimited pretensions, influence, and power, and to enter into a disagreeable detail of facts, and the language and sentiments of the governor and others high in authority toward the Government, people, and officers of the United States.

We found upon our arrival that almost the entire population consisted of a people called "Mormons," and the Mormon Church overshadowing and controlling the opinions, the actions, the property, and even the lives of its members; usurping and exercising the functions of legislation and the judicial business of the Territory; organizing and commanding the military; disposing of the public lands upon its own terms; coining money and forcing its circulation; openly sanctioning and defending the practice of polygamy or plurality of wives; exacting the tenth part of everything from its members under the name of tithing, and enormous taxes from citizens not members; penetrating and supervising the social and business circles and inculcating and requiring as an article of religious faith implicit obedience to the counsels of the church as paramount to all the obligations of morality, society, allegiance, and of law. At the head of this formidable organization stood Brigham Young, the governor, claiming and represented to be the prophet of God, and his sayings as direct revelation from heaven, commanding thereby unlimited sway over the ignorant and credulous.

The report then recites a long catalogue of declarations of hostility to the General Government by Brigham Young, from which I take the following:

Zachary Taylor is dead and in hell, and I am glad of it. And I prophesy by the power of the priesthood that is upon me that any President of the United States who lifts his finger against this people shall die an untimely death and go to hell. * * * The United States officers may remain in the Territory so long as they behave themselves and pay their board, but if they do not they would kick them to hell, where they belong. * * * That he had ruled that people for years and could rule them again, and he would kick any man out of the Territory who would dictate to or advise him of his duty.

A professor of the University of Deseret declared:

The Government of the United States is a stink in the nostrils of Jehovah. * * * We can save it by theocracy, but rather than save it by any other way, we will see it damned first.

The report concludes:

The governor has been accustomed to enter the legislative hall under the provisional State government and dictate what laws should and should not be passed, and enter the court and jury rooms and dictate what verdict should be rendered, and he has given us ample evidence that he was equally omnipotent and influential with the Mormon people under the Territorial government.

It is impossible for any officer to perform his duty or execute any law not in sympathy with their views as the Territory is at present organized. * * * No man dare open his mouth in opposition to their lawless exactions without feeling its effects upon his liberty, his business, or his life. And thus, upon the soil of the United States, and under the broad folds of its Stars and Stripes, which protect him in his rights in every part of the civilized world, there is a spot where the citizen is browbeaten and despoiled of his liberties as a free man by a religious despotism.

We deem it our duty to state, in this official communication, that polygamy, or plurality of wives, is openly avowed and practiced in the Territory, under the sanction and in obedience to the direct commands of the church. So universal is this practice that very few, if any, leading men in that community can be found who have not more than one wife each. The prominent men in the church, whose example in all things it is the ambition of the more humble to imitate, have each many wives—some of them, we were credibly informed and believe, as many as twenty or thirty, and Brigham Young, the governor, even a greater number. It is not uncommon to find two or more sisters married to the same man, and in one instance, at least, a mother and her two daughters are among the wives of a leading member of the church. This practice, regarded and punished as a high and revolting crime in all civilized countries, would, of course, never be made a statutory offense by a Mormon legislature; and if a crime at common law, the courts would be powerless to correct the evil with Mormon juries.

Such was the deplorable condition of affairs in the Territory of Utah in 1851.

HOSTILITY TO THE UNITED STATES.

When, in 1857, the President of the United States determined upon the removal of Brigham Young from the office of governor of the Territory, the newly appointed executive deemed it prudent to proceed to his post of duty with a military escort, whereupon Brigham Young declared that the newly appointed governor should not administer the office, and it became necessary to increase the military force and place it under the command of Col. Albert Sidney Johnston. The then Secretary of War, Mr. Floyd, in his annual report dated December 5, 1857, set forth the condition of affairs in this Territory as follows:

From the first hour they fixed themselves in that remote and almost inaccessible region of our territory, from which they are now sending defiance to the sovereign power, their whole plan has been to prepare for a successful secession from the authority of the United States and a permanent establishment of their own.

President Buchanan, in his message to Congress of December 8, 1857, explanatory of his official acts in connection with the government of Utah, said:

As Chief Magistrate I was bound to restore the supremacy of the Constitution and laws within its limits. In order to effect this pur-

pose I appointed a new governor and other Federal officers for Utah, and sent with them a military force for their protection and to aid as a posse comitatus in case of need in the execution of the laws. * * * Whilst Governor Young has been both governor and superintendent of Indian affairs * * * he has been at the same time head of the church called the "Latter-Day Saints," and professes to govern its members and dispose of their property by direct inspiration and authority from the Almighty. His power has been therefore absolute over the church and state. * * * All the officers of the United States, judicial and executive, with the exception of two Indian agents, have found it necessary for their personal safety to withdraw from the Territory, as there no longer remains any government in Utah but the despotism of Brigham Young.

Thus did it come to pass that after ten years of the domination of the Mormon hierarchy in Utah the President of the United States was constrained to make the startling announcement in his annual message to Congress that there no longer remained any government in the Territory of Utah but the "despotism of Brigham Young." He ruled supreme. Pretending to be the vicegerent of the Almighty, he defied the Government of the United States and played upon the passions, prejudices, and fears of the people until he held complete mastery over the lives and fortunes of his deluded followers.

LEGISLATION AGAINST POLYGAMY.

This declaration of President Buchanan in 1857 aroused the Congress and the country to the necessity of taking some steps to suppress this crime and relieve the people of Utah from the domination of so despotic a power. To this end numerous measures were promptly introduced in both Houses of Congress looking to the accomplishment of such purpose, but not until 1862 was an act passed defining the crime of bigamy and punishing persons adjudged guilty of such offense in any of the Territories of the United States by a fine not exceeding $500 or by imprisonment for a term not exceeding five years, and at the same time annulling all acts and laws of the legislative assembly of the Territory of Utah "which establish, support, maintain, shield, or countenance the practice of polygamy, evasively called 'spiritual marriage,' however disguised by legal or ecclesiastical solemnities, sacraments, ceremonies, or other contrivances;" and, further, annulling the ordinance incorporating the Church of Jesus Christ of Latter-Day Saints, and making it unlawful for any corporation or association for religious or charitable purposes to acquire or hold real estate in any Territory of the United States of a greater value than $50,000, forfeiting and escheating to the United States all holdings by such corporation in excess of such value. This comprehensive measure remained, however, for many years a dead letter. The great issues of the civil war and the problems growing out of that conflict overshadowed and obscured for the time being all other questions of domestic concern, and for twenty years the act of 1862 was disregarded and defied, while the hierarchy continued its unrestrained debauchment and despotic sway. No sooner, however, had the storm of war passed and the calm of peace returned than the attention of Congress and the country was again directed by several Presidents of the United States to the continued existence of the criminal practices in the Territory of Utah.

President Grant, in his third annual message, submitted to Congress December 4, 1871, said:

In Utah there still remains a remnant of barbarism, repugnant to civilization, to decency, and to the laws of the United States. Neither polygamy nor any other violation of existing statutes will be permitted within the territory of the United States. It is not with the religion of the self-styled saints that we are now dealing, but with their practices. They will be protected in their worship of God according to the dictates of their consciences, but they will not be permitted to violate the laws under the cloak of religion.

In his fourth annual message, of December 2, 1872, in referring to the Territories, he said:

In but one of them (Utah) is the condition of affairs unsatisfactory. * * * It has seemed to be the policy of the legislature of Utah to evade all responsibility to the Government of the United States, and even to hold a position in hostility to it. I recommend a careful revision of the present laws of the Territory by Congress and the enactment of such a law as will secure peace, the equality of all citizens before the law, and the ultimate extinguishment of polygamy.

And again, in his seventh annual message, December 8, 1875, President Grant said:

In nearly every annual message that I have had the honor of transmitting to Congress I have called attention to the anomalous, not to say scandalous, condition of affairs existing in the Territory of Utah, and have asked for definite legislation to correct it. That polygamy should exist in a free, enlightened, and Christian country without the power to punish so flagrant a crime against decency and morality seems preposterous. True, there is no law to sustain this unnatural vice, but what is needed is a law to punish it as a crime. * * * But as an institution polygamy should be banished from the land.

President Hayes, in his fourth annual message, December 6, 1880, said:

It is the recognized duty and purpose of the people of the United States to suppress polygamy where it now exists in our Territories and to prevent its extension. The longer action is delayed the more difficult it will be to accomplish what is desired. Prompt and decided measures are necessary. The Mormon sectarian organization, which upholds polygamy, has the whole power of making and executing the local legislation of the Territory. By its control of the grand and petit juries it possesses large influence over the administration of justice. Exercising, as the heads of this sect do, the local political power of the Territory, they are able to make effective their hostility to the law of Congress on the subject of polygamy and, in fact, to prevent its enforcement. Polygamy will not be abolished if the enforcement of the law depends on those who practice and uphold the crime. It can only be suppressed by taking away the political power of the sect which encourages and sustains it.

The power of Congress to enact suitable laws to protect the Territories is ample. It is not a case for halfway measures. The political power of the Mormon sect is increasing. It controls now one of our wealthiest and most populous Territories. It is extending steadily into other Territories. Wherever it goes it establishes polygamy and sectarian power. The sanctity of marriage and the family relation are the corner stone of our American society and civilization. Religious liberty and separation of church and state are among the elementary ideas of free institutions. To reestablish the interests and principles which polygamy and Mormonism have imperiled and to fully reopen to intelligent and virtuous immigrants of all creeds that part of our domain which has been in a great degree closed to general immigration by intolerant and immoral institutions, it is recommended that the Territory of Utah be reorganized.

President Garfield, in his inaugural address, March 4, 1881, said:

The Mormon Church not only offends the moral sense of mankind by sanctioning polygamy, but prevents the administration of justice through ordinary instrumentalities of law.

He expressed the opinion that Congress should prohibit polygamy, and not allow—

any ecclesiastical organization to usurp in the smallest degree the functions and power of the National Government.

In 1881, President Arthur, in his annual message to Congress, called attention to the continued practice of polygamy in the Territory of Utah in the following language:

For many years the Executive, in his annual message to Congress, has urged the necessity of stringent legislation for the suppression of polygamy in the Territories, and especially in the Territory of Utah. The existing statute for the punishment of this odious crime, so revolting to Christendom, has been persistently and contemptuously violated ever since its enactment. Indeed, in spite of the commendable efforts on the part of the authorities who represent the United States in that Territory, the law has in very rare instances been enforced and, for a cause to which reference will presently be made, is practically a dead letter. The fact that adherents of the Mormon Church, which rests upon polygamy as its corner stone, have recently been settling in large numbers in Idaho, Arizona, and other of the Western Territories, is well calculated to excite the greatest interest and apprehension. It imposes upon Congress and the Executive the duty of arraying against this barbarous system all the power which under the Constitution and the laws they can wield for its destruction.

Following this suggestion of President Arthur, Senator Edmunds introduced a bill to amend the act of July 1, 1862, which was passed by Congress and approved March 22, 1882. This act, known as the "Edmunds law," was the most drastic yet proposed, and struck a deadly blow at the very root of the evil. It made bigamy, polygamy, and polygamous cohabitation crimes punishable by fine and imprisonment; it excluded from the jury box on the trial of any person charged with the violation of such act every person who had been, or was then, living in violation of this statute, or who believed in the rightfulness of the acts prohibited; it disfranchised all persons who were guilty of violating the provisions of such enactment, and rendered them ineligible for election or appointment to any office and disqualified them from holding any place of public trust, honor, or emolument in such Territory or under the United States; it vacated all the registration offices in the Territory of Utah, and imposed upon a commission of five persons appointed by the President of the United States and confirmed by the Senate all the duties relating to the registration of voters, the conduct of elections, and the canvass and declaration of the result. In other words, it practically took into its own hands, through its own official instrumentalities, the entire administration of the affairs of that Territory. Upon the passage of this act, instead of conforming to its provisions and yielding obedience to its mandates, the Utah hierarchy made open war against it, and under date of October 6, 1885, issued the following pronunciamento:

An epistle from the first presidency to the officers and members of the Church of Jesus Christ of Latter-Day Saints.

The war is openly and undisguisedly made upon our religion. * * * We did not reveal celestial marriage. We can not withdraw or renounce it. God revealed it, and he has promised to maintain it and to bless those who obey it. Whatever fate then may threaten us there is but one course for men of God to take—that is, to keep inviolate the holy covenants they have made in the presence of God and angels. For the remainder, whether it be life or death, freedom or imprisonment, prosperity or adversity, we must trust in God. We may say, however, if any man or woman expects to enter into the celestial kingdom of our God without making sacrifices and without being tested to the very uttermost, they have not understood the gospel. * * * Upward of forty years ago the Lord revealed to his church the principle of celestial marriage. * * * "For, behold, I reveal unto you a new and everlasting covenant; and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory." Who would suppose that any man in this land of religious liberty would presume to say to his fellow-man that he had no right to take such

steps as he thought necessary to escape damnation? Or that Congress would enact a law which would present the alternative to religious believers of being consigned to a penitentiary if they should attempt to obey a law of God which would deliver them from damnation?

We find in this epistle, denunciatory of the Edmunds law, a reassertion of the dogma of polygamy that it was of divine origin and believed in and practiced as a part of the Utah Mormon creed. The act of 1882, designed to suppress these crimes, continued to be openly or secretly violated and the practice of polygamy and polygamous cohabitation among this sect continued unabated, and every device which the ingenuity of man could discover was employed to prevent the enforcement of the law and shield its violators from punishment. After another five years of forbearance and national humiliation it became manifest that some more drastic measure must be enacted to insure the suppression of these crimes, to which end, in 1887, Congress passed what was known as the Edmunds-Tucker law, strengthening and enlarging the acts of 1862 and 1882 by providing, among other things, that in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statutes of the United States, the lawful husband or wife of the person accused shall be a competent witness; that in any such prosecution an attachment for witnesses may be issued in the first instance without a previous subpœna; it punished persons convicted of adultery by imprisonment in the penitentiary; it defined the crime of incest and provided adequate punishment therefor; it annulled all laws of the legislative assembly of the Territory of Utah which provided that prosecutions for adultery could only be commenced on complaint of the husband or wife; it empowered the marshal of the Territory and his deputy to cause all offenders against the law, in his view, to enter into recognizance to keep the peace and appear at the next term of the court having jurisdiction of the case; it required every ceremony of marriage of any kind to be authenticated by a certificate stating the fact and nature of the ceremony, the full names of the parties and of every officer, priest, or person taking part in the performance of such ceremony, and signed by the parties to such ceremony and by every person taking part in the same, such certificate to be filed in the office of the probate court and immediately recorded, and a failure to comply with the requirements of this act to be punished by fine and imprisonment.

It made it the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of the act of 1862 (which act, it will be remembered, made the holding in excess of $50,000 of real estate unlawful), such property so forfeited and escheated to be disposed of and the proceeds applied to the use and for the benefit of the common schools in the Territory; it disapproved and annulled all laws of the legislative assembly of the State of Deseret, creating the "Perpetual Emigration Fund Company" and prohibited the legislative assembly of the State of Utah from reviving such corporation, or passing any law to accomplish the bringing of persons into the Territory for any purpose whatever, and directed the Attorney-General of the United States to institute proceedings in the supreme court of the Territory to carry the act into effect and pay the debts and dispose of the assets of such corporation according to law, the surplus, if any, to be escheated to the United States and expended for the benefit of the common schools of the Territory; it authorized and directed the Attorney-General of the United States to take the necessary proceedings to wind up the affairs of the corporation, known as the "Church of Jesus Christ of Latter-Day Saints" according to law; it conferred upon the President the power to appoint all probate judges within the Territory of Utah and annulled all legislative acts providing for their election by the legislature; it took from the women of the Territory the right of suffrage, and annulled all acts of the Territorial assembly authorizing the registration and voting of females; it imposed upon every lawful voter as a condition precedent to his right to register or vote or hold office in the Territory of Utah, the taking of an oath, not only to support the Constitution of the United State and obey the laws, especially the acts of 1862 relating to bigamy, and this act in relation to the crimes defined and forbidden, and provided further that no person who shall have been convicted of any crime under this act, or previous acts of Congress, or who shall be a polygamist or cohabit polygamously with another, shall be entitled to vote at any election in the Territory, or serve on a jury, or hold any office of trust or profit; it annulled all laws looking to the organization or maintenance of the Nauvoo Legion and declared that the militia of the Territory should be subject to the laws of the United States; and in a word, this community of polygamists and lawbreakers were practically denied all participation in the government of the Territory of Utah and the entire administration of affairs taken charge of by the Government of the United States.

This series of enactments by the National Government was so sweeping and drastic as to carry conviction to the minds of the leaders of this Mormon community that the National Government had finally determined to enforce obedience to its authority and uproot and utterly destroy the last vestige of this "twin relic of barbarism." Doomsday had come for this abomination and the hierarchy saw no possible avenue of escape except through the intervention of the courts of the United States, which, it was hoped, would pronounce these enactments an infringement of that provision of the Constitution which declares that "Congress shall make no law respecting the establishment of religion or prohibit the free exercise thereof." It was contended then, as it is by some to-day, that polygamy and polygamous cohabitation are religious rites with which the National Government has no power to interfere. But this contention was summarily disposed of by the Supreme Court of the United States in several cases, particularly the case of the Mormon Church *v.* The United States, 136 U. S. Supreme Court Reports, page 1, which tore the mask from this hypocritical pretense and exposed it to public scorn and contempt. I beg to quote the opinion of the court, delivered by Justice Bradley:

It is unnecessary here to refer to the past history of the sect, to their defiance of the Government authorities, to their attempt to establish an independent community, to their efforts to drive from the Territory all who were not connected with them in communion and sympathy. The tale is one of patience on the part of the American Government and people and of contempt of authority and resistance to law on the part of the Mormons. Whatever persecutions they may have suffered in the early part of their history, in Missouri and Illinois, they have no excuse for their persistent defiance of law under the Government of the United States.

One pretense for this obstinate course is that their belief in the practice of polygamy, or in the right to indulge in it, is a religious belief, and therefore under the protection of the constitutional guaranty of religious freedom. This is altogether a sophistical plea. No doubt the thugs of India imagined that their belief in the right of assassination was a religious belief; but their thinking so did not make it so. The practice of suttee by the Hindoo widows may have sprung from a supposed religious conviction. The offering of human sacrifices by our own ancestors in Britain was, no doubt, sanctioned by an equally conscientious impulse. But no one on that account would hesitate to brand these practices now as crimes against society, and obnoxious to condemnation and punishment by the civil authority. * * *

Then, looking at the case as the finding of facts presents it, we have before us—Congress had before it—a contumacious organization wielding by its resources an immense power in the Territory of Utah and employing those resources and that power in constantly attempting to oppose, thwart, and subvert the legislation of Congress and the will of the Government of the United States. * * *

Notwithstanding the stringent laws which have been passed by Congress, notwithstanding all the efforts made to suppress this barbarous practice, the sect or community composing the Church of Jesus Christ of Latter-Day Saints perseveres, in defiance of law, in preaching, upholding, promoting, and defending it.

It is a matter of public notoriety that its emissaries are engaged in many countries in propagating this nefarious doctrine and urging its converts to join the community in Utah. The existence of such a propaganda is a blot on our civilization. The organization of a community for the spread and practice of polygamy is, in a measure, a return to barbarism. It is contrary to the spirit of Christianity and to the civilization which Christianity has produced in the western world. The question therefore is whether the promotion of such a nefarious system and practice, so repugnant to our laws and to the principles of our civilization, is to be allowed to continue by the sanction of the Government itself.

THE MANIFESTO AGAINST POLYGAMY AND POLYGAMOUS COHABITATION.

These several statutes to which I have referred, following each other in quick succession, each more drastic than the preceding, and all adjudged constitutional by the Supreme Court of the United States, brought the hierarchy to a realizing sense of its impotency to longer contend against the authority of the United States, and it therefore made haste to find some way to save its members from imprisonment and their property from confiscation. To this end the head of the church bowed at last in submission to the National Government and in 1890 promulgated what is known as the "manifesto," advising his followers to submit to the laws and refrain from further violation, the material portion of which is as follows:

To whom it may concern: Inasmuch as laws have been enacted by Congress forbidding plural marriage, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise. * * * And I now publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriages forbidden by the law of the land.

This manifesto was signed by "Wilford Woodruff, president of the Church of Jesus Christ of Latter-Day Saints."

This proclamation, emanating from so commanding a source and communicated to a people taught to believe that their prophet was the inspired "mouthpiece of God," was expected to command prompt and implicit obedience by the entire Mormon community, and the hope was indulged and belief engendered in the public mind that at last the Utah hierarchy and its adherents would abandon the infamous practice of polygamy and polygamous cohabitation and conform to the mandates of

the law and the spirit of the manifesto and that this foul blot upon our civilization was about to be forever removed.

PRAYER FOR AMNESTY.

This gratifying expectation was greatly strengthened by the prompt action of the first presidency and the twelve apostles in presenting to the President of the United States in 1891, the year following the manifesto, a petition humbly imploring amnesty for themselves and their followers and restoration to all their rights and privileges as citizens. This petition, asking immunity for the past and plighting their honor and faith for the future, was couched in such humble terms as to inspire confidence in their sincerity and a measure of sympathy for their misguided followers. The material part of the petition is as follows:

We, the first presidency and apostles of the Church of Jesus Christ of Latter-Day Saints, beg, respectfully, to present to your Excellency the following facts: We formerly taught our people that polygamy, or celestial marriage, was right; that it was a necessity to man's highest exaltation in the life to come; that doctrine was publicly promulgated by our president, the late Brigham Young, forty years ago, and was steadily taught and impressed upon the Latter-Day Saints up to a short time before September, 1890. They accepted the doctrine, and many personally embraced and practiced polygamy. When the Government sought to stamp the practice out our people, almost without exception, remained firm, for they * * * still felt that their lives and their honor as men were pledged to a vindication of their faith. * * * Following this conviction, hundreds endured arrest, trial, fine, and imprisonment. More, the Government added disfranchisement to other punishments of those who clung to their faith and fulfilled its covenants. This being the true situation, and believing that the object of the Government was simply the vindication of its own authority and to compel obedience to its laws, * * * we respectfully pray that full amnesty may be extended to all who are under disabilities because of the operation of the so-called Edmunds and Edmunds-Tucker law. Our people are scattered, homes are made desolate, many are still imprisoned, others are banished or in hiding. * * * As shepherds of a patient and suffering people, we ask amnesty for them and pledge our faith and honor for their future. And your petitioners will ever pray.

This petition was signed by the first presidency, composed of Wilford Woodruff as president, and his two counselors, George Q. Cannon and Joseph F. Smith, the present head of the church, and ten of the twelve apostles.

This cry for amnesty appealed to the generous impulses of President Harrison, who, on the 4th of January, 1893, issued the following proclamation:

Whereas Congress by a statute approved March 22, 1882, and by statutes in furtherance and amendment thereof defined the crimes of bigamy, polygamy, and unlawful cohabitation in the Territories and other places within the exclusive jurisdiction of the United States and prescribed a penalty for such crimes; and

Whereas on or about the 6th day of October, 1890, the Church of the Latter-Day Saints, commonly known as the Mormon Church, through its president issued a manifesto proclaiming the purpose of said church no longer to sanction the practice of polygamous marriages, and calling upon all members and adherents of said church to obey the laws of the United States in reference to said subject-matter; and

Whereas it is represented that since the date of said declaration the members and adherents of said church have generally obeyed said laws and have abstained from plural marriages and polygamous cohabitation; and

Whereas by a petition dated December 19, 1891, the officials of said church, pledging the membership thereof to a faithful obedience to the laws against plural marriage and unlawful cohabitation, have applied to me to grant amnesty for past offenses against said laws * * *;

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the powers in me vested, do hereby declare and grant a full amnesty and pardon to all persons liable to the penalties of said act by reason of unlawful cohabitation under the color of polygamous or plural marriage who have since November 1, 1890, abstained from such unlawful cohabitation, but upon the express condition that they shall in the future faithfully obey the laws of the United States hereinbefore named, and not otherwise. Those who shall fail to avail themselves of the clemency hereby offered will be vigorously prosecuted.

Subsequently, and on the 25th of September, 1894, President Cleveland issued a similar proclamation, excepting, however, from its benefits—

All persons who have not complied with the conditions contained in the Executive proclamation of January 4, 1893.

These pleas for amnesty were granted, prison doors opened, church property restored, all disabilities resulting from violation of law removed, and it was confidently hoped that the people of Utah, under this later dispensation, by conforming to the mandates of the law and the civilization of the age, would enter upon a new era of peace, order, and prosperity. But the plans of the hierarchy were not yet fully realized, and would not be until the territory had escaped from Federal domination by securing the freedom of statehood, and the time seemed opportune for such a consummation.

ADMISSION OF UTAH AS A STATE.

Previous to this and during all the years of Utah's Territorial existence efforts were repeatedly made to escape the direct domination of the National Government by securing admission into the Federal Union. If my recollection serves me correctly, at least half a dozen attempts were made to secure statehood previous to 1890, all of which proved abortive, for the reason that the people of the Territory under the domination of the Mormon hierarchy were not obedient to the laws of the United States—were not law-abiding citizens—and therefore not regarded fit to be intrusted with self-government. After the manifesto of 1890 and the general amnesty following, and the liberal spirit which seemed to have taken possession of the public mind, the effort for statehood was renewed, and as early as 1892, only two years after the manifesto, a movement was inaugurated to that end and followed with such persistency that two years later an enabling act was passed, and in 1896 Utah was admitted into the Union as a sovereign State.

And thus was the prophecy of Brigham Young fulfilled:

Do not be discouraged by your repeated failures to get into the Union as a State. We shall succeed, we shall pull the wool over the eyes of the American people and make them swallow Mormonism, polygamy and all.

We shall drop the old issue between the Mormons and the Liberals in Utah, ally ourselves with the two great national parties, dividing ourselves about equally, so as to fall in with the one in power. We don't know and we don't care about the issue. We must be at peace with them in order to get into the Union. After that we can snap our fingers in their faces, restore the good old times when we dwelt undisturbed in these valleys of the mountains, and cast out devils as we used to do.

Thus was consummated in the brief period of six years what nearly half a century had failed to secure. No stronger proof of public confidence in the sincerity of these people could possibly have been given. However, to make assurance doubly sure that the hierarchy would keep faith with the nation, it was provided, among other things, in the enabling act of July 16, 1894, that—

The constitution shall be republican in form, and shall provide by ordinance irrevocable without the consent of the United States and the people of said State;

That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, provided that polygamous or plural marriages are forever prohibited.

Subsequently, and when the constitution was framed, these requirements of the enabling act were embodied in the constitution of the State, coupled with the further provision that—

There shall be no union of church and state, nor shall any church dominate the State nor interfere with its functions—

under which constitution, thus framed and ratified by the people, Utah was admitted to the freedom of statehood. Following her admission, the usual steps were taken to set the machinery of the State government in motion and to adjust it to its new relations as a member of the Federal Union. To this end, State and Federal officials were elected from time to time, when, on the 26th of January, 1903, the governor of the State certified that on the 21st day of January, 1903—

REED SMOOT was duly chosen by the legislature of Utah to represent said State in the Senate of the United States for a term of six years from March 4, 1903.

It is concerning this election that protest was made, and the Committee on Privileges and Elections ordered to "investigate the right and title of REED SMOOT to a seat in the Senate as a Senator from the State of Utah." Such investigation, your committee, after patient and protracted hearings, has concluded, and submits the result of its deliberations to the judgment of the Senate.

The issues involved in the controversy are fully set forth in the protest submitted to the Senate and referred to your committee, constituting the basis of the committee's inquiries. The gravamen of the charge in the protest against the senior Senator from Utah is not that he is an adherent of the Mormon Church (for church affiliation is a matter of free individual choice), but—

that he is one of a self-perpetuating body of fifteen men, who, constituting the ruling authorities of the Church of Jesus Christ of Latter-Day Saints, or "Mormon Church," claim, and by their followers are accorded the right to claim, supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever—civil and religious, temporal and spiritual—and who thus, uniting in themselves authority in church and state, do so exercise the same as to inculcate and encourage a belief in polygamy and polygamous cohabitation, who countenance and connive at violations of the laws of the State prohibiting the same, regardless of pledges made for the purpose of obtaining statehood, and of covenants made with the people of the United States, and who by all means in their power protect and honor those who with themselves violate the laws of the land and are guilty of practices destructive of the family and the home.

SUBSTANCE OF THE CHARGES.

These charges may be epitomized as follows: That Senator Smoot is disqualified from holding a seat in the Senate of the United States for the reason—

First. That at the time of his election the State of Utah and the legislature thereof were under the complete domination of the Mormon hierarchy, of which he is a member, and that such hierarchy so far "interfered with the functions of the State"

as to secure the election of one of its own members and an apostle, and that his certificate of election by the legislature was only the recorded edict of the hierarchy in defiance of the constitutional inhibition that "no church shall dominate the State nor interfere with its functions."

Second. That this Mormon hierarchy, of which the Senator is a conspicuous member, inculcates and encourages belief in and the practice of polygamy and polygamous cohabitation in violation of the laws of the State prohibiting the same and in disregard of pledges made for its suppression; and

Third. That the Senator, in connection with and as a member of such organization, has taken an oath of hostility to the Government of the United States incompatible with his obligation as a Senator.

These are the main grounds upon which his exclusion is sought, each of which I propose to discuss in the order named.

Touching the question of the domination of this organization through its governing body in political affairs and its "interference with the functions of the State," in spite of the constitutional inhibition, the evidence is most convincing. Before proceeding, however, to its consideration, and in order to measure its full force, it is important to bear in mind the dominating power of the president and the twelve apostles and the influence they exert over their followers. The power exercised by this governing body, which, for brevity, is designated "The hierarchy," is far-reaching and commanding, holding in its grasp practically the entire membership of the organization and through it the domination of the State, by arrogating to itself and inculcating the belief in its followers that they are endowed with supernatural powers as "prophets, seers, and revelators," and specially commissioned by the Almighty to dominate the affairs of this world, and that resistance to the will of this theocracy is rebellion against God.

AUTHORITY OF THE PRIESTHOOD.

The testimony taken by your committee fully sustains the allegation in the protest, "That the Mormon priesthood, according to the doctrines of that church, is vested with supreme authority in all things temporal and spiritual; and that the first presidency and the twelve apostles are supreme in the exercise and transmission of the mandates of this authority." The following citations will serve to substantiate the truth of this allegation:

Brigham H. Roberts, author of The New Witness for God, declares:

Men who hold the priesthood possess divine authority to act for God, and by possessing part of God's power they are in reality part of God. Men who honor the priesthood in them honor God, and those who reject it reject God.

The very day and hour the church was organized the Lord constituted the president of the church its prophet, seer, and lawgiver, strictly commanding the church to give heed to all his words and commandments which he shall give unto you, for his words, saith the Lord, ye shall receive as if from mine own mouth, in all patience and faith.

By the term "oracle" is meant the leaders of the church, the president and the apostles. The word of the living oracles is revelation, is the same as if God had spoken himself.

The priesthood organization, as viewed by the first presidency, is the divinely authorized and exclusive channel of communication between God and mankind.

The obligations imposed upon those who hold the high order of the priesthood require absolute obedience to the first presidency, not only as to religious and spiritual things, but also those that are civil and political.

Wilford Woodruff, at one time president of the church, declared:

Now, whatever I might have obtained in the shape of learning by searching and study respecting the arts and sciences of men, whatever principles I may have imbibed during my scientific research, yet if the prophet of God should tell me that a certain principle or theory which I might have learned was not true, I do not care what my ideas have been, I should consider it my duty, at the suggestion of my file leader, to abandon my principle or theory. Suppose he were to say the principles by which you are governed are not right, that they were incorrect, what would be my duty? I answer that it would be my duty to lay those principles aside and to take up those that might be laid down by the servant of God.

The church of Christ is governed by the laws of God, which laws He reveals to the church through him who is the president thereof, and if the church should reject that law, they reject the law of God, and would be under condemnation, and under God's displeasure. There can never exist two supreme lawmaking powers in any organization at one and the same time. God has appointed but one supreme lawmaking power in his church, and that is the presidency of the church; the word of the president of the church which the saints are commanded to receive as the very word of God.

Joseph F. Smith, the president of the church, declared in 1900:

The question with me is, when I get the word of the Lord as to who is the right man, will I obey it, no matter whether it does come contrary to my convictions.

Priesthood is power with God conferred upon men, by which he becomes an agent for God, authorized to act in His name. Men who possess the priesthood possess divine authority thus to act for God, and by possessing part of God's power they are in reality part of God.

In a magazine called "The Juvenile Instructor," expressly designed for the young and edited by Joseph F. Smith, appears the following:

The priesthood is a sacred thing. The Lord has not given to members of the church the right to find fault with or condemn those who hold the priesthood, neither is it the right of an elder or other official to judge or censure or speak disrespectfully or condemnatory of his file leader or of men who preside over him.

Parley P. Pratt, an apostle and author of acknowledged authority, says:

This priesthood holds the keys of revelation of the oracles of God to man upon the earth; the power and right to give laws and commandments to individuals, churches, rulers, nations, and the world; to appoint, to ordain, and establish constitutions and kingdoms; to appoint kings, presidents, governors, or judges.

The priesthood upon the earth is the legitimate government of God, whether in the heavens or on the earth, and it is the only legitimate power that has a right to rule upon the earth.

James E. Talmage, professor of geology in the State University of Utah, and a high authority in the church, in his work called "Articles of Faith," says:

Twelve men holding the apostleship properly organized constitute the quorum of the apostles. These the Lord has designed as the twelve traveling councils. They form the traveling presiding high council to act under the direction of the first presidency in all parts of the world. They constitute a quorum, whose unanimous decisions are equally binding in power and authority with those of the first presidency of the church.

Matthias F. Cowley, one of the twelve apostles, says:

It is an undeniable fact in the history of the saints that obedience to whatever has come either by written document or verbally from the presidency of the church has been attended with good results. On the other hand, whosoever has opposed such counsel without repentance has been followed with evidence of condemnation.

If Brother Brigham tells me to do anything, it is the same as though the Lord told me to do it. This is the course for you and every other saint to take.

Governor Thomas, in a report of affairs in Utah, declares:

While the Mormon masses are too sincere to voluntarily make false pretenses, they can be induced to accept and adopt a form of words however contradictory, if advised to do so by their authorities, for obedience to the priesthood and to obey counsel is diligently inculcated as a first duty. The orthodox Mormon, in every political and business act, puts the church first, the country afterwards. It can not be otherwise, for the priesthood claim all government but its own to be illegal, and to exercise all political power and temporal dominion by divine right.

Brigham Young declared:

No man need judge me. You know nothing about it, whether I am sent or not. Furthermore, it is none of your business, only you listen with open ears to what is taught you.

Wilford Woodruff is a prophet, and I know that he has a great many prophets around him, and he can make scriptures as good as those in the Bible.

The living oracles are worth more to the Latter-Day Saints than all the Bibles. Compared with the living oracles, these books are nothing to me.

The Utah Commission, in its report of 1887, declared:

Standing face to face with the law, the leaders and their obedient followers have made no concession to its supremacy, and the issue is squarely maintained between assumed revelations and the laws of the land.

The right of the hierarchy to dominate in secular as well as spiritual matters is openly proclaimed by those who assume to speak for the church. As late as 1904 one of the twelve apostles, in a public address, declared:

That from the view point of the Gospel there could be no separation of temporal and spiritual things, and those who object to the church people advising and taking part in the temporal affairs have no conception of the gospel of Christ.

The hierarchy secures obedience to its domination by claiming that its members are inspired and that they are the "mouthpiece of God," and their adherents are enjoined always to take counsel of their superiors, which means to "receive counsel" and obey it, and they are taught to believe that if they fail to do so they are not only excommunicated from the church, but they forfeit all hope of future happiness. The absolute submission of the great mass of the Mormon people to the mandate of their leaders is illustrated in the declaration of a prominent official when he declared that "if your file leader says white is black, it is your duty to say white is black."

Justice Zane, of Utah, in 1887, speaking of the power of this hierarchy, said:

At the head of this corporate body, according to the faith professed, is a seer and revelator, who receives in revelation the will of the infinite God concerning the duty that man owes to himself, to his fellow-beings, to society and human government, and to God. In subordination to this head is a vast number of officials of various kinds and descriptions, comprising a most minute and complete organization. The people composing this organization claim to direct and lead by inspiration, which is above all human wisdom, subject to a power above all municipal government, above all man-made laws.

These excerpts, taken from the testimony, official documents, and public writings of the leading authorities of the church, justify the allegation in the protest that the hierarchy, of which

the Senator is a member, "is vested with supreme power in all things temporal and spiritual" and will serve to illuminate the testimony bearing upon the question of church domination.

One of the most serious charges urged against the right of the Senator to a seat in this body is that he is a member of the governing body of the Mormon Church, which assumes the right to exercise, and does exercise, a controlling influence over the membership of that organization in secular as well as spiritual matters, and so dominates in civil and political affairs as to effectuate, in fact, a complete union of church and state, with the church in the ascendant, in violation of the constitution of the State of Utah, and that the Senator's election was the result of such union and such domination.

DOMINATION OF THE HIERARCHY IN SECULAR AFFAIRS.

As to the domination of the hierarchy in secular affairs, a few extracts from the testimony will suffice. The Deseret News, owned by and the official organ of the Mormon Church, whose utterances are regarded as expressing the views of the first presidency and the twelve apostles, in a report of the proceedings of a Mormon conference held in 1897, only a year after the admission of the State, declared:

Apostle M. W. Merrill elaborated upon the danger of criticising the action of the members of the priesthood. He said that the apostles and presidents of stakes were placed in their positions over the church by the Lord and that they did not secure these positions themselves, and that the people should take counsel of the bishop of their ward or the president of the stake before entering upon any new enterprise.

Public officers, sworn to enforce the law, persistently refuse to prosecute offenders against the law prohibiting polygamous cohabitation.

Certain members of the church, failing to obey the orders of the church officials in a purely business matter, are reprimanded because "they did not abide by the counsel that was given them."

The members of the Mormon Church are directed by the Mormon priesthood as to what business institutions they shall patronize.

The high council of the Mormon Church and the city council of Brigham City met in joint session at the behest of the Mormon authorities to determine whether an electric-light plant shall be owned by the municipality or by private individuals.

A bishop is deposed from his office in the church because he promised to obey the laws against polygamy.

Another official is excommunicated for being a member of an organization for the enforcement of the law and because he was opposed to the influence of the church in political affairs.

Another is degraded in the church for refusing to obey his "file leader."

In another case a member of a firm doing business in Salt Lake City is expelled from the Mormon Church because he persisted in engaging in mining operations contrary to the prohibitions of the church.

As recently as the year 1903 two members of the Mormon Church, having built a dancing pavilion in opposition to "counsel," were summoned for trial before the church authorities and only saved themselves from excommunication by turning over to the church officials the management of the pavilion and 25 per cent of the net earnings.

A railroad station is located by direction of the church authorities. Four members of the church are excommunicated for apostasy "in desiring to open up mines against the teachings of the holy priesthood."

As late as 1897 a Mormon official was deposed from his official position in the church for distributing at a school election a ticket different from that prescribed by the church authorities.

In 1905 a teacher in the Mormon Church was cut off from the church ostensibly for criticising the head of the hierarchy for his polygamous practices, but in reality for engaging in the manufacture of salt against the interests of the president of the church and his associates.

A high official in the Mormon Church, assuming jurisdiction in a controversy concerning the title to real estate, entered judgment against the party, and not only directed a conveyance of the title, but enforced the decree by spiritual penalties, and the victim of this outrage, a feeble woman, was excommunicated from the church and driven to insanity for refusing to obey the dictates of the church leaders and relinquish the title to one who had no shadow of legal right whatever.

The controlling influence of this hierarchy in secular affairs is most forcefully exemplified in its invasion of the public schools of the State and by its edicts suspending their functions, and opening religion classes, where the youth are instructed in the doctrines of the Mormon Church by teachers in the common schools supported by State taxation, in violation of the express provision of the Constitution that "No public money or property shall be appropriated for or applied to any religious worship, exercises, or instruction," and wherein the course of study prescribed by the ruling authorities of the church for these religion classes consists of the lives of the most noted polygamists in the history of the Mormon Church. That the hierarchy dominates in these matters is conclusively established by the fact that when this practice was disclosed before the committee these religion classes were, by order of the hierarchy, discontinued.

It will therefore be seen that while in spiritual matters its domination is practically supreme, yet in temporal affairs it seems to be equally potential. This is not surprising when it is remembered that the head of the organization is connected in an official capacity with a large number of the leading industries in the city of Salt Lake and throughout the State of Utah.

Mr. Smith, in reply to the question "What is your business?" said:

My principal business is that of president of the church. I am engaged in numerous other businesses. I am president of Zion's Cooperative Mercantile Institution; president of the State Bank of Utah; president of Zion's Savings Bank and Trust Company; president of the Utah Sugar Company; president of the Consolidated Wagon and Machine Company; president and director of the Utah Light and Power Company; president and director of the Salt Lake and Los Angeles Railroad Company; president of the Salt Air Beach Company; president and director of the Idaho Sugar Company; president of the Island Crystal Salt Company; president and director of the Salt Lake Dramatic Association; president and director of the Salt Lake Knitting Company; director in the Union Pacific Railroad; vice-president of the Bullion, Beck & Champion Mining Company, and I am editor of the Young Men's Improvement Association, a periodical, the Improvement Era, and also the Juvenile Instructor.

Apostles Grant, Winder, John Henry Smith, Lyman, Lund, and REED SMOOT are associated with me in the directorate of the Zion's Cooperative Mercantile Institution.

This Mormon organization seems, therefore, to be a stupendous business concern, with ramifications in every part of the State, thus enhancing its ecclesiastical control by the potency of its industrial alliances.

DOMINATION IN POLITICAL AFFAIRS.

But it is further charged in the protest that this governing body, of which the Senator is a conspicuous and influential member, claims the right to dictate and control, and does dictate and control, the civil and political affairs of the State of Utah, resulting in the practical establishment of a union of church and state, contrary to the express inhibition of the Constitution. The evidence upon this point is voluminous and convincing.

Since the admission of Utah into the Union, January 6, 1896, the people of the State of Utah have been, if possible, more completely under the domination of the Mormon hierarchy than during the long years of their Territorial existence. Immediately, and at the very first election thereafter, the hierarchy resumed its domination in State affairs, taking possession practically of every official position in the State government, and has held them ever since with unyielding tenacity. As a Territory its officials were appointed by the Federal Government, selected from outside the Territory, and, as a rule, were independent of and in no way connected with the Mormon organization, while as a State substantially every State official has been chosen from the membership of this organization. Every governor, every secretary of State, every State treasurer, every State auditor, and every State superintendent of education has been an adherent of this organization. The only office held by a non-Mormon under the State government during the ten years of its existence, as an elective officer, has been the attorney-general. In the first legislature, elected in 1896, the senate, composed of 18 senators, was equally divided between Mormons and Gentiles, and in the house of representatives of 45 members, 34 were Mormons and 11 Gentiles, giving to the joint convention of the two houses 43 Mormons and 20 Gentiles. It might be noted in this connection that in the first legislature there were 9 polygamists and 17 officials of the church holding the grade of bishop or higher.

The senate of 1897 had 15 Mormons and 3 Gentiles, and among the Mormons 1 polygamist and 1 plural wife and 3 church officials, while in the house there were 38 Mormons, of whom 5 were polygamists and 13 held high church positions, and 7 Gentiles, giving in the joint assembly of 63, 53 Mormons and only 10 Gentiles.

The fourth legislature, of 1901, with 18 senators, 14 were Mormons, of whom 2 were polygamists and 3 held high church offices, and 4 Gentiles, while of the 45 members of the house 32 were Mormons, 13 Gentiles, and of the Mormons, 1 was a polygamist and 9 held high ecclesiastical positions, giving in joint assembly 46 Mormons and 17 Gentiles.

In the fifth legislature, 1903, of the 18 senators 12 were Mormons, 6 of whom were high church officials, and 6 Gentiles, and in the house of 45 members 34 were Mormons, 3 of whom were polygamists and 6 high church officials, and 11 Gentiles,

giving on joint ballot 46 Mormons and 17 Gentiles. This was the legislature from which the Senator secured his election.

In the sixth legislature, 1905, 11 of the 18 senators were Mormons, 4 holding high ecclesiastical positions, and 7 Gentiles, and in the house 33 of the 45 members were Mormons, with 1 polygamist and 9 bishops, and 12 Gentiles, and making in joint assembly 44 Mormons and 19 Gentiles.

It will be observed, therefore, that there has never been a legislature elected in the State of Utah since her admission into the Union that did not have a membership of more than two-thirds adherents of the Mormon Church, and therefore under its complete domination.

Thus possessed of the instrumentalities of official control, it has dominated the State with an iron hand, and in its political dictation it has not only controlled the affairs of the State of Utah, but has reached beyond the confines of the State and exerts a potential influence in shaping and directing the policies of States adjacent thereto.

At the meeting of the first legislature of Utah committees were appointed by the officials of the Mormon Church to wait upon the legislature with a view of dictating and supervising legislation. Early in the history of the State the officials of the church directed that the rank and file should divide on political lines, about equally, one-half going to one of the great political parties of the nation, the other half to the other, so that the entire strength of the organization could be cast to one party or the other as the interests of the organization might demand. One of the witnesses declared:

> Whenever the church indorses a man he will be elected; whenever they put upon him the seal of their disapprobation, he will not be elected.

It appeared in evidence before your committee that candidates for office in the State of Idaho desiring success usually visit Salt Lake City and arrange for their campaign with the leaders of the Mormon Church, and in this way the will of the church is carried out.

In 1904 a leading Mormon in a State convention in the State of Idaho made the statement that in case a certain resolution should be withdrawn he would go to Utah and ask the president of the Mormon Church to cease interfering in Idaho politics.

One of the most flagrant instances of political domination was the case of Moses Thatcher. The constitution of the State of Utah, it will be remembered, provides:

> There shall be no union of church and state, nor shall any church dominate the State or interfere with its functions.

Preliminary to the admission of Utah as a State, and in anticipation of it, in 1895, an election was held for members of the legislature and State officers and for Representative in Congress. Moses Thatcher, an apostle, was a candidate for United States Senator and Brigham H. Roberts for Representative in Congress. Thatcher was at that time "out of harmony" with the hierarchy because of his previous conduct in reference to the political affairs of the Territory. In 1891 it had been agreed among the ruling authorities of the Mormon Church that men who were high in authority in that church, and who believed in Republican principles, should go out among the Mormon people and endeavor to persuade the voters to vote the Republican ticket, while those who could not indorse the principles of the Republican party should remain silent. Moses Thatcher, a Democrat, did not conform to this resolution, but made several speeches for the Democratic ticket. It was afterwards asserted by Joseph F. Smith that the "counsel" of the leaders of the Mormon Church "was obeyed by all the apostles and high authorities except Moses Thatcher, who talked to the people contrary to the wishes of his brethren."

When Moses Thatcher therefore consented to the use of his name as a candidate for the Senate, in 1895, he was taken to task by the high priesthood for disobeying counsel, and at the October conference of the Mormon Church in 1895, at a secret meeting of the high priesthood, it was agreed to put in operation all the machinery of the church to defeat Moses Thatcher and Brigham H. Roberts. The result of the election was that Brigham H. Roberts was defeated for the office of Representative and a Republican legislature elected, thus insuring the defeat of Moses Thatcher to the Senate.

During the political campaign of 1895 and on the 13th of October of that year, at Logan, a bishop of the Mormon Church said to an assembly of teachers of the church that two men, one of the twelve and one a president of the seventies (meaning Thatcher and Roberts), had, contrary to the wishes of the first presidency and contrary to counsel, accepted nominations for high offices. He said:

> It is unnecessary for me to name the men. You know who they are. I speak this for your own good. You know how to vote.

On the same day at Brigham City the president of a stake at a religious meeting of Mormons declared to those who were assembled that it was the desire of the first presidency that Thatcher and Roberts should be defeated. At the meeting of the first presidency and twelve apostles of the Mormon Church held in the month of October, 1896, to take action in the case of Moses Thatcher for his refusal to obey the political mandates of the first presidency, George Q. Cannon, in justifying the action of the quorum of twelve apostles in deposing Moses Thatcher as an apostle, used this language:

> When I respect and honor Wilford Woodruff, I bow to God, who has chosen him. * * * If I listen to Wilford Woodruff, if I look to him to see how the spirit of God moves upon him, if I ask his counsel and take it, it is because God has commanded me. God has given him the keys of authority. * * * When Joseph F. Smith obeys Wilford Woodruff he does it upon the same principle. We reverence him as the prophet of God and as our leader. We listen to him and are guided by his slightest wish. It is because we know that he is the servant of God, chosen by the Almighty to fill that place, and that he holds the keys of the priesthood of this generation on the earth at the present time.

There was another cause of offense to the hierarchy. In 1896 the first presidency and ten of the apostles formulated what has since been known as the "political manifesto," which required all prominent officials of the church to obtain the consent of the first presidency and twelve apostles before becoming candidates for public office. This manifesto both Moses Thatcher and Brigham H. Roberts at first refused to sign. Brigham H. Roberts was afterwards compelled by the first presidency and twelve apostles to sign the manifesto, but Moses Thatcher persistently refused.

At the April conference of 1896 Moses Thatcher was dropped from the quorum of twelve apostles because of his refusal to sign the political manifesto. Subsequently he declared himself a candidate for the United States Senate. The legislature elected was Democratic, and the indications were that he would be elected. Thereupon the whole power of the church was brought to bear upon members of the legislature to compass his defeat, and in this the church was successful, Mr. Rawlins being elected over Thatcher. This result was accomplished by the leaders of the Mormon Church directing Mormons who had been voting for Judge Henderson to vote for Rawlins. One Mormon member refused, saying:

> I will not do it, and I know just exactly what it means, and I know that I will be sent on a mission.

Moses Thatcher was afterwards put upon trial and escaped being excommunicated from the Mormon Church only by a humiliating recantation and acceptance of the political manifesto.

In 1898 Brigham H. Roberts, restored to church favor, was elected to Congress by over 5,000 majority.

The legislature of 1899 was largely Democratic, but party dissension prevented the election of a Senator. In this legislature, however, the Mormon Church made a determined effort to elect one McCune, a Gentile, and would have succeeded had not charges been made against McCune for attempted bribery. In connection with McCune's candidacy, Judge Powers testifies as follows:

> The legislature was largely Democratic, thirteen Republicans and fifty Democrats. In that legislature I was a candidate for Senator, Judge William H. King, and Alfred W. McCune. Undoubtedly McCune was the church candidate. Heber J. Grant, the apostle, took a very active part in the campaign before the legislature for Mr. McCune. Mr. Grant is a very pleasing letter writer, and in one of his letters, which is dated December 9, 1898, to J. Golden Kimball, one of the first presidents of the seventies, speaking of the Senatorial campaign, he recites the amounts of money that Mr. McCune had contributed to the Mormon Church for temples and meetinghouses and missionary funds, and things of that kind, and the moneys that his wife had given to the church, and then his letter has this significant paragraph: "I wish to say to you that before entering the race to assist Mr. McCune to become a United States Senator I obtained the full, free, and frank consent of President Snow to work for Mr. McCune. Two years ago, at the time of the Moses Thatcher fight, President Woodruff told me that of all the men mentioned as prospective Senators he would prefer Mr. McCune."

Among other reasons that he states why Mr. McCune should be elected is the fact that he is not a Mormon, but in sympathy with them, and could therefore do more in the Senate for them than a Mormon could.

In 1892 Bishop Warburton, a Democrat, called upon a number of his Democratic brethren in the first municipal ward of Salt Lake City and told them that most of them had been through the temple and understood their obligations, and that he had received a message from the first presidency to the effect that it was the desire that Frank J. Cannon should be elected to Congress.

In 1889 a Mormon named Robbins offered himself as an independent candidate for a political office as against the candidate favored by the Mormon Church. Shortly prior to the election Apostle John Henry Smith visited Mr. Robbins's district, had

the people called together, and in a public speech stated that he was an apostle of the Mormon Church; that they had chosen and sustained him in that position and had covenanted to sustain him as their counsel and advisor, and he now wished them to thoroughly know and understand that he was there to see and to counsel and advise and persuade them to vote the People's (Mormon) ticket.

In another county in Utah at the same election there was a contest between two Mormons for a public office. One was an independent candidate, the other the regular Mormon candidate. At a Mormon conference George Q. Cannon, a prominent Mormon official, addressed the people, dwelling wholly upon politics, and among other things said:

> Now, brethren, you will shortly have an election here, and how will you act—after the order of the world, to stir up strife and contention, or will you do it after the order of God and elect the men whom God wants?

A Mr. Stephens, called as a witness for the Senator, said:

> There is a general feeling in the State of Utah that the election of an apostle to the Senate means the church in politics, and a like feeling that REED SMOOT was elected to the Senate because of the fact that he was a Mormon apostle.

LEGISLATION FAVORING POLYGAMY.

In the year 1901 the Mormon legislature of Utah passed what was known as the Evans bill, which was aimed to prevent prosecutions for polygamous cohabitation. This action, if not inspired by the president of the Mormon Church, was openly favored by him. It was vetoed, however, by a Mormon governor upon the ground that the bill, if passed, would bring about an amendment of the Constitution of the United States under which those guilty of the crime of polygamous cohabitation would be prosecuted and punished in the Federal court.

But the interference by the leaders of the Mormon Church in political affairs has not been confined to Utah. In Idaho the Mormons have for a number of years held the balance of political power, and have exercised the authority of the church whenever the interests of that church seemed to require it. In the year 1902 the legislature of that State passed a resolution providing for a constitutional convention to amend the constitution so as to eliminate the clause by which members of the Mormon Church might be disfranchised. This action was taken shortly after a visit to the State capitol by Apostle John Henry Smith, who seemed to be the political sponsor of the church, and it was the general impression that the passage of the resolution was brought about through his influence.

In 1904 it was so generally understood that Mr. Gooding was nominated through the influence of the Mormon Church over Governor Morrison that the leading Republican paper of Boise published at the head of its editorial column these words: "Zion has spoken."

In 1902 Matthias Cowley, an apostle of the Mormon Church, went through the counties of Idaho telling the Mormons of that State that it was the will of the church that they should vote a certain ticket.

In 1900 Joseph F. Smith, in an address delivered at the general conference of the church in the tabernacle, declared that it was the duty of the members of the church to take counsel in political affairs.

In 1904 a county committee issued a circular urging the defeat of a candidate for Congress because of his testimony in this case before the Committee on Privileges and Elections. Another witness declared that if Senator KEARNS had not received the support of President Snow he could not have been elected.

The presidents of the several stakes in Utah are selected by the president of the church.

The Hon. Caleb W. West, governor of the Territory of Utah, in one of his reports to the Secretary of the Interior, forcefully said:

> In the Mormon polity, established and governing the people of this Territory since its settlement, the unity of the church and state is perfect and indissoluble. It is based upon the complete and absolute control of a priesthood—wielding a supreme power, exercised and yielded to, as emanating from God—in all things secular as well as spiritual. The word of this priesthood is to the Mormon people the command of God, not only in matters of faith and morals, but in all civil, political, and commercial affairs. This priesthood not only rules the church but governs the state.

Senator Edmunds well said in a recent publication referring to this case:

> The investigation has developed evidence showing that the hierarchy continues to control the government of the State, and that the choice of officers and their official actions in some degree at least are subject to its control. It can quite correctly say with the French king, I am the State.

THE POLITICAL MANIFESTO.

But nothing so completely shows the domination of this church in civil affairs as the adoption of what is commonly known as the political manifesto. A rule of the church promulgated by the hierarchy in 1896 requires every leading official of the church, before accepting any political position or nomination therefor, to take counsel of the church officials and obtain the consent of the presiding officers in the priesthood. Such a rule precludes any member of that church from serving the State or the nation either by appointment or popular election unless he has been first designated by the hierarchy. Under this rule it is for the first presidency to say whether a high official can be a candidate or not, according to his will and that of the twelve apostles, and it is in evidence that the Senator himself was compelled to obtain permission of the church before he presumed to announce himself as a candidate for the Senate. He was nominated by the hierarchy and the selection ratified by the legislature. No more cunningly devised scheme could possibly be concocted to put the church in politics and make it potential therein than this. For, the moment it is known that a candidate has the indorsement of the church and permission of the hierarchy to be a candidate, that moment he has back of him the whole power of the Mormon Church and his election is assured.

There has been no case in which a candidate for a high office in Utah has obtained the consent of the church to run and has been defeated, and there is no case in which one did not receive such consent and has been elected. The consent of the hierarchy is a command of the church.

THE MORMON HIERARCHY ENCOURAGES POLYGAMY.

The right of Senator SMOOT to retain his seat in the Senate as a Senator from the State of Utah is still further challenged upon the ground and for the reason that—

> He is a member of the governing body of the Mormon Church, commonly called "the hierarchy," and that such governing body, with which he affiliates, so exercises its authority as to inculcate and encourage a belief in polygamy and polygamous cohabitation; that it countenances and connives at the violation of laws prohibiting these offenses in spite of pledges made for the purpose of obtaining statehood, and who, by all means in their power, protect and honor those who violate the laws of the land and are guilty of practices destructive of the family and the home.

That the Senator is a member of such organization, holding therein the high office of an apostle, a position second only in dignity and power to the presidency itself, is conceded.

It only remains, therefore, to inquire, under this head, whether this governing body does, as a matter of fact, so exercise its authority as to inculcate and encourage belief in the practice of polygamy and polygamous cohabitation, and whether it countenances and connives at the violation of laws prohibiting such crimes, and if so, whether by being a member affiliating with and constituting a part of such governing body and participating in its counsels the Senator has disqualified himself by reason thereof for membership in this body. These are the vital questions under this branch of the inquiry.

So far as the continued belief in the rightfulness of polygamy is concerned by members of this cult there is no conflict of opinion. Such belief has never been discarded. Of all the witnesses testifying before your committee not one of high or low degree in regular standing in the organization declares an abandonment of his belief in the doctrine, and in so far as they make known their convictions they all affirm their continued adherence to it. In no single instance is it in evidence that any member of the organization, from the head of the church to its humblest disciple, has renounced belief in the doctrine of polygamy. Joseph F. Smith, the dominating spirit of this church, testified as follows:

> Mr. TAYLER. The revelation which Wilford Woodruff received in consequence of which the command to take plural wives was suspended did not, as you understand it, change the divine view of plural marriage, did it?
> Mr. SMITH. It did not change our belief at all.
> Mr. TAYLER. It did not change your belief at all?
> Mr. SMITH. Not at all, sir.
> Mr. TAYLER. You continued to believe that plural marriages were right?
> Mr. SMITH. We did. I do, at least. I do not answer for anybody else. I continued to believe as I did before.

One of the last witnesses sworn in behalf of the Senator, Professor Linford, president of Brigham Young College, the head of the chief educational institution of the State, a Mormon, but not a polygamist, testified:

> Mr. CARLISLE. Do you or do you not believe in the principle of plural marriage—that is to say, I do not now ask you to state whether you believe in it as lawful under present circumstances; but do you or do you do not believe it is right in and of itself?
> Answer. My belief in the principle does not extend to the carrying of the principle into practice under present conditions.
> Mr. CARLISLE. That is not an answer to my question. My question is, Do you believe that principle is right in and of itself, without regard to any law or any question it would involve?
> Answer. Yes, sir; I believe it is a correct principle. I believe the principle of plural marriage is as correct a principle to-day as it was then.

So from the head of the church and the head of the university comes the common affirmation that belief in polygamy as a

principle of human conduct is still adhered to and maintained as a true tenet of the Utah Mormon faith. The fact of such existing and continued belief in polygamy is material only as giving color to the probability of its continued practice.

Let us inquire, then, whether this hierarchy not only believes in polygamy as an abstract principle, but continues the practice of polygamy and polygamous cohabitation and countenances the violation of laws prohibiting such crimes.

The evidence upon this point is so complete and overwhelming as to leave no doubt as to the truth of the allegation. It has passed beyond the region of controversy. The proof is indubitable that in spite of the manifesto of 1890, issued by the head of the church, counseling the suspension of polygamy; in spite of the most solemn pledges made by the convicted and imprisoned leaders in order to secure amnesty for past offenses; in spite of the expressed inhibition of the constitution of the State under which they live and upon the faith of which Utah was admitted into the Union; in spite of the statutory prohibition of the Commonwealth, it appears that a majority of the members of this hierarchy have continually and persistently lived in polygamy, and are to-day openly and confessedly defying the laws of the land prohibiting such crimes. The record is so shocking as to challenge credulity.

The first witness called in behalf of the protestants was Joseph F. Smith himself, the head of the church, who, from his position, would be more apt to be cognizant of the fact if it existed than anyone else, and could therefore speak with greater accuracy in relation to the continuance of these crimes. He testified as follows:

Mr. TAYLER. Is the cohabitation with one who is claimed to be a plural wife a violation of the law of the church as well as the law of the land?

Mr. SMITH. That was the case, and is the case even to-day. It is contrary to the rule of the church, and contrary, as well, to the law of the land for a man to cohabit with his wives. * * * I have cohabited with my wives; not openly—that is, not in a manner that I thought would be offensive to my neighbors; but I acknowledge them; I have visited them. They have borne me children since 1890, and I have done it, knowing the responsibility and knowing that I was amenable to the law. * * *

Mr. TAYLER. In 1892, Mr. Smith, how many wives did you have?

Mr. SMITH. I had five. * * *

Mr. TAYLER. How many children have been born to you by these wives since 1890?

Mr. SMITH. I had eleven children born since 1890.

Mr. TAYLER. Those are all the children that have been born to you since 1890?

Mr. SMITH. Yes, sir; those are all.

Mr. TAYLER. Were those children by all of your wives—that is, did all of your wives bear children?

Mr. SMITH. All of my wives bore children.

Mr. TAYLER. Since 1890?

Mr. SMITH. That is correct. I said that I have had born to me eleven children since 1890, each of my wives being the mother of from one to two of those children. * * *

The CHAIRMAN. Mr. Smith, I will not press it, if you have any objection to stating how many children you have in all.

Mr. SMITH. Altogether?

The CHAIRMAN. Yes.

Mr. SMITH. I have had born to me, sir, forty-two children—twenty-one boys and twenty-one girls—and I am proud of every one of them. * * *

The CHAIRMAN. Do you obey the law in having five wives at this time and having them bear to you eleven children since the manifesto of 1890?

Mr. SMITH. Mr. Chairman, I have not claimed that in that case I have obeyed the law of the land.

I do not claim so, and, as I said before, that I prefer to stand my chances against the law. I should like to repeat in connection with this question that it is a well-known fact throughout all Utah, and I have never sought to disguise that fact in the least or to disclaim it, that I have 5 wives in Utah. My friends all know that—Gentiles and Jews and Mormons. They all know that I have 5 wives.

The committee was astounded to hear from this head of the church itself, not only that he believed in the rightfulness of polygamy as an abstract principle, but that he himself was daily exemplifying his belief by living in open and notorious polygamy in the capital city of the great State of Utah, and had been ever since the manifesto, and, more than that, that he proposed to continue the practice so long as he pleased, defiantly asserting that "The Congress of the United States has no business with my private conduct." We were amazed to learn from this head saint and seer, this prophet and revelator, this mouthpiece of God, this shepherd of a patient and suffering flock, this convicted and amnestied offender against law and decency, whose faith and honor had been hypothecated for himself and his followers for the observance of the law, confess that he was now living with 5 women as his wives, and had been ever since 1890 in open defiance of divine and human statutes, and had had 42 children, 11 of whom had been born to him since the manifesto.

But that is not the whole truth as it is to-day. The account of prophet and saint is entitled to further credit. If the public press is to be credited, this number has been augmented during the past year to 43, and while we are discussing the right of the representative of the hierarchy to a seat in this body we can imagine its saintly head sitting in the home of his fifth plural wife, rocking the cradle of the latest illegitimate offspring of his debauchery and crime, and with sanctimonious air singing the familiar hymn of his church:

Now the Gentile reign is o'er,
Darkness covers earth no more.
* * * *
Gentile tyrants sink to hell;
Now's the day of Israel.

Startling as was this disclosure, your committee was astounded when it appeared in the investigation that not only was the head of this church living in polygamy, but that a large number of his apostolic associates—at least eight of the twelve, including some of the very men who had petitioned for and received Executive clemency for their crimes from two Presidents—had been ever since the manifesto, and were at this very time, living in polygamous cohabitation with a multiplicity of wives in defiance of law and in violation of their plighted faith and honor.

This continued and open practice by the members of the governing body of this church is sufficient of itself, I submit, to establish the truth of the allegation in the protest that "it so exercises its authority as to inculcate and encourage a belief in polygamy and polygamous cohabitation." For what, I submit, could be more persuasive in inculcating and encouraging belief in polygamy and the practice of polygamous cohabitation than the force of example by those who are looked upon by their devotees not only as saints and prophets of God, but vicegerents of the Almighty.

Precept is instruction written in the sand; the tide flows over it and the record is gone. Example is graven on the rock, and the lesson is not soon forgot.

Ex-Senator George F. Edmunds, in speaking of the force of example, pertinently said:

The evidence so far obtained by the Senate committee investigating the case of Senator SMOOT discloses that some, at least, of the chief rulers of the Mormon Church have deliberately and continually carried on the practice of polygamy without prosecution or annoyance in the face of their pledges made to two Presidents of the United States, and have set an example naturally and almost necessarily to be followed by their church members and adherents without any danger of interference by the legislative or any other department of the government of the State of Utah. They know that Congress has no power, and that the State has no disposition to interfere.

But this is not all. The members of this hierarchy not only teach by example, but justify their conduct openly and declare their purpose to continue the practice, the law of God and man to the contrary notwithstanding. Joseph F. Smith, the head of the church, testified in response to an inquiry by the junior Senator from Texas, Mr. BAILEY, that—

Plural marriage has stopped, but I choose rather than abandon my children and their mothers to run my risk before the law. I want to say to you that it is the law of my State. It is not the law of Congress under which I am living, and by which I am punishable. The law of my State and the courts of my State have competent jurisdiction to deal with me in my offense to the law, and the Congress of the United States has no business with my private conduct any more than it has with the private conduct of any citizen of Utah or any other State. It is the law of the State to which I am amenable.

It will be observed that Mr. Smith denies the right of the United States to interfere with his private conduct as a citizen of the State of Utah touching the violation of her laws, affirming that he is amenable only to the laws of the State and subject only to the jurisdiction of her courts. He evidently understands the strength of his position, that he can have five wives or fifty within the limits of the State of Utah, and that the United States has no power to interfere to suppress the crime or punish the criminal. He knows that Congress has no power, and that the State has no disposition to interfere. With the National Government impotent and the State government under the masterful domination of the hierarchy, no wonder he is emboldened to declare that it is his purpose to persist in his career of crime and take his chances of punishment in the courts of a State which are made and unmade at his supreme will.

THE MANIFESTO PROHIBITS POLYGAMOUS COHABITATION.

For years he has lived in the capital city of Utah, going in and out before her people in open defiance of the law, unquestioned and unmolested. So long, therefore, as this hierarchy can continue its domination, just so long may it be expected that these crimes against society and the State will continue and the offenders go unwhipped of justice. While it is undoubtedly true, as Mr. Smith declares, "that the Congress has no business with his private conduct," yet when he seeks to thrust a representative of a criminal organization into either House of Congress it then becomes the "business," as well as the duty of the body to which he is accredited, to invoke for its protection that provision of the Constitution which imposes upon it the right to judge of the "elections, returns, and qualifications of its own members."

But what excuse is proffered for this continued criminal life? It is declared that the manifesto of 1890 only interdicted future plural marriages, and that those who had entered into polygamous relations prior to the manifesto were at liberty to continue cohabitation with their several wives. But this contention is futile in face of the declaration of Wilford Woodruff himself, through whom it was promulgated, who declared that "It was intended to stop polygamous cohabitation, as well as future plural marriages," in which interpretation the succeeding polygamous heads of the church, including Joseph F. Smith himself, have reluctantly concurred. In reply to a question by the junior Senator from Texas [Mr. BAILEY] Mr. Smith said:

The manifesto declared positively the prohibition of plural marriages, and in examination before the master in chancery the president of the church and other leading members of the church agreed that the spirit and meaning of that revelation applied to unlawful cohabitation as well as to plural marriages.

Senator BAILEY. I understand you, both plural marriage and unlawful cohabitation are forbidden by the statutes of Utah and the revelation of God. Is that true?

Mr. SMITH. That is the spirit of it, sir.

Any other construction of the manifesto is not in harmony with the understanding of the two Presidents from whom amnesty was obtained. The amnesty granted both by President Harrison and President Cleveland proceeded upon the supposition that not only the practice of plural marriages, but polygamous cohabitation had been prohibited and was abandoned. Joseph F. Smith, in reply to a question put by the lamented Senator from Massachusetts, Mr. Hoar, then a member of the committee, admitted that by continuing to cohabit with his plural wives, though taken before the manifesto, he was not only violating the law of the land, but the mandate of the Almighty.

CONDITIONS ON WHICH AMNESTY WAS GRANTED.

President Harrison, in his proclamation, declared:

Whereas Congress defined the crime of "bigamy," "polygamy," and "unlawful cohabitation" * * * and it is represented that the adherents of such church have abstained from plural marriages and "polygamous cohabitation" * * * and the officers of said church have applied for amnesty, pledging their faithful observance of the laws against plural marriage and "unlawful cohabitation" * * * and whereas amnesty has been granted to individual applicants, conditioned upon their observance of the law against "unlawful cohabitation" * * * therfore I, Benjamin Harrison, grant full amnesty to all persons liable to penalties by reason of "unlawful cohabitation," and who have since November 1, 1890, abstained from "unlawful cohabitation."

President Cleveland's proclamation of amnesty was equally explicit upon the question of polygamous cohabitation. More than this, when the manifesto was issued it was given out in the public press and in interviews with the heads of the Mormon Church that "polygamous cohabitation," as well as the taking of new wives, was included in the manifesto.

And yet this head of the hierarchy declares his purpose to continue to defy the law of the land and public decency, submitting only to the laws of the State government under his complete thraldom, backed by public sentiment, which he declares is content to permit him to revel in the debaucheries of his harem unquestioned and unmolested.

But this is not the head and front of the offending. Not only is it established that a majority of the hierarchy is living in polygamous cohabitation, but the evidence points with unerring certainty to the fact that at least five of these apostles, George Teasdale, Abram H. Cannon, John W. Taylor, M. F. Cowley, and M. W. Merrill, have taken additional wives since the manifesto in open defiance of its express prohibition. Aside from this it is shown by the testimony beyond all controversy not only that the majority of the apostles are living in polygamous cohabitation, including the president of the twelve, but that this practice prevails to an alarming extent throughout Utah and in adjacent States and Territories. As to the extent of this practice nothing definite can be known. Plural marriages are performed in secret in darkened rooms, on the highways remote from habitation, and frequently in Mexico and other places without the jurisdiction of the United States. The guilty parties then returning to Utah and there, following the example of their president and a majority of the apostles, live in polygamous cohabitation, unquestioned and unmolested, in full membership and communion with the Utah Mormon Church. With the head of the church and a majority of the apostles living in open polygamy, is it any wonder that the practice continues, and, for myself, I expect to see it continue and increase until by an amendment to the Federal Constitution the practice is inhibited everywhere throughout the United States.

As ex-Senator Edmunds, speaking of this condition well said:

All this is consistent with more than half a century of its history, and should surprise nobody except those whose generous and confiding faith in promises led them to believe that the settled polity of a great and powerful church organization would be or remain reversed when that organization should become independent of the only power it had any reason to fear.

POLYGAMY COMMENDED AND APPROVED BY THE HIERARCHY.

But not only are polygamy and polygamous cohabitation inculcated by the daily lives of the governing body of the church, but in innumerable ways is their practice commended and approved. The doctrine of monogamy that "one man should have one wife, and one woman but one husband," contained in the Book of Mormon and transcribed into the Book of Doctrines and Covenants, has been torn therefrom by this Utah sect, and the doctrine of polygamy substituted therefor, where it is retained to-day and published in the Book of Doctrines and Covenants and placed in the hands of Mormon teachers and scattered broadcast, while the manifesto, the antidote for this poison, is carefully excluded and withheld from the publication. Thus is the doctrine of polygamy promulgated and kept alive as an existing tenet of this Utah Mormon faith. Not only by the written word is this infamous doctrine sanctioned, but the living oracles of the church do not hesitate to justify the crime.

When President Snow, in 1900, stated that the Mormon Church had abandoned the practice of polygamy and the solemnization of plural marriages, and that the church did not advise or encourage unlawful cohabitation on the part of any of its members, Apostle Cannon, after denouncing the law against unlawful cohabitation as unconstitutional, expressed the fear that—

Some sneaking whelps might use this declaration of President Snow as a pretext for deserting some of their wives. If they did, they are the fellows that ought to be disciplined.

Apostle Penrose, referring to the effect of convictions for polygamy, declared in the Deseret News, the official organ of the church:

No church member would suffer, so far as his standing in the church is concerned, because he has been convicted. No one has ever lost religious prestige because he had been convicted in a criminal court.

George M. Cannon, a leading member of the church, declared:

I do not believe that any man who entered into polygamous relations prior to the manifesto should be disturbed in these relations by the church or any member of the same. I do not believe any man who continues such relations to be guilty of moral turpitude.

Joseph F. Smith, the sainted head of the church, pardoned for his crimes upon the pledge of his honor to obey the law, after his testimony before the committee, wherein his polygamous relations were disclosed, and as recently as 1904, declared in a public address in the tabernacle at Salt Lake City that if he were to discontinue the polygamous relations with his plural wives he should be forever damned and forever deprived of the companionship of God and those most dear to him throughout all eternity.

When complaint was made against Heber J. Grant, one of the twelve apostles, for living in polygamous cohabitation, he was at once promoted by the first presidency and the twelve apostles to a foreign mission, declared by Smith to be both important and honorable. A book entitled "Ready References," published under the auspices of the Mormon Church for the use and guidance of missionaries and students, is devoted chiefly to an advocacy of polygamy.

In 1898, at a conference of young people's societies, a Mrs. Freeze, a Mormon, defended the practice of polygamy, not only as being right, but a divine command.

Apostle Woodruff stated that belief in polygamy was as much a part of the faith of the Mormon Church to-day as it ever was, and that while in deference to the laws of the United States plural marriages were not practiced at the present time, it was nevertheless believed to be right, and the Government was condemned for suppressing it, and the young people present were admonished that they could not deny this part of the Mormon belief without at the same time denying the prophet.

In a report of the Utah Commission, made after the manifesto, it is stated that polygamous marriages are being conducted in Utah by the church, and asserted that some forty polygamous marriages could be accounted for, and the total percentage in the Mormon Church was 12,000 out of 51,000, but that records of plural marriages are kept secret in the Mormon temples.

Angus M. Cannon, the possessor of three wives, as late as 1904 is exalted to be a patriarch of the Mormon Church.

It is a significant fact that no one who has taken a plural wife since 1890 has been punished by the church authorities.

Plural marriage performed in Mexico by a lawful priest of the Mormon Church is considered by the church as ecclesiastical, legal, and valid.

In Idaho resolutions against polygamy and polygamous cohabitation were opposed by members of the Mormon Church as being hostile to the church.

When the records of marriages in the Mormon Church were called for by the committee, the head of the church refused to

permit the book containing the records of plural marriages to be brought before the committee.

J. M. Tanner, a polygamist and reputed to have taken a plural wife since the manifesto, is appointed superintendent of the Sunday schools of the Mormon Church throughout the world, the Senator concurring in the selection.

In 1903 Heber J. Grant stated before the students in the State University of Salt Lake City that he gave $50 for himself—

> $50 for each of my wives. I have got two wives, and I would have a third if it were not for the law.

I submit, therefore, in the light of all the testimony in the case, it can not be successfully contended that the hierarchy, of which the Senator is a member, does not use its authority to inculcate and encourage a belief in polygamy and polygamous cohabitation and protect and honor those who violate the laws prohibiting such crime.

REED SMOOT RESPONSIBLE FOR ACTS OF THE ORGANIZATION OF WHICH HE IS A MEMBER.

It remains to inquire whether the Senator, by being a member of this polygamous hierarchy, affiliating with and constituting a part of such organization and participating in its councils, has disqualified himself by reason thereof for membership in this body. The contention is made that, conceding all the allegations against this governing body to be true, yet it in no way affects the right and title of the Senator to a seat in this Chamber. This is the crucial question.

It was conceded by counsel for the Senator at the outset of the investigation that if he was a polygamist in fact, that, upon principle and precedent, would be sufficient ground for his exclusion, but the contention is made that to be connected with and a member of a band of polygamists in no way exposes him to such condemnation. The consideration of this question necessarily involves not only the character of the hierarchy as a whole, its teaching and practice, but the conduct of the Senator as a member of that body in connection therewith. As to the character of the hierarchy itself, I think I am justified in saying, in the light of history and the testimony, that from the time Brigham Young and his followers entered the Territory of Utah in 1847 until this hour the organization has been a criminal one. And what was the character of this hierarchy as a whole when the Senator became identified with it?

At the time of the manifesto in 1890, every member of the first presidency, the president and his two counselors, together with the twelve apostles, with but a single exception, was a notorious polygamist and living in polygamous cohabitation with a multiplicity of wives—from two to nine each. In 1896, the year of Utah's admission into the Union, the first presidency and the twelve apostles were unchanged, either in personnel or practices, all but one continuing in polygamy. In 1900, four years after Utah's admission into the Union, there was no change in the practice of the individual members of this governing body, except one of the apostles had ceased his polygamous relations as the result of a divorce obtained from him by his legal wife. The only change in its personnel was the elevation of the senior Senator from Utah, in April, 1900, to fill a vacancy in the apostolate caused by the death of one of its members. It is important to note in passing that when the senior Senator from Utah became a member of this hierarchy, in 1900, the three persons of the first presidency were all polygamists, ten of the twelve of his apostolic associates were living in polygamous cohabitation, and that the Senator owes his elevation to the apostleship to the formal action of this body of polygamists. The very year and hour the senior Senator voluntarily identified himself with this governing body of fifteen men, fourteen of its number were living in polygamy, and the members of this hierarchy were then able jointly to muster a harem of sixty women, whom they claimed, recognized, and cohabited with as their wives.

To contend that the Senator, born and reared in Utah, and identified with the Mormon organization from childhood, instructed and nurtured in its doctrines, was ignorant of the character of this hierarchy and the criminal practices of its individual members, challenges belief and would impeach his intelligence. He must have understood perfectly well the character of the organization and the criminality of the members with whom he was to cooperate and commune.

The vital question, therefore, is, Can one become a member of and identify himself with a band of lawbreakers, knowing them to be such, participate in their counsels and sustain them in their conferences, and yet escape all responsibility for their unlawful acts? Such a contention will not stand the test of either law or reason. An eminent legal authority says:

> Every person entering into a conspiracy or common design already formed is deemed in law a party to all acts done by any of the other parties, before or afterwards, in furtherance of the common design. The principle on which the acts and declarations of other conspirators, and acts done at different times, are admitted in evidence against the persons prosecuted is that by the act of conspiring together the conspirators have jointly assumed to themselves, as a body, the attribute of individuality so far as regards the prosecution of the common design, thus rendering whatever is done or said by anyone in furtherance of that design a part of the res gestæ and, therefore, the act of all.

This doctrine is sustained by an unbroken line of authority, elementary and judicial, and I am sure can not be successfully controverted. The case of Spies and others *v.* The People is directly in point in support of this contention. It will be remembered in this case that Spies was arrested and tried upon a charge of the murder of one Degan by throwing a bomb which caused Degan's death. There was no evidence in the case that Spies threw the bomb, but it was proven that he belonged to an organization known as the International Association of Chicago, having for its object the overthrow of law and the destruction of government, and that members of this organization had advised the use of any force necessary to resist the law and its officers.

In denying the motion for a new trial in the anarchist case the judge who presided at the trial used the following language:

> Now, on the question of the instructions, whether these defendants, or any of them, anticipated or expected the throwing of the bomb on the night of the 4th of May is not a question which I need to consider, because the conviction can not be sustained, if that is necessary to a conviction, however much evidence of it there may be, because the instructions do not go upon that ground. The jury were not instructed to find the defendants guilty if they believed they participated in the throwing of that bomb, or advised or encouraged the throwing of that bomb, or anything of that sort. Conviction has not gone upon the ground that they did have any personal participation in the particular act which caused the death of Degan, but the conviction proceeds upon the ground, under the instructions, that they had generally by speech and print advised large classes of the people, not particular individuals, but large classes, to commit murder, and have left the commission, time, and place to the individual will and whim, or caprice, or whatever it may be, of each individual man who listened to their advices, and influenced by that advice somebody not known did throw the bomb which caused Degan's death.

It will be observed in this case that the conviction was not had upon the ground that Spies had committed the murder or participated in it, but he was convicted because he belonged to an organization which advised the commission of such acts.

The same doctrine is held in the case of Davis *v.* Beeson, decided by the Supreme Court in 1889. The Revised Statutes of the State of Idaho provided that—

> No person who is a member of any order, organization, or association which teaches, advises, counsels, or encourages its members, devotees, or any other person to commit the crime of bigamy, polygamy, or any other crime defined by law, either as a rite or ceremony of such order, organization, association, or otherwise, is permitted to vote at any election, or to hold any position or office of honor, trust, or profit within this Territory.

The Supreme Court upheld this provision as constitutional. It will be observed that this act disfranchises persons, not for the commission of the crime of polygamy, but upon the ground that they belong to an organization which "teaches, counsels, and encourages others to commit the crime of polygamy."

In the case of Wooley *v.* Watkins, Second Idaho Reports, the court say:

> Orders, organizations, and associations, by whatever name they may be called, which teach, advise, counsel, or encourage the practice or commission of acts forbidden by law, are criminal organizations. To become and continue to be members of such organizations or associations are such overt acts of recognition and participation as make them particeps criminis and as guilty in contemplation of criminal law as though they actually engaged in furthering their unlawful objects and purposes.

It is established beyond all controversy that a majority of the ruling authorities of the Mormon Church are living in open polygamy, and thereby encouraging the practice of polygamy and polygamous cohabitation, many of them having taken plural wives since the manifesto, and that the Senator, as a member of such organization, is cognizant of their crimes and indifferent to their perpetration.

ACTS OF REED SMOOT ENCOURAGING POLYGAMY.

The Senator's complicity in encouraging polygamy and polygamous cohabitation does not consist wholly in the fact that he is one of the governing body of that church. By repeated acts he has, as a member of the quorum of the twelve apostles, given active aid and support to the hierarchy in its defiance of the statutes of this State and the laws of common decency and in its encouragement of polygamous practices by both precept and example. One of the first acts of the Senator after his elevation to the apostolate was to assist by vote and influence in the elevation of Joseph F. Smith to the presidency of the Mormon Church, with full knowledge that he was living in polygamy. He has since repeatedly voted to sustain him, and even after full knowledge that Joseph F. Smith was living in polygamous cohabitation and had asserted his intention to continue in this course in defiance of the laws of God and man. He aided in the selection of Heber J. Grant as president

of a mission when it was a matter of common notoriety that Apostle Grant was a polygamist. He voted to fill a vacancy in the apostolate by the election of Charles W. Penrose, even after testimony had been given in the investigation showing him to be a polygamist. It is difficult to perceive how the Senator could have given greater encouragement to polygamy and polygamous cohabitation than by thus assisting in conferring one of the highest honors of the church on one who has been and was then guilty of these crimes. As trustee of an educational institution he made no protest against the continuance in office of Benjamin Cluff, jr., a noted polygamist, as president of that institution, nor did he make any effort to discover the truth that said Cluff had taken another plural wife long after the manifesto, nor did he protest as such trustee against the election of George H. Brimhall, another polygamist, in the place of Benjamin Cluff, jr.

Since his election as an apostle of the Mormon Church the Senator has been intimately associated with the first president and with those who, with himself, constitute the council of the twelve apostles, and the fact that many of his apostolic associates were living in polygamous relations with a multiplicity of wives is a matter of such common knowledge in the community that it is incredible that the Senator should be wholly ignorant of the fact. Yet at no time has he uttered a syllable of protest against the conduct of his associates in the leadership of the Mormon Church, but on the contrary has sustained them in their encouragement of polygamy and polygamous cohabitation, both by his acts and by his silence.

Some of his more conspicuous acts in that regard have been adverted to, and his silence has been scarcely less culpable than his acts, for, in view of what has been said, it will hardly be contended, I think, that in order to render the Senator unworthy of a place in this body, he must have been an active participant in the crimes of his fellow-members in the hierarchy. Under the circumstances, his silence must be construed as giving his consent to the designs, acts, and course of conduct of those with whom he has been and is associated in the government of the Utah Mormon Church. That silence alone may make one amenable to punishment for the commission of an unlawful act in which he took no part is confirmed by no less an authority than the present Secretary of War, who was for some time one of the most eminent members of the judiciary of the United States, and who in his official utterances must be presumed to have in mind the rules of law, as well as the dictates of common sense. In his latest annual report the Secretary refers to the dismissal from the service of an entire battalion of United States soldiers because of the commission of a crime by a very few of their number. With the criminal act itself by far the greater number of the members of the battalion had absolutely nothing to do, their offense consisting in their keeping silence in regard to their knowledge of the perpetrators of the unlawful act. Concerning their guilt in thus being silent, Secretary Taft says:

> Instead of giving to their officers or to the military inspectors who were directed to make the examination the benefit of anything which they knew tending to lead to a conviction of the guilty persons, there was a conspiracy of silence on the part of the many who must have known something of importance in this regard. * * *
>
> Under these circumstances the question arises, Is the Government helpless? Must it continue in its service a battalion many of the members of which showed their willingness to condone a crime of a capital character, committed by from ten to twenty of its members, and put on a front of silence and ignorance which enables the criminals to escape just punishment?

The Secretary answers this question with a vigorous negative. And the question may well be asked here, Is the Senate of the United States bound to admit to its membership one who shows his willingness to condone the crimes of the members of the hierarchy to which he belongs and puts on a front of silence and ignorance, which is designed by him to encourage his associates in their nefarious conduct?

I will read what he is reported to have declared at the October conference of 1905. On the 6th of October, 1905, he addressed the seventy-sixth semiannual conference of the Mormon Church, and the Deseret News, the organ of the church, reprinted his remarks as follows:

> I believe that the Latter-Day Saints, who have the spirit of God in them, never had more confidence in a man or a set of men than they have in the presidency of the church to-day.
>
> I am indeed thankful for my standing in the Church of Jesus Christ of Latter-Day Saints [Mormon]. When I study the history of the church I find that it is at all times the same. I am not ashamed of the power and position of the Mormon Church. I say to Joseph F Smith to-day, this people will never turn against thee on the testimony of a traitor.

In view of the evidence and the law in this case applicable thereto, I do not see how the contention can be successfully maintained that the Senator is entitled to a seat in this Chamber. Suppose the Senator, instead of having his credentials presented by a fellow-member, had offered the same in person and said to the Senate "I desire to be entirely frank with this body, and therefore I wish to state that, while I hold the certificate of election from the legislature of the State of Utah in due form, yet the Senate should know that I am a member of the Utah branch of the Mormon Church and one of its twelve apostles, so called, who, with the first presidency, constitute a self-perpetuating body of fifteen men and the ruling authorities of such church; that while I am not a practicing polygamist, yet a majority of my associates are, and are now and have been living in polygamous cohabitation ever since the manifesto; that the head of the church, Joseph F. Smith, is to-day living in polygamous cohabitation with five women, by whom he has had forty-three children; twelve born since the manifesto; that he openly avows his purpose to continue such practice in defiance of all law, human or divine; that no one high in authority in the church is permitted to be a candidate for or accept a public office without first obtaining permission from the church, and I received such permission from Joseph F. Smith, the head of the organization, before becoming a candidate for the Senate, without which permission I could not have been elected; that the legislature electing me was composed of a majority of the adherents of the Mormon Church; that I sustain President Smith at every conference of the church and have never questioned or protested against his course of conduct, and, while not advocating polygamy, I have never preached against it; that we interfere with the functions of the State, and that I am obligated to avenge the death of the prophet, Joseph, and to enjoin its observance upon my children." Had the Senator made such a statement to the Senate upon his first appearance, what Senator would have voted for his admission?

With this state of facts disclosed by the testimony now before the Senate, and upon which the report of the committee is based, what Senator can conscientiously vote for his retention?

THE ENDOWMENT OATH.

Another and final reason assigned why the Senator should not retain his seat in the Senate is that, as a member of the Mormon organization, he has taken an obligation incompatible with his oath as a Senator of the United States, and is thereby incapacitated from faithfully performing the duties of a Senator. There is no question but that this organization at some time in the course of its history, and under the administration of some one of its presidents, probably Brigham Young, was converted into a secret organization with signs, symbols, and oaths. A ceremony is performed in secret, called "taking the endowments," and there is no question but that the Senator took these endowments and oaths, and that they are continued until to-day and are a part of the regular ceremony of the church. Many witnesses testified in a general way with more or less particularity as to the nature of these obligations, but Professor Wolf, of Brigham Young College, having been present when the obligation was administered many times, the last occasion being as late as 1904, gives in exact words the obligation as follows:

> You and each of you do covenant and promise that you will pray, and never cease to pray, Almighty God to avenge the blood of the prophet upon this nation, and that you will teach the same to your children and to your children's children to the third and fourth generations.

The fact that such an obligation is taken by those who go through the endowment house is unquestioned, and is of such a character as to force the courts to hold that it was a bar to citizenship. In the third judicial court of Utah, in 1889, on the application of John Moore and others to become citizens of the United States, the court in denying the application said:

> In these applications the usual evidence on behalf of the applicants as to residence, moral character, etc., was introduced at a former hearing, and was deemed sufficient. Objection was made, however, to the admission of John Moore and William J. Edgar, upon the ground that they were members of the Mormon Church, and also because they had gone through the endowment house of that church, and there had taken an oath or obligation incompatible with the oath of citizenship they would be required to take if admitted.

Investigation was had, witnesses called, and the parties were excluded from citizenship upon the ground, as the court say:

> The evidence established beyond any reasonable doubt that the endowment ceremonies are inconsistent with the oath an applicant for citizenship is required to take, and that the oaths, obligations, or covenants there made or entered into, are incompatible with the obligations and duties of citizens of the United States.

THE ALLEGATIONS IN THE PROTEST SUSTAINED.

Every witness before the committee belonging to the Mormon faith now in harmony with the church, from the president down, including the Senator himself, refused to disclose the obligation.

If the oath administered in the endowment house and assumed by the Senator is of such a character as to bar an alien from citizenship in the United States, by what process of reasoning does the same oath become a passport to a seat in the Senate of the United States?

In the light of all the testimony in the case, it is submitted that the material portions of the allegation in the protest against the right of the Senator from Utah to a seat in this Chamber have been established, that the Senator is one of a self-perpetuating body of fifteen men, constituting the ruling authorities of the Church of Jesus Christ of Latter-Day Saints, holding the office of apostle therein; that such ruling authorities of said church claim and are believed by their followers to possess supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever, civil and religious, temporal and spiritual; that they assume to themselves authority in church and state, and so exercise that authority as to encourage a belief in and the practice of polygamy and polygamous cohabitation, in violation of the laws of the State prohibiting such crimes and regardless of pledges made for the purpose of obtaining statehood, and of covenants made with the people of the United States. That they protect and honor those who, with themselves, violate the laws of the State of Utah; and that, as rulers of said church, they dominate the State and interfere with its functions.

It is submitted, therefore, that the Senator, by becoming a member of and identifying himself with such organization and participating in its functions, has disqualified himself for membership in this body. The law fixes his status and measures the magnitude of his offending. An organization that fosters and encourages crime, tramples upon all law, human and divine, practices polygamy and polygamous cohabitation, desecrates the home, debases man, degrades womanhood, debauches public morals, strikes at the Christian civilization of the age, undermines and shakes the foundations of society and government, destroys the sanctity of the marriage relation, defies the authority of the State and National Government, registers an oath of hostility to the American nation, and brings the name and fame of the good people of Utah into disrepute, and shame and humiliation to the American people—I submit that such an organization is not entitled to have its representative in the Senate of the United States.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. FORAKER. Mr. President, just a moment.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. CULLOM. Certainly; I will withhold the motion for a moment.

Mr. FORAKER. I merely desire to make an inquiry at this time of the Senator from Michigan as to what arrangement, if any, has been made as to the further discussion of the question on which he has been speaking?

Mr. BURROWS. I will state to the Senator that I know of no arrangement, except that the Senator from Idaho [Mr. DUBOIS] has given notice that day after to-morrow he would address the Senate upon the pending resolution.

Mr. FORAKER. But no day has been asked on which to take a vote?

Mr. BURROWS. No.

Mr. FORAKER. And will not be, I presume, until after the Senator from Idaho addresses the Senate?

Mr. BURROWS. Certainly not.

EMPLOYERS' LIABILITY BILL.

During the delivery of Mr. BURROWS's speech,

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. The Senator from Michigan will proceed.

Mr. BURROWS. I am obliged to the Senator from Wisconsin.

After the conclusion of Mr. BURROWS's speech,

EXECUTIVE SESSION.

Mr. CULLOM. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 12, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 11, 1906.

COMMISSIONER OF CORPORATIONS.

Herbert Knox Smith, of Connecticut, now Deputy Commissioner of Corporations, to be Commissioner of Corporations in the Department of Commerce and Labor, vice James Rudolph Garfield, nominated to be Secretary of the Interior.

ASSISTANT APPRAISER OF MERCHANDISE.

Charles R. Skinner, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, to succeed Grover H. Lufburrow, resigned.

REGISTER OF LAND OFFICE.

Henry S. Chubb, of Florida, to be register of the land office at Gainesville, Fla., by transfer from receiver of public moneys at Gainesville, vice Walter G. Robinson, deceased.

RECEIVER OF PUBLIC MONEYS.

Shields Warren, of Florida, to be receiver of public moneys at Gainesville, Fla., vice Henry S. Chubb, transferred to register of the land office at Gainesville.

PROMOTIONS IN THE NAVY.

Capt. Franklin J. Drake, on the active list of the Navy, to be a rear-admiral on the retired list of the Navy from the 10th day of December, 1906, in accordance with a provision contained in the naval appropriation act approved June 29, 1906.

Lieut. Commander John A. Dougherty, to be a commander in the Navy from the 11th day of December, 1906, vice Commander Rogers H. Galt, promoted.

Lieut. Commander John B. Bernadou, an additional number in grade, to be a commander in the Navy from the 11th day of December, 1906, with Lieut. Commander John A. Dougherty, promoted.

Lieut. Walter S. Crosley, an additional number in grade, to be a lieutenant-commander in the Navy from the 11th day of December, 1906, with Lieut. Edward H. Campbell, promoted.

Surg. George P. Lumsden to be a medical inspector in the Navy from the 6th day of September, 1906, vice Medical Inspector Ezra Z. Derr, promoted.

POSTMASTERS.

ALASKA.

Robert R. Hubbard to be postmaster at Douglas, Alaska, in place of Robert R. Hubbard. Incumbent's commission expires December 15, 1906.

ARKANSAS.

Edward Hall to be postmaster at Stuttgart, in the county of Arkansas and State of Arkansas, in place of Edward Hall. Incumbent's commission expires December 15, 1906.

CALIFORNIA.

Wellington A. Griffin to be postmaster at Mountain View, in the county of Santa Clara and State of California, in place of Arthur M. Free, resigned.

Helen C. Thompson to be postmaster at Stanford University, in the county of Santa Clara and State of California, in place of Helen C. Thompson. Incumbent's commission expires December 20, 1906.

COLORADO.

Wesley A. Martin to be postmaster at Mancos, in the county of Montezuma and State of Colorado. Office became Presidential October 1, 1906.

Daniel W. Stone to be postmaster at Trinidad, in the county of Las Animas and State of Colorado, in place of Daniel W. Stone. Incumbent's commission expires December 20, 1906.

CONNECTICUT.

James Graham to be postmaster at Taftville, in the county of New London and State of Connecticut. Office became Presidential October 1, 1906.

Bradley S. Keith to be postmaster at Norwalk, in the county of Fairfield and State of Connecticut, in place of Bradley S. Keith. Incumbent's commission expired December 9, 1906.

Charles W. Munsinger to be postmaster at Coscob, in the county of Fairfield and State of Connecticut, in place of Charles W. Munsinger. Incumbent's commission expired December 9, 1906.

IDAHO.

Julia Conners to be postmaster at Mullan, in the county of Shoshone and State of Idaho, in place of Harry W. Ingalls, resigned.

Fred Evans to be postmaster at Burke, in the county of Shoshone and State of Idaho, in place of William E. Kittrell, resigned.

W. H. Greenhow to be postmaster at Twin Falls, in the

county of Cassia and State of Idaho, in place of William W. Dunn, resigned.

ILLINOIS.

James O. Burton to be postmaster at Dahlgren, in the county of Hamilton and State of Illinois. Office became Presidential October 1, 1906.

James S. Courtright to be postmaster at Normal, in the county of McLean and State of Illinois, in place of Charles S. Neeld. Incumbent's commission expired June 24, 1906.

James A. Lauder to be postmaster at Carterville, in the county of Williamson and State of Illinois, in place of James A. Lauder. Incumbent's commission expired December 10, 1906.

Charles S. Randolph to be postmaster at Ipava, in the county of Fulton and State of Illinois. Office became Presidential October 1, 1906.

INDIAN TERRITORY.

W. H. Harrison to be postmaster at Poteau, District 14, Indian Territory, in place of Lora L. Smith. Incumbent's commission expires December 15, 1906.

A. E. Martin to be postmaster at Marietta, District 26, Indian Territory, in place of William L. Hagan. Incumbent's commission expires December 15, 1906.

INDIANA.

John C. Fudge to be postmaster at Dunkirk, in the county of Jay and State of Indiana, in place of John C. Fudge. Incumbent's commission expired May 8, 1906.

William H. Gostlin to be postmaster at Hammond, in the county of Lake and State of Indiana, in place of William H. Gostlin. Incumbent's commission expires December 20, 1906.

Omer Guyton to be postmaster at Cambridge City, in the county of Wayne and State of Indiana, in place of Omer Guyton. Incumbent's commission expires December 20, 1906.

Winfield S. Keith to be postmaster at Bicknell, in the county of Knox and State of Indiana. Office became Presidential October 1, 1906.

Andrew Morrissey to be postmaster at Notre Dame, in the county of St. Joseph and State of Indiana, in place of John A. Zahm, resigned.

William E. Netherton to be postmaster at Winamac, in the county of Pulaski and State of Indiana, in place of Harry W. McDowell. Incumbent's commission expires December 20, 1906.

IOWA.

James C. Dinwiddie to be postmaster at Marengo, in the county of Iowa and State of Iowa, in place of David M. Rowland. Incumbent's commission expires January 22, 1907.

S. G. Goldthwaite to be postmaster at Boone, in the county of Boone and State of Iowa, in place of William R. Means. Incumbent's commission expired December 9, 1906.

A. F. Morse to be postmaster at Newell, in the county of Buena Vista and State of Iowa, in place of Edwin M. Parker. Incumbent's commission expires January 7, 1907.

Sherman F. Myers to be postmaster at Anita, in the county of Cass and State of Iowa, in place of Sherman F. Myers. Incumbent's commission expired February 28, 1906.

William G. Ray to be postmaster at Grinnell, in the county of Poweshiek and State of Iowa, in place of Cornelius L. Robberts. Incumbent's commission expired December 9, 1906.

Adelbert J. Weeks to be postmaster at Correctionville, in the county of Woodbury and State of Iowa, in place of Adelbert J. Weeks. Incumbent's commission expired December 10, 1906.

KANSAS.

Jacob B. Callen to be postmaster at Junction City, in the county of Geary and State of Kansas, in place of Jacob B. Callen. Incumbent's commission expired December 10, 1906.

Herbert Caveness to be postmaster at Chanute, in the county of Neosho and State of Kansas, in place of David E. McClelland. Incumbent's commission expired December 10, 1906.

MAINE.

Frank L. Field to be postmaster at Belfast, in the county of Waldo and State of Maine, in place of Frank L. Field. Incumbent's commission expired December 9, 1906.

William M. Stuart to be postmaster at Newport, in the county of Penobscot and State of Maine, in place of William M. Stuart. Incumbent's commission expires December 15, 1906.

Abraham L. Wallace to be postmaster at Millbridge, in the county of Washington and State of Maine. Office became Presidential October 1, 1906.

MASSACHUSETTS.

Althamer E. Chamberlain to be postmaster at Holliston, in the county of Middlesex and State of Massachusetts, in place of Althamer E. Chamberlain. Incumbent's commission expired December 9, 1906.

David D. Streeter to be postmaster at Mount Hermon, in the county of Franklin and State of Massachusetts. Office became Presidential October 1, 1906.

MICHIGAN.

James W. Bedell to be postmaster at Wakefield, in the county of Gogebic and State of Michigan. Office became Presidential October 1, 1906.

Margaret Duncan to be postmaster at Au Sable, in the county of Iosco and State of Michigan, in place of Margaret Duncan. Incumbent's commission expired December 10, 1906.

Josephus C. Mustard to be postmaster at Scottville, in the county of Mason and State of Michigan, in place of Josephus C. Mustard. Incumbent's commission expired December 10, 1906.

C. Guy Perry to be postmaster at Lowell, in the county of Kent and State of Michigan, in place of Charles Quick, resigned.

Leonard M. Sellers to be postmaster at Cedar Springs, in the county of Kent and State of Michigan, in place of Leonard M. Sellers. Incumbent's commission expired December 10, 1906.

MINNESOTA.

William D. Hale to be postmaster at Minneapolis, in the county of Hennepin and State of Minnesota, in place of William D. Hale. Incumbent's commission expired December 10, 1906.

A. O. Lea to be postmaster at New Richland, in the county of Waseca and State of Minnesota, in place of Olaus O. Sunde, resigned.

Frank H. Kratka to be postmaster at Thief River Falls, in the county of Red Lake and State of Minnesota, in place of Ira C. Richardson, resigned.

MISSISSIPPI.

Emma Harris to be postmaster at McHenry, in the county of Harrison and State of Mississippi, in place of Emma Pringle, who changed her name by marriage.

MISSOURI.

Andrew J. Seibert to be postmaster at Ste. Genevieve, in the county of Ste. Genevieve and State of Missouri, in place of Andrew J. Seibert. Incumbent's commission expired December 10, 1906.

NEBRASKA.

Edward B. Richardson to be postmaster at Ulysses, in the county of Butler and State of Nebraska. Office became Presidential October 1, 1906.

NEW HAMPSHIRE.

George W. Cowen to be postmaster at Lincoln, in the county of Grafton and State of New Hampshire, in place of John H. Henry, resigned.

NEW JERSEY.

Samuel Bartlett to be postmaster at Pleasantville, in the county of Atlantic and State of New Jersey, in place of Samuel Bartlett. Incumbent's commission expired December 9, 1906.

John W. Davis to be postmaster at Burlington, in the county of Burlington and State of New Jersey, in place of Nathan W. C. Hays, removed.

James Freeman to be postmaster at Arlington, in the county of Hudson and State of New Jersey, in place of James Freeman. Incumbent's commission expires December 20, 1906.

Charles E. Stults to be postmaster at Hightstown, in the county of Mercer and State of New Jersey, in place of Fred B. Appleget, resigned.

NEW YORK.

Fred A. Edwards to be postmaster at Holley, in the county of Orleans and State of New York, in place of Fred A. Edwards. Incumbent's commission expires December 15, 1906.

George D. Genung to be postmaster at Waverly, in the county of Tioga and State of New York, in place of George D. Genung. Incumbent's commission expires January 7, 1907.

Arthur H. Goldsmith to be postmaster at Floral Park, in the county of Nassau and State of New York, in place of Arthur H. Goldsmith. Incumbent's commission expires January 7, 1907.

Malcolm C. Judson to be postmaster at Norfolk, in the county of St. Lawrence and State of New York. Office became Presidential October 1, 1906.

John F. Kelley to be postmaster at Kings Park, in the county of Suffolk and State of New York, in place of George L. Thompson. Incumbent's commission expires December 15, 1906.

James M. Pitkin to be postmaster at Newark, in the county of Wayne and State of New York, in place of Richard P. Groat, resigned.

Minnie N. Slaight to be postmaster at Tottenville, in the county of Richmond and State of New York, in place of Minnie N. Slaight. Incumbent's commission expired December 9, 1906.

William Smith to be postmaster at Livingston Manor, in the county of Sullivan and State of New York, in place of William Smith. Incumbent's commission expired December 9, 1906.

Eugene Vreeland to be postmaster at Dundee, in the county of Yates and State of New York, in place of Eugene Vreeland. Incumbent's commission expires December 20, 1906.

NORTH CAROLINA.

William A. Mace to be postmaster at Beaufort, in the county of Carteret and State of North Carolina, in place of William A. Mace. Incumbent's commission expires December 20, 1906.

OHIO.

Uriah J. Favorite to be postmaster at Tippecanoe City, in the county of Miami and State of Ohio, in place of Uriah J. Favorite. Incumbent's commission expires December 20, 1906.

William W. Johns to be postmaster at Bellville, in the county of Richland and State of Ohio, in place of William W. Johns. Incumbent's commission expires December 20, 1906.

OKLAHOMA.

George Y. Walbright to be postmaster at Stroud, in the county of Lincoln and Territory of Oklahoma, in place of George Y. Walbright. Incumbent's commission expired June 19, 1906.

PENNSYLVANIA.

D. James Colgate to be postmaster at Hawley, in the county of Wayne and State of Pennsylvania, in place of James D. Ames. Incumbent's commission expired June 30, 1906.

Claude H. Heath to be postmaster at Eldred, in the county of McKean and State of Pennsylvania, in place of William G. Robarts. Incumbent's commission expired May 28, 1904.

George W. McCauslin to be postmaster at Narberth, in the county of Montgomery and State of Pennsylvania, in place of Elizabeth H. Ketcham, resigned.

Sallie M. McNitt to be postmaster at Mifflin, in the county of Juniata and State of Pennsylvania. Office became Presidential October 1, 1906.

Nora L. Pickering to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania. Office became Presidential October 1, 1906.

James M. Worrall to be postmaster at Kennett Square, in the county of Chester and State of Pennsylvania, in place of James M. Worrall. Incumbent's commission expired June 30, 1906.

SOUTH CAROLINA.

Guss E. Smith to be postmaster at Mullins, in the county of Marion and State of South Carolina. Office became Presidential October 1, 1906.

VIRGINIA.

Annie G. Davenport to be postmaster at Gordonsville, in the county of Orange and State of Virginia, in place of Annie G. Davenport. Incumbent's commission expires December 20, 1906.

WEST VIRGINIA.

George E. Work to be postmaster at Sistersville, in the county of Tyler and State of West Virginia, in place of George E. Work. Incumbent's commission expired January 13, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 11, 1906.

ASSOCIATE JUSTICE, DISTRICT COURT OF APPEALS.

Charles H. Robb, of Vermont, to be associate justice of the court of appeals of the district of Columbia.

CONSUL-GENERAL.

William P. Kent, of Virginia, to be consul-general of the United States of class 6 at Guatemala, Guatemala.

CONSULS.

William H. Gale, of Virginia, to be consul of the United States of class 9 at Puerto Plata, Dominican Republic.

Robert Brent Mosher, of the District of Columbia, lately consul of class 8 at Collingwood, to be consul of the United States of class 6 at Port Elizabeth, Cape of Good Hope.

COLLECTOR OF CUSTOMS.

Henry McCall, of Louisiana, to be collector of customs for the district of New Orleans, in the State of Louisiana.

NAVAL OFFICER OF CUSTOMS.

Elmer E. Wood, of Louisiana, to be naval officer of customs in the district of New Orleans, in the State of Louisiana.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Edward Darlington Jones, of Virginia, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Russell Randolph Waesche, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States.

SUPERVISING INSPECTOR OF STEAM VESSELS.

Joseph J. Dunn, of Kentucky, who was appointed July 26, 1906, during the recess of the Senate, to be supervising inspector of steam vessels for the fourth district, in the Steamboat Inspection Service, Department of Commerce and Labor.

CIRCUIT JUDGE.

Joseph Buffington, of Pennsylvania, to be United States circuit judge for the third judicial circuit.

DISTRICT JUDGES.

Nathaniel Ewing, of Pennsylvania, to be United States district judge for the western district of Pennsylvania.

James L. Martin, of Vermont, who was appointed during the last recess of the Senate, to be United States district judge for the district of Vermont.

UNITED STATES ATTORNEYS.

Alexander Dunnett, of Vermont, who was appointed during the last recess of the Senate, to be United States attorney for the district of Vermont.

Patrick H. Rourke, of North Dakota, to be United States attorney for the district of North Dakota.

William J. Youngs, of New York, to be United States attorney for the eastern district of New York.

Lyman M. Bass, of New York, to be United States attorney for the western district of New York.

APPOINTMENTS IN THE NAVY.

To be assistant paymasters in the Navy from the 10th day of July, 1906:

Dallas B. Wainwright, jr., a citizen of the District of Columbia.
William H. Wilterdink, a citizen of New York.
George P. Shamer, a citizen of Maryland.
Harry H. Palmer, a citizen of Virginia.
Omar D. Conger, a citizen of Michigan.
John F. O'Mara, a citizen of South Carolina.
Patrick T. M. Lathrop, a citizen of Virginia.
James P. Helm, a citizen of Tennessee.
Byron D. Rogers, a citizen of Illinois.
Edward C. Little, a citizen of Maryland.
Frank H. Atkinson, a citizen of Illinois.
Frank Baldwin, a citizen of New Jersey.
Manning H. Philbrick, a citizen of New Hampshire.

Henry L. Beach, a citizen of New York, to be an assistant paymaster in the Navy from the 3d day of August, 1906.

PROMOTIONS IN THE NAVY.

Capt. William H. Everett, on the active list of the Navy, to be a rear-admiral on the retired list of officers of the Navy from the 9th day of October, 1906, in accordance with a provision contained in the naval appropriation act approved June 29, 1906.

Pay Director Eustace B. Rogers, to be Paymaster-General and Chief of the Bureau of Supplies and Accounts in the Department of the Navy, with the rank of rear-admiral, for a term of four years.

Paymasters Henry A. Dent, Walter L. Wilson, and William J. Littell, with the rank of lieutenant, to be paymasters in the Navy, with the rank of lieutenant-commander, from the 6th day of June, 1906.

Paymasters Martin McM. Ramsay, Joseph J. Cheatham, and Richard Hatton, with the rank of lieutenant, to be paymasters in the Navy, with the rank of lieutenant-commander, from the 10th day of October, 1906.

P. A. Paymasters Noel W. Grant, Philip. J. Willett, and Ben D. McGee, with the rank of lieutenant (junior grade), to be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 30th day of July, 1906.

The following-named assistant paymasters, with the rank of ensign, to be assistant paymasters, with the rank of lieutenant (junior grade), from the 30th day of July, 1906:

William L. F. Simonpietri,
Neal B. Farwell,
Reginald Spear,
Elijah H. Cope,
Brainerd M. Dobson,
William W. Lamar,
Robert B. Lupton,
Fred W. Holt,
Walter D. Sharp,
Henry I. McCrea,
William T. Sypher,
Edwin M. Hacker,
Horace B. Worden, and
Raymond B. Westlake.

Naval Constructor John D. Beuret, with the rank of lieutenant, to be a naval constructor in the Navy, with the rank of lieutenant-commander, from the 6th day of June, 1906.

Naval Constructors Daniel C. Nutting, jr., and Holden A.

Evans, with the rank of lieutenant, to be naval constructors in the Navy, with the rank of lieutenant-commander, from the 6th day of October, 1906.

To be lieutenant-commanders in the Navy from the date set opposite their names, to correct the dates of their promotion to that grade as confirmed on December 12, 1905, which is caused by the retirement of Lieut. Claude Bailey, United States Navy, who was due for promotion, but was transferred to the retired list before qualifying therefor:

John R. Edie, from July 1, 1905.
Reginald R. Belknap, from July 8, 1905.
De Witt Blamer, from July 18, 1905.
John K. Robison, from September 8, 1905.
Arthur L. Willard from September 9, 1905.
Edwin T. Pollock, from September 30, 1905, and who was previously confirmed on January 18, 1906.

Lieut. William W. Bush to be a lieutenant-commander in the Navy from the 21st day of March, 1905, with Lieut. Kenneth McAlpine, an additional number in grade.

Lieut. William H. McGrann to be a lieutenant-commander in the Navy from the 12th day of February, 1906.

Lieut. William D. Brotherton to be a lieutenant-commander in the Navy from the 26th day of May, 1906.

Lieut. George W. Laws to be a lieutenant-commander in the Navy from the 6th day of June, 1906.

Lieut. George C. Day to be a lieutenant-commander in the Navy from the 6th day of June, 1906.

Lieut. Frederick L. Sawyer to be a lieutenant-commander in the Navy from the 16th day of June, 1906.

Capt. Robert M. Berry to be a rear-admiral in the Navy from the 29th day of June, 1906.

Commander Charles W. Bartlett to be a captain in the Navy from the 29th day of June, 1906.

Lieut. Commander John H. Shipley to be a commander in the Navy from the 29th day of June, 1906.

Lieut. Charles L. Hussey to be a lieutenant-commander in the Navy from the 29th day of June, 1906.

Lieut. John R. Y. Blakely to be a lieutenant-commander in the Navy from the 30th day of June, 1906.

Commander James H. Oliver, on the retired list of the Navy, to be a commander on the active list of the Navy from the 30th day of June, 1906, in accordance with the provisions of an act of Congress approved that date.

Kenneth G. Castleman, a citizen of Kentucky, to be a lieutenant in the Navy from the 30th day of June, 1906, in accordance with the provisions of an act of Congress approved that date.

Commander Chauncey Thomas to be a captain in the Navy from the 1st day of July, 1906.

Commander William A. Marshall to be a captain in the Navy from the 1st day of July, 1906.

Commander Henry McCrea to be a captain in the Navy from the 1st day of July, 1906.

Commander Edward F. Qualtrough to be a captain in the Navy from the 1st day of July, 1906.

Commander Lucien Young, an additional number in grade, to be a captain in the Navy from the 1st day of July, 1906.

Lieut. Commander John E. Craven to be a commander in the Navy from the 1st day of July, 1906.

Lieut. Commander John J. Knapp to be a commander in the Navy from the 1st day of July, 1906.

Lieut. Commander John Hood to be a commander in the Navy from the 1st day of July, 1906.

Lieut. Commander Edward E. Hayden, an additional number in grade, to be a commander in the Navy from the 1st day of July, 1906, with Lieut. Commander John Hood, promoted.

Lieut. Commander Benjamin C. Bryan to be a commander in the Navy from the 1st day of July, 1906.

Lieut. Commander Charles C. Marsh to be a commander in the Navy from the 1st day of July, 1906.

Lieut. Commander Charles H. Harlow, an additional number in grade, to be a commander in the Navy from the 1st day of July, 1906, with Lieut. Commander Charles C. Marsh, promoted.

Lieut. Charles T. Jewell to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Gregory C. Davison to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Leon S. Thompson to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Frederick A. Traut to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Fred R. Payne to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Robert K. Crank to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Stanford E. Moses to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Powers Symington to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Yates Stirling, jr., to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Raymond D. Hasbrouck to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. George Mallison to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Walter Ball to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Joel R. P. Pringle to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Capt. Samuel W. Very to be a rear-admiral in the Navy from the 22d day of July, 1906.

Capt. William T. Swinburne, an additional number in grade, to be a rear-admiral in the Navy from the 22d day of July, 1906, with Capt. Samuel W. Very, promoted.

Commander William H. H. Southerland to be a captain in the Navy from the 22d day of July, 1906.

Lieut. Commander Clarence A. Carr to be a commander in the Navy from the 22d day of July, 1906.

Lieut. Benjamin B. McCormick to be a lieutenant-commander in the Navy from the 22d day of July, 1906.

Ensign Myles Joyce to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1906.

Ensign Levin J. Wallace to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1906.

Lieut. (Junior Grade) Myles Joyce to be a lieutenant in the Navy from the 30th day of July, 1906.

Capt. Joseph N. Hemphill to be a rear-admiral in the Navy from the 5th day of August, 1906.

Commander Charles E. Fox to be a captain in the Navy from the 5th day of August, 1906.

Lieut. Commander William A. Gill to be a commander in the Navy from the 5th day of August, 1906.

Lieut. Edward S. Kellogg to be a lieutenant-commander in the Navy from the 5th day of August, 1906.

Commander John C. Fremont to be a captain in the Navy from the 10th day of October, 1906.

Capt. William H. Emory to be a rear-admiral in the Navy from the 2d day of November, 1906.

Lieut. Frank H. Clark, jr., to be a lieutenant-commander in the Navy from the 2d day of November, 1906.

Asst. Surg. Jesse W. Backus to be a passed assistant surgeon in the Navy from the 18th day of May, 1905.

Asst. Surg. George M. Mayers to be a passed assistant surgeon in the Navy from the 1st day of June, 1905.

P. A. Surg. Edward G. Parker to be a surgeon in the Navy from the 24th day of March, 1906.

P. A. Surg. Barton L. Wright to be a surgeon in the Navy from the 10th day of May, 1906.

Medical Inspector Ezra Z. Derr to be a medical director in the Navy from the 6th day of September, 1906.

Surg. James C. Byrnes to be a medical inspector in the Navy from the 7th day of October, 1906.

John O. Downey, a citizen of West Virginia, and James M. Minter, a citizen of Georgia, to be assistant surgeons in the Navy from the 1st day of August, 1906.

Spencer L. Higgins, a citizen of New York, to be an assistant surgeon in the Navy from the 12th day of November, 1906.

Medical directors with the rank of captain to be medical directors with the rank of rear-admiral on the retired list.

Francis M. Gunnel,
Edward Shippen,
Samuel F. Coues,
John Y. Taylor,
Richard C. Dean,
David Kindleberger,
Edward S. Bogert,
Adolph A. Hoehling,
Benjamin H. Kidder, and
George H. Cooke.

Medical inspectors with the rank of commander to be medical directors with the rank of captain on the retired list.

John C. Spear,
Archibald C. Rhoades,
Aaron S. Oberly, and
Theoron Woolverton.

Surgeons with the rank of lieutenant-commander to be medical inspectors with the rank of commander on the retired list.

Thomas Hiland,
Edward D. Payne,

Henry C. Eckstein, and
William Martin.

Asst. Surg., with the rank of lieutenant (junior grade), Almond O. Leavitt, United States Navy, to be a passed assistant surgeon with the rank of lieutenant on the retired list.

Captains to be rear-admirals on the retired list.

Allen V. Reed,
Alfred T. Mahan, and
Theodore F. Kane.

Commanders to be captains on the retired list.

Thomas L. Swann,
Smith W. Nichols,
George T. Davis,
Thomas Nelson,
Charles A. Schetky,
George R. Durand,
Francis M. Barber,
Timothy A. Lyons,
John J. Brice,
John K. Winn,
William B. Newman,
Zera L. Tanner,
Samuel Belden,
John C. Morong, and
Benjamin S. Richards.

Lieutenant-commanders to be commanders on the retired list.

Antoine R. McNair,
Charles E. McKay,
Frederick I. Naile,
Gouverneur K. Haswell,
Edward M. Stedman,
Socrates Hubbard,
Edward L. Amory,
Holman Vail,
Isaac Hazlet,
Frederick A. Miller,
William H. Webb, and
Arthur P. Osborn.

Lieutenants to be lieutenant-commanders on the retired list.

William Watts,
Charles H. Judd,
Douglas Roben,
Richard M. Lisle,
Charles P. Shaw,
John W. Hagenman,
James M. Grimes,
Andrew C. McMechan, and
Downs L. Wilson.

Pay directors with the rank of captain to be pay directors with the rank of rear-admiral on the retired list.

James H. Watmough,
Thomas H. Looker,
Charles W. Abbot,
James D. Murray,
Alexander W. Russell,
Luther G. Billings, and
Arthur J. Pritchard.

Pay inspectors with the rank of commander to be pay directors with the rank of captain on the retired list.

James Hoy,
Francis H. Swan,
Worthington Goldsborough, and
William W. Woodhull.

Paymasters with the rank of lieutenant-commander to be pay inspectors with the rank of commander on the retired list.

John Furey,
John R. Carmody, and
George H. Read.

Chief engineers with the rank of captain to be chief engineers with the rank of rear-admiral on the retired list.

Benjamin F. Isherwood,
Montgomery Fletcher,
David B. Macomb,
Edward D. Robie,
John W. Moore,
Thom Williamson,
Jackson McElmell,
Edwin Fithian,
Charles H. Loring,
William B. Brooks,
George F. Kutz,
Andrew J. Kiersted,
James W. Thomson,
Samuel L. P. Ayers,
Elijah Laws,
Edward Farmer,
Fletcher A. Wilson,
Robert Potts,
Alfred Adamson, and
Charles J. MacConnell.

Chief engineers with the rank of commander to be chief engineers with the rank of captain on the retired list.

Henry W. Fitch,
Frederick G. McKean,
Isaac R. McNary,
John A. Scot,
George W. Stivers,
Absalom Kirby,
George E. Tower,
James H. Chasmar, and
Albert C. Engard.

Chief engineers with the rank of lieutenant-commander to be chief engineers with the rank of commander on the retired list.

Henry Mason,
Edward E. Latch,
George W. Senser,
George W. Magee,
Benjamin F. Wood,
Burdett C. Gowing,
Edward A. Magee,
George W. Roche, and
Jefferson Brown.

Passed assistant engineers with the rank of lieutenant to be chief engineers with the rank of lieutenant on the retired list.

Caleb E. Lee,
Rezeau D. Plotts,
Alexander V. Fraser,
Charles H. Greenleaf,
Rudolph T. Bennett,
John J. Bissett,
Henry C. Blye,
James W. Holihan,
Jonathan M. Emanuel,
Charles H. Manning,
William A. H. Allen,
David M. Fulmer,
William L. Bailie,
Charles F. Nagle,
Robert D. Taylor, and
Robert Crawford.

Chaplains with the rank of captain to be chaplains with the rank of rear-admiral on the retired list.

William H. Stewart,
Donald McLaren,
James J. Kane, and
George A. Crawford.

Professors of mathematics with the rank of captain to be professors of mathematics with the rank of rear-admiral on the retired list.

Simon Newcomb,
Asaph Hall, and
John R. Eastman.

Naval Constructor, with the rank of captain, Thomas E. Webb, United States Navy, to be a naval constructor with the rank of rear-admiral on the retired list.

Boatswains to be chief boatswains, to rank with but after ensigns on the retired list.

Robert Anderson,
James Nash,
Thomas Savage,
Edwin Crissey,
John H. Brown, and
Woodward Carter.

Gunners to be chief gunners, to rank with but after ensigns, on the retired list.

John C. Ritter,
Thomas P. Venable,
Elisha J. Beacham,
Thomas B. Watkins,
Joseph Smith,
John G. Foster,

George P. Cushman,
William T. Devlan, and
Samuel Cross.

Carpenters to be chief carpenters, to rank with but after ensigns, on the retired list.

Ebenezer Thompson,
William D. Toy,
Robert A. Williams,
Herbert M. Griffiths,
Henry Williams, and
Benjamin E. Fernald.

Sailmaker George C. Boerum, United States Navy, to be a chief sailmaker, to rank with but after ensign, on the retired list.

To be chaplains in the Navy with the rank of lieutenant-commander from the 1st day of July, 1906, to fill vacancies created by an act of Congress approved June 29, 1906:

Curtis H. Dickins,
Louis R. Rennolds,
Charles M. Charlton,
Edward J. Brennan, and
Bower R. Patrick.

Lieut. Harry E. Smith, United States Navy, to be a professor of mathematics in the Navy from the 8th day of August, 1906.

Lieut. Daniel M. Garrison, United States Navy, to be professor of mathematics in the Navy from the 27th day of October, 1906.

Naval Constructor Washington L. Capps to be a naval constructor in the Navy with the rank of captain from the 7th day of July, 1906.

Naval Constructor George H. Rock to be a naval constructor in the Navy with the rank of commander from the 7th day of July, 1906.

The following-named civil engineers to be civil engineers in the Navy with the rank of lieutenant from the 7th day of June, 1906:

Joseph S. Shultz, and
Carl A. Carlson.

Albert A. Baker, a citizen of New Hampshire, to be an assistant civil engineer in the Navy from the 9th day of October, 1906.

Warrant Machinist Clarence E. Wood, Gunner Max M. Frucht, and Warrant Machinist Charles S. Joyce, United States Navy, to be ensigns in the Navy from the 30th day of July, 1906.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. John C. Beaumont to be a captain in the Marine Corps from the 17th day of July, 1906.

First Lieut. Sidney W. Brewster to be a captain in the Marine Corps from the 15th day of August, 1906.

POSTMASTERS.

GEORGIA.

Charles W. Parker to be postmaster at Elberton, in the county of Elbert and State of Georgia.

IOWA.

Rufus Lyman to be postmaster at Carson, in the county of Pottawattamie and State of Iowa.

Charles H. Read to be postmaster at Avoca, in the county of Pottawattamie and State of Iowa.

LOUISIANA.

Louisa F. Gause to be postmaster at Slidell, in the parish of St. Tammany and State of Louisiana.

Lena E. Henderson to be postmaster at St. Joseph, in the parish of Tensas and State of Louisiana.

NEBRASKA.

Charles H. Simmons to be postmaster at Scottsbluff, in the county of Scotts Bluff and State of Nebraska.

Samuel H. Weston to be postmaster at Dorchester, in the county of Saline and State of Nebraska.

NEW YORK.

Floyd S. Brooks to be postmaster at Ilion, in the county of Herkimer and State of New York.

Edwin A. Clark to be postmaster at Center Moriches, in the county of Suffolk and State of New York.

Edward A. Hildreth to be postmaster at Bridgehampton, in the county of Suffolk and State of New York.

NORTH CAROLINA.

Moses L. Buchanan to be postmaster at Concord, in the county of Cabarrus and State of North Carolina.

Charles E. Orr to be postmaster at Brevard, in the county of Transylvania and State of North Carolina.

NORTH DAKOTA.

Thomas S. Johnstone to be postmaster at Ashley, in the county of McIntosh and State of North Dakota.

William H. Stevens to be postmaster at Wimbledon, in the county of Barnes and State of North Dakota.

PENNSYLVANIA.

Lucian T. Claybaugh to be postmaster at Donora, in the county of Washington and State of Pennsylvania.

James Lloyd Galbraith to be postmaster at Canonsburg, in the county of Washington and State of Pennsylvania.

James Koller to be postmaster at Myerstown, in the county of Lebanon and State of Pennsylvania.

Harry M. Zimmerman to be postmaster at Derry Church, in the county of Dauphin and State of Pennsylvania.

SOUTH CAROLINA.

John R. Cochran, jr., to be postmaster at Andrews, in the county of Anderson and State of South Carolina.

Samuel J. Leaphart to be postmaster at Lexington, in the County of Lexington and State of South Carolina.

Jefferson F. Richardson to be postmaster at Greenville, in the county of Greenville and State of South Carolina.

George D. Shore to be postmaster at Sumter, in the county of Sumter and State of South Carolina.

SOUTH DAKOTA.

Robert Z. Bennett to be postmaster at Beresford, in the county of Union and State of South Dakota.

Cyrus B. Williamson to be postmaster at Watertown, in the county of Codington and State of South Dakota.

TEXAS.

William P. Fleming to be postmaster at Georgetown, in the county of Williamson and State of Texas.

Americus C. Nafus to be postmaster at Mesquite, in the county of Dallas and State of Texas.

Charley E. Smith to be postmaster at Kerens, in the county of Navarro and State of Texas.

Gustave A. Pannewitz to be postmaster at Shiner, in the county of Lavaca and State of Texas.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 11, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. 5531) for the relief of Francisco Krebs;

An act (S. 5246) to provide for the extension of Geneseo place and Summit place, District of Columbia;

An act (S. 4323) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased;

An act (S. 5201) to acquire certain land in the District of Columbia as an addition to Rock Creek Park and in Hall & Elvan's subdivision of Meridian Hill for a public park; and

An act (S. 823) to rectify the boundary line of Rock Creek Park.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

An act (S. 5531) for the relief of Francisco Krebs—to the Committee on Private Land Claims.

An act (S. 5246) to provide for the extension of Geneseo place and Summit place, District of Columbia.

An act (S. 4323) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased—to the Committee on Claims.

An act (S. 5201) to acquire certain land in the District of Columbia, as an addition to Rock Creek Park, and in Hall & Elvan's subdivision of Meridian Hill for a public park—to the Committee on Public Buildings and Grounds.

An act (S. 823) to rectify the boundary line of Rock Creek Park—to the Committee on Public Buildings and Grounds.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

On motion of Mr. LITTAUER, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21574) the legislative, executive, and judicial appropriation bill, Mr. HEPBURN in the chair.

Mr. LITTAUER. Mr. Chairman, I yield such time to the gentleman from Ohio [Mr. KEIFER] as he may desire.

Mr. KEIFER. Mr. Chairman, I have just been notified that I might submit some remarks on this bill. I shall violate to-day

the general rule which obtains here in Committee of the Whole House on the state of the Union in considering an appropriation bill, and that rule is, as I understand it, and it has been pretty general, not to speak of the bill before the committee at all, but on some other subject than that to which the bill relates. I will on this occasion speak strictly to provisions of the bill. I understood the distinguished chairman of the subcommittee on appropriations yesterday to say in his opening remarks that so faithful was the work of the subcommittee in preparing this bill that when it came to the whole Committee on Appropriations it was accepted without alteration of any kind. I think that the bill was accepted by the whole of that committee after a very few minutes' consideration, the time being taken up principally by those who favored the bill in all respects. I do not rise, Mr. Chairman, to-day to attack it in any general way, but there is a provision in the bill that I regard of great importance and that I am very sure got into the bill without any testimony before the whole committee or the subcommittee, so far as I know, from any source to justify it.

PENSION APPEAL BOARD.

That provision will be found, I believe, on page 106 of the bill. It is proposed there to emasculate the Board of Pension Appeals, in the Interior Department, practically to disable it in every respect and to cut it almost in two in point of numbers and working force on the Board. Now, I am sure I can make good my statement that there is not one syllable of testimony taken before the committee that warrants this, nor do the facts warrant any interference with that Board as it now exists. This has been a very important board in the administration of the pension laws of this country. I may not be as familiar as to dates as some Members of the House or the committee, but a few years ago, perhaps three or four years ago, this Board was made up of twelve permanent members of the Board, and it was then found to be from two to five years behind time in its work, so that the old soldier who appealed from the decision of the Pension Office had as much hope of getting his appeal decided, and no more, than he had of going to the grave before it was decided.

The Congress of the United States listened to the appeal of these old tottering soldiers and decided to increase that Pension Appeal Board in the Interior Department twenty members, so as to make it up to thirty-two in all, and then, Mr. Chairman, I do not want to forget that the Assistant Secretary of the Interior, who has charge especially of this Pension Board, had loaned to him, for a time at least, two assistant attorneys from the Attorney-General's office, and he had another from the Land Office, so that in effect he had thirty-five members of this Board working industriously in the matter of passing upon appeals taken from the Pension Bureau. The work was progressing rapidly toward coming up even with the appeals, so that a year ago and for this fiscal year the Congress concluded that it would be wise to reduce the Pension Board in the Interior Department, leaving it at the original twelve permanent members and reducing the additional or temporary members of the Board to sixteen, leaving the total number twenty-eight, and the Assistant Secretary of the Interior returned at the end of the last fiscal year the two attorneys from the Attorney-General's office, and the use of the clerk from the Land Office was discontinued, so that we had but twenty-eight last year. Those twenty-eight proved to be very efficient, and they disposed of a very large number of appealed cases. Subsequently they passed on appeals at the rate of about 800 a month, and before that the Board averaged a thousand a month; but with sixteen in addition to the twelve, they continued during this fiscal year to dispose of about 800 a month; and so at a recent time they had disposed of current appeals, including old delayed returns, until they were within about seventeen hundred of being up to date, without any appeal cases in arrears.

The committee that reports this bill now says that by the provisions found on page 106 of the bill that the number of our permanent appeal board shall be nine, with three detailed from the present sixteen additional, and then ask three additional, to be taken by the Secretary of the Interior from the Pension Office, persons who have already been engaged in the work of dealing with the pensions that have been appealed from perhaps. It will be seen that this reduction will bring down the number of our pension board to almost one-half the number now on it.

In the report of this committee there is this stated and this only:

A reduction is made of thirteen members of the board of pension appeals, at $2,000 each.

Not one word of explanation follows to give any reason or excuse for the reduction. Now, Mr. Chairman, the number of appeals filed per month is about 800. If the board is practically cut in two the number that will be disposed of, we will see, will be about 450 in the proportion that the board will remain efficient. So that we are certain that the appeals will again continue, as in the past, to run behind, and if the appeal board dealt alone with the current appeals at the rate of about 350 per month it would leave about 1,700 undisposed of cases to go on accumulating. Whichever way they did it, that would be adding to the undisposed of cases each month, and at the end of the next fiscal year we would have in the neighborhood of 6,000 undisposed of pension appeal cases.

Is this Board important? It has proved to be a very efficient one. About 9 per cent of the appeals as perfected—I mean perfected in the sense that they got fully and fairly before the Appeal Board—were reversals of the Pension Bureau. But the result has been greater than that in favor of the applicants for pensions. They have established through these appeals precedents and rulings which govern the Pension Commissioner or Pension Bureau in the determination of other like cases. But in the process of appeal from the Pension Bureau of the Interior Department the first step taken is for the Commissioner of Pensions, through his force, to reexamine and review the cases upon which appeals have been filed, and in about 6 per cent of the cases the Bureau has reversed itself, so that the effect of this Pension Appeal Board has been to dispose, favorably to the pensioners, of about 15 per cent of the appeals filed.

Now, I have said this much for the purpose of having it understood that the question here is one of importance to the applicants for pensions. If there be those here who are opposed to these soldiers in their old days having a review at all, then let them say so and then vote to abolish the Board because they are opposed to their being pensioned under the laws of the United States. Let us not by any means of this kind fail to give them a full and fair hearing. If we err at all, why not err on the side of the old and broken soldier? But there is no danger of this Appeal Board being idle any part of the next fiscal year, and the Secretary of the Interior can be relied on to protect the Government.

Now, I am not going to give you the result alone of my own investigation of this question, but I am going to give you the testimony taken before the subcommittee of the Appropriation Committee when and before they reported this legislation. I call attention first to a letter written by the Assistant Secretary, Jesse E. Wilson, dated September 15, 1906, and addressed to the Hon. Thomas Ryan, Acting Secretary of the Interior, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, September 15, 1906.

SIR: Relative to the estimates for the next fiscal year, commencing July 1, 1907, for the members of the board of pension appeals, I have the honor to submit the following statement and suggestions:

You will recall that in the appropriation for the current year, commencing July 1, 1906, Congress provided for the continuance of 16 additional temporary members at $2,000 each instead of 20, as previously provided for. It was also provided that such employment shall cease at the end of the current fiscal year, and that vacancies occurring in this additional force during the year shall not be filled.

In my report to the honorable Secretary February 14, 1906, relative to the prospective work of the board, it was shown that about 600 appeals and motions had been filed each month, and attention was also invited to the fact that it was quite impossible to anticipate the volume of work connected with the board, or rather to definitely state what force will be necessary to dispose of the pending appeals and keep up with the current work.

During the last seven months, commencing February, 1906, there have been filed 5,689 new appeals and motions, an average of over 800 each month, showing an increase of 200 in the monthly average.

During that period 6,069 cases have been disposed of—an average of 867 each month. It thus appears that during the last seven months the number of pending appeals has been reduced from 2,074 to 1,694, a reduction of 380.

It is quite probable the number of new appeals will increase as we approach the current work. Every effort is being made to dispose of pending appeals as rapidly as possible consistent with efficient service, but with the prospective increase of the number of appeals, and the number now pending, it does not now seem wise to reduce the force at the end of the current year.

It is therefore respectfully suggested that Congress be recommended to continue the appropriation for the 16 additional members for the next fiscal year, commencing July 1, 1907.

Attention is also respectfully invited to the appropriation for the permanent members of the board for the current year.

It provides for 9 members at $2,000 each; also for 3 additional members to be selected from the Pension Office, etc. The latter were appointed seven years ago and have continued since as permanent members of the board. So that the appropriation should be for 12 permanent members of the board instead of 9, and avoid the confusion arising from designating each year three new members appointed from the Pension Office.

Very respectfully,

JESSE E. WILSON,
Assistant Secretary.

Hon. THOMAS RYAN, *Acting Secretary.*

Mr. PAYNE. May I ask the gentleman a question?

Mr. KEIFER. Certainly.

Mr. PAYNE. Does the gentleman who makes that statement give any reason for the prospective increase of appeals? My offhand judgment would be that they have decreased instead of increased. As he states the matter, they will be increased, with-

out giving any reasons for it, as far as the gentleman read. I want to know if he gave any reason for it?

Mr. KEIFER. I do not think there has been any reason stated. The fact is stated that the increase has taken place and——

Mr. PAYNE. He says that he expects them to increase.

Mr. BONYNGE. There had been an actual increase.

Mr. KEIFER. There has been an actual increase. On page 76 of the Book of Estimates——

Mr. PAYNE. That would explain it.

Mr. KEIFER. Now, while I am on this letter question, I think there is another one somewhere of a later date. I do not remember that this one I refer to now——

Mr. NORRIS. Will the gentleman permit an interruption?

Mr. KEIFER. Certainly.

Mr. NORRIS. I want to read again, for the benefit of the gentleman from New York [Mr. PAYNE], a statement in this letter, as follows:

During the last seven months, commencing February, 1906, there have been filed 5,689 new appeals and motions, an average of over 800 each month, showing an increase of 200 in the monthly average.

Mr. KEIFER. I thought I had another letter, but maybe I have mislaid it. I will see.

There was another letter written, Mr. Chairman, on this subject, of a much later date, addressed to Hon. L. N. LITTAUER, House of Representatives, dated December 6, 1906. I do not remember that this letter was shown to the committee by the person to whom it was addressed. I do not know that it was ever disclosed to the subcommittee, but I only wish now to put it into the RECORD, for it brings up some later figures. I will read it:

Hon. L. N. LITTAUER,
House of Representatives.

SIR: In making my statement before your committee the other day, relative to the appropriation for the Board of Pension Appeals, I think I informed you that the figures as to the number of appeals filed and the number of cases disposed of were given largely from memory, and might not be strictly accurate. Your attention is invited to the letter of the Assistant Secretary to the Acting Secretary, dated September 15, 1906, copied in the Book of Estimates, page 76, which will give you some idea of the increasing number of appeals for seven months commencing with the month of February, 1906.

I desire also to call your attention to the following comparative statement showing the number of appeals filed and disposed of for five months commencing July, 1905, and the number filed and disposed of for the same period in 1906:

Date.	Appeals filed.	Disposed of.
July, 1905	488	476
August, 1905	600	464
September, 1905	517	976
October, 1905	523	981
November, 1905	530	937
Total	2,658	3,834

You see how efficient this Board was, as it was organized in 1905. The total appeals filed for that year for the five months were 2,658, and there were disposed of by the Board as then constituted 3,834.

Now I come to 1906, when the Board consisted of only twenty-eight members. I will read that:

Date.	Appeals filed.	Disposed of.
July, 1906	872	880
August, 1906	782	720
September, 1906	701	645
October, 1906	931	873
November, 1906	834	866
Total	4,120	3,984

This table shows the number disposed of by the Board as constituted when the twenty-eight gentlemen occupied it. I do not say that they dealt only with the current appeals, but if they dealt with those alone, they would not have kept pace with them.

You will observe that during the five months the average number of appeals filed per month in 1905 were 531, while during the five months in 1906 they have increased to an average per month of 824.

I will also state that at the close of the month of November, 1906, there were 1,776 appeals pending.

It is clear to my mind that if the increase of appeals filed continues, which is quite probable, the proposed reduction of the force by dropping the sixteen temporary members of the Board will result in increasing very largely the arrearages.

Very respectfully,
JESSE E. WILSON,
Assistant Secretary.

Now, turning to the testimony of this Assistant Secretary taken before the subcommittee of the Committee on Appropriations having this bill in charge, I find that Mr. Wilson was put under cross-examination by the distinguished members of the subcommittee for the purpose of trying to get him to admit that there was some excuse for reducing this Board below its present number, but in every case this effort failed, and the question at last being put, "Do you suggest the continuance of this entire Board with sixteen men as it was?" Mr. Wilson answered "I do." Again, Mr. Burleson asked him this question: "You think this ought to be continued one more year?" Mr. Wilson answered: "Yes, and that the vacancies be not filled." What he refers to was that if vacancies occurred in the sixteen during the year they shall not be filled, and that is the present provision of the law.

All the testimony, from every source, without any variation whatever, shows, and in fact demonstrates, that unless you intend to cut the Board down so that it will no longer be efficient, unless you intend to increase the arrears of pension appeals in the Interior Department, you must continue the Board at its present number. It has been extremely efficient as now continued. Think of these men going over and disposing of an average of 824 appeal cases in the working days of a single month, and doing it satisfactorily and carefully. Of course, in a large majority of the cases they affirm the Commissioner of Pensions. They have accomplished and expert medical officers detailed to act with the Board. They have passed upon substantively in their own Board about 9 per cent favorable to the appellants. I do not need to again remind the Committee of the Whole House on the state of the Union of the fact that these old soldiers of the civil war must have their cases disposed of early or they will be in their coffins, and their appeals will avail them nothing.

So that unless it is the policy now at this late period in the carrying out and execution of our pension laws that we shall adopt dilatory measures and prevent their cases getting through, it becomes our duty to maintain this Board with efficiency; and we can certainly not do it, in the light of facts which are known to those familiar with the matter, by cutting down this Board and almost cutting it in two. I have yet to hear from any member of the committee or from any source any testimony or any facts warranting the proposed reduction. I will wait to be interrupted, if anybody can point out anything that has developed in recent times before the committee or anywhere that warrants this effort to destroy in large part the efficacy of the Pension Appeal Board in the Interior Department.

Much more might be said in that direction, but I content myself now by leaving it.

SIMPLE SPELLING.

I have a word or two that I want to add, not so much in the way of an attack on this bill as to bear my testimony with reference to a matter discussed with great ability on yesterday. That is the matter relating to simplified spelling.

We are living in a great epoch-making age. For the first time in the history of our country, including American colonial days, it is proposed to legislate on the proper use of the English language in the public prints.

Should this bill become a law we will be required to write and spell according to law—according to Webster's or some other standard dictionary. In our observance of this bill, should it become a law, I hope we shall be given wisdom sufficient to enable us to spell correctly all the words we may use in our vocabulary; otherwise we shall violate the law of the land. It would be too much to expect us to be able to spell according to a standard dictionary all the English words—about one hundred and forty thousand (according to Webster's latest International Dictionary)—now in use and found in the latest accepted dictionaries of the English language.

The author of Shakespeare's plays and sonnets (about 1600) was not much of a speller, and he used only a vocabulary of about fifteen thousand words; and the blind poet, Milton, when he wrote Paradise Lost, only a little later (1640 or thereabout), was also a poor speller, and his vocabulary was confined to only 8,000 words. The great philosopher, Francis Bacon, was little better, and his vocabulary was less than that of the Shakespearean author. But the progress of the intervening three hundred years has given us more English words than these immortal authors ever dreamed of, and we have discovered that they did not know how to spell the few words they used, and now, fearing that our modern way of spelling may be interfered with, or that there is danger that we progressive Americans may retrograde to the degenerate days of Chaucer and others who, notwithstanding they did so much to create and build up the English language, were often silly enough to spell the words they used, including such as they coined, in the simplest and most natural way.

To avoid such a misfortune it is now proposed to call a halt, and, by law, say we have reached perfection in the accomplish-

ment of correct spelling, and henceforth this nation's public literature—and there will be much of it—shall be spelled according to a standard fixed by law.

This Congress, ever to be memorable in consequence of its interstate freight rate and other laws supposed to relate to interstate commerce, and for its meat-inspection and pure-food laws, etc., is about to become especially distinguished in consequence of its being the first and only Congress of the United States, or other parliamentary body in the history of civilized nations, to legislate on the subject of how to use the alphabet in the spelling of words. In short, we are henceforth to be required by law to spell all English words correctly according to a fixed standard.

The warrant for this may be found in existing conditions. So the Appropriations Committee of this House has decided. A majority of its members have agreed to "stand pat" on the English language, although only 300 of the 140,000 words composing it have been threatened with revision. Even some of that 300 have so far undergone revision or their spelling has been so far simplified as to have, possibly unwittingly, been adopted, so spelled, into Webster's Unabridged Dictionary and other standard dictionaries by modern lexicographers.

Understand me, Mr. Chairman, I did not rise to oppose this proposed legislation, but only to emphasize its importance, and to call the attention of the members of the Committee of the Whole House on the state of the Union, and, if possible, the whole country and the whole world to the significant and transcendent character of the legislation we are about to write upon the statute books of our beloved country.

We have in this legislation the happy concurrence of the Supreme Court of the United States, as we are advised that that body has so far adjudicated upon the wisdom and constitutionality of the proposed law as to order, in advance of its enactment, its records to be made up according to its provisions, even requiring the attorneys and counselors at law who appear in that court to write and cause their briefs to be printed in words spelled according to standard dictionaries, or rather according to usual methods.

And, lastly, we may felicitate ourselves over the fact that this law is to be underwritten, notwithstanding his previously announced conviction that the time has come for revision and reform in spelling American-English, with the word "approved," signed by the President of the United States; this unless he shall veto the bill containing the extraordinary provision. This he will hardly do, as the bill contains an appropriation of about $31,000,000 to maintain the legislative, executive, and judicial departments of the Government for the next fiscal year, including an item for the payment of his own salary.

But, Mr. Chairman, significant in character as this proposed spelling legislation may be, I did not arise here to-day to pay more than a passing tribute to it. I arose to oppose a clause in this legislative appropriation bill and to point out a defect in it which I regard of vital importance, and which, if not corrected, will result in irremediable injustice to some of my old comrades of the civil war. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, all free governments are delegated certain powers that are intended to be exercised for the benefit of the governed. When these powers are justly and properly exercised we have good government, but when the governmental powers are used not for the benefit of the people, or not exercised at all, then the object for which the government was created has miscarried, and the end and aim for which the grant of power was given is not attained.

The Constitution of the United States gives to the Federal Government the power to levy taxes, expend its revenues, provide for the Army and Navy, maintain a system of courts, all of which have been exercised for the benefit of the people; but there were some grants of power that were given to the Federal Government that have not been exercised by it for many years, and the neglect to do so has caused great loss to the people.

The Constitution provides "that Congress shall have the power to establish post-offices and post-roads." Millions of dollars have been appropriated from the Treasury for the establishment and maintenance of post-offices, but within the last six decades comparatively nothing has been expended toward the establishment of post-roads. In other words, a great governmental power, vested in Congress, has been neglected and not exercised for the benefit of the people, as it was intended it should be. Should the present Congress fail or refuse to make appropriations to carry on the present post-office system, would not everyone feel that a great wrong was done to the citizenship of the country; and when Congress refused to exercise its correlative power to build post-roads, is not an equal injury being done?

There is not an inhabitant of Alabama who is not entitled to have his mail delivered at his door by the Government to whom he has granted this power, whether he lives in the city or the country; and it is no answer to the demand for a fair delivery of mail matter to all that the county roads are so bad that the mail carrier can not travel them, when this very Government that is delivering the mail has been granted the power and directed by the Constitution to build suitable post-roads for mail deliveries to all.

Some contend that the State and county governments should provide the roads over which the United States mail is carried. It is true this has been done in the past, but it does not seem to me that the argument is a tenable one. Why should the grant have been given to the Federal Government to build post-roads if it had not been intended that it should exercise that grant of power? To establish post-roads must mean something more than merely using roads for postal service after somebody else built them.

The Congress has appropriated great sums of money and has granted vast tracts of public land for railroad building under the plea that they were public highways for carrying the mail. If that was a good argument then, why is it not an equally good argument now to insist that good roads should be built by the Government from the railroad towns to the rural districts to deliver the mail with reasonable speed and certainty?

Taxes are levied and collected that they may be expended for the benefit of the people. The last session of this Congress appropriated for this fiscal year:

For agriculture	$9,932,940
For Army	71,817,165
For diplomatic and consular service	3,091,094
For District of Columbia	10,138,692
For fortifications	5,053,993
For Indians	9,260,399
For legislative branch	29,741,019
For Military Academy	1,664,707
For Navy	102,071,650
For pensions	140,245,500
For post-offices	191,695,998
For sundry civil expenses	98,274,574
Total	672,987,734

being the total of ordinary expenditures, to which must be added appropriations for deficiencies for last year, miscellaneous and permanent annual appropriations, which bring the grand total up to $880,133,301, and out of it all not one dollar for post-roads to better the mail facilities of the country people; that of the grand total $258,968,790 was expended for the military establishment and only $9,932,940 to advance the cause of agriculture.

The revenue collected by the Government to meet the vast expenditures I have enumerated amounts to about $6.93 for each man, woman, and child in the United States. Of the total population of the United States only one-third live in cities of over 8,000 people; the balance live in the small towns and the country. Of the 80,000,000 people in the United States, it is readily seen how great a percentage of the revenues to support the Government are paid by the country people, and it is equally evident how small a proportion of the annual expenditures accrue directly for their benefit. In fact, the people living in the country districts saw no direct return to them of any of the money they paid in taxes to the Federal Government until the rural mail-delivery service was inaugurated, and now more than half of the rural population is deprived of daily mail service because the Government agents say the roads are too bad for the mail riders to travel—the very roads the Constitution contemplated the General Government should put in good condition to carry the mail.

In the last decade we have expended millions for good roads in the Philippines and in Porto Rico, but not one dollar in the United States to aid the people who paid the taxes and defended the country.

The Congress has expended millions of dollars on river and harbor improvements, has thrown open the doors of the Treasury when the railroad corporations asked for money and land to lay their lines across the continent, has given fabulous millions to connect the waters of the Atlantic with the Pacific Ocean, has listened to the cry of distress and has responded nobly, and the American people pay the taxes and approve your course; but to the aid of the toiling masses at home you give nothing.

Do not forget that these same country people who are asking Congress to keep the pledges of the Constitution are the class of our people who in the one hundred and twenty-five years of our nation's existence have never been appealed to by our country in vain. They are the men who, when war's ugly aspect overshadowed our land, have always responded to their country's call, from Bunker Hill to Santiago; from 1776 to 1898

they have given their lives at their country's call, and their sufferings and blood have vindicated their right to the citizenship that is entitled to be heard to-day on this great economic problem.

It is the duty of every government to expend the revenues intrusted to it where the people who have paid the taxes will derive the most benefit from the money expended. Viewing this great economic problem of good roads from that standpoint, I know of no expenditure of money by the Government that will make a greater direct return to the people.

The cost of transportation is the vital question in all modern commerce. With the world's markets in which to dispose of our products, our success and prosperity is largely dependent on costs of carrying our products to these markets.

The country has realized this fact so far as railroad freight charges are concerned, and the Congress has enacted wise legislation to regulate all freight rates, though our rates, on an average, are much less than in European countries. The cost of carrying a ton 100 miles in England is $2.35; in Germany, $2.25; in France, $2; in the United States, 72 cents, the cheapest freight rates in the civilized world, and we have very properly regulated them. On the other hand, the cost of moving our products from the farms to the railroad stations is from two to four times as much as it is in France or Germany. This part of the cost of transportation to the markets of the world is just as vital to our success and the development of our foreign trade as is the railroad freight, and it is not only neglected, but the direct authority of the Constitution, authorizing Congress to build post-roads, is disregarded.

I have seen it stated that it costs as much to deliver a bushel of grain over dirt roads 5 miles to a railroad in Illinois as it costs to carry it 1,100 miles by railroad to Buffalo, N. Y. In West Virginia it costs five times as much to carry tobacco 8 miles over muddy roads to the station as it costs afterwards to carry it 400 miles by rail to the manufacturers in Richmond, Va.

A circular of the Agricultural Department states that on an average it costs 25 cents per ton per mile for hauling farm products over common earth roads and shows the average distance hauled and average load for a 2-horse wagon to be:

Section.	Average wagon haul.	Average load, two horses.
	Miles.	*Pounds.*
Eastern States	5.9	2,216
Northern States	6.9	.....
Middle States	8.8	.....
Cotton States	12.6	1,397
Prairie States	8.8	2,407
Pacific States	23.3	2,197
Average in United States	12.1	2,002

Another circular of the Agricultural Department shows the average load carried and distance hauled in European countries, where they have good macadam roads, to be—

Country.	Average net load hauled by two horses.	Average distance hauled to market.
	Pounds.	*Miles.*
Belgium	4,400	2
England	4,500	5
France	8,000	4.4
Germany	6,000	6.8
Italy	8,800	10
Switzerland	5,510	13

Over these macadam roads it is stated that the cost of carrying farm products does not exceed 8 or 10 cents per ton per mile.

Consider this immense saving the European farmer has to his credit as compared with his American competitor, when you consider the difference between 25 cents per ton per mile and 10 cents per ton per mile—a saving of 15 cents per ton on an average haul of 12 miles, or $1.80 on every ton of farm produce carried to market by the American farmer.

Ten million bales would be an average cotton crop in the South. The weight of that crop would be about 2,193,000 tons, and a saving of $1.80 in hauling that crop to the railroad station would be a saving to the farmers of the South on their cotton crop alone of $3,947,000 each year. The same is true of the other great crops of the country. The saving to the farmers of the country in moving their crops alone would amount to many millions of dollars each year, and were the Government to expend twenty millions a year in building good roads, it would be more than returned to the people who pay the taxes each year, and we would have the permanent macadam roads for the future at a small cost of maintenance.

In view of these facts I have little patience with those who contend that dirt roads are good enough for the American farmer. All of the governments of Europe are giving national aid to road building. Not less than $7,000,000 each year are expended by the French Government in making new roads. This work employs 35,000 persons, and they now have 350,000 miles of well-paved roads. England is expending $15,000,000 a year for turnpikes.

One of the greatest advantages the European farmer has by reason of his good roads is that he can work in good weather and carry his crop to market in bad weather, and our farmers, on account of our bad roads in many parts of this country, can only do their hauling in good weather, when they could otherwise be at work.

In conclusion let me say that national aid to great undertakings has been repeatedly given in the past. The Congress has exercised its constitutional right by making appropriations for improvements of rivers and harbors, built railroads, canals, and highways, and constructed irrigation ditches. No country in the world that has good roads has accomplished the result without national aid.

The time has come for the Congress to act. Surplus revenues are accumulating in the Treasury and can be used for no better purposes. But little is done by the Government to aid agriculture, and yet the prosperity of the whole country is dependent on the success of our farming classes. To build good post roads along our mail routes would be a great economic undertaking, which should be started at once and pushed to a completion as rapidly as a wise and economic management of the problem will allow. [Applause.]

Mr. LITTAUER. Mr. Chairman, I now yield twenty minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, I want to avail myself of the latitude in this debate to talk about the subject of railway-mail pay. There is no more intricate complex subject in the financial affairs of the Government.

Beginning next February, before this Congress will adjourn, the mails will be weighed in that section of the country comprising Indiana, Illinois, Ohio, Michigan, Wisconsin, Minnesota, Iowa, and Missouri, and that weight will call perhaps for an expenditure of $20,000,000 annually for four years. Twenty million dollars is more than this service cost over the entire country in 1888. There are practices and methods which should be changed before February 1 of 1907.

In the report of the Post-Office Department for 1905 the average daily weight of the mails on route No. 107011, being the New York Central from New York to Buffalo, is given at 411,838 pounds for a period of seventy-eight days from February 14, 1905. If I am correctly informed, it was not 411,838 pounds, but the average daily weight was 356,000 pounds; that is 55,000 pounds less per day.

The annual rate of compensation is given at $1,985,000. If I am correctly informed it should not have been that, but should have been $1,728,000, or $257,000 less.

The average daily weight of the mail on route 109004, the Pennsylvania, from New York to Philadelphia, is given for the same period at 498,874 pounds. Apparently it was not that; it was, in all probability, 432,000 pounds. That is 66,000 pounds less. The annual rate of compensation is given at $491,000, and it should have been $427,000, or $64,000 less.

The average daily weight of the mail on route 110001, on the Pennsylvania, from Philadelphia to Pittsburg, is given at 362,000 pounds. It was probably, in fact, 313,000 pounds, and the annual rate of compensation is given as $1,410,000. That should have been $1,228,000, or $182,000 less.

If this is an overpayment on these three routes, the figures would reach $503,000.

Mr. MANN. Will the gentleman yield for a question?

Mr. MURDOCK. Certainly.

Mr. MANN. Will the gentleman inform the House before he closes that portion of his remarks how he arrives at these figures?

Mr. MURDOCK. I intend to. That is the next thing in my remarks.

The basis of most of our enormous outlay for the railway carriage of mail—$45,000,000 this year—is the average daily weight. Antiquated and faulty as the system of pay is, still if we are to retain it, then the basis of that pay, the average daily weight, ought to be a true and not a false average.

That the average is mathematically false I believe, and an accountant would show, I believe, that through this false average this Government in the last ten years has paid somewhere in the region of $40,000,000 for the carriage of the mails

more than it would have paid on a true average. If the average is corrected, the system of pay is still antiquated and inequitable and should be changed.

I have three features I desire to present to the House: First, the false average of daily weight; second, the justice of a lower rate on dense routes; third, a modification of the railway post-office pay. I desire to present first the false average. To-day the mails are to be weighed for one hundred and five days, Sundays and all, and this is all totaled. Then to secure the average daily weight, I am informed, the total is not divided by one hundred and five days, but by ninety days; that is, the Sundays are excluded. Reducing the system to the basis of a week, seven days' weighings are aggregated and the result is divided by six. This increases the average, of course. As nearly all the heavy averages come from routes which have Sunday mails, the loss to the Government is enormous.

This system has continued, apparently, for years. The Department has its warrant for it in an opinion given by an Attorney-General in 1884. The practice under these rulings is costing the Government dearly and immediate action should be taken to stop it.

The original authority for the average daily weight of mails is found in section 4002 of the Revised Statutes and is as follows:

The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned.

First. That the mails shall be conveyed with due frequency and speed, and that sufficient and suitable room, fixtures, and furniture in a car or apartment properly lighted and warmed shall be provided for route agents to accompany and distribute the mails.

Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, $50, * * * the average weight to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

The law now reads "not less than ninety." The law is thirty-three years old. Only comparatively few trains in 1873 carried Sunday mails. But, as I interpret the law, it was worded not to give an advantage to those routes having Sunday mails. The pay is for three hundred and sixty-five days of service, and if the mails were weighed for every day in the year it was carried, then any business man or corporation would insist that the average be obtained by a division of the total weight of mails by 365, and not by 365 less 52 Sundays—that is, 313.

Mr. MANN. Now, the gentleman's statement is interesting and valuable. I know nothing about it myself as to the facts. Is the gentleman sure that in ascertaining the weight the Post-Office Department weighs the mail, say, for seven days, every day in the week, and then in order to ascertain the average daily weight thereafter divides the total by 6 and then proceeds to allow for the full seven days?

Mr. MURDOCK. That is my understanding, else I certainly would not be making these remarks.

Mr. MANN. Well, if the gentleman is correct, he ought to know. It is an important matter, if that is the fact. It certainly is something that not only ought to be corrected by Congress, but the men who follow such a plan ought to be put out of office.

Mr. MURDOCK. I wish the gentleman would allow me to continue with this. I am going into the matter of computation before I finish.

The words "the average weight to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, * * * as the Postmaster-General may direct," was written to secure full weighings on days when mail was carried. It was not so construed. The construing of it now is, I understand, that the pay is not per annum, but is per a 313-day period; that where the mail is carried seven days a week it is actually carried but six working days. For one I refuse to subscribe to that construction of the law.

Nor can I see how anyone claiming that there are but six working days on a route where work is performed seven days can then find an average a day by a division of the number of days in the week by the number of "working days" in the week.

On that one New York Central route we are paying $1,985,910—almost $2,000,000 annually—not counting full railway post-office car pay. It is too much to pay on a just basis. It is far too much both in the absence of a just basis and by a computation on an antiquated method or ruling.

So long as the Government pays the New York Central on an average daily weight secured by including all Sunday weights and then dividing by the number of days weighed, less Sundays, the practice calls for a distinct legislative prohibition.

Mr. FOSTER of Vermont. Will the gentleman permit a question?

Mr. MURDOCK. Yes.

Mr. FOSTER of Vermont. If I understand the gentleman correctly, the theory is that the Government will not pay, that Congress did not arrange for the payment for carrying the mails on Sunday, and that therefore in computing the daily average, in computing the compensation for the averages, the carrying of the mails on Sundays is excluded. Am I right about that?

Mr. MURDOCK. I do not know that I catch the gentleman's question. If he will permit me to go on, I will get to the manner of computation.

Mr. FOSTER or Vermont. Very well.

Mr. MURDOCK. I have not found it easy to arrive at all the stages of computation. The weights are sent to the office of division superintendents, and the including of the Sunday weights, as nearly as I can find, is done there.

The basis of compensation—totaled daily weight—and the distance from station to station are sent on to Washington and the compensation adjusted here carefully. But the basis of compensation, the item of average daily weight is, under the Attorney-General's ruling, wrong before it reaches here if my information is correct.

Now to get to your proposition. The country is divided into four weighing districts, and the weighing takes place in each district once in four years. At the last weighing in which the New York-Buffalo route appeared, the weighing was "for seventy-eight successive working days," the seventy-eight day period beginning February 14, 1905, and ending May 15, 1905, ninety days thereafter. The mail was weighed, not seventy-eight days, in fact, but ninety days. The mail was weighed not only on successive working days, but on successive days, twelve Sundays included, and the Sunday weights, as far as I can find, were included in the total. But when the average was to be found the Sundays were subtracted from the ninety days, leaving seventy-eight days. Does that answer the gentleman's question?

Mr. FOSTER of Vermont. Partially.

Mr. MURDOCK. If it does answer it partially, then I hope to answer it wholly.

Mr. FOSTER of Vermont. Let me ask this. I was trying to ascertain just the working of the man's mind who gave this interpretation to the law.

Mr. MURDOCK. I can not answer that question.

Mr. FOSTER of Vermont. I was wondering whether you could give any information on that subject.

Mr. MURDOCK. But when the average was to be found the Sundays were subtracted from ninety days, leaving seventy-eight days.

Mr. FOSTER of Vermont. That must be on the theory the Government will not pay for services rendered on the Sabbath.

Mr. MURDOCK. I do not know what the theory was. The total weights, including Sunday weights, were divided by 78 and the false average was found. The true average would have been 356,929 pounds; that is, it would have been a true average if the total weights had been divided by the total days of weighing. As I believe it was done, and as it is done, it is false. The true average on the route, had it been employed, would have given the New York Central as an annual rate of pay $1,728,-140.60 instead of $1,985,910.27. In short, the Government is paying on this one route per year the sum of $257,769.67 more than a true average would give.

Mr. STERLING. Under that showing it is clear they do pay for carrying the mail on Sunday. They add the Sunday weights to the weights of the other days.

Mr. MURDOCK. I think they pay for that Sunday weight too. When the mails were weighed on the New York Central route from New York to Buffalo from February 14, 1905, until May 15, 1905, the aggregate of all the mails put on at each station and of all the mails put off at each station on the trips out of New York and into New York were sent into Washington. Here the adjustment of pay was made. Under the subheading of "trip out" the actual weight of mail carried from station to station is multiplied by the distance from station to station in round miles, the fractional mile under one-half mile being discarded, the fractional mile over one-half mile being added to. The total number of pounds multiplied by distance from station to station is then divided by the total number of miles and the quotient resulting is then divided by the number of days weighed for the average daily weight. This process is then repeated for the trip in. The computation is exact, save for the use of the fractional mile, which in the case of the New York Central route shows the route to be 434 miles in length for the purpose of finding the average daily weight and 439.49 miles when compensation is adjusted.

Now, in arriving at the compensation on the New York-Buffalo route allowance is made first for 5,000 pounds, at $200. As the New York-Buffalo route, No. 107011, is given an average daily weight of 411,838 pounds, after the first 5,000 pounds are deducted 406,838 pounds remain. Allowance is now made for this at the rate of $1 for every 80 pounds, giving $5,085. This and the $200 are added, giving $5,285. From this 10 per cent is taken, giving $4,756.50, and from this 5 per cent is taken, giving $4,518.67, which is the pay per mile per annum for transportation. This is then multiplied by the length of the route, this time fractional miles included. In this case $4,518.67 is multiplied by 439.49 miles, and the annual rate of pay for transportation found—in this instance $1,985,910.27.

In the section weighed in 1905, of the 880 routes weighed but 280 of them averaged twelve or less trips per week. The average of trips per week the country over is seventeen.

If the construction of the law is right, and the ruling of past Attorneys-General is to stand, and the presence of the word "working" forces a false and costly average daily weight, then it should be stricken from the law at once.

The second proposition I have to submit follows the first in that it emphasizes the antiquity of the law under which we pay for the carriage of the mail by railroads. The law of 1873 followed the law of 1845 and was a development from it. The law of 1873 provided equitable compensation when it was adopted. It provided for a decreasing rate of compensation with an increasing volume of mail handled upon the theory that as the density of traffic increases the rate should decrease.

The rates of pay under the law of 1873 and the 10 per cent horizontal reduction of 1876 and the 5 per cent horizontal reduction of 1878 are as follows:

Average weight of mail, whole distance, per day.	Original pay.	Pay, less deduction of 14½ per cent.
200 pounds or less, daily	$50	$42.75
200 pounds to 500 pounds, daily	75	64.13
500 pounds to 1,000 pounds, daily	100	85.50
1,000 to 1,500 pounds, daily	125	106.88
1,500 to 2,000 pounds, daily	150	128.25
2,000 to 3,500 pounds, daily	175	149.63
3,500 to 5,000 pounds, daily	200	171
Each additional 2,000 pounds	25	21.375

This law has as a supplement a provision for pay for full postal cars as follows:

Length of car:	Per daily line.
40 feet	$25
45 feet	30
50 feet	40
55 to 60 feet	50

I desire to handle the two provisions separately, prefacing what I have to say with the statement that all minds are confused on the subject, and there has never been an assertion vigorously made in regard to it that has not been as vigorously disputed.

I desire to pass over several points of ancient controversy at the start and go directly to my contention for a change in the law. First of these points to be passed over is the comparison between freight and mail. As mail is carried on a basis of weight multiplied by distance and freight is not, those who contend that there is analogy between freight and mail and those who contend that there is not are no nearer agreement than they were twenty years ago. Comparison of express and mail has been equally barren of agreement. There are those who have found an analogy between passenger traffic and the mail carriage, but they have not convinced those who find no analogy there. Others have brought to the solution of the difficulty a ton-mileage unit, and while this goes to a portion of the problem it can be of no service in considering all routes, for one-third of all the routes in the country carry only a few pounds per day. All hands are agreed on one proposition, find one common ground of compromise, that as the density of traffic increases the rate should decrease within certain limitations.

The law of 1873 had in it a principle of equity. The horizontal reductions of 1876 and 1878 were arbitrary.

The principle of equity in the law of 1873 was adequate in its application to its day. It provided a sliding decrease in rate of pay as the volume of mail increased, up to 5,000 pounds. Few routes carried in that day over 5,000 pounds daily. The New York-Buffalo route, which to-day carries 411,838 pounds daily, then carried 30,000 pounds. It was perhaps natural to stop the scale at 5,000 pounds and to provide a flat per-ton-per-mile rate for mail carriage above it.

If, however, in 1873 any railroad mail route had carried 411,000 pounds, the pay scale would not have stopped at 5,000 pounds, and it is indefensible not to revise it now. To deny that an extension of the 5,000-pound limit is just is flatly to deny that the graduated scale below 5,000 pounds is just. If the New York Central can carry the first 5,000 pounds on a decreasing scale with reasonable compensation, it can carry the 406,000 pounds in addition with reasonable compensation on a decreasing scale.

The scale ought to be extended beyond the 5,000-pound limit, and following a per cent of decrease on the present pay from 1 per cent to 12 per cent up to 100,000 pounds. I have framed and introduced a bill to accomplish that result.

The rate of pay provided in the bill I have introduced is as follows:

Average weight of mail whole distance per day.	Proposed rate.	Present rate.
200 pounds	$42.75	$42.75
500 pounds	64.13	64.13
1,000 pounds	85.50	85.50
1,500 pounds	106.88	106.88
2,000 pounds	128.25	128.25
3,500 pounds	149.63	149.63
5,000 pounds	171.00	171.00
6,000 pounds	180.00	183.00
8,000 pounds	200.00	204.37
10,000 pounds	216.00	225.75
12,000 pounds	235.00	247.12
15,000 pounds	260.00	277.87
19,000 pounds	296.00	320.62
24,000 pounds	345.00	375.37
30,000 pounds	400.00	439.50
40,000 pounds	490.00	546.37
55,000 pounds	625.00	705.37
75,000 pounds	800.00	919.12
100,000 pounds	1,000.00	1,187.62

For each 1,000 pounds above 100,000 pounds $9.80.

It will be asserted that this plan is unjust because of the manner in which mail cars are loaded; that inasmuch as only a few thousand pounds of mail are carried ordinarily in a single car, the proportion of live weight to dead weight defeats and nullifies the law of decreasing rate with increasing density of traffic. In other words, that the law of decreasing rate would have uninterrupted force if every car could be loaded to its storage capacity; that its force and application are interrupted when only a small part of the postal-car space is occupied by mail.

But on the dense routes the Government pays, in addition to the payment for weight, also for space and haulage. For instance, in addition to the $1,985,910.27 we pay to the New York Central on route No. 107011, New York–Buffalo, annually $265,891.45 for space and haulage. We do not pay for space on those lines where the average daily weight is small and where apartment cars are used.

And, moreover, the law of decreasing rate with increasing density is not interrupted at 5,000 pounds by the average load, as has been claimed. For years it was asserted that the average load of mail in full railway post-office cars was 2 tons. The Second Assistant Postmaster-General, in a letter to the gentleman from Minnesota last April, gave the average load from 2½ to 4 tons. On many routes it exceeds 4 tons. An illuminating item in respect to the average load is found in the storage cars—cars in which mail is packed away and removed from time to time to the distributing car. Surely on a storage car, with the mail loaded compactly and with 40,000 pounds in a car at a time, the law of decreasing rate with increasing density is uninterrupted. Now we pay for space and haulage by a law which fixes a ratio as follows:

Length of cars:	Per daily line.
40 feet	$25
45 feet	30
50 feet	40
55 to 60 feet	50

If postal-car pay, over and above pay for weight, is to remain part of the system of pay, then this table should have immediate revision. Like other features of the law of 1873, it may have been, doubtless was, fair in its day; but it has become antiquated and moss covered until to-day the table is ridiculous. In 1873 a 40-foot postal car was quite an achievement in car building, and a compensation for its space and haulage at the rate of 62½ cents per linear foot was considered reasonable; but the world of car building and car hauling has moved on and left this old table of pay standing absurdly out of date, for in those days a 45-foot car was so unusual, apparently, that in providing pay for it the rate was raised from 62½ cents per linear foot for a 40-foot car to 66⅔ cents per linear foot for a 45-foot car, and the 50-foot car was so unusual and its weight so extraordinary in the average train in those days that the pay provided was 80 cents per linear foot, and a 55-foot car, a monster in

1873, was paid for at the rate of 90 cents per linear foot, and a 60-foot car was put into the law presumably as a concession to the possibilities of the future.

To-day nearly all full railway postal cars are built 60 feet in length. Usually the Department, when it authorizes a 40-foot car on a line, has drawn for it and the use of the space of a 60-foot car. The Department pays, in this instance, for a 40-foot car only, but the railroad hauls daily and provides a 60-foot car. Now, the absurdity of the situation is here, that with some railroads hauling voluntarily 20 feet of extra space gratuitously, other railroads who are paid for hauling all 55 feet of space are paid not a proportionally increasing rate, but at an increasing rate of pay out of all proportion. The increase of 15 feet in space above 40 feet is provided for by an increase of pay of $25, or at the rate of $1.66 per linear foot. To put it in another way, the length increases from 40 to 55 feet, an increase of 37½ per cent, while the pay covering the increase jumps from $25 to $50, an increase of 100 per cent. I have endeavored to correct this discrepancy, which has followed from the fact that the law, which does not change, can not automatically keep step with the world, which does change.

My schedule for car pay is as follows:

Length of car:	Per daily line.
40 feet	$20
50 feet	25
60 feet	30

I have in the bill I have introduced provided for the elimination of the word "working" in the provision for weighing.

The Government is paying too much for the carriage of railway mail. In principle its system may be sound, but the system should be extended to meet the magnitude of the service. The law on full railway post-office cars should be adjusted to modern conditions in car construction and train equipment, and, if the basis of pay is to continue weight, then the weight should be computed not in conformity to some ancient reading of the law, but in accordance with the facts. We had in 1873 to deal with the proposition of the carriage of the mails over 63,000 miles of railroad. To-day it is carried over 200,000 miles of railroad. In 1873 our expenditure for this service was seven million; to-day it is forty-five million. [Loud applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. WANGER having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LIVINGSTON. Mr. Chairman, I yield as much time to the gentleman from Alabama [Mr. RICHARDSON] as he may desire.

Mr. RICHARDSON of Alabama. Mr. Chairman, in the early part of the first session of the Fifty-ninth Congress I had the pleasure of introducing a bill that met with the approval of a large number of the manufacturing interests of our country. The bill is H. R. 295 and entitled "A bill to enlarge the trade and promote the sale of cotton products in foreign markets." The substance of that bill was to authorize the President of the United States—

to appoint five men as commissioners, who are familiar with and well informed as to the manufacture and sale of cotton products, whose duty it shall be to carefully investigate the conditions of trade in cotton products in Asiatic, African, and South American territories and find out to what uses cotton products, both fiber and seed, are put, giving technical descriptions of their construction and preparation, the prices at which they are sold in countries of origin, methods and rules of credits and discounts, details of finishing and packing, custom laws, and methods and cost of transportation from ports to interior points, the relative cost of transportation from this country and Europe to the principal foreign markets for cotton products, the bias in favor of or against American products and the causes of such bias, and all matters relating to methods and suggestions for improving and encouraging the cotton-products trade with the countries mentioned in this section as, in the judgment of said commissioners, may be most advantageous in promoting the cotton-products trade with said foreign countries.

I did not, Mr. Chairman, press the consideration of that bill, for the reason that I was advised that it infringed somewhat upon the authority and the duties of the Secretary of the Department of Commerce and Labor, for whom I have the very greatest respect and admiration; and that my purpose could be better accomplished by an appropriation under the Department of Commerce and Labor made along that line and for the purpose of sending cotton-cloth experts to visit the foreign countries mentioned in the bill. In the appropriation bill, "Making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," approved June 22, 1906, this paragraph appeared:

For compensation at not more than $10 per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $50,000, not more than $20,000 of which shall be used in the investigation of markets for cotton products; and the results of such investigation shall be reported to Congress.

I admit, Mr. Chairman, that I was greatly disappointed at that twenty-thousand limitation in a matter of such magnitude as this. But to my very great surprise the present appropriation bill, now before the House for consideration, leaves that paragraph entirely out, and at the proper time I am advised, and believe, that the gentleman from Georgia [Mr. LIVINGSTON], who is in charge of the bill on this side of the House, will offer to have that paragraph reinstated and put in the bill. I say, Mr. Chairman, that I was greatly surprised at the limitation—the small amount of $20,000—and when it comes to the point of striking it out entirely, I confess that I am amazed.

Certainly no man that is informed, on the floor of this House or elsewhere, will pretend to deny that the manufacturing industry of cotton, coupled with the production of cotton, is to-day in all respects the greatest industry in the world. Were you to strike down that industry, Mr. Chairman, to-day, Great Britain in her business life would be absolutely prostrated. Germany, France, Switzerland, Japan, and other countries would receive a severe shock, and the New England States of our own country would also be greatly disturbed in their business interests.

Why, when we stop to think about $20,000 being appropriated to investigate certain foreign countries where our markets for the sale of cotton products can be advanced and promoted, we certainly ought to remember that to-day Great Britain, upon that one product of cotton, is paying to us a million dollars a day, including holidays and Sundays, and that this industry supplies a capital of more than two billions of money, and employs millions and millions of operators. It clothes the civilized world, and constitutes more than one-fourth of the exports of our country. And yet we hesitate to give $20,000 to push our market into the promising fields of these foreign countries. But, Mr. Chairman, I do not criticise the Committee on Appropriations. That has never been my habit, touching the work of any committee, since I have had the honor of being a Member of this House. I have believed, Mr. Chairman, since I have realized what the future holds for the South, and I have taken occasion at other times to express that belief, that the very foundation, sir, of the South's hope of wealth and prosperity is based upon cotton and cotton manufacture. There is no antagonism, and there ought not to be, between the spinner and the producer, and I take occasion to say here that the great Southern Cotton Association has done more to break down that seeming antagonism and difference between those two great interests, the producer and the manufacturer, than anything that has occurred in years past. They are no longer strangers to each other. Stability of price is what the producer and the manufacturer require. This acquired, then the success of each is secured in fair profits. The fact is, Mr. Chairman, when we talk about cotton manufacturing the whole thing practically hinges on the cotton-producing States of the South.

I shall not refer to statistics and figures to show how the South has developed, grown, and prospered in the last few years. It is enough for us to know that from 1900 to 1905 the taxable property of the South increased nine hundred and thirty millions, or two hundred and thirty millions a year, being 40 per cent of the whole increase in the South for the previous twenty years. We know that no other section of the world can compare with that. We know also that out of about 7,500 miles of railroad now under contract and being built that the South is building about 4,476 miles of the same. The fact is the South at this time is just entering a new era. We have passed the state of doubt and uncertainty that for years hung around our material matters. The necessity for proving our advantages has passed, for they are known to the world. Twenty years ago a man who would have predicted that the South, so busily engaged at that time in building up its waste places, would to-day be a formidable competitor for the commercial supremacy of the world would have been denounced as a wild hysterical infatuist. But yet it is true. The people of the South are beginning to realize what the potentialities of the South are. Our people are giving thought, attention, and energy to money making, and unprecedented wealth is coming our way.

We are learning that a bale of cotton costing $40 sent to Germany and manufactured into cotton handkerchiefs brings not

less than $2,000. We know we have absolutely a monopoly of the production of raw cotton, and we are beginning to think that sooner or later, if Germany can do that with our raw cotton, we can do the same thing. We know that our cotton crop annually is worth to the world about $600,000,000, and when manufactured into the finished fabric will sell for $2,000,000,000. Southern farmers have learned to work in conjunction with Southern bankers, and the money to move the total cotton crop of the South no longer comes from Wall street but comes from our own home bankers. I merely, Mr. Chairman, mention these incidents of our recent past in order to emphasize the necessity of looking to an enlargement of our trade in foreign countries. We see China, with 450,000,000 of people struggling to rise in civilization and take her place with the nations of the world, waiting to be clothed with our cotton products. There is Japan with 45,000,000 of people that awaits the introduction of our cotton cloth made to suit their tastes and customs.

While I believe that cotton is the strong arm of commerce that the South leans on, yet I am fully aware and appreciate the unsurpassed mineral resources of the South. The appropriation asked is for the benefit of the cotton manufactures of the United States. It is just as important to the manufacturers of the Eastern as to the Southern States.

Why do I say that the South, more than any other section of the world, looks to this great industry as the hope for its wealth and the restoration of its ancestral wealth and power, and giving back to it the political power to which it is entitled in the councils of the nation? Why, Mr. Chairman, this is a question which is exceedingly practical. You might to-day take dynamite and blow up every steel factory and coal mine in the United States—blow them into atoms, where they could not be used or be of any benefit to mankind. If you did so, you could find a substitute for their uses. Time was not long since when we built our ships out of wood. We did not use coal in our fireplaces. We used wood. Coal and steel is found and produced in nearly all sections of the world. Strike down cotton, and where is your substitute for it? There is not enough wool made to take its place.

We have 812 counties in the South upon the production of which this great cotton industry almost entirely rests. Not over one-tenth of the available cotton lands in these 812 counties is to-day in cultivation. It stands there as an invitation for the experiment of making cotton in the South about to be made by Great Britain. How often has Great Britain, in the last three-quarters of the century, experimented, at the expenditure of millions of dollars, trying to find soil and some climate which would allow it to compete with these eight Southern States in the production of cotton? Why is it to-day that a commission is investigating the matter? In order to encourage the growth of cotton in Spain exemption from taxation was granted on lands for years and valuable prizes offered. I take occasion to read what one of our own consuls says upon that subject—Special Agent W. A. Clark:

As a result of the observations made in the American cotton fields in the spring by a commission of spinners sent out by a number of the leading cotton firms of Lancashire, a second commission, invested with larger powers, has sailed from Liverpool to visit the southern cotton fields. The first party gathered valuable statistics as to the methods and cost of growing, baling, and transport of cotton, and the second commission will gain further information and experience of the actual process of cotton picking. Beyond this, the commission of three—Messrs. H. W. MacAlister, W. J. Orr, and A. Niven Whyte—are authorized to purchase suitable areas of land on behalf of certain Lancashire firms to make a practical experiment in growing their own cotton.

Italy, Belgium, Portugal, Germany, France, and other countries have experimented in the making of cotton. It is true a certain inferior classification of cotton has been produced in certain foreign countries, but it has to be mixed with American cotton to get best results. And even such as is produced could not be brought to our country and sold for less than 14 cents per pound.

We are not objecting to that commission of spinners. Let them come and buy our unoccupied and uncultivated lands. Further than that, we will welcome them to the South because they can aid us to settle our labor question. What is the condition of the Lancashire district to-day, the great center of all the manufacturing industries of Great Britain, with Manchester the radiating central figure. They have, Mr. Chairman, in the last two or three years put in nearly 8,000,000 spindles and 46 additional mills, to do what? Why, to manufacture American cotton. It is for that reason that we should, in my opinion, give every encouragement that we can fairly and properly to having the markets of foreign countries investigated, just as this bill provided for and just as was provided for by this paragraph that was stricken from the appropriation bill. I read again, Mr. Chairman, from the report of Special Agent Charles M. Pepper, writing from Amritsar, in northern India, telling what should be done to sell more American cotton goods in that part of India. He says:

My attention has been called by commission firms in Amritsar to the growing trade in colored prints as a most promising field for the introduction of American goods, and therefore samples are forwarded to the Bureau of Manufactures with the name of the native firm through whose agency they were procured. Until the mills in the United States choose to familiarize themselves more fully than they have heretofore shown a disposition to do with the requirements of the Indian trade in piece goods these samples, bought in the Amritsar bazaars, may serve to indicate the nature of the existing demand. The samples, while a small selection and not to be understood as complete, reflect the prevailing popular taste and fairly represent the class of colored prints for which the average demand is greatest in October, 1906.

They are meant to show the quality only, designs being furnished by the dealers or commission agents.

With such a statement, Mr. Chairman, coming from a special agent on the subject of cotton and cotton manufacture, I admit that it is a matter that is very strange to me, a matter of profound astonishment that the able and distinguished members of the Committee on Appropriations, consisting of many of the very best and ablest men in this House, should have stricken that appropriation out. It is impossible to say that the matter is not of sufficient importance. Commensurate to the importance of the trade we seek to develop, the appropriation ought to have been $100,000.

Let us look now and see about Japan, Mr. Chairman. Since the close of the great Russian and Japanese war Japan has not had the opportunity to indulge its taste in using the finer fabrics of cotton; but they use the coarser materials, and it is that trade that is especially inviting to the Southern States. Special Agent W. A. Graham makes the following significant comment on the Japanese market.

MARKET NEGLECTED BY AMERICANS.

The Japanese market for cotton piece goods has not been cultivated by our cotton mill manufacturers nor by our commission merchants. On most lines no effort has been made. A representative of one of the largest American importing houses told me he had not seen an American cloth salesman for three years, but he could hardly attend to his business because of the swarm of English salesmen continually wanting to show him new samples and quote him latest prices. The indifference of the American manufacturer along this line, which is in marked contrast to his keen competition on most other lines in Japan, is undoubtedly due to the impression that this is a small market for cotton piece goods, and what field there is for cloth is being rapidly taken possession of by the native mills. To a certain extent this is a cheap market, but on certain lines there is a good demand for goods on which American mills can compete and on which, also, it will be a good many years at least before the native mills can get a monopoly.

Now, I am not one of those men who believe that a man is indulging in extreme fancy when he says that the South will soon consume in its own mills all the cotton that it produces. That is true, in my judgment, but we are to go one step further. I believe that the South in the next ten years—with its unparalleled prosperity, to which there is no comparison in any other part of the world; no such development as the South has realized in the past seven years has ever occurred before in the history of the world—I say and believe that in the next ten years the South will consume in its own mills, in all probability, the 10,000,000 or 12,000,000 bales of cotton that it made last year or may make this; but when we reach that time and period when the South will consume its own cotton, then the demand for cotton in the world will amount to 30,000,000 bales, and the South will respond to the demand and produce every bale of it. Our lands are growing daily in value. Land comparatively poor and unproductive, and that a few years ago sold for $1.50 per acre, sells now at from $10 to $12 per acre. Such, cultivated by intelligent labor, with a free use of a fertilizer, can be made, with careful cultivation, to produce quite a bale of cotton to the acre.

There is no conflict between the manufacturing interests of New England and the South. There can not be any, because when the demand of the world comes for twenty, thirty, forty million bales of cotton we can produce them, and the New England mills will naturally secure what they demand for manufacturing purposes. The president of the Southern Cotton Association, Mr. Jordan, says that if the time ever comes when there is need for it, the South can produce 300,000,000 bales of cotton. Cotton is the primary hope of our section.

But I read again from the report of the special agent, William Whittam, jr. He was sent over there, an expert manufacturer, not a man who is sent on a jaunting trip; not a man to go over there merely for pleasure at the expense of the Government, but he says the cotton-cloth exports of the United States for the nine months of 1906 ending September 30 fell off nearly $10,000,000 as compared with the same period of 1905, but were still $11,000,000 in excess of the 1904 period.

The following shows the total shipments of cotton cloth:

The cotton-cloth exports of the United States for the nine months of 1906 ending September 30 fell off by nearly $10,000,000, as com-

pared with the same period of 1905, but were still $11,000,000 in excess of the 1904 period. The following shows the total shipments of cotton manufactures for the first nine months of the years named. The figures are from the summary of imports and exports furnished by the Bureau of Statistics.

Cotton cloths.	1904.	1905.	1906.
Uncolored	$11,416,691	$30,877,439	$15,853,881
Unbleached			4,288,966
Bleached			671,619
Dyed, colored, or printed	3,909,005	5,326,767	5,551,382
Wearing apparel, cotton	2,191,352	2,858,834	3,665,265
Waste, cotton	1,121,729	821,947	1,473,714
Yarn, cotton	175,612	241,324	299,691
All other cotton manufactures	2,493,638	2,548,795	2,556,744
Total	21,308,027	42,675,106	34,361,262

Certainly these figures should admonish us as to our danger. I am an earnest advocate of the expansion of our commercial trade. It is manifest that we will soon demand an outlet for our cotton trade. Why not take steps to encourage this development in foreign countries? The very small appropriation asked for is surely a forerunner of our efforts to expand our trade and not leave it to Great Britain, Germany, and other countries to take the cotton we raise, convert it into paying fabrics, and drive us or keep the United States out of all the markets of the world in the sale of our cotton cloths. That is our situation now.

Now, Mr. Chairman, it is a remarkable thing that after selling to Europe $400,000,000 worth of cotton, leaving $200,000,000 for our own consumption here at home, Great Britain should export in cotton cloth over $300,000,000 and that Germany should export more than $100,000,000, and even Switzerland exports to foreign countries more cotton cloth than the United States. We are bound to progress and improve and develop on that line if we expect to do anything. It is no sectional question. It is a question of material development and growth of the United States.

Why, Mr. Chairman, I said that we have a monopoly—that those eight States, 812 counties, cultivating only one-tenth of the arable cotton land in those States, have a greater monopoly than the Standard Oil Company or the beef trust, the steel trust, or any of those great combnations; but it is a monopoly, if you please, not given to us by the Dingley tariff, but given by the beneficent goodness of God, and it can not be taken from us by law.

Why is it that this cotton monopoly exists? I have recently read for the second or third time one of the most valuable books that have ever given an explanation of why the South alone is capable of producing cotton. Take it here in the District of Columbia; the experiment has been tried, and it has been found that here the stalk will grow most beautifully and vigorously. The white and red blooms will come, and the boll will form apparently healthy and vigorous, and there it stops. The boll dries up and dies. There is something wanting in the climatic conditions. In that great work, Service Afloat, written by Admiral Semmes, the great Confederate admiral, whose book is daily growing in value and importance and will continue to do so as the world lives, is the only satisfactory explanation I have ever seen of why it is. Of course it is attributable to the Gulf Stream. He says that the trade winds, as they pass over the Gulf Stream, by suction draw up the heat of that stream, and it is gently dispensed on the earth as a warm bath, beginning at the State of Virginia and ending at the western borders of Oklahoma. At a certain season that tepid bath is drawn back into the trade winds and produces the dry season that is necessary for the maturity of the boll and the production of cotton.

Mr. Chairman, when this provision is brought up, and the gentleman from Georgia [Mr. LIVINGSTON] makes his motion to reinstate that paragraph, as I said just now, for $50,000, twenty thousand of which is to be used by the Department of Commerce and Labor in sending these expert men to these foreign countries to find out what kind of cloth our mills must manufacture, adapted to the markets of those foreign countries, I hope attention will be given to it and that it will be reinstated in the bill.

Mr. LITTAUER. Mr. Chairman, I yield one hour to my colleague [Mr. PERKINS].

The CHAIRMAN. The gentleman from New York [Mr. PERKINS] is recognized for one hour.

Mr. PERKINS. Mr. Chairman, a few days ago I introduced a bill into this House on the subject of a progressive inheritance tax. I know full well, Mr. Chairman, that question will not be a practical question in the immediate future, certainly not at this session. I also know full well that a tax of that nature is as certain to be a part of the legislation of this Government in the future as the sun is to rise, and for that reason I do not think it will be a waste of the time of the House to discuss the principle that underlies an inheritance tax, and the reason why, as it seems to me, it is a form of legislation peculiarly adapted to the uses of the state.

I wish to say first a word on the question of the legality of such a tax. Resolutions have been introduced into this House suggesting an amendment of the Constitution in order that an income and inheritance tax may be imposed. How far that is required for an income tax it is not for me to say, but certainly a progressive inheritance tax this Congress, if it sees fit, has a right to impose.

The history of this legislation, even in this country, is not without interest. It may not be known to many of the Members that an inheritance tax was passed by this Government so far back as 1797, when the framers of the Constitution were still alive. When Hamilton and Madison and Jefferson formed a part of our Government an inheritance tax was passed and was regarded by them as within the plain powers given Congress by the Constitution.

Mr. SHACKLEFORD. Will the gentleman yield for a question?

Mr. PERKINS. Certainly.

Mr. SHACKLEFORD. I would like to ask the gentleman if he thinks that the levying of an inheritance tax would interfere with an inheritance tax levied by the State?

Mr. PERKINS. Not necessarily. How far it might be necessary to adjust that between the State and the Government is, of course, a question.

Mr. SHACKLEFORD. The reason I ask is that we have an inheritance tax levied by our State.

Mr. PERKINS. Yes; there are inheritance taxes in many States, as I shall discuss further. Now, Mr. Chairman, this first inheritance-tax law bore the respectable signature of George Washington. It was collected without opposition, but at the expiration of a few years, it being no further needed, it was repealed.

The next inheritance law was passed in the civil war, and then for the first time the question of the constitutionality of the law was raised, as was also the question of the constitutionality of an income tax. The Supreme Court of the United States, in the case of Schooley against Reu (23 Wallace, 331), held that Congress had the power to impose a tax upon inheritances; that it was not a direct tax, but was an imposition upon the devolution of property, levied upon the inheritance, and was within the powers of the Federal Congress. The tax was enforced for some years and was then repealed because it was no further required.

Then we come to the third inheritance tax, imposed by this Government in the Spanish war. Then, as the House will remember, although laws of this character had been enacted more than a hundred years before, and though the constitutionality of the law had been approved by the Supreme Court of the United States, the question was again raised. The Supreme Court of the United States saw fit to reverse the established law in reference to an income tax, and held that an income tax was unconstitutional. I suppose the hope was entertained that a similar ruling would be made as to an inheritance tax, and that question also was taken to the Supreme Court of the United States. But if the hope was entertained that the court would follow the tendencies of the income-tax decision, that hope was disappointed.

In Knowlton *v.* Moore (178 U. S., 41) the court unanimously held that a progressive inheritance tax was constitutionally imposed. The court said this was not a duty imposed on property, real or personal; that it was not subject to the reasoning by which an income tax had been declared unconstitutional; that this imposition reached the transfer of property by will or descent and was legally imposed upon the transmission of property from one person to another. Those opposing the tax claimed when the court decided an income tax unconstitutional the same reasoning would affect the principles of an inheritance tax, but this position the court had expressly decided was erroneous. The judges who had voted that an income tax was unconstitutional were of the opinion that an inheritance tax was constitutional. Thus all agreed in sustaining the law, except Mr. Justice Brewer, while regarding an inheritance tax as valid, was of the opinion that a progressive rate of tax could not be imposed. Mr. Justice White refers to the fact that many economic writers contend that a progressive tax is more just and equal than a proportional one, and that in the absence of constitutional limitation the question whether it is or not is legislative and not judicial.

A progressive inheritance tax imposed in the State of Illinois

was in like manner assailed in that State as violating the provisions of the Constitution which required uniform taxation. The validity of the law was sustained by the State court, and the United States Supreme Court, on appeal in Magoun *v.* Illinois Trust and Savings Bank (170 U. S., 283), upheld the validity of the law. Justice McKenna there says:

> The right to take property by devise or descent is a creature of the law and not a natural right—a privilege, and therefore the authority which confers it may impose conditions upon it.

So much, Mr. Chairman, as to the law. Now, let us consider for a moment legislation of this character in other countries. We are the only great nation in the world that does not have upon its statute books an inheritance tax.

It is found practically in every country in Europe, in Australia, in many of the South American states. It is an established and an approved form of revenue. Not only that, Mr. Chairman, but the principle of a progressive inheritance tax has steadily grown in use among the great powers. There are now progressive inheritance taxes in France, Switzerland, Italy, Sweden, and in Australia, and, most interesting of all, perhaps, is the progressive inheritance tax in England. It is certainly curious, Mr. Chairman, to see how much more conservative is the legislation of this country, an absolute democracy with universal suffrage, than has been the legislation of a country where the government is largely under the control of a wealthy aristocracy, such as England. In England there is imposed a tax upon all estates varying with their size, and running from 1 to 8 per cent, the highest tax being levied on estates that exceed in value $5,000,000. In addition to that there is a tax increasing for collateral relatives, so in certain cases there is collected in the conservative and wealthy country of England as much as 15 per cent of an inheritance.

In almost every European country the duty is imposed not only upon collateral relatives or strangers, but also upon children. In Australia, for example, rates vary from 1 to 5 per cent, depending upon relationship; in Belgium, from 1 to 7; in Portugal, from 5 to 15. The tax is found in variable forms in almost all the European governments. So a tax that has been established and enforced in all the great countries of the world certainly does not come before us as an experiment, is not a tax to be branded as a socialistic endeavor, but is a tax the character of which is approved by the experience of mankind and of the great nations.

A word as to the amount that is produced by this tax: In France there is a progressive inheritance tax, moderate in its features, but which yields on an average no less than $40,000,000 a year. It is collected with ease and paid with contentment. A tax established on the same lines as the French law in this country would manifestly produce a much larger revenue.

There is another consideration which, it seems to me, peculiarly commends the inherent justice of such an imposition because it falls chiefly upon personal property. The endeavor to reach personal property in the hands of the living is always and always will be to a large extent unsuccessful. Personal property in the hands of the living is like quicksilver. It is elusive, it flows from one place to another place, and it always flows out of the line of taxation. The difficulty of reaching personal property makes a tax upon it necessarily unfair. The time comes, the one time in the history of every individual, when a man's property must necessarily pass through the courts, when the exact amount of it can be ascertained, when no dollar of it can escape the observation, and, if seen fit, the taxation of the state, because only by the assistance of the state can the property of a man who is dead be transferred at all.

We are apt to say that the right of property is an inherent right upon which civilization rests. The right that a man has to use what he has himself earned in his own lifetime is undoubtedly an inherent right. When one of our remote ancestors went out and killed a deer that deer was his. When he sent out his wife to till the scanty crop, the product of the crop was his. But you can not extend that right and say that the control—the natural right to control a man's estate in his own lifetime—enables him, empowers him, to say what shall be done with his property when he himself is under the sod. The right to transmit property rests, and must rest, solely upon the state. If anyone thinks that is a radical doctrine, I will refer him to the opinion of Lord Chief Justice Coleridge, the chief justice of England, in which he lays down as an undoubted rule of law that the right of inheritance is a purely artificial right, resting solely upon the power and the consent of the state. So, when we consider the question of imposing a tax on inheritances we first meet the undoubted proposition that, except by the agency of the state, there can be no inheritances; that only by the action of the state is a man allowed to say what shall be done with his property after he himself shall have ceased to live.

Mr. SMITH of Iowa. Mr. Chairman, I would like to ask the gentleman a question, for information.

Mr. PERKINS. Certainly.

Mr. SMITH of Iowa. I agree with the gentleman, but I want to ask him whether in this country it is not a fact that the laws of descent are by the States, and the power of Congress over the laws of descent is but very limited, and whether, in view of that fact, the rule he cites is not more especially applicable to State inheritance taxes than to Federal inheritance taxes.

Mr. PERKINS. Oh, no; because the Supreme Court in these decisions to which I have referred has held that although the law of descent was a State law, yet just the same the General Government had jurisdiction over the property that passed from one to another, and could impose a tax upon the transmission.

Mr. SMITH of Iowa. So I understand; but when the gentleman refers to these authorities, especially to the authorities in England, as I understand in almost all of continental Europe the governments that impose inheritance taxes are also the governments that have the power to pass laws regulating the descent of property.

Mr. PERKINS. Undoubtedly.

Mr. SMITH of Iowa. So that there is that distinction here.

Mr. PERKINS. Yes; but it does not result in any legal distinction, and I do not see that it results in any distinction in principle. I do not see how it affects the force of the argument, and certainly it does not affect the legal principle.

Mr. SMITH of Iowa. I may have missed a portion of your remarks, but, now, is it your idea that we ought to continue to have varying State inheritance taxes as well as a Federal inheritance tax?

Mr. PERKINS. In my judgment an inheritance tax, which, I believe, is destined to be one of the most important taxes in the future, should be equal from the Atlantic to the Pacific; the burden imposed on inherited wealth, and especially on large inherited wealth, should be equal all over the land, and that is an essential element of this theory of taxation. If that is so, that result can only be accomplished by a Federal inheritance tax.

Mr. SMITH of Iowa. And a repeal of State laws on the subject?

Mr. PERKINS. Of course Congress can not dictate to the States what they will do. That is beyond our jurisdiction. The States must take such action as they see just. The laws imposed by them—and there are inheritance laws in some thirty States—are for the most part exceedingly small. There is no State, except the State of New York, where the proceeds of the inheritance-tax law are of substantial importance. Of course, they might be increased, but under the present condition of legislation the inheritance-tax law is not important in the economy of any State except perhaps the State of New York.

Now, to pass on, Mr. Chairman, to a further branch of this subject. There is a question which attracts the attention of the public, and may well attract our attention—and that is the problem of great fortunes. No man can shut his eyes or say that this does not have a large influence upon the thoughts of the community. Whether we think they are right or wrong, no man can deny that this is an actual, living present question. Mr. Chairman, I do not believe that the size of the fortune that any man can accumulate honestly will ever be restricted or regulated in this land, and certainly I trust it never may. I do not think it is possible to have legislation to restrict the size of an individual fortune without necessarily restricting individual and corporate enterprise.

And there is another thing we should consider. While there are many more industrial fortunes now, more than there ever were in the history of the world, yet the greatest fortunes to-day are not larger in their purchasing power, are not larger in reference to the aggregate wealth of the community, than have been great fortunes in the remote past. You may go back to Roman history and you will find men there who, in their ability to build great palaces, to give games in the circuses for the entertainment of the populace, to have princely residences all over the known world, were as rich as Mr. Rockefeller is to-day.

When we come further down we can find in the middle ages plenty of men just as rich in purchasing power, just as rich in proportion to the aggregate wealth of the community as our richest men are now, and, Mr. Chairman, in that connection there is a thing worthy of consideration and agreeable to suggest. For the most part the great fortunes of the past were made by men who used their political power either for squeezing money from some district under their control or in obtaining from the central power immense gifts and gratuities. The enormously rich men of a few centuries ago were cardinals who were

great statesmen, British peers who enjoyed the favor of the sovereign and who as a result of that became the richest men in the community. It is to be regretted that a man should make millions out of the control of a trust if that trust is not honestly operated, but it is a great deal better that our millionaires should come from trusts, no matter how operated, than they should have built up their fortunes as were great fortunes in the past, by the use and abuse of political power. We may talk about graft, Mr. Chairman. It still exists, but the graft of the present as compared with graft from the misuse of political power in the past is petty larceny compared with grand larceny.

We reach the result, at least I reach the result, that it is unlikely and that it is inexpedient that any attempt should be made to restrict the size of any individual fortune. I see no reason why we should regulate the size of an honestly made fortune.

It is almost impossible that the accumulation of a large fortune should not contribute to the business development of the country, to the employment of laborers, to the establishment of enterprises, in the prosperity of which others may share, though in less degree. Mr. Harriman and Mr. Hill have made great fortunes in the development of railroad systems, but they have built up great systems; they have made them more useful to the public. I doubt if the State will ever attempt to restrict the amount that any man can honestly make from the combination of his own intelligence with the opportunities offered by the growth of wealth and business and population in modern times.

We then come to the question of imposing a tax upon the property that a man leaves when he himself departs from this world. The saying of Mr. Hay is familiar, that the American people ask in reference to a proposition, first, "Is it just?" And, second, "Will it pay?" In like manner I intend to ask whether a progressive inheritance tax is just; can it be defended upon principles of broad justice as between the State and the citizen; and, second, is it expedient? Is it for the interest of the State and the interest of the citizen also that such a tax should be imposed? First, is it just? There are persons who say, "A heavy inheritance tax, a tax of 20 or 30 per cent on a great fortune, is socialism, is robbing a man of the wealth he has acquired."

Let us see a little how wealth is acquired, and upon what rests the right of the state to impose a heavy burden upon the fortunes accumulated within it. How does a man make his money? Let us take Mr. Rockefeller. Let us assume that Mr. Rockefeller, with the same proportion of business ability and business genius that he possesses, was born, for instance, in Patagonia, and there spent his days. Would he have accumulated $300,000,000? He could not have accumulated 3,000,000 cents. No man can make money by himself alone. The wealth that is accumulated is accumulated by the opportunities that the state affords. First, it creates a police to guard a man and his property; second, it passes laws by which his rights can be enforced; and third, and most important in a great nation like this, it furnishes a community of 80,000,000 of people, having money from whom he can accumulate money. Let a man have the same ability, the same industry, the same capacity, and pass his life in a poor and hungry land, the problem of what will be done with his millions will never be a practical one, because his millions will not be accumulated. It requires the brains of the man to create a fortune, but it requires just as much the opportunities of the state.

The great commercial fortunes in this country have been built up because the men had brains and because it was their good fortune to deal with 80,000,000 people who had money. Mr. Carnegie's iron works would never have earned one dollar if there had not been manufacturers and railroads to buy their products. The Standard Oil Company would never have been a wealthy corporation if there had not been a vast population of people who desired to buy its products and had the money to pay for them. The Hill and Harriman railroads would be in the hands of receivers to-day if there were not people—vast numbers of people—who wished to travel over them, to send freight upon them, and had the money to pay for it.

So, Mr. Chairman, it seems to me perfectly apparent that the state has the right to say to any person who has accumulated a fortune, "You shall have the enjoyment of it; you shall have the use of it, but when you come to pass it over to some one else the state has the inherent right to levy upon it such a tax as may fairly represent what the people of the state have contributed toward the fortune."

There can be no tax that rests more solidly upon the principles of inherent justice than an inheritance tax.

We next reach the question of the people who are affected by it. When a tax is levied upon a living man he gets rid of it if he can, and dissatisfaction and sometimes even interference with commercial activity are produced by it. But there is no tax collected so easily, there is no tax yielded to so gracefully, as the tax that does not take from a man what he has himself earned, but takes from an heir some proportion of what he had hoped to receive. It is human nature. A man has earned a certain amount of money and 10 per cent of it is taken from him. It seems to him a heavy imposition. He inherits or receives a certain amount of money. His inheritance is not quite as large as he had hoped, but still he is content. To lose what you have is very different from not gaining quite as much as you had hoped. No form of taxation—and this is an important consideration—will impose so little irritation upon those from whom it comes as an inheritance tax.

I have considered cursorily the rights of the man who has earned the money and the right of the State to ask, as between the State and the originator or earner of the fortune, for its fair proportion.

We now come to the question of the rights of his children or his heirs. Mr. Chairman, I say without any hesitation that they certainly have no rights to be considered. Mr. Rockefeller or any other man who has acquired a large fortune may say that he has the right to the enjoyment of it during his lifetime, and that how far he should have the right to dispose of it after his death is a question to be fairly considered. But a child that is born into the world, and happens to be the child or the grandchild or the grandnephew of Mr. Rockefeller, that has given itself no trouble except the trouble of being born, has no right to demand that a great share of the national wealth shall be set apart for it. It has the same right as every other child born, to have the fair and equal protection of the State, the same opportunities as are given to others—that and nothing more. But to talk about the right to inherit $50,000,000 or $100,000,000, possessed by some child just come into the world, is absurd.

Mr. LACEY. Before the gentleman leaves that point, would the gentleman draw a distinction between the children and the widow, who perhaps has helped to earn or save the estate?

Mr. PERKINS. Why, certainly; I think the widow should have a fair share. But I do not think there is any inherent justice in saying that Mrs. Russell Sage shall have $70,000,000 or $80,000,000. That she should have enough to keep her in comfort and in luxury no one would question, but that she has the right to receive a fortune large beyond any possibility of spending I do not concede.

Mr. PARSONS. Do you deny that the children have the right to some share of the estate?

Mr. PERKINS. It is not necessary to deny that, because a law forbidding it would be absurd. The children of rich men have the right to a sufficient amount to be able to live in comfort, to be able to obtain an education, even, to a certain extent, to be placed beyond the necessities of life. No one questions that. No one would approve of legislation to deprive them of that, or would think for one moment of introducing it. But my friend knows perfectly well that a child when it comes into possession of wealth sufficient for every form of luxury—that a child with $5,000,000 is just as well off as a child with $10,000,000 or $50,000,000. Yes, Mr. Chairman, better off.

Mr. STANLEY. Will the gentleman permit an interruption?

Mr. PERKINS. Certainly.

Mr. STANLEY. In speaking of the inherent right of a child to inherit, the law does not contemplate any such right and never did, if I understand it. The fact that the father, the possessor of the property, has the absolute right in all States of this Union, and a right not denied by any Federal statute, to dispose of his property, recognizes the old common-law maxim, as old as the law, that the heir has no inherent right to the property of the parent.

Mr. PERKINS. Undoubtedly.

Mr. PARSONS. Is it not true that in the continental countries of the world, where this inheritance tax is in vogue, laws provide that a certain proportion of the inheritance shall go to the children?

Mr. PERKINS. That is so in some of them—in France and some others—but not in all.

But, Mr. Chairman, what I was suggesting was not the strict legal question, but the moral question. The child had the right to complain if instead of being the possessor of $20,000,000 he finds himself the possessor of $15,000,000. What are the advantages of enormous wealth? It does not bring happiness, greater happiness than possessed by others, but it brings what is a dangerous element in the community and leads to civil discord. The envy—you may say the unfounded envy—the ill will in large masses of the community toward persons of very great wealth is strong and unfortunate, even when that

wealth has been acquired by the man himself. It is very much stronger when the spectacle is presented of a man possessed of wealth far beyond the capacity of most to acquire, the result of no labor of his own, and when to that is added, as is often added, the spectacle of the misuse of great wealth, the indulgence in vice, and dissipation and dissoluteness, then we have not only a very unsavory social problem, but we have a dangerous political problem.

Let us consider whether it is for the benefit of the child that a vast fortune should be set aside for it. That parents should desire a reasonable competency for their children, property that will secure to them the advantages of education and reasonable freedom of action in life, is natural and is commendable. No one would seek to interfere with this. But the desire that a child should inherit $20,000,000 or $50,000,000 or $100,000,000, a sum vastly in excess of any possible or reasonable need for any profitable mode of life, presents a very different question. Though the parent may entertain such a desire, the state is not bound to regard it. Such accumulations are usually neither for the benefit of the state nor the heir.

We need not go as far as Mr. Carnegie, who thinks any inheritance a curse to those who inherit, but we can surely agree with him when he says of a progressive inheritance tax:

> Every dollar of taxes required might be obtained in this manner without interfering in the least with the forces which tend to the development of the country.

He adds further:

> By taxing the estate heavily at death the state marks its condemnation of the selfish millionaire's unworthy life.

It is not necessary to say this. We need not condemn the millionaire. If his selfishness in the administration of his estate does not excite our admiration, there is no reason that the state should levy a penalty upon it. But, on the other hand, there is no reason that a man having $50,000,000 to dispose of, made out of the advantages which the state affords, should assert the right to give every dollar of it to his children. If the father harbors the desire that his descendants should be enormously rich people in the community, this is a vulgar desire, entitled to no consideration. Certainly it is no advantage to his daughters if they are allowed to inherit a sum so vast that it becomes a temptation to some worthless foreign nobleman to marry them.

I do not say it would be absurd to say that many persons inheriting great wealth do not use their property judiciously, but it is true that in ninety-nine cases out of a hundred it is better that a large estate be divided among a number of people upon whom the stimulus of endeavor still remains than to have it held by one. Almost necessarily the possession by inheritance, not as the result of our own labor, of an enormous fortune, tends first to indolence, and that is bad; and beyond that tends strongly to a feeling that a man so situated is to some extent raised above the laws that control the most of us; that feeling may merely result in idleness, it may result in dissoluteness, it may result in vice, and all those things are most unfortunate in the case of those who, because of their great wealth, are specially prominent before the community.

Mr. Chairman, shall it be said that it is unfair for us to so restrict the amount of property that may be left that a man may be prevented from ruining his own descendants? Is it an advantage to a man who inherits enormous wealth, and lacking the stimulus of endeavor, leads a worthless and sometimes a dissipated life? Is it an advantage for the daughters of families of great wealth that they should become the objects of temptation to fortune hunters? Was it an advantage to Miss Vanderbilt or Miss Gould that her share should pass untouched by the state and attract the attention of some worthless foreign adventurer? I think not.

Let me say, in passing, Mr. Chairman—and it is one of the many things to be said to the credit of this land—they talk about this being the land of dollars. It is about the only land in the world where any romance still remains. [Applause.] In this country the great majority of American men, thank the Lord, marry their wives because they want to and do not consider solely the patrimony of their brides. In foreign lands, among those of a certain social rank, the matter is as purely a financial problem as if one was making an investment in bank stocks. If the result of a progressive inheritance tax shall be so to diminish the share of the daughters of very rich families that they may stay at home and marry Americans instead of going broad and marrying worthless dukes and princes, then happiness will be increased and the welfare of the land would not be lessened.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. PERKINS. Certainly.

Mr. LONGWORTH. Does the gentleman believe that some good might be accomplished by limiting the period for which estates may now be entailed in this country?

Mr. PERKINS. Yes; I think that is desirable. It has been done to some extent and ought to be done to a larger extent.

Mr. LONGWORTH. Is the gentleman familiar with the French law on that subject?

Mr. PERKINS. Well, mildly so.

Mr. LONGWORTH. I believe there is no entailment whatever allowed in France.

Mr. PERKINS. That is my understanding.

Mr. LONGWORTH. Which, of course, would substantially diminish the amount to which an estate might increase before coming into the hands of the heirs.

Mr. PERKINS. Precisely. That, I understand, is the French law. Now, some say, in reference to possible evil from the accumulation of great estates, that they will disintegrate by themselves. Mr. Chairman, that is not entirely correct. The old saying, that it took only three generations from poverty to poverty, is not true in reference to the great fortunes of the present day. Right in our own country, take families like the Vanderbilts, the Astors, and I might name many others, among whom wealth has been found for several generations. Certainly there is no sign in any of those families of any rapid return to a condition of destitution. Estates are often dissipated as a result of the recklessness or the vice of the person having the property. That is, of course, a misfortune. It is a misfortune to the public that any man, worth more or worth less, should dissipate his estate by vice, by waste in any way. But taking out the case of those who are ruined by inheriting too much money and so go to the devil, the tendency of estates to increase will not be seriously checked as a general thing, considering the great size they often reach by the ordinary processes of division through will or inheritance. And so, unless the State levies its reasonable percentage upon the money that has been gained by its citizens, the tendency to the growth of estates will become a more serious problem as the future progresses.

Now, Mr. Chairman, without any further discussion upon the general principles that are involved, I wish to say a word or two in reference to possible legislation on this subject.

The rate of taxation upon these great estates that would be just to the public, that would utilize the proper proportion of them for the advancement of public weal, that would also accomplish a useful purpose in preventing the rapid piling up of fortunes so unwieldly as to be injurious alike to the community and the possessor is a problem to be carefully considered. Mr. Carnegie declared himself in favor of an inheritance tax which would equal 50 per cent in the case of the largest fortunes. It could be strongly argued that even a tax as great as that is not inherently unjust.

As I said in the beginning, I do not expect the bill I have introduced to be reported upon at this Congress. I do believe, however, that we are starting a live and important question, important as a source of revenue to the Government and important for its direct and indirect social effect on the community. The question of how much this tax should be is one that is to be gravely considered. This objection will be made by some, that if you impose a heavy inheritance tax it will be evaded by the man in his lifetime disposing of his own property. In the first place, Mr. Chairman, in any proper bill, in the bill that I introduced, we impose the same tax on a gift that is made either to take effect at the death of the donor or with intent to evade the law. I do not mean a gift made by a man in the vigor of life, but under such circumstances that the court would say that it was made in anticipation of his death and to evade the law. So that can be reached.

Further, if the indirect effect of this legislation was that men to a larger extent disposed of their estate in their own lifetime, certainly that would be an unmixed advantage. If the man who intends to give his money to charity would give it when he is alive and would be his own executor, instead of leaving other people to execute his will, it would be infinitely better for the public.

We can take a case so well known as the Tilden will, where a great charity devised by a great lawyer failed of effect because the great lawyer was unwilling to execute it in his lifetime, and left it to the courts and others to carry into effect, in which they failed.

Furthermore, Mr. Chairman, let no one be disturbed by the idea that there would be any large evasion of the inheritance-tax law. A man will go a great way to avoid a tax he has to pay himself, but the man that strips himself of his own estate in order to save other people paying a tax, I do not care if they be his own heirs, is exceedingly rare.

Nature fights on our side in this matter. A man will resort to

many devices in order to avoid taxation which he himself must pay, but few are the men who are willing to strip themselves of the enjoyment of their own wealth in their own lifetime to lessen the burden of taxation that will fall on others. The example of King Lear was not so fortunate that it is apt to excite followers among modern multi-millionaires. The desire of a man to hold during his own lifetime and under his own control and for his own enjoyment that which is his own is one of the strongest principles of human nature, and it will not lose its force no matter what inheritance law Congress may enact.

Now, as to the amount. I think it is inherently right that in any tax imposed, if it is a progressive tax, that the rate should be based upon the share that the person receives. Indeed, I doubt if an inheritance-tax law which said that the rate of taxation should be increased, not by the amount which the beneficiary receives but by the size of the estate, would be constitutional. In the last decision on this question Judge White suggested the question as to whether it would be constitutional to say that a man's tax should be increased, not by what came into his possession but by the aggregate size of the estate, and this question it is certainly wise to avoid.

Apart from that, anyone can see the injustice in many cases. A man, for instance, leaves a million dollars, all to one child. Then our tax is levied upon the million dollars the one child receives. But suppose, on the other hand, it was levied on the size of the estate and the man with a million dollars gave one-half of it to charity and $100,000 each to five different persons. Anyone can see the injustice of fixing the same rate of taxation. Everybody, Mr. Chairman, would see the unfairness of that, and, I think, also the illegality. In the bill I have suggested for consideration the tax increases with a good deal of rapidity as the amount of the share increases.

What is the reasonable proportion of a great estate that should fall to the public, what is the just proportion that should be made subject to the direction of the deceased, is a problem to be considered. I have presented a bill which provides that where the share of any beneficiary is less than a million dollars the rates shall vary, amounting in the case of a direct heir to about 2 per cent. This certainly is reasonable. Where the share shall exceed that amount there shall be levied on the excess duties varying from 12 per cent to something over 25 per cent on all sums in excess of thirty millions. These duties are fixed by the share received by the beneficiary and not by the size of the estate. This principle modifies considerably the severity of the tax and meets the suggestions thrown out by the courts.

Will anyone say that such a rate of imposition is unfair as between the state and the beneficiary, or will be injurious to the person who receives his estate to that extent diminished? No; Mr. Chairman. It is often said that we should legislate for the greatest good of the greatest number. I believe that a reasonably drawn progressive inheritance-tax law is for the greatest good of all. It is for the good of the citizens who will receive their proportion of the benefit. It is for the good of the heir, who will receive an unwieldly fortune to some extent lessened. It will benefit the state, it will assist in the solution of social problems, it will not check the development of enterprise or the desire to acquire wealth on the part of the individual, it will lessen some of the evils of our present condition, it will harm none and help all.

Though I recognize that this law is not to be practically considered, yet I believe that within a very few years a progressive inheritance tax will be as much the established law of this land as it is of England, of France, of every great European nation, and that no tax will be more fair, the justice of no tax will be more thoroughly recognized by the community, and the results of no tax will be more satisfactory to the people of the land. [Applause.]

Mr. DE ARMOND. Mr. Chairman, listening to the remarks of the gentleman from New York [Mr. PERKINS] upon the subject of an inheritance tax, my attention is directed also to the matter of an income tax, and to some things that are involved in the consideration of the two questions. All know that as matters now stand, unless through change in the personnel of the Supreme Court, leading to a change in its views and decision upon this subject, an income tax can not be imposed and sustained. There are a great many people of the nation, and I am one of them, who believe that a graduated tax upon incomes is a most righteous and most desirable tax. I quite agree with the gentleman from New York [Mr. PERKINS], and with those taking a similar view, that an inheritance tax also is most desirable, and I hope the time is not far distant when we may have it established in this country.

In view of the fact, however, that an income tax is a mere experiment—not as to the qualities of the tax or its beneficial features, but as to the opinion of the court concerning its constitutionality—and inasmuch also as there are a good many other things that in the estimation of a good many people in this country would be wholesome as matters of legislation, which perhaps are not constitutional at this time, efforts are made from time to time to amend the Constitution, and such efforts will be continued almost indefinitely. When we reflect that no amendments to that great instrument have been made in more than a hundred years, excepting only the three which grew out of the civil war, and that excepting these civil war amendments and the one in relation to the electoral college, growing out of the contest between Jefferson and Burr for the Presidency more than a century ago, all the other amendments may be regarded as practically part of the original Constitution, we may safely conclude that the Constitution will not be amended in our day through the submission of amendments by the Congress.

The Constitution itself, however, provides another way of securing amendments to that instrument—that is, by the action in the first instance of the several States themselves. Article V is as follows:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

There has been a great deal of agitation in the country from time to time, and there is perhaps a good deal now, over the proposed amendment of the Constitution in a good many important particulars. With some of this agitation and some of these movements I am in sympathy; with others I am not. A great many very good people, entitled to their views and entitled to a hearing upon them, are of the opinion that in a good many important particulars the Constitution ought to be amended. For instance, there are those who believe that it ought to be amended so as to provide for female suffrage. Others would have a marriage and divorce amendment. Some believe it should be amended with reference to the liquor traffic, or by way of prohibition of the liquor traffic. Many believe there ought to be a constitutional provision for the election of United States Senators by direct vote of the people. There are those who are of the opinion that the President and Vice-President should also be chosen by a direct vote. Some believe the Presidential term ought to be six years instead of four years, and that the President ought to be ineligible for reelection as his own successor. Some people, particularly in the latitude of Washington, believe it is vastly important to have the Presidential term begin later in the season, so that inauguration day may fall at a time when the weather is more agreeable and fit for a pageant than it is likely to be about the 4th day of March. A great many people believe that Congress ought to be convened shortly after the election, instead of thirteen months after the Members of the House of Representatives are chosen. There are some who believe that provision ought to be made in the Constitution whereby the Government, under suitable regulations of law, might insure the lives of citizens of this great Republic. I am one of those who entertain that opinion. Life insurance by the Government could be made both safe and profitable; and what a boon to the people to get insurance at what it is worth! There are people who believe that by an amendment to the Constitution greater power, better-defined power, power that may be more easily exercised and more effectively employed, might be supplied for dealing with great trusts and other mighty corporate agencies of the land. I need not take the time of the House in enumerating the various matters concerning which amendments have been and are persistently urged and earnestly desired. I mention some of them merely as preliminary to the consideration of whether or not it might be advisable for the people of this country, by action of their various State legislatures, to call upon Congress to make provision for a constitutional convention, in which all the plans and schemes of amendment might be presented. Such a convention surely would be composed, in part at least, of the ablest men in the land. It would be a very great body of American statesmen and citizens. I believe the very fact of the assembling of such a convention—I believe, indeed, the preliminary discussions leading up to it or designed to bring it about—would be productive of much good in legislation in Congress and in the several State legislatures. The convention, I presume, would submit some amendments for the ratification of the people, and State conventions might follow, for consider-

ing and determining the adoption or rejection of the amendments submitted.

Now, I am not one of those who believe that the old Constitution is worn out, or that the ingenuity and statesmanship and patriotism of to-day would be likely to supply something which in its fundamental principles would be any improvement upon, or even as good as, that old instrument; but I am one of those who do believe that a constitution made more than a hundred years ago, when conditions were vastly different, when corporations were in their infancy, when our population was sparse, when wealth was not concentrated, when great agencies in government were not employed as they are employed now, before the day of the telegraph and telephone and the many triumphs of electricity, before many of the mighty inventions of to-day and yesterday were dreamed of; that a constitution made then may lack something now. I believe the makers did not embody in that instrument of matchless worth, our Constitution, all that might be or is now sufficient or desirable for present needs or to equip the people to meet the rapidly growing needs of the future of a great country. I believe a convention of American citizens, assembled for the purpose of considering various propositions to amend that Constitution, would be likely to submit some wholesome and timely amendments, perhaps a good many, but some, at least, which would meet the approval of the American people, and, by their sovereign will, be made part of the Constitution.

I believe there is enough of wisdom and patriotism and justice in the American people, enough pride in their past, interest in the present, and hope of the future, to protect us against any possible danger that the Constitution might be impaired by the adoption of an unwise amendment. It requires three-fourths of the States, either through conventions or through State legislatures, to ratify any amendment to the Constitution. I can not believe that any amendment not deserving ratification, any amendment which really would not be an improvement, an enlargement, a perfecting, of the Constitution would meet with the approval of legislatures or conventions in three-fourths of the States of this Union. Of course, our action here, if any action is to be taken along this line, would be action only after the State legislatures, to the number of two-thirds of those in the Union, shall have called upon us for action. A good deal of time has been taken in committee and some in the House and in the Senate on various propositions to amend the Constitution. Every session these propositions are up. There are hearings before committees and occasional reports, sometimes lengthy and sometimes learned, upon this or that proposition, but no amendments are made, and no opportunity is given the people to consider whether or not any amendment should be made.

I am one of those who believe that there ought to be recurrence as frequently as possible to the judgment of the mass of American citizens. I believe that under our system of government it is wise every now and then, and quite frequently, to get at the sense of our people, affording them full opportunity to make themselves heard. There is a growing feeling, I think, and I think it is one that has foundation in real fact and real need, that very often legislation is too far away from the masses of the people; that their will is expressed in legislation too slowly and too imperfectly; that combined powers that can make known their wishes quickly, that exert their potent influence rapidly, that can concentrate at the very point where things are to be done, are more likely to prevail than the profound sentiments of the scattered citizenship of the country.

There are a great many people who believe that in our Constitution there ought to be provision made for what is popularly known as the Initiative and Referendum, by means of which the people themselves might directly suggest and initiate and directly pass upon legislation. I believe our Constitution would be improved by providing in it for this exercise of power by the people.

The whole problem of modern government, where the people seek to govern themselves, is involved in the one proposition of enabling the great masses of people, the 999, scattered and dispersed in their various vocations over the country, to make their power felt, register their will, and have done that which they desire to have done, in their own interest, for the welfare of the whole community and for the perpetuity of the Government. It is vastly important for the people that they be provided with the means of opposing effectively, and surely and swiftly overcoming those who have usurped authority, and those who by the concentration of wealth and by the powerful modern agencies for its creation and utilization in all sorts of ways, good and bad, are constantly pushing on to further their own interests and are constantly growing more heedless of the rights and interests of the plain American citizen. Now, if the Constitution could be amended so that the people will have more power, so that there may be quicker response to popular demands, so that there may be a correct and more authoritative registering of the popular will, very much will have been done toward insuring the perpetuity of our government and perserving and enforcing the rights of our citizens.

An election was held last month for Members of the House of Representatives of the Sixtieth Congress. Unless there should be an extraordinary session called, the Members then elected will not assemble to discharge the duties of their office until December of next year—1907—thirteen months after they were elected. There really ought to be in the Congress of the United States, as there is in all of the State legislatures, an assembling of the newly elected body quickly after the election, while the Members are fresh from the people, whence they come with the authorization of the people, the command of the people, to do certain things and to refrain from the doing of certain other things; to make new laws; to amend or repeal old laws. A great many things happen in this country in the space of thirteen months, and Representatives who do not serve the people early, often do not actually serve them at all.

It is true that a Congress could be assembled, under the Constitution as it is, very much earlier than we meet. Instead of meeting on the first Monday of December, we could fix our meeting day at any time after the commencement of the Congressional term. Any time after the 4th of next March the Sixtieth Congress, by operation of law, if we saw proper to change the law with reference to the time of meeting, might be assembled. Somehow or other, I know not why, there seems to be opposition to any change, and the result is, Congress after Congress, we meet first in December, thirteen months after our election. We choose Members of the House of Representatives for two years, and thirteen months of that period are suffered to pass before the Representatives enter upon the discharge of their duties. This would appear passing strange if it were not so familiar and common, if it were not the order of things. It is strange that we do not amend the law, do the best that we can. But there could very easily be an amendment to the Constitution, if a convention were assembled to consider such things, by means of which Congress would be assembled soon after the election, speedily, in January or even in December following the election.

Then there is no reason why a Congress, after its successor has been chosen, should sit at all, except in extraordinary session, before the new Congress comes in—when there is, in the judgment of the President, an emergency for Congressional action before the new Congress can act.

There is no reason in the nature of things, there is no reason in the essence of good government, why this Congress instead of the new Sixtieth Congress should now be in session. Those who declined reelection or failed to secure it are supposed not to be so vigilant, so zealous, in the closing months of a term as those newly elected, who have the stimulus of a fresh baptism of popular favor, and something here for ambition to feed upon. I speak of this in generalties, because I know in many instances men whose terms are soon to expire have enough vigilance and are patriotic enough to be useful up to the very last hour of their service in a short session of Congress, when they know they will not be Members of the next Congress.

There can be no good reason why a Congress should be elected in November, for a period of two years, to assemble thirteen months later, and in a few months perhaps be involved in the throes of the on-coming campaign, a very large share of the membership being candidates for renomination and reelection. Now, it may be supposed, and if we were not acquainted with the history of things and did not know how things go here, it would be supposed, that a change in the meeting time of Congress could be easily effected; but it can not be easily effected. We know that for years and generations, even, there have been efforts made without effect for a change, and perhaps other years and other generations may pass without its being accomplished. But I think it is very fair to assume that through a constitutional convention this change at least might be made; and if the Constitution were amended in no other particular, if no other change were made in it, there would be enough of consideration for all the expense and all the labors of the convention if provision were made for assembling Congress speedily after election. To-day a constitutional amendment is necessary, because now the term begins on the 4th day of March, and, by shortening or lengthening one term, it should be made to begin in December or January next after the election.

Now, I believe there would be wisdom in an amendment limiting the incumbency of the Presidential office to a single

term. In some of the States the governor is ineligible to reelection as his own successor, as in Missouri, where the treasurer likewise is ineligible.

When you look to the new State constitutions, there will be found many minor provisions which might, with great propriety, be incorporated in the Federal Constitution. For instance, a number of these constitutions enable the governor to veto items in appropriation bills. A bill may contain thousands of items, and the governor has the right to veto any one or any number of them and approve the bill as to the others.

I believe such a provision would be immensely beneficial. There are a number of abuses it would cut off, and the saving would be great. Too often it is only necessary to get an item, no matter how objectionable, into a great appropriation bill, and as the bill must go through and does go through, that item stands with the very best and the most necessary ones in it. The result is that combinations are invited, and sometimes, I fear, combinations are made, by which A assists B and B assists A, and the unholy alliance extends through the alphabet, with the result that probably two or three or a dozen or fifty or a hundred items are incorporated in the bill, not one of which, perhaps, has merit enough to stand alone or to win by itself upon its own merits. Now, if the President, when he comes to pass upon such a bill, could veto any item or items in it, there would be cut off the tendency to the abuse of combinations for the purpose of loading up bills, and in large part the possibility of success, because it might be assumed that most objectionable items would be vetoed.

Then I think the veto power itself ought to be limited, for I do not believe that the President's power in legislation ought to be equal to the voting power and the persuasive power of one-sixth of the membership of the House and one-sixth of the membership of the Senate. It is one thing for the President to veto a bill and it is another thing for that veto to be effective, unless one-sixth of the membership of this House and one-sixth of the membership of the Senate, added to a majority of each body, unite to override the veto. The real purpose of a veto, it seems to me, ought to be to invite the attention of the legislative body to supposed objections in the matter vetoed. It ought to be rather in the way of a holding up, a cautionary sort of proceeding. It ought not to require so large a vote to overcome a veto. It ought to be rather a check upon legislation, a challenging of the special attention of the lawmakers to the matter regarded as objectionable. "I do not believe this matter ought to pass. Please look into it more carefully; please give it reconsideration and see what your deliberate judgment about it is." But of late years there has been no particular abuse of the veto power, and a change in it is perhaps a matter of comparatively small importance.

But, as to the main proposition. Here we have a Constitution, one of the greatest and best ever brought into being by human brains; we have a Constitution framed in the infancy of the Republic, framed in the primitive days, before the great railroad had an existence, before great electric motors and telegraph and telephone were known; before the modern agencies called "trusts" had a being or were dreamed of; before the appearance of the millionaire as a common, every-day citizen; before the near approach of the billionaire; before the aggregation of hundreds and thousands of millions of dollars under single control; and it seems to me that in our progress, in the history of our nation and of the world, we certainly have reached a time when it might be wise to assemble a convention to consider whether or not amendments could with profit be proposed to the great conservator of our liberties; and if they should be proposed, for the people deliberately, after their own manner, in their own fashion, to consider whether or not the Constitution should be amended.

Now, out of the discussion that would necessarily arise in a convention and after a convention certainly would come an awakening that could not be anything else than beneficial to the people of this country. There would be attention centered upon matters that are now overlooked and neglected. The people would have opportunity to assert their power and resume their control over some of the things, control of which has largely slipped from their hands. For instance, there is going on all the time now a conflict in opinion, and sometimes a conflict beyond opinion, between capital and labor, where serious questions as to the writ of injunction are involved. There has been a great deal of discussion and much uncertainty in a great many minds as to how the matter really stands. There is one school of thought that takes the view that the courts have the inherent power to determine what writs they ought to issue, and, if they decide they ought to issue particular ones, to issue them; that it is an inherent, necessary, preservative power and prerogative of the courts; that the court must say what is necessary to maintain its dignity and preserve its authority and execute its mandates, and that there is no power under the Constitution, no agency in the Government, to interfere with that exercise of authority.

Then there is another school of thought claiming that the courts, excepting alone the Supreme Court of the United States, being creatures of the lawmaking power, are within the scope of such laws as are made and such laws as may be made; that the question whether or not particular writs should issue, the circumstances under which they shall issue, if issued at all, are legislative questions and not judicial questions; that the power to make courts is the power also to unmake courts; that the right to confer, through legislative action, power upon courts carries with it also the constitutional right to circumscribe that power, take away part of it, and direct how it shall be exercised.

Now, that is an unsettled question in this country, with a tendency all the time in the courts to magnify themselves and to determine more and more and more that they have this power and that power, never given to them, as was foreseen by the wise men of the early day; a tendency ever toward magnifying the power of the courts and lessening the power of the legislative and executive branches when brought into conflict with them, and what is of far more importance, lessening in a good many instances the inherent and vital privileges and immunities of the people.

I believe a great deal of good might be done by a constitutional convention considering that among other questions. Shall our courts be final and supreme arbiters? Shall the court determine what its powers are? Shall the court, independently of the Congress, determine when it shall issue a particular writ, who violates an injunction or a writ of prohibition or any other extraordinary writ, and what the punishment shall be—all determined by a single lifetime appointee—or shall the people, through those whom they elect to Congress from time to time and who are responsible to them, determine what the power of the courts shall be? Shall the Congress determine within what bounds the powers given shall be exercised, what powers they will give to the courts, and what powers they will withhold from them? I believe a question like this is worthy of the consideration of the ablest minds of the country, and I believe that a great constitutional convention would give to it, as to other great questions that would naturally arise and naturally be suggested, the consideration which they really merit.

Now, I believe one of the troubles of this country at this time in the conflict between labor and capital grows out of the assumption on the part of the courts of the right to issue certain writs when they have no right to issue them unless authorized by the lawmaking power to issue them. A court created by law possesses no power except what the law gives it. [Applause.] Those who can create can destroy, if they see proper to destroy; those who can grant power can withhold power. The question of whether or not a particular writ should issue in a particular instance—barring only the United States Supreme Court, created by the Constitution itself—certainly ought to be, it seems to me, a question to be determined, as all other questions of lawmaking are determined, by the lawmaking body of the country—the Congress of the United States. And there ought to be some way of getting at undesirable judges, whether unfaithful or no longer efficient, and something more expeditious, something less cumbersome, something surer than the one remedy provided by the Constitution—impeachment—ought to be available. There ought to be something equivalent to removal by address. There ought to be some added sense of responsibility imposed upon every man who holds a judicial office in this country by life tenure.

Mr. STANLEY. Is it not true that that was one of the first defects pointed out in the Constitution within a few years after it was adopted? If my memory serves me correctly, Thomas Jefferson pointed out the danger of putting that power into the hands of the court.

Mr. DE ARMOND. Well, of course, Mr. Chairman, Jefferson's writings I think are full of warnings and admonitions and expressions of fear as to what may result from an encroaching judiciary.

Everybody in this country has respect for the courts, and in a body like this, where a large majority are members of the bar and a good many of them ex-judges, of course respect to the highest degree exists, but there is a tendency in the human mind and in human conduct to gather power, and, unconsciously perhaps—sometimes unconsciously and sometimes consciously—to usurp authority. You appoint a man judge for life, removable only by impeachment, a slow, tedious process, which, as the history of the country shows, usually brings no results. All he has to do is to avoid an offending on account of which he can be removed by the process of impeachment. A

large number of his actions are not reviewable in higher courts. Either there is no provision for review or those affected injuriously are too poor to go to a higher court. The result is that there is a tendency all the time for the judge—assuming he is trying to do what is right and proper—if he thinks the case is one calling for a strong remedy to bottom his decision and justify his action upon the most extreme action, the most radical assertion of power, of any other court or judge whose ruling falls under his notice. He may go a little grain beyond any other one. Another case arises, and another judge goes further still, following and enlarging upon precedent; and so it goes, a constant, steady, gradual, and sure advance in the claim of power, in the assumption of power, in the exercise of power, with no unquestioned agency to check or correct. Now, take the matter of injunctions, if you please.

Mr. STANLEY. Will the gentleman yield for an interruption at that point? I am very deeply interested, and I would like to ask the gentleman if he does not think it would be wise, in cases of constructive contempts, where heavy fines and long terms of imprisonment may probably be imposed, to have the punishment inflicted by the intervention of a jury?

Mr. DE ARMOND. Mr. Chairman, I have heretofore expressed myself in favor of that, but I am trying to talk now about the fundamental principles rather than about the details of legislation.

The writ of injunction of course is an old writ. The courts assume to apply it to new facts, to new cases as they arise. The question comes up, and a most interesting question it is—it is one, in my judgment, that could be dealt with by legislation, but more effectively dealt with by a constitutional convention—when the new facts arise, when the new conditions are brought about, when there is supposed to be occasion for the application of an old principle to a new case—who is to say, who has the right to say, whether the old principle or the old writ shall be applied to the new state of facts, to the new condition of things? The judges assume that they have the right, and for a century in this country and more they have been steadily moving forward on that theory. My judgment is that the legislative body, and that alone, has the right to say whether when a new state of things arises, when new conditions develop, when new agencies are brought into play, this or that writ or this or that process shall be employed.

Now, take, for instance, the great development in railroad building and railroad operation. In the olden days, when the writ of injunction came into being, there were no railroads. No question arose as to whether there ought to be an injunction issued in a dispute between the mighty employer and the humble employee, because none could arise. There were no such conditions and no such situation at that time. In the process of time, by means of inventions, development of the country, growth of population, multiplication of corporations, vast increase in their power, functions, and ramifications, new questions arose, entirely different from the issues of the dead centuries. Yet the contention is that in order to determine what a court of its own power and right—its own inherent, necessary power, as they say, and its own constitutional and prerogative right—may do or shall do, the courts are justified in drifting away back to the pretended fountain of judicial power, the decisions of English judges and English courts, centuries ago, in cases having really no analogy, when you consider them properly, to the cases in which the principles thence deduced are now applied. Now, is it in the power of the courts to go on eternally in that way? Is it the right of the courts to determine when new conditions arise, when new agencies come into play, what they shall do, and how they shall do it, or is the determination within the power of the lawmaking body? My judgment is that the lawmakers have the right to determine about it. Some people talk as if when you interfere with the courts in any particular, when you raise any question as to whether a court possesses power which different judges of the country assume to have and which they exercise, you are seeking to undermine the foundations of our Government and destroy property rights; invading the province wherein the courts stand as the guardians and protectors of everything that the citizen enjoys under the law.

Who make the laws? The representatives of the body of our citizenship itself, men selected for the very purpose of doing that very work, men responsible to their constituents for the way in which they do it or for neglect to do it. What reason is there to suppose that these men will not have as tender a regard for those upon whom they directly depend as will these lifetime judges who are not dependent at all upon the great body politic?

I did not mean to drift off into a discussion of this matter, because it is really foreign to the subject to which I wished to address myself. What I wished was merely to throw out the suggestion that I think the time has arrived when a constitutional convention might by action of Congress, stimulated and brought about under the Constitution by the State legislatures, be assembled to consider whether or not in some important particulars this great Constitution of ours might not be made better. This little discussion with regard to injunctions, by way of illustration, although it went much further than illustration, is an afterthought, and just simply happened.

Now, having disposed of that and being upon the floor I wish to address myself to the provision in the bill upon the subject of the new spelling. It is traveling a long way to go from the question of amendment of the Constitution to an amendment of our orthography, but not caring to take the floor simply for a discussion of the minor amendment matter, I wish to make an observation or two upon it now. I was a little surprised to find that provision in the bill, and I am a little surprised to find how seriously some people seem to take it. It seems to me it is somewhat of a new thing to legislate upon the subject of spelling, to provide by statute how people shall spell; and it is somewhat new, it seems to me, to cut off, in so far as you could cut off by statute, the possibility of improvement in spelling. I suppose there is such a possibility. It certainly seems so to those who support what is called the "new spelling;" they seem to think there is not only possibility, but great promise of reform. This proposed legislation proceeds upon the theory that we had better nail down English where we have it, and let the reformers break through the statute, if they can, or repeal it, if they may, in order to make any changes or any improvement in spelling.

There are all sorts of imaginary difficulties seen down at the Printing Office, and there seems to be danger, in the estimation of some gentlemen, of our surplus vanishing in the increased expenses to come if some people be indulged in their taste for the new spelling. I do not know much about that subject, but I do not exactly understand how changes in spelling are going to be so very costly. Take the word "though." I do not see how it will cost much more to print that word "tho" than "though." I do not see what great racking there is to be of the printing machines; I do not see what great mental disturbance is going to take place among those who set the type or those who correct the proofs. And I am rather of the opinion that an individual, whether he be in public office or out of public office, has some little inherent right to a choice in spelling. I think that a man has a right to depart from what is regarded as the most generally authorized spelling and try to introduce a new way of spelling a particular word or particular words. It seems to me he has, and if he furnishes "copy" for the Printing Office in an official document, and has any pride of opinion or any desire to further his propaganda in reference to spelling, I do not see where there is any objection to allowing him to be indulged in that fancy or that ambition. Nor can I see how demoralization is to come into the Printing Office. I do not see why anybody is going to throw away the old books and get new print; I do not see why all the school books are to be turned out and new books to be bought, merely because somebody chooses to spell some words in a way which he regards as better than the more common spelling. If instead of legislating as the committee proposes we should legislate just the other way and provide that this new spelling should be followed in the printing of public documents, I would not fear a destruction at once of the old dictionaries or old school books or anything else that has gone into print. I do not understand how difficulties will come about in the stereotyping process. Why, if a letter or two be lopped off, or if one letter be substituted for two or three letters, there is going to be any difficulty in stereotyping, I do not know. I do not think there is to be any difficulty about it. I believe seriously that our good Committee on Appropriations has, in a spasm of needless care for the welfare of the Republic in an orthographic way, gone a little further than it is necessary for it to go, and, let me say also, a little further than it is desirable for it to go. Will not the Appropriation Committee indulge us a little longer in the freedom and liberty which we have enjoyed heretofore, under the august authority of Webster, Worcester, and the rest of them, with reference to spelling? Let them give us a little more time, and see whether we can bring something out of it even without their aid. Will they not suspend for a year or two? Let us wait until the new Congress comes in. Let the Appropriations Committee deliberate upon this a little longer.

How are you going to familiarize yourself with the new spelling unless there be some new spelling. Spelling is very much a matter of habit. It is very much a matter of what we are familiar with and what we are not familiar with. Take some of these words; for instance, the word "though," which I instanced before. Suppose in a little while we should get used

to the spelling "tho." Would we not get along very well with it? Great changes have taken place in the orthography of the language, great changes have taken place in the language itself, and great changes will take place, but I do not recollect that any of them in this country have taken place by virtue of any statute of the Congress of the United States or of any suggestion of the Committee on Appropriations, ripened and crystallized into law.

There are some things we can get along with, it seems to me, without legislation, and spelling, I believe, is one of them. There is no need for uniformity in it. The truth is that there is no uniformity about it. If we were to make a test here, you could give out 100 or 500 words, perhaps a very much smaller number, and let each Member of the House write them down, and I will venture to say that there would be some variety in the spelling. You can do that anywhere. Some people have the faculty of spelling and some people have it not.

Well, now, the spelling of words has changed greatly in the last half century; very greatly in a century. Why do these gentlemen not go back to the good old Elizabethan era, the palmy and glorious era of English literature, and adopt the spelling of those days? Why not swing us back over the turbulent period of latter-day change? And why not go back to the old forms of letters, as well as of words, or just let us alone a little while longer?

The President, I understand, wishes to spell in a new way, and is doing it. Why not, if you wish, deny to the President the right to spell as he pleases in any document which he sends to the Public Printer? Why not make the issue a little more direct with him? Why bury it in the bowels of a great appropriation bill? Let the matter come up in a simple way. Put your reasons forth in speech and in reports, and let the President put his reasons forth in a veto message if he chooses to veto your bill. I wish to have a chance to look at some words as they spell them in the new way, and by and by, perhaps gradually, I may drop into that way. I would not have this new spelling eternally new. I think it ought to have such a chance as it may have without legislation against it. I think it is one of the subjects that we can let alone. I think that this committee can withdraw its attention from this subject and concentrate on something else, something upon which its attention has already rested, or upon some other new and interesting subject. At all events, I think the committee need not go into the business of coercing everybody or anybody about the manner of spelling. When the Public Printer cries for relief, when the compositors fail to properly execute the work they have to perform, when the proof readers are weary and grow faint in the discharge of their duties, then it will be time for this mighty committee to intervene, then it will be time for these gentlemen to turn aside from the general subject of appropriating away our money and interpose legislative barriers against appropriating away any of the letters in some of our words. I hope the chairman of the Committee on Appropriations and his associates will see whether or not there can be found something else upon which for the time being they can exercise their surplus power and zeal.

Mr. TAWNEY. Do I understand the gentleman from Missouri to say that the committee has made the change?

Mr. DE ARMOND. No.

Mr. TAWNEY. Or that the proposed legislation makes the change?

Mr. DE ARMOND. No; I do not suppose that it does, or at least there is no reason to suppose so. But what I was saying was that the committee proposes to provide by law that certain words shall be spelled in certain ways. Now, I think—of course I suggest this very modestly—I think the committee has gone a little beyond its province as limited under the rules.

Mr. TAWNEY. What has the gentleman from Missouri to say with respect to the province of the Executive, who proposes that certain words shall be spelled and printed in public documents only in a certain way?

Mr. DE ARMOND. Nothing in the world. I am just wishing that the gentleman at the head of that committee and his associates, when they desire to say anything about the Executive in reference to this matter of spelling, would get into a direct discussion with the Executive upon the subject, and not resort to an expedient which is not as bold or open as the Executive order, by hiding a little bit of a provision in a large appropriation bill, which they think the Executive dare not veto on account of the necessity for the appropriations carried. [Laughter.] Just go and meet the President in the open. I hope you gentlemen will go out and meet the Executive in the open—and you will find him there—and the probability is that by the time you are through with him you may desire some change in the spelling of some words that you will feel like using. [Great laughter and applause.]

Mr. LITTAUER. I yield to the gentleman from Ohio such time as he may desire.

Mr. GROSVENOR. Mr. Chairman, if I understood the gentleman from Missouri correctly, he suggests that a change in the Constitution, or perhaps he said in the legislation, of the country would be beneficial, in his judgment, from the fact, among many other reasons, that it would enable Congressmen, Members of the House of Representatives, to legislate the full extent of the two years of their term prior to the election that would select their successors. The argument, if I caught the purport of it, was that the incentive to correct action and wise and proper legislation would be far greater if a Member of Congress should finish his two years' legislation prior to the election of a successor for his district.

I want to enter my solemn protest against that proposition. Is there any man in the world now that can legislate with the same degree of intelligence, and the same degree of patriotism, and the same degree of independence as can the fellow who is going out? [Laughter.] Rather than have the change made that the gentleman from Missouri suggests, I would suggest that the legislation of this House be turned over to the gentlemen who are going out at the end of this term. [Laughter and applause.] They will act with much greater disinterestedness than can the gentleman from Missouri, in the very nature of things.

Doubtless the gentleman from Missouri believes that in all his votes now, during this short session, and in all his votes during the long session of the Sixtieth Congress, he will be actuated by simple patriotic purpose to do right; but he will be wonderfully mistaken at the end of his career. Who is affected now that he is going out of Congress by the bluster of some walking demagogue in the form of a walking delegate? He who is going out is secure from the danger, and it could have no effect upon him. Mr. Chairman, no man can tell that until he has tried it. [Laughter.] What a wonderful thing it is at the end of a long career of devotion to public duty to be enabled to look in the face of the critic who denounces him for some act of his and invite that gentleman to go to any place, hot or cold. [Laughter.] There is something about it that is refreshing to any man. [Renewed laughter.] And you, Mr. Chairman, who know nothing about it, when you come to experiment upon it remember what I have said, and see if I have overestimated the ecstasy of the moment when you are able to deliver that sort of an answer to somebody who interferes with your judgment. Therefore, I think that this House should pay especial and great attention to the suggestions that I myself and a number of distinguished gentlemen will make to you during the next sixty or seventy days. [Laughter.]

We shall get upon the highest plane of American patriotism, without any question of what some fellow in my district or your district will say about our action, and if you will permit us to take the leadership and go forward to the end of this short session and will follow our action, you will find yourselves in a better condition than you will be if you think you are acting independently, in view of your next election.

I was greatly delighted to hear a discussion yesterday on the subject of the misspelling of words, and I was particularly delighted at the reference made by the gentleman from Missouri [Mr. CLARK] to the subject of mispronunciation of words. When I got home last night I told my wife what he said, and asked her whom she thought the gentleman from Missouri [Mr. CLARK] had reference to. She said, "I have warned you on that subject many a time. There is no doubt to whom he referred." [Laughter.]

"Well," I said to her, "now, this thing of mispronouncing words comes from lapsing into ancient habits. Sometimes even the best educated men make slips in pronunciation of words and even in the construction of sentences." My wife greatly regretted that I should have been made an example in the House of Representatives, so I said, "A much greater man than I am once perpetrated a much worse thing than that in the House of Representatives," and I told her what it was. I said I knew one of the best educated men in the House, a man of distinguished ability—it would be invidious to name him—who boasted that he had been the youngest president of a college in the United States up to that date, and he grew very warm and earnest and eloquent, as he always does in advocacy of something that he thinks is right. He is a man of fine education. I regret I had not the early opportunities that he had. He is a man with a finely furnished vocabulary, but he got a little bit excited on the question of the pay of the

school-teachers of the District of Columbia, and as he was going smoothly along and forming his fine sentences delightfully he suddenly burst forth and said, "Mr. Chairman, I hain't got no use for nobody that is in favor of cutting down the wages of school-teachers." [Laughter.]

Why, Mr. Chairman, this is too big a country for everybody to pronounce words exactly alike. You go to the average best educated man from the section of country where I was born and ask him if he will do a thing, and if he wants to give you a strong statement of it he will say "suttenly." You go to the country where my friend from Missouri [Mr. CLARK] lives and the same honest expression of promise will be "sartin," and if you ask the gentleman from Illinois, Speaker of the House of Representatives, he will say "cert," and there you have got the whole country covered. [Laughter.] But it will not do to undertake to say that the particular sound or pronounciation of a letter is a question of education. It is a question of use—a question of locality. So much for the improved spelling. I am very much interested in it, for I used to be a first-rate speller. I am sorry to see the innovation coming, but it is a great relief at last. When it gets to that period of development which I think will come, when every fellow can spell just as he has a mind to and nobody can criticise him, that will be delightful.

Now, Mr. Chairman, my object in taking the floor on this occasion was none of these things about which I have spoken. [Laughter.] I ask unanimous consent to extend in the RECORD my remarks upon the topic of the merchant-marine bill. [Laughter.] It is a proposition not quite so old as the question of orthography. It is about the same age as initiative and referendum, and getting worn a little bit threadbare, as that proposition is; but it does not involve an amendment to the Constitution. And I warn my friend from Missouri [Mr. DE ARMOND] that while he may be exercising his great power in an academic discussion of these great questions, neither he nor his grandchildren will live long enough, in my judgment, to see another amendment to the Constitution, unless it shall come in the stress and storm of war. [Applause.]

I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GROSVENOR. Mr. Chairman, under the leave granted, I desire to print in the RECORD the following:

ADDRESS BY ELIHU ROOT BEFORE THE TRANS-MISSISSIPPI COMMERCIAL CONGRESS, KANSAS CITY, MO., TUESDAY, NOVEMBER 20,1906.

Mr. President and gentlemen of the Congress:

A little less than three centuries of colonial and national life have brought the people inhabiting the United States, by a process of evolution, natural and with the existing forces inevitable, to a point of distinct and radical change in their economic relations to the rest of mankind.

During the period now past the energy of our people, directed by the formative power created in our early population by heredity, by environment, by the struggle for existence, by individual independence, and by free institutions, has been devoted to the internal development of our own country. The surplus wealth produced by our labors has been applied immediately to reproduction in our own land. We have been cutting down forests and breaking virgin soil and fencing prairies and opening mines of coal and iron and copper and silver and gold, and building roads and canals and railroads and telegraph lines and cars and locomotives and mills and furnaces and schoolhouses and colleges and libraries and hospitals and asylums and public buildings and storehouses and shops and homes. We have been drawing on the resources of the world in capital and in labor to aid us in our work We have gathered strength from every rich and powerful nation and expended it upon these home undertakings; into them we have poured hundreds of millions of money attracted from the investors of Europe. We have been always a debtor nation, borrowing from the rest of the world, drawing all possible energy toward us and concentrating it with our own energy upon our own enterprises. The engrossing pursuit of our own opportunities has excluded from our consideration and interest the enterprises and the possibilities of the outside world. Invention, discovery, the progress of science, capacity for organization, the enormous increase in the productive power of mankind, have accelerated our progress and have brought us to a result of development in every branch of internal industrial activity marvelous and unprecedented in the history of the world.

Since the first election of President McKinley the people of the United States have for the first time accumulated a surplus of capital beyond the requirements of internal development. That surplus is increasing with extraordinary rapidity. We have paid our debts to Europe and have become a creditor instead of a debtor nation; we have faced about; we have left the ranks of the borrowing nations and have entered the ranks of the investing nations. Our surplus energy is beginning to look beyond our own borders, throughout the world, to find opportunity for the profitable use of our surplus capital, foreign markets for our manufactures, foreign mines to be developed, foreign bridges and railroads and public works to be built, foreign rivers to be turned into electric power and light. As in their several ways England and France and Germany have stood, so we in our own way are beginning to stand and must continue to stand toward the industrial enterprise of the world.

That we are not beginning our new rôle feebly is indicated by $1,518,561,666 of exports in the year 1905, as against $1,117,513,071 of imports, and by $1,743,864,500 exports in the year 1906, as against $1,226,563,843 of imports. Our first steps in the new field indeed are somewhat clumsy and unskilled. In our own vast country, with oceans on either side, we have had too little contact with foreign peoples readily to understand their customs or learn their languages; yet no one can doubt that we shall learn and shall understand and shall do our business abroad, as we have done it at home, with force and efficiency.

Coincident with this change in the United States, the progress of political development has been carrying the neighboring continent of South America out of the stage of militarism into the stage of industrialism. Throughout the greater part of that vast continent revolutions have ceased to be looked upon with favor or submitted to with indifference; the revolutionary general and the dictator are no longer the objects of admiration and imitation; civic virtues command the highest respect; the people point with satisfaction and pride to the stability of their governments, to the safety of property and the certainty of justice; nearly everywhere the people are eager for foreign capital to develop their natural resources and for foreign immigration to occupy their vacant land. Immediately before us, at exactly the right time, just as we are ready for it, great opportunities for peaceful commercial and industrial expansion to the south are presented. Other investing nations are already in the field—England, France, Germany, Italy, Spain; but the field is so vast, the new demands are so great, the progress so rapid, that what other nations have done up to this time is but a slight advance in the race for the grand total. The opportunities are so large that figures fail to convey them. The area of this newly awakened continent is 7,502,848 square miles—more than two and one-half times as large as the United States without Alaska and more than double the United States including Alaska. A large part of this area lies within the Temperate Zone, with an equable and invigorating climate, free from extremes of either heat or cold. Farther north, in the Tropics, are enormous expanses of high table-lands, stretching from the Atlantic to the foothills of the Andes, and lifted far above the tropical heats; the fertile valleys of the western cordilleras are cooled by perpetual snows even under the equator; vast forests grow untouched from a soil of incredible richness. The plains of Argentina, the great uplands of Brazil, the mountain valleys of Chile, Peru, Ecuador, Bolivia, and Colombia are suited to the habitation of any race, however far to the north its origin may have been; hundreds of millions of men can find healthful homes and abundant sustenance in this great territory.

The population in 1900 was only 42,461,381, less than six to the square mile. The density of population was less than one-eighth of that in the State of Missouri, less than one-sixtieth of that in the State of Massachusetts, less than one-seventieth of that in England, less than 1 per cent of that in Belgium.

With this sparse population the production of wealth is already enormous. The latest trade statistics show exports from South America to foreign countries of $745,530,000, and imports of $499,858,600. Of the five hundred millions of goods that South America buys we sell them but $63,246,525, or 12.6 per cent. Of the seven hundred and forty-five millions that South America sells we buy $152,092,000, or 20.4 per cent—nearly two and a half times as much as we sell.

Their production is increasing by leaps and bounds. In eleven years the exports of Chile have increased 45 per cent, from $54,030,000 in 1894 to $78,840,000 in 1905. In eight years the exports of Peru have increased 100 per cent, from $13,899,000 in 1897 to $28,758,000 in 1905. In ten years the exports of Brazil have increased 66 per cent, from $134,062,000 in 1894 to $223,101,000 in 1905. In ten years the exports of Argentina have increased 168 per cent, from $115,868,000 in 1895 to $311,544,000 in 1905.

This is only the beginning; the coffee and rubber of Brazil, the wheat and beef and hides of Argentina and Uruguay, the copper and nitrates of Chile, the copper and tin of Bolivia, the silver and gold and cotton and sugar of Peru, are but samples of what the soil and mines of that wonderful continent are capable of yielding. Ninety-seven per cent of the territory of South America is occupied by ten independent Republics living under constitutions substantially copied or adapted from our own. Under the new conditions of tranquillity and security which prevail in most of them their eager invitation to immigrants from the Old World will not long pass unheeded. The pressure of population abroad will inevitably turn its streams of life and labor toward those fertile fields and valleys. The streams have already begun to flow; more than two hundred thousand immigrants entered the Argentine Republic last year; they are coming this year at the rate of over three hundred thousand. Many thousands of Germans have already settled in southern Brazil. They are most welcome in Brazil; they are good and useful citizens there, as they are here; I hope that many more will come to Brazil and every other South American country, and add their vigorous industry and good citizenship to the upbuilding of their adopted home.

With the increase of population in such a field, under free institutions, with the fruits of labor and the rewards of enterprise secure, the production of wealth and the increase of purchasing power will afford a market for the commerce of the world worthy to rank even with the markets of the Orient as the goal of business enterprise. The material resources of South America are in some important respects complementary to our own; that continent is weakest where North America is strongest as a field for manufactures; it has comparatively little coal and iron. In many respects the people of the two continents are complementary to each other; the South American is polite, refined, cultivated, fond of literature and of expression and of the graces and charms of life, while the North American is strenuous, intense, utilitarian. Where we accumulate, they spend. While we have less of the cheerful philosophy which finds sources of happiness in the existing conditions of life, they have less of the inventive faculty which strives continually to increase the productive power of man and lower the cost of manufacture. The chief merits of the peoples of the two continents are different; their chief defects are different. Mutual intercourse and knowledge can not fail to greatly benefit both. Each can learn from the other; each can teach much to the other, and each can contribute greatly to the development and prosperity of the other. A large part of their products find no domestic competition here; a large part of our products will find no domestic competition there. The typical conditions exist for that kind of trade which is profitable, honorable, and beneficial to both parties.

The relations between the United States and South America have been chiefly political rather than commercial or personal. In the early days of the South American struggle for independence the eloquence of Henry Clay awakened in the American people a generous sympathy for the patriots of the South as for brethren struggling in the common cause

of liberty. The clear-eyed, judicious diplomacy of Richard Rush, the American minister at the Court of St. James, effected a complete understanding with Great Britain for concurrent action in opposition to the designs of the Holy Alliance, already contemplating the partition of the southern continent among the great powers of continental Europe. The famous declaration of Monroe arrayed the organized and rapidly increasing power of the United States as an obstacle to European interference and made it forever plain that the cost of European aggression would be greater than any advantage which could be won even by successful aggression.

That great declaration was not the chance expression of the opinion or the feeling of the moment; it crystallized the sentiment for human liberty and human rights which has saved American idealism from the demoralization of narrow selfishness, and has given to American democracy its true world power in the virile potency of a great example. It responded to the instinct of self-preservation in an intensely practical people. It was the result of conference with Jefferson and Madison and John Quincy Adams and John C. Calhoun and William Wirt—a combination of political wisdom, experience, and skill not easily surpassed. The particular circumstances which led to the declaration no longer exist; no holy alliance now threatens to partition South America; no European colonization of the west coast threatens to exclude us from the Pacific. But these conditions were merely the occasion for the declaration of a principle of action. Other occasions for the application of the principle have arisen since; it needs no prophetic vision to see that other occasions for its application may arise hereafter. The principle declared by Monroe is as wise an expression of sound political judgment to-day, as truthful a representation of the sentiments and instincts of the American people to-day, as living in its force as an effective rule of conduct whenever occasion shall arise, as it was on the 2d of December, 1823.

These great political services to South American independence, however, did not and could not in the nature of things create any relation between the people of South America and the people of the United States except a relation of political sympathy.

Twenty-five years ago Mr. Blaine, sanguine, resourceful, and gifted with that imagination which enlarges the historian's understanding of the past into the statesman's comprehension of the future, undertook to inaugurate a new era of American relations which should supplement political sympathy by personal acquaintance, by the intercourse of expanding trade, and by mutual helpfulness. As Secretary of State under President Arthur he invited the American nations to a conference to be held on the 24th of November, 1882, for the purpose of considering and discussing the subject of preventing war between the nations of America. That invitation, abandoned by Mr. Frelinghuysen, was renewed under Mr. Cleveland, and on the 2d of October, 1889, Mr. Blaine, again Secretary of State under President Harrison, had the singular good fortune to execute his former design and to open the sessions of the First American Conference at Washington. In an address of wisdom and lofty spirit, which should ever give honor to his memory, he described the assembly as "an honorable, peaceful conference of seventeen independent American powers, in which all shall meet together on terms of absolute equality; a conference in which there can be no attempt to coerce a single delegate against his own conception of the interests of his nation; a conference which will permit no secret understanding on any subject, but will frankly publish to the world all its conclusions; a conference which will tolerate no spirit of conquest, but will aim to cultivate an American sympathy as broad as both continents; a conference which will form no selfish alliance against the older nations from which we are proud to claim inheritance—a conference, in fine, which will seek nothing, propose nothing, endure nothing that is not, in the general sense of all the delegates, timely, wise, and peaceful."

The policy which Blaine inaugurated has been continued; the Congress of the United States has approved it; subsequent Presidents have followed it. The first conference at Washington has been succeeded by a second conference in Mexico, and now by a third conference in Rio de Janeiro, and it is to be followed in years to come by further successive assemblies in which the representatives of all American States shall acquire better knowledge and more perfect understanding and be drawn together by the recognition of common interests and the kindly consideration and discussion of measures for mutual benefit.

Nevertheless, Mr. Blaine was in advance of his time. In 1881 and 1889 neither had the United States reached a point where it could turn its energies away from its own internal development and direct them outward toward the development of foreign enterprises and foreign trade, nor had the South American countries reached the stage of stability in government and security for property necessary to their industrial development.

Now, however, the time has come. Both North and South America have grown up to Blaine's policy. The production, the trade, the capital, the enterprise of the United States have before them the opportunity to follow, and they are free to follow, the pathway marked out by the farsighted statesmanship of Blaine for the growth of America, North and South, in the peaceful prosperity of a mighty commerce.

To utilize this opportunity certain practical things must be done. For the most part these things must be done by a multitude of individual efforts; they can not be done by government. Government may help to furnish facilities for the doing of them, but the facilities will be useless unless used by individuals. They can not be done by resolutions of this or any other commercial body; resolutions are useless unless they stir individual business men to action in their own business affairs. The things needed have been fully and specifically set forth in many reports of efficient consuls and of highly competent agents of the Department of Commerce and Labor, and they have been described in countless newspapers and magazine articles; but all these things are worthless unless they are followed by individual action. I will indicate some of the matters to which every producer and merchant who desires South American trade should pay attention:

1. He should learn what the South Americans want and conform his product to their wants. If they think they need heavy castings, he should give them heavy castings and not expect them to buy light ones because he thinks they are better. If they want coarse cottons, he should give them coarse cottons and not expect them to buy fine cottons. It may not pay to-day, but it will pay to-morrow. The tendency to standardize articles of manufacture may reduce the cost and promote convenience, but if the consumers on the River Plata demand a different standard from the consumers on the Mississippi you must have two standards or lose one market.

2. Both for the purpose of learning what the South American people want and of securing their attention to your goods you must have agents who speak the Spanish or Portuguese language. For this there are two reasons: One is that people can seldom really get at each other's minds through an interpreter, and the other is that nine times out of ten it is only through knowing the Spanish or Portuguese language that a North American comes to appreciate the admirable and attractive personal qualities of the South American, and is thus able to establish that kindly and agreeable personal relation which is so potent in leading to business relations.

3. The American producer should arrange to conform his credit system to that prevailing in the country where he wishes to sell goods. There is no more money lost upon commercial credits in South America than there is in North America; but business men there have their own ways of doing business; they have to adapt the credits they receive to the credits they give. It is often inconvenient and disagreeable—and it is sometimes impossible—for them to conform to our ways, and the requirement that they should do so is a serious obstacle to trade.

To understand credits it is, of course, necessary to know something about the character, trustworthiness, and commercial standing of the purchaser, and the American producer or merchant who would sell goods in South America must have some means of knowledge upon this subject. This leads naturally to the next observation I have to make.

4. The establishment of banks should be brought about. The Americans already engaged in South American trade could well afford to subscribe the capital and establish an American bank in each of the principal cities of South America. This is, first, because nothing but very bad management could prevent such a bank from making money; capital is much needed in those cities, and 6, 8, and 10 per cent can be obtained for money upon just as safe security as can be had in Kansas City, St. Louis, or New York. It is also because the American bank would furnish a source of information as to the standing of the South American purchasers to whom credit may be extended and because American banks would relieve American business in South America from the disadvantage which now exists of making all its financial transactions through Europe instead of directly with the United States. It is unfortunately true that among hundreds of thousands of possible customers the United States now stands in a position of assumed financial and business inferiority to the countries through whose banking houses all its business has to be done.

5. The American merchant should himself acquire, if he has not already done so, and should impress upon all his agents that respect for the South American to which he is justly entitled and which is the essential requisite to respect from the South American. We are different in many ways as to character and methods. In dealing with all foreign people it is important to avoid the narrow and uninstructed prejudice which assumes that difference from ourselves denotes inferiority. There is nothing that we resent so quickly as an assumption of superiority or evidence of condescension in foreigners; there is nothing that the South Americans resent so quickly. The South Americans are our superiors in some respects; we are their superiors in other respects. We should show to them what is best in us and see what is best in them. Every agent of an American producer or merchant should be instructed that courtesy, politeness, kindly consideration, are essential requisites for success in the South American trade.

6. The investment of American capital in South America under the direction of American experts should be promoted, not merely upon simple investment grounds, but as a means of creating and enlarging trade. For simple investment purposes the opportunities are innumerable. Good business judgment and good business management will be necessary there, of course, as they are necessary here; but, given these, I believe that there is a vast number of enterprises awaiting capital in the more advanced countries of South America, capable of yielding great profits, and in which the property and the profits will be as safe as in the United States or Canada. A good many such enterprises are already begun. I have found a graduate of the Massachusetts Institute of Technology, a graduate of the Columbia School of Mines, and a graduate of Colonel Roosevelt's Rough Riders smelting copper close under the snow line of the Andes; I have ridden in an American car upon an American electric road, built by a New York engineer, in the heart of the coffee region of Brazil, and I have seen the waters of that river along which Pizarro established his line of communication in the conquest of Peru harnessed to American machinery to make light and power for the city of Lima. Every such point is the nucleus of American trade—the source of orders for American goods.

7. It is absolutely essential that the means of communication between the two countries should be improved and increased.

This underlies all other considerations, and it applies both to the mail, the passenger, and the freight services. Between all the principal South American ports and England, Germany, France, Spain, Italy, lines of swift and commodious steamers ply regularly. There are five subsidized first-class mail and passenger lines between Buenos Ayres and Europe; there is no such line between Buenos Ayres and the United States. Within the past two years the German, the English, and the Italian lines have been replacing their old steamers with new and swifter steamers of modern construction, accommodation, and capacity.

In the year ending June 30, 1905, there entered the port of Rio de Janeiro steamers and sailing vessels flying the flag of Austria-Hungary 120, of Norway 142, of Italy 165, of Argentina 264, of France 349, of Germany 657, of Great Britain 1,785, of the United States no steamers and 7 sailing vessels, 2 of which were in distress!

An English firm runs a small steamer monthly between New York and Rio de Janeiro; the Panama Railroad Company runs steamers between New York and the Isthmus of Panama; the Brazilians are starting for themselves a line between Rio and New York; there are two or three foreign concerns running slow cargo boats, and there are some foreign tramp steamers. That is the sum total of American communications with South America beyond the Caribbean Sea. Not one American steamship runs to any South American port beyond the Caribbean. During the past summer I entered the ports of Para Pernambuco, Bahia, Rio de Janeiro, Santos, Montevideo, Buenos Ayres, Bahia Blanca, Punta Arenas, Lota, Valparaiso, Coquimbo, Tocopilla, Callao, and Cartagena—all of the great ports and a large proportion of the secondary ports of the southern continent. I saw only one ship, besides the cruiser that carried me, flying the American flag. The mails between South America and Europe are swift, regular, and certain; between South America and the United States they are slow, irregular, and uncertain. Six weeks is not an uncommon time for a letter to take between Buenos Ayres or Valparaiso and New York. The merchant who wishes to order American goods can not know when his order will be received or when it will be filled. The freight charges between the South American cities and American cities are generally and substantially higher than between the same cities and Europe; at many points the deliveries of freight are uncertain and its condition upon arrival doubtful. The passenger accommodations are such as to make a journey to the United States a trial to be endured and a journey to Europe a

pleasure to be enjoyed. The best way to travel between the United States and both the southwest coast and the east coast of South America is to go by way of Europe, crossing the Atlantic twice. It is impossible that trade should prosper or intercourse increase or mutual knowledge grow to any great degree under such circumstances. The communication is worse now than it was twenty-five years ago. So long as it is left in the hands of our foreign competitors in business we can not reasonably look for any improvement. It is only reasonable to expect that European steamship lines shall be so managed as to promote European trade in South America rather than to promote the trade of the United States in South America.

This woeful deficiency in the means to carry on and enlarge our South American trade is but a part of the general decline and feebleness of the American merchant marine, which has reduced us from carrying over 90 per cent of our export trade in our own ships to the carriage of 9 per cent of that trade in our own ships and dependence upon foreign shipowners for the carriage of 91 per cent. The true remedy and the only remedy is the establishment of American lines of steamships between the United States and the great ports of South America, adequate to render fully as good service as is now afforded by the European lines between those ports and Europe. The substantial underlying fact was well stated in the resolution of this Trans-Mississippi Congress three years ago:

"That every ship is a missionary of trade; that steamship lines work for their own countries just as railroad lines work for their terminal points, and that it is as absurd for the United States to depend upon foreign ships to distribute its products as it would be for a department store to depend upon wagons of a competing house to deliver its goods."

How can this defect be remedied? The answer to this question must be found by ascertaining the cause of the decline of our merchant marine. Why is it that Americans have substantially retired from the foreign transport service? We are a nation of maritime traditions and facility; we are a nation of constructive capacity, competent to build ships; we are eminent, if not preeminent, in the construction of machinery; we have abundant capital seeking investment; we have courage and enterprise shrinking from no competition in any field which we choose to enter. Why, then, have we retired from this field in which we were once conspicuously successful?

I think the answer is twofold.

1. The higher wages and the greater cost of maintenance of American officers and crews make it impossible to compete on equal terms with foreign ships. The scale of living and the scale of pay of American sailors are fixed by the standard of wages and of living in the United States, and those are maintained at a high level by the protective tariff. The moment the American passes beyond the limits of his country and engages in ocean transportation he comes into competition with the lower foreign scale of wages and of living. Mr. Joseph L. Bristow, in his report upon trade conditions affecting the Panama Railroad, dated June 14, 1905, gives in detail the cost of operating an American steamship with a tonnage of approximately thirty-five hundred tons, as compared with the cost of operating a specified German steamship of the same tonnage, and the differences aggregate $15,315 per annum greater cost for the American steamship than for the German; that is, $4.37 per ton. He gives also in detail the cost of maintaining another American steamship with a tonnage of approximately twenty-five hundred tons, as compared with the cost of operating a specified British steamship of the same tonnage, and the differences aggregate $18,289.68 per annum greater cost for the American steamship than for the British; that is, $7.31 per ton. It is manifest that if the German steamship were content with a profit of less than $15,000 per annum, and the British with a profit of less than $18,000 per annum, the American ships would have to go out of business.

2. The principal maritime nations of the world, anxious to develop their trade, to promote their shipbuilding industry, to have at hand transports and auxiliary cruisers in case of war, are fostering their steamship lines by the payment of subsidies. England is paying to her steamship lines between six and seven million dollars a year; it is estimated that since 1840 she has paid to them between two hundred and fifty and three hundred millions. The enormous development of her commerce, her preponderant share of the carrying trade of the world, and her shipyards crowded with construction orders from every part of the earth indicate the success of her policy. France is paying about $8,000,000 a year; Italy and Japan between three and four millions each; Germany, upon the initiative of Bismarck, is building up her trade with wonderful rapidity by heavy subventions to her steamship lines and by giving special differential rates of carriage over her railroads for merchandise shipped by those lines. Spain, Norway, Austria-Hungary, Canada, all subsidize their own lines. It is estimated that about $28,000,000 a year are paid by our commercial competitors to their steamship lines.

Against these advantages to his competitor the American shipowner has to contend, and it is manifest that the subsidized ship can afford to carry freight at cost for a long enough period to drive him out of business.

We are living in a world not of natural competition, but of subsidized competition. State aid to steamship lines is as much a part of the commercial system of our day as state employment of consuls to promote business.

It will be observed that both of these disadvantages under which the American shipowner labors are artificial; they are created by governmental action—one by our own Government in raising the standard of wages and living by the protective tariff; the other by foreign governments in paying subsidies to their ships for the promotion of their own trade. For the American shipowner it is not a contest of intelligence, skill, industry, and thrift against similar qualities in his competitor; it is a contest against his competitors and his competitors' governments and his own Government also.

Plainly, these advantages created by governmental action can be neutralized only by governmental action, and should be neutralized by such action.

What action ought our Government to take for the accomplishment of this just purpose? Three kinds of action have been advocated.

1. A law providing for free ships—that is, permitting Americans to buy ships in other countries and bring them under the American flag. Plainly this would not at all meet the difficulties which I have described. The only thing it would accomplish would be to overcome the excess in cost of building a ship in an American shipyard over the cost of building it in a foreign shipyard; but since all the materials which enter into an American ship are entirely relieved of duty, the difference in cost of construction is so slight as to be practically a negligible quantity and to afford no substantial obstacle to the revival of American shipping. The expedient of free ships, therefore, would be merely to sacrifice our American shipbuilding industry, which ought to be revived and enlarged with American shipping, and to sacrifice it without receiving any substantial benefit. It is to be observed that Germany, France, and Italy all have attempted to build up their own shipping by adopting the policy of free ships, have failed in the experiment, have abandoned it, and have adopted in its place the policy of subsidy.

2. It has been proposed to establish a discriminating tariff duty in favor of goods imported in American ships—that is to say, to impose higher duties upon goods imported in foreign ships than are imposed on goods imported in American ships. We tried that once many years ago and have abandoned it. In its place we have entered into treaties of commerce and navigation with the principal countries of the world expressly agreeing that no such discrimination shall be made between their vessels and ours. To sweep away all those treaties and enter upon a war of commercial retaliation and reprisal for the sake of accomplishing indirectly what can be done directly should not be seriously considered.

3. There remains the third and obvious method—to neutralize the artificial disadvantages imposed upon American shipping, through the action of our own Government and foreign governments, by an equivalent advantage in the form of a subsidy or subvention. In my opinion this is what should be done; it is the sensible and fair thing to do. It is what must be done if we would have a revival of our shipping and the desired development of our foreign trade. We can not repeal the protective tariff; no political party dreams of repealing it; we do not wish to lower the standard of American living or American wages. We should give back to the shipowner what we take away from him for the purpose of maintaining that standard, and unless we do give it back we shall continue to go without ships. How can the expenditure of public money for the improvement of rivers and harbors to promote trade be justified upon any grounds which do not also sustain this proposal? Would anyone reverse the policy that granted aid to the Pacific railroads, the pioneers of our enormous internal commerce, the agencies that built up the great traffic which has enabled half a dozen other roads to be built in later years without assistance? Such subventions would not be gifts. They would be at once compensation for injuries inflicted upon American shipping by American laws and the consideration for benefits received by the whole American people—not the shippers or the shipbuilders or the sailors alone, but by every manufacturer, every miner, every farmer, every merchant whose prosperity depends upon a market for his products.

The provision for such just compensation should be carefully shaped and directed so that it will go to individual advantage only so far as the individual is enabled by it to earn a reasonable profit by building up the business of the country.

A bill is now pending in Congress which contains such provisions; it has passed the Senate and is now before the House Committee on Merchant Marine and Fisheries. It is known as Senate bill No. 529, Fifty-ninth Congress, first session. It provides specifically that the Postmaster-General may pay to American steamships, of specified rates of speed, carrying mails upon a regular service, compensation not to exceed the following amounts: For a line from an Atlantic port to Brazil, monthly, $150,000 a year; for a line from an Atlantic port to Uruguay and Argentina, monthly, $187,500 a year; for a line from a Gulf port to Brazil, monthly, $137,500 a year; for a line from each of two Gulf ports and from New Orleans to Central America and the Isthmus of Panama, weekly, $75,000 a year; for a line from a Gulf port to Mexico, weekly, $50,000 a year; for a line from a Pacific coast port to Mexico, Central America, and the Isthmus of Panama, fortnightly, $120,000 a year. For these six regular lines a total of $720,000. The payments provided are no more than enough to give the American ships a fair living chance in the competition.

There are other wise and reasonable provisions in the bill relating to trade with the Orient, to tramp steamers, and to a naval reserve, but I am now concerned with the provisions for trade to the south. The hope of such a trade lies chiefly in the passage of that bill.

Postmaster-General Cortelyou, in his report for 1905, said:

"Congress has authorized the Postmaster-General, by the act of 1891, to contract with the owners of American steamships for ocean mail service, and has realized the impracticability of commanding suitable steamships in the interest of the postal service alone by requiring that such steamers shall be of a size, class, and equipment which will promote commerce and become available as auxiliary cruisers of the Navy in case of need. The compensation allowed to such steamers is found to be wholly inadequate to secure the proposals contemplated; hence advertisements from time to time have failed to develop any bids for much-needed service. This is especially true in regard to several of the countries of South America, with which we have cordial relations and which, for manifest reasons, should have direct mail connections with us. I refer to Brazil and countries south of it. Complaints of serious delay to mails for these countries have become frequent and emphatic, leading to the suggestion on the part of certain officials of the Government that for the present and until more satisfactory direct communication can be established important mails should be dispatched to South America by way of European ports and on European steamers, which would not only involve the United States in the payment of double transit rates to a foreign country for the dispatch of its mails to countries of our own hemisphere, but might seriously embarrass the Government in the exchange of important official and diplomatic correspondence.

"The fact that the Government claims exclusive control of the transmission of letter mail throughout its own territory would seem to imply that it should secure and maintain the exclusive jurisdiction, when necessary, of its mails on the high seas. The unprecedented expansion of trade and foreign commerce justifies prompt consideration of an adequate foreign mail service."

It is difficult to believe, but it is true, that out of this faulty ocean mail service the Government of the United States is making a large profit. The actual cost to the Government last year of the ocean mail service to foreign countries other than Canada and Mexico was $2,965,624.21, while the proceeds realized by the Government from postage between the United States and foreign countries other than Canada and Mexico was $6,008,807.53, leaving the profit to the United States of $3,043,183.32; that is to say, under existing law the Government of the United States, having assumed the monopoly of carrying the mails for the people of the country, is making a profit of $3,000,000 per annum by rendering cheap and inefficient service. Every dollar of that three millions is made at the expense of the commerce of the United States. What can be plainer than that the Government ought to expend at least the profits that it gets from the ocean mail service in making the ocean mail service efficient. One-quarter of those profits would establish all these lines which I have described between the United States and South and Central America and give us, besides a

good mail service, enlarged markets for the producers and merchants of the United States who pay the postage from which the profits come.[a]

In his last message to Congress President Roosevelt said:

"To the spread of our trade in peace and the defense of our flag in war a great and prosperous merchant marine is indispensable. We should have ships of our own and seamen of our own to convey our goods to neutral markets, and in case of need to reenforce our battle line. It can not but be a source of regret and uneasiness to us that the lines of communication with our sister republics of South America should be chiefly under foreign control. It is not a good thing that American merchants and manufacturers should have to send their goods and letters to South America via Europe if they wish security and dispatch. Even on the Pacific, where our ships have held their own better than on the Atlantic, our merchant flag is now threatened through the liberal aid bestowed by other governments on their own steam lines. I ask your earnest consideration of the report with which the Merchant Marine Commission has followed its long and careful inquiry."

The bill now pending in the House is a bill framed upon the report of that Merchant Marine Commission. The question whether it shall become a law depends upon your Representatives in the House. You have the judgment of the Postmaster-General, you have the judgment of the Senate, you have the judgment of the President. If you agree with these judgments and wish the bill which embodies them to become a law, say so to your Representatives. Say it to them individually and directly, for it is your right to advise them and it will be their pleasure to hear from you what legislation the interests of their constituents demand.

The great body of Congressmen are always sincerely desirous to meet the just wishes of their constituents and to do what is for the public interest; but in this great country they are continually assailed by innumerable expressions of private opinion and by innumerable demands for the expenditure of public money; they come to discriminate very clearly between private opinion and public opinion and between real public opinion and the manufactured appearance of public opinion; they know that when there is a real demand for any kind of legislation it will make itself known to them through a multitude of individual voices. Resolutions of commercial bodies frequently indicate nothing except that the proposer of the resolution has a positive opinion and that no one else has interest enough in the subject to oppose it. Such resolutions by themselves, therefore, have comparatively little effect; they are effective only when the support of individual expressions shows that they really represent a genuine and general opinion.

It is for you and the business men all over the country whom you represent to show to the Representatives in Congress that the producing and commercial interests of the country really desire a practical measure to enlarge the markets and increase the foreign trade of the United States, by enabling American shipping to overcome the disadvantages imposed upon it by foreign governments for the benefit of their trade and by our Government for the benefit of our home industry.

Mr. LITTAUER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. BOUTELL] such time as he may desire.

Mr. BOUTELL. Mr. Chairman, yesterday our President was awarded one of the five great prizes that are annually distributed under the munificent provisions of the will of that illustrious Swedish scientist and philanthropist, Alfred Nobel. Although these prizes have been distributed for five years, this is the first occasion on which one of them has been given to an American citizen. It is, therefore, quite fitting that we, while congratulating the President of the United States as the recipient of this great international honor, should pay a tribute of respect to the memory of the eminent man whose wisdom and generosity established the now famous Nobel prizes.

Yesterday was the tenth anniversary of Nobel's death, which occurred at San Remo on the 10th of December, 1896. He left a voluminous will, said to have been drawn without the aid of lawyers, and in his own handwriting. The provision of this remarkable document that relates to the establishment of the prizes that bear the name of their founder is as follows:

With the residue of my convertible estate I hereby direct my executors to proceed as follows: They shall convert my said residue of property into money, which they shall then invest in safe securities; the capital thus secured shall constitute a fund, the interest accruing from which shall be annually awarded in prizes to those persons who shall have contributed most materially to benefit mankind during the year immediately preceding. The said interest shall be divided into five equal amounts, to be apportioned as follows: One share to the person who shall have made the most important discovery or invention in the domain of physics; one share to the person who shall have made the most important chemical discovery or improvement; one share to the person who shall have made the most important discovery in the domain of physiology or medicine; one share to the person who shall have produced in the field of literature the most distinguished work of an idealistic tendency, and, finally, one share to the person who shall have most or best promoted the fraternity of nations and the abolishment or diminution of standing armies and the formation and increase of peace congresses. The prizes for physics and chemistry shall be awarded by the Swedish Academy of Science (Svenska Vetenskapsakademien) in Stockholm; the one for physiology or medicine by the Caroline Medical Institute (Karolinska Institutet) in Stockholm; the prizes for literature by the Academy in Stockholm (i. e. Svenska Akademien), and that for peace by a committee of five persons to be elected by the Norwegian Storthing. I declare it to be my express desire that, in awarding the prizes, no consideration whatever be paid to the nationality of the candidates—that is to say, that the most deserving be awarded the prize, whether of Scandinavian origin or not.

All Americans are to-day justly proud that the first of these prizes to come to the United States has been awarded to the illustrious citizen who holds the most exalted office in the gift of this Republic and the highest place in the esteem of his fellow-citizens. It is interesting, therefore, and intensely gratifying for us to know that he occupies a place on the roll of honor with such men as Dr. Wilhelm Konrad Röntgen, the discoverer of the wonderful Röntgen rays; Dr. Jacobus Henricus Van't Hoff, the distinguished Dutch scientist; Emil von Behring; René François Armand Tully Prudhomme; Jean Henry Dunant, the founder of the Red Cross Society; Frederick Passy; Lord Rayleigh, and Sir William Ramsey.

One of the peace prizes, such as has been given to President Roosevelt, was awarded to the Institut de Droit International. Another of the peace prizes was given to that distinguished Austrian noblewoman, the Baroness von Suttner, whose work "Die Waffen nieder" (Ground Arms) is so well known through its vivid portrayal of the horrors of war.

What manner of man was it who left this unique testament, reflecting glory alike on his own memory and upon the country of his birth? The estate at the time of his death amounted to something like $10,000,000, and the five annual prizes now average about $40,000 each.

Alfred Nobel, who left this testament, doing a grand thing in such a grand way, was born in Stockholm October 21, 1833, and died, as I have said, on the 10th of December, 1896. His father was a scientist and inventor of some reputation, both in Sweden and in Russia, where he had factories for the manufacture of explosives. Young Alfred Nobel was associated first with his father and afterwards with his brothers in various manufacturing enterprises. It is interesting for us to recall that from the age of 17 to 21 years, or from 1850 to 1854, Alfred Nobel lived in the United States, where he was sent by his father to study and work with that great Swedish-American, John Ericsson, the inventor of the modern ironclad, and, we may say, the founder of the present navies of the world and the inventor of the screw propeller. On his return to Europe young Nobel engaged with his father and brothers in their enterprises and very early became interested in perfecting high explosives. In 1862, at Stockholm, he first manufactured nitroglycerin on a commercial scale.

His experiments with nitroglycerin soon led to his discovery of dynamite, a discovery which some one has said marks a new epoch in the civilization of the world. It was through this discovery and the practical uses to which Nobel put his dynamite that we owe some of the greatest engineering feats of the last generation and the vast mining operations that have been prosecuted on such an unprecedented scale. Nobel, singularly enough, is described by his friends as an extremely modest, shrinking, and sensitive man, who frequently in carrying on his experiments was compelled from sheer weakness to do his work while lying in a recumbent position. But he had an unconquerable will and undaunted courage, and no losses, no dangers, incident to his calling ever deterred him from carrying on his work. After the Franco-Prussian war had demonstrated the use in warfare of high explosives Alfred Nobel perfected gun cotton and smokeless powder, and by the time he was 40 years of age, or in the early seventies, his fame and his fortune were assured. Later he became associated with his brothers in the rectifying and transportation of oil in Russia, which further increased his fortune. He never married, and his entire property, with the exception of a few bequests, was placed in the hands of trustees for the establishment of these prizes.

Shortly after Nobel's death a sympathetic biographer thus wrote of the intentions of this singular man in the disposition of his property:

A good deal has been said in explanation of this extraordinary will. The intimate friends of Mr. Nobel have been invited to give information which might throw light on his intentions, and two gentlemen, who witnessed the will, have declared that he had told them that he was a socialist, but one with moderate views; that in his opinion it was not good for people to inherit large amounts, because it does not stimulate them to work.

He wanted his fortune to benefit those who were working in the interest of humanity, and therefore he wanted those in the first instance to profit by it who were occupied with scientific research, because they could not, as a rule, reap much material benefit from their labor. The fifth prize is to be explained by the fact that toward the latter part of his life Nobel became deeply interested in all that was done to promote peace by congresses and societies. He always considered that by improving war material, and thus increasing the dangers of war, he was contributing his share toward the pacification of the world.

One of the prizes provided by him throws a very interesting side light upon his character, namely, the prize which was to be given for the best literary work of idealistic character. It seems strange that this man, who was occupied in the manufacture of high explosives and those materials which have made warfare so terrible and devastating, should in his leisure moments have devoted himself to the study of languages, in many of which he was proficient, and found delight in idealistic literature.

Our representative in Christiania, Mr. Peirce, in accepting on

[a] There would be some modification of these figures if the cost of getting the mails to and from the exchange offices were charged against the account; but this is not separable from the general domestic cost and would not materially change the result.

behalf of the President the prize which was awarded yesterday, delivered this message from the President to the committee of the Storthing:

I am profoundly moved and touched by the signal honor shown me through your body in conferring upon me the Nobel peace prize. There is no gift I could appreciate more; and I wish it were in my power fully to express my gratitude. I thank you for myself, and I thank you on behalf of the United States, for what I did I was able to accomplish only as the representative of the nation of which for the time being I am President. After much thought I have concluded that the best and most fitting way to apply the amount of the prize is by using it as a foundation to establish at Washington a permanent industrial peace committee. The object will be to strive for better and more equitable relations among my countrymen who are engaged, whether as capitalists or wageworkers, in industrial and agricultural pursuits. This will carry out the purpose of the founder of the prize, for in modern life it is as important to work for the cause of just and righteous peace in the industrial world as in the world of nations. I again express to you the assurance of my deep and lasting gratitude and appreciation.

THEODORE ROOSEVELT.

[Great applause.]

In his disposition of this prize money the President has enhanced the luster of the honor conferred upon him in this award.

And so I think it is quite fitting for this House to take notice not only of the gratification and pride which the citizens of this country feel that one of these prizes has come to our most illustrious citizen, but also to express our appreciation of the modesty and the splendid and noble humanitarianism with which the President has disposed of this fund—in a method that I am sure would meet the approval of the great founder, himself a life-long employer of labor, could he look down and make known to us his opinion of the disposition which has been made by President Roosevelt of the prize awarded to him.

I have said that one of these peace prizes was awarded to the Baroness von Suttner, whose remarkable book, Ground Arms, has attracted the attention of all the civilized world. In that book one of her characters, Rudolph, the advocate of peace, says:

The prince or statesman is perhaps already alive who is to bring to perfection the exploit which will live in all future history as the most glorious and most enlightened of all exploits—that which will carry universal disarmament.

And he proposes this toast:

Hail to the future! To fulfill its tasks, shall we clothe ourselves in steel? No! Shall we endeavor to show ourselves worthy of our fathers' fathers, as the old phrase goes? No! But of our grandsons' grandsons!

That, of course, is a noble sentiment, Mr. Chairman. No sane man desires war. No man who loves his country wishes to see her drawn into war. The language of the greatest poet of the Victorian era expresses the earnest wish of every patriot:

Ah! When shall all men's good
Be each man's rule, and universal peace
Lie like a shaft of light across the land
And like a lane of beams athwart the sea,
Thro' all the circle of the golden year?

But, Mr. Chairman, no man can foretell the day that will usher in the golden year. Our President has received this prize, known as the "peace prize," for the services which he rendered in bringing to a close the terrible conflict between Russia and Japan. It is well for us to remember also at this time the wise policy which he has always advocated for keeping this great Republic at peace with the nations of the world. While a practical statesman often may use this prayer of the poet, he will at the same time, though working with all the energy of his being to bring about universal peace, see to it that, so far as his own nation is concerned, her credit and her armament will be always in such a condition as to insure her safety from attack. We often speak of great armies and navies as the surest guaranty of peace. Armies and navies, however, are but symbols of a greater power, the power that creates and maintains them. The reality back of the symbol is national credit.

No man who has had to do with wars ever said a wiser thing than the greatest captain of all time when he was asked the three chief requisites for carrying on war and replied: "First, money; second, money; and third, more money." National credit is the surest guaranty of peace, and the United States, with her interest-bearing debt, less available cash, a bare $600,000,000, with her great natural resources and her 2 per cent bonds commanding a premium, has to-day a financial strength equal to the combined strength of any three of the greatest powers on earth. It is for us to see to it that in the future this national credit is preserved; that our small nucleus of an Army is composed of men of the highest training and proficiency, and that our Navy is kept always in the highest state of efficiency, both in ships and men. Thus, while doing our best to bring about the reign of universal peace, we shall see to it that our Republic at least is impregnable from outside attacks. [Great applause.]

Mr. GAINES of Tennessee. Mr. Chairman, last session of this Congress I said on the floor of this House that I would vote for a measure to raise the salaries of our successors. Both before and since this, on the stump in Tennessee, I have insisted that the salaries of Members of Congress, Senators and Representatives, were insufficient and should be raised, and that I would support a measure to do so. Nothing was done on this subject last session. Since then, last November, the Members of the Sixtieth Congress have been elected. Their term of office begins March 4 next.

I have introduced this session a bill to raise the salaries of the Members of the Sixty-first Congress to $7,500 per year, also paying them their necessary and proper traveling expenses in going to and from the regular and extra sessions of Congress, but only such amounts as are actually paid. My bill further provides that proper writing supplies shall be furnished to each Member on demand, including a typewriting machine, to be used in official business. We are now allowed $5,000 salary, our railroad fare, and $125, to be used in whole or in part, in purchasing stationery, etc.

I know this reform is needed. So does every Member of Congress, including the ex-Members, while the people believe it should be made.

The present salary of $5,000 was first fixed in 1866, forty years ago. The cost of living was then less than now. The work of Members in 1866 was much less than in 1906. You know the work we must do to-day is many fold greater than ever before, and necessarily so.

I shall not take up, just now, at least, the time of the committee showing the necessity for this reform; you are familiar with the facts. My purpose now is to show the history of and cite the precedents made from the First Congress, which passed the first act fixing these salaries, down to the Forty-third Congress, which, in 1874, passed the last act—the present law, the same law in dollars and cents passed in 1866—forty years ago.

I believe these salaries would have been raised long before this had not the Forty-second Congress, March 3, 1873, about twelve hours before that Congress died, passed a retroactive statute, giving Members of that Congress, on the very last day of its service, a back salary at the rate of $7,500 per year. Just the day before—that is, March 3, 1873—that Congress died, it passed that law, giving, with possibly some deductions, the Members of that Congress that salary for the whole time, I believe, that they had been Members of the Forty-second Congress, and the people very rightfully rebelled.

That Congress had already, from time to time, been paid for its year work. It was strictly a "back salary grab," a Congress paying itself for work for which it had already been paid, or had the right to be paid under the old law, of $5,000 per annum and mileage at the rate of 20 cents per mile, under the act of July 28, 1866, passed during President Johnson's Administration.

The next, or Forty-third Congress, in 1874, reduced the $7,500 salary back to the old amount of $5,000 and 20 cents mileage, the law to-day.

The increase in salaries which I insist should be made is not for past services, but for future services, and more than that for the members of the Sixty-first Congress, to be elected two years hence. Persons of unfair minds can not criticise those who vote for it as being selfish.

I am on record in and out of this House as favoring the enactment of a law by this the Fifty-ninth Congress to increase the salaries of our successors, which then meant the successors to the Fifty-ninth Congress, to wit, the Sixtieth, the Sixty-first, or any other Congress to which this Congress may in its wisdom may make the law applicable.

The public service requires this increase. In justice to the Member it is required. But I desire to get to the question of precedents. I read the Constitution on the power of Congress to fix compensation of Members of Congress before I introduced this bill. I had not read any other authority or precedent on the subject before then, but, desiring to go to the bottom of the question, I have, since Saturday last, looked up the statutes on the subject, which I shall insert in the RECORD, if permitted.

The Constitution ordains that—

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States.

This provision was fixed by the framers of the Constitution by a vote of 9 to 2 after considerable debate as to whether Members should be paid at all and whether by the State or Federal Government. You see the vote was overwhelming.

THE FIRST CONGRESS.

The First Congress at its first session, September, 1789, fixed the salaries and mileage of the Members of the First Congress, the Second and Third also, and President Washington approved the act. This precedent, as I will show, has been repeatedly followed.

The First Congress submitted twelve proposed amendments to the Constitution, ten of which were adopted. Two were defeated, one of which reads as follows:

PROPOSED AMENDMENT DEFEATED.

ARTICLE II. No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

This amendment was defeated.

It is very similar, you observe, in its purpose to the bill I have introduced proposing to fix the salaries of Members yet to be elected for the Sixty-first Congress. If that bill, or one similar, is passed, the Sixtieth Congress, just elected, can repeal it at either the long or short session. The Members of the Sixty-first can repeal it.

PRESIDENT WASHINGTON'S SALARY.

The First Congress also fixed the salary of the President, then Mr. Washington, and the Vice-President, then Mr. Adams, at $25,000 for the President and $5,000 for the Vice-President. Mr. Washington, as President, approved this act, although in his inaugural address he at least intimated to Congress that he did not desire any compensation, but asked for certain furniture, etc. Here is what he said:

WHAT WASHINGTON ASKED FOR.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will, therefore, be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed; and being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the executive department; and must accordingly pray that the pecuniary estimates for the station in which I am placed may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

On February 18, 1793, near the close of the first term of President Washington, he again approved a bill refixing his salary and the Vice-President's at the same figures, "to be paid quarter-yearly," and "from and after the 3d of March, 1793," his second term beginning March 4, 1793.

FOURTH CONGRESS FIXED ITS SALARY.

The Fourth Congress, in 1796, at its first session, fixed its salary. The date of the act is March 10, 1796, and provides:

That every session of Congress and at every meeting of the Senate in the recess of Congress, from and after the 3d day of March, in the present year (1796), each Senator shall receive $6 per day, etc., and $6 for every 20 miles to and from sessions of Congress, etc.

President Washington approved this act.

There were many Members of the First, Second, Third, and Fourth Congresses, at least the First, who were members of the Constitutional Convention, over which Mr. Washington presided, and thus they construed the powers of Congress to act, legally and morally, in fixing salaries. The people had before 1791 defeated the proposed amendment prohibiting the changing of the compensation of Members by any law taking effect "until an election of Representatives shall have intervened."

FIFTH CONGRESS—1797.

The Fifth Congress at its first session, July 6, 1797, paid its Members mileage who attended an extraordinary session of Congress. John Adams was then President.

FOURTEENTH CONGRESS—1816.

The Fourteenth Congress, at its first session, fixed the compensation of its Members, and those of future Congresses, changing the law from a per diem to a fixed salary of $1,500. President Madison approved this act. He was a member of the Constitutional Convention and is called the "Father of the Constitution."

Another act was passed by the same Congress at its second session repealing the act of the previous session of March 19, 1816, which Mr. Madison also approved.

FIFTEENTH CONGRESS—1818.

During Mr. Monroe's Administration the Fifteenth Congress, first session, January 22, 1818, fixed the salaries of *that* Congress by raising the per diem to $8 and the mileage to $8 for every 20 miles.

THIRTY-FOURTH CONGRESS—1856.

This remained the law, I believe, down to the Thirty-fourth Congress, which, at its first session, August 16, 1856, refixed the salaries or compensation and raised it to $6,000 "for each Congress," allowing the old mileage, $8 for each 20 miles.

Section 3 of that act provided:

That this law shall apply to the *present* Congress, and each Senator, Representative, and Delegate shall be entitled to receive the difference only between their per diem compensation already received under the law now in force and the compensation provided by this act.

This act was passed during the Administration of President Pierce.

THIRTY-FIFTH CONGRESS—1857.

The next, or Thirty-fifth Congress, first session, December, 1857, during President Buchanan's Administration, the act of 1856 was changed so as to make the mileage payable on the first day of each session and the compensation at $250 per month.

THE WIDOWS OF MEMBERS.

This Thirty-fifth Congress also passed, March 3, 1859, second session, an act giving the widows of deceased Members of Congress the benefit of certain portions of the salary of the deceased Member if he should die "after the commencement of Congress," etc. The third section made the law applicable "to the widows and heirs at law of Members elected to the present Congress who have died since its commencement." This act was approved March 3, 1859, just the day before the Thirty-fifth Congress died. It was approved by President Buchanan.

THIRTY-NINTH CONGRESS—1866.

During President Johnson's Administration, the sundry civil bill of the Thirty-ninth Congress, first session, July 28, 1866, fixed the compensation of Members and Delegates at $5,000 per annum, "to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile."

Members of Congress and Delegates are now paid $5,000 per annum and 20 cents mileage.

BACK-SALARY ACT—1873.

In 1873, March 3, the "back-salary grab act" was passed, with which you are familiar. It was retroactive, as stated, and was extra pay for work the Members had already done, and for which they had already been paid in part or totally. President Grant signed this act, which you see was passed a few hours before his second term begun, the Forty-second Congress died, and the Forty-third Congress begun.

FORTY-THIRD CONGRESS—1874.

The Forty-third Congress refixed the salary of the Members of Congress at $5,000, but allowed the salary of the President to remain at $50,000 and the salaries of the Federal judges to stand unchanged.

I have thus briefly and rapidly as possible explained to you the precedents on this subject, from the First Congress down to the Forty-third Congress, covering a period when Members who had framed the Constitution, as Members of Congress framed the first laws, which fixed compensation of Members and of the Presidents from Washington on down. I have covered the period when salaries have been refixed and the example set by Washington and the First Congress clear on down and shown to you that there is no constitutional prohibition against an existing Congress fixing its own salary, if it chooses, or in fixing those of succeeding Congresses. It is a question of justice and wise public policy which should guide us looking to the end, to wit, the public service and a fair and reasonable compensation for the Members of Congress of the present period, taking into consideration the amount and kind of work they must do, and have to do, and their inability to engage in outside business, which they must do in many cases "to make buckle and tongue meet." Members are entitled to a compensation, which, if used with reasonable care and propriety, will not only defray their proper expenses while Members of Congress, but they are due a compensation from which they can save something for a "rainy day" when they leave Congress to fight again the battles of life that are more real then than ever before.

But I shall argue in a general way the necessity for increased salaries as I proceed in discussing other propositions with which the Members may be less familiar.

I shall now make some comparisons. There are limitations on Congress in unfixing and fixing the salaries of the President and our Federal judges.

The Constitution declares:

The President shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected, and he shall not receive during that period any emolument from the United States or any of them.

The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

PRESIDENT'S SALARY.

The First Congress, we see, fixed the salary of President Washington during his first term. The First Congress did that.

Just before the end of his first term the Second Congress refixed the terms for paying the President's salary during his second term. Washington approved both acts. We have seen that just before the end of President Grant's first term Congress passed a law refixing the President's salary and fixing it at $50,000, to take effect during his second term. The next Congress reaffirmed, and all succeeding Congresses, this act by not repealing it.

Here are two Congressional constructions placed upon the power of Congress to unfix and refix the President's salary.

In addition to this Presidential salary, Congress allows a certain amount of money for maintaining the White House and the premises. Congress recently appropriated a sum of money to be spent by President Roosevelt and his successors in taking certain trips, instead of, as heretofore, accepting free transportation, private or special trains, etc., as the President and his predecessors have done, we are officially and publicly informed by Senator LODGE in his speech in the Senate. We have thus lifted the President above the suspicion and criticism of accepting free transportation. We have made him independent. If the President takes no trips, this money will not be spent and will remain for his successors to use. It is not his. It is money held in trust. I thought the act appropriating this money constitutional, a proper expenditure, and voted for it. I wanted our President and his successors independent and above suspicion or criticism.

PAY TO FEDERAL JUDGES.

Take the judges of the Federal court. Our first Chief Justice was paid $5,000 annually. The present Chief Justice receives $13,500, his associates $12,500, while the salaries of all the inferior Federal judges have been recently raised. To a certain extent the law fixes the amount of work each of these courts must do by saying what they can do, by restricting appeals, by creating the court of appeals, and increasing the number of circuit or district judges. In other words, the courts do not have to work at most everything. The law allows them to work at certain things and not at all things.

DUTIES OF MEMBERS BOUNDLESS.

But how about Members of Congress? Their work is practically boundless. They are called on to make laws and do most everything else that the law provides shall be done for the people of the United States, our Territories, and colonies; yet we are paid much less than any Federal judge, whose duties are limited. The judges are paid these increased salaries, their mileage, and more; their hotel bills are paid while they are holding court, if away from home. Are the board bills of Members of Congress paid by Congress? [Laughter.] Yes; they are paid, but out of our own pockets from the salary we receive. What else? Why, every one of these judges is given, free of charge, an office in which to work. They are furnished with libraries, I think. Who pays for the Member's office in Washington, or at home, as to that? The Member himself out of his salary. Who pays for our books, so necessary for Members in investigating great constitutional questions and the study of historical matter pertinent to official work? The Members have to go and buy them, if they are bought, or go to the Library, or, if you are at home, go ahead and make out you know it anyhow. [Laughter.] But you can not do that in my district. [Laughter.] My friend from Ohio [Mr. GROSVENOR] knows that is true. [Laughter.]

These, gentlemen, are a few of the adverse conditions which confront Members of Congress. A great many people criticise Members, or Congress, rather, and wonder how it is, with the present salary, that we live, move, and have our being while Members of Congress "without holding out our hands behind us."

People have met me on the street and seriously said: "How do you Members manage to get along on your small salary, fixed forty years ago, when the expenses of living were about half as great as they are now? I don't see how you do it. You can not do any other work and do your full duty to the public; why doesn't Congress raise your salaries?"

[The time of Mr. GAINES having expired Mr. LIVINGSTON yielded him ten minutes more.]

Mr. BRUMM. What about election expenses?

Mr. GAINES of Tennessee. Members are elected every two years. There are certain, proper expenses, though they should be limited—legitimate election expenses. We all know what they are. The candidates must pay for these expenses out of their own pockets, which is proper, being purely personal or private, but it must be, and is, done every two years; the Senators every six years. I have never had any election expenses of any importance, save once or twice. I have been here nearly ten years, and I do not think that I have spent over a thousand dollars, except once or twice, when I had to furnish about $600 in each of two elections—primary elections—once when I had no opponent for the nomination and once when I did. This money was used to pay for printing the official primary ticket and pay the clerks and judges holding the election in five counties. During the election last fall I paid for my tickets and those of other candidates, all told $2.75, and as I could not go to an outer county for want of time to see about my tickets there and their distribution to the several precincts, I sent my check for $25, the usual amount for that county. I do not know whether that check has been cashed or not. I presume it has, to cover my legitimate expenses in that county.

Railroad expenses, going here and there at the call of the people to help them, is a heavy outlay.

Gentlemen, when I read in the public press about the election expenses of candidates in Pennsylvania—with all due respect to my good friend [Mr. BRUMM]—and in New York, I think they are absolutely disgraceful to the American people. [Applause.] I do not refer to my friend from Pennsylvania. I know nothing of his district. I am glad my friend is back in Congress, as long as some Republican had to come from his district. He is a good, square man. He fights for what he thinks is right. I like that kind only. Think of a man in any State—and there are other States like the two named—having to pay $50,000 to be elected to any office on American soil! How can it be used, unless it is to bend the public will, choke freedom, poison the public mind, corrupt the public conscience, buy newspapers, and thus stain the fair name of the American people at home and abroad?

But, gentlemen, I have been diverted from what I was about to say.

I will not consume your time or burden your patience by reading you from Judge Story's work on the Constitution the reasons he sets forth for allowing Members compensation for their services. I will try and give you the substance of a few of the reasons he sets out that were in the mind of the framers of the Constitution which directs that compensation be allowed. Substantially they were: That the poor man or the man in ordinary circumstances as well as the rich, I may add, should come to Congress, and be put upon a reasonable parity when they get here; to get the best talent possible from every class of good society, whether from laborers or professional men or the commercial class; to have as many candidates as possible from which to select; to have the Member independent in fact and above the suspicion of "selling out;" to be plain and brief, to pay for the services rendered and to be rendered.

I may add, the same reasons caused the framers of the Constitution to write into that instrument that the President and judges shall be paid fixed compensation, to be changed only at certain times, and never diminished, at least during the incumbency.

Now, gentlemen, let us get down to a moral proposition. When a man marries, it is his duty to remain with his family, properly protect his wife, and carefully rear his children. [Applause and laughter.] I am astonished that some of you gentlemen laugh when I tell you what a husband and father's moral and legal duty is to his wife and children. When a man comes to Congress, we all have observed, that too often he has been compelled to leave his family at home, or bring his wife only and leave his children, or bring a part of them along. And why? Because of the great expense coming and going and of living in Washington with such heavy incumbrances. Thus the husband is separated over half of the term from his wife and children, or the husband and wife are separated from a part, or all, of the children for months and months. At all events, a father and husband for months is practically divorced from his family—the father from his son and the mother from the daughter.

Neither God Almighty nor the laws of this country ever intended that the father should be separated from his son at least, who is just budding into boyhood, or into his teens, or into young manhood. We all know that the presence of the father is needed, especially at these periods. We all know that his counsel and his very presence is needed, not only for the son, but for all his children, his wife not excluded, and it is his duty to be with them, and we should not make it practically impossible for him to fill these high and sacred offices, and particularly inasmuch as some one must make a sacrifice for our country, homes, and civilization, otherwise we would have no Congress, or a Congress of rich men only.

But where are the mothers and the children, as a rule, when Congress meets, and why is it so? They are at home, as a rule, and you know that January next your free passes will be cut off—a thing I helped to do, and I am glad of it. But suppose you bring your family here and put your children in school, as some

do. The father or mother, or both, must stay here after Congress adjourns to look after the little folks until after the school term is ended. This can be done during the long session, which ends in the summer, but not so easily in the short session, which ends in March.

Thus you see a Member with a family—and nearly every Member has a family—is inevitably hampered, whether he brings his family here or leaves them at home.

Now, suppose a Member of this House is a lawyer—and about 80 per cent are, I should say. Members living near here I know practice law regularly at home when they ought to be here attending to the public business, and I dare say if all the lawyers lived near enough that they would all more or less practice law at home while Congress is in session. And why? Simply because the man has to run the mill at home in order to have something left when the people, justly or unjustly, turn him out of Congress at the end of two or more terms.

His salary is inadequate, and he must make buckle and tongue meet. He must do work "on the side" to keep up. And the lawyer is not alone in thus increasing the long list of absentees.

The banker goes home to see whether his coupons are regularly clipped or not. The few farmers in Congress, though usually present, so far as I know, feel that they must return to see if the cows have broken into their patches, their corn or wheat fields; and the coal king and the cattle king, no matter how rich they are, must go back home to look after their business. The call of the sick at home and here keeps us away sometimes, while others must and should go back to see their families at home.

Ah, gentlemen, some of you, I see, smile over these statements, but each of you know I am stating the facts, and it is a serious matter, both to the Member and to the public service. The undoing of both these official and moral obligations should be limited as much as justice and right and the public service will permit, since they are obligations we must all meet.

You may work year in and year out, devoting your best thought, as you should, to the public service; that is the standard. With the present salary you know at the end of the year it is useless to strike any salary balance, for you know there is nothing in the bottom of your pockets but your Barlow knife. [Laughter.] Gentlemen, "buckle and tongue must meet," whether you are in or out of office.

During the time when the salary was so small the work of the Members was comparatively small. During this period Congress found it necessary to buy a Congressional burying ground down here. [Laughter.] That is so, gentlemen, while now when a Member dies he is buried at the public expense. Buying this graveyard—sad commentary on Congress, or Congressional salaries, rather—was a charitable act, of course, pure and simple.

Members of Congress come here poor, but honorable, intelligent, and patriotic. The love of country brings them here, and without that love we would have no country. That is something every nation covets and should foster. It should be taught in every school. The greatest class of men who have ever been in Congress or ever will be have not been the men who were the richest. Our great men, as a class, have been poor. When any man enters this hall to make laws for his country, to protect your home and my home and the home of the humblest man in the land, he pledges the people, directly or indirectly, and they expect of him, that he will devote proper time to the public service and give at all times that service his *best thought*, not only for the betterment of his constituents, but the public at large.

Gentlemen, do you give, under the circumstances can you give, your best thoughts to the public service? No. You are broken up in your purposes in trying to make buckle and tongue meet. You are looking after what little you left at home, that seed may be left when you return voluntarily or are kicked out of Congress, whether rightfully or wrongfully.

There are some Members who make Congress a mere playground; but the people soon find them out. Where is the Member who day in and day out works here or at home at the public business? Where is the Member, however, who month in and month out fails to draw his salary from the Federal Treasury?

Where is the Member who does not feel he is forced to work at something on the outside, thus dividing his time between the public and his business?

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to proceed.

Mr. LIVINGSTON. I yield the gentleman five minutes more.

Mr. GAINES of Tennessee. Gentlemen, as a rule you can not stay here on $5,000 and do justice both to yourself and to your country. You can not, and you know it. Some of you do; you are able to do it. It is a sad commentary that many of our Presidents have been buried in almost paupers' graves and are almost unmarked. Is it right? Do the American people expect this? No; they do not. Do they expect that we shall come here, whether a President or not, whether judges or Members, with an overflowing Treasury, and work year in and year out on a salary from which we can not save a little, at least, for a "rainy day?" The salary of $5,000 was first fixed in 1866, and refixed at that figure in 1874 by repealing the act of 1873, which raised it.

Compare the work then and now of the Government, the scope of the laws we make and the increased burdens of Members in making these laws and the limitless demands made on us at all times by our constituents, who want things that are supplied by the Government or want private legislation they may or may not be entitled to have. There is a great difference. The civil war pension list has increased since 1866 and 1874. We have now the Spanish war pension list. We did not have the latter in 1874, 1873, or 1866. We must now legislate for the veterans of the Mexican, civil, and Spanish wars.

Under Cleveland's Administration we created the Department of Agriculture, that the farmers rightfully look to for advice and assistance. The Bureau of Commerce and Labor has been recently created. Our trust laws and their execution, the starting of "proceedings" under these laws, are new burdens daily increasing. We must legislate for our colonial possessions, an unfortunate incubus. We must look after our people over there, both the living and the dead. A day or two ago a young soldier wrote me for a book that he could not get there, which I got here and sent him. A few months back a widowed mother, whose son died in the Philippines, came and asked me to see about having his remains brought back to his native heath, that she might have them buried close by the old log home. It was done.

Oh, gentlemen, need I allude to the thousand and one things you well know in our Congressional life that we must do, brought about by the ordinary and extraordinary growth of the country, internal and external, making the labors of the Members greater and more continuous than the fathers ever dreamed of.

These duties we can not avoid and should not. They are vital to the interested parties, however humble they are, albeit they consume much of our valuable time and prevent us from considering real legislation and its study.

I believe the people, certainly with all the facts before them, would cheerfully agree to an increase in Congressional salaries. If not, refix them. They object, and rightfully, to reaching back and grabbing extra pay, as was done in 1873. But no one proposes such a law. But it is proposed to increase the salary of your successors. The Presidents, from Washington down, and the construction given by the fathers who wrote the Constitution, have thus defined your legal and moral rights. I prefer myself to vote for my bill because it fixes the salary of the Sixty-first Congress. No criticism by a fair-minded man should be made of that proposition, so far as I can see. But, rather than there shall be no legislation on the subject, I shall vote to fix the salary for the Sixtieth Congress. We have worked, many of us, for ten years with the present salary by making personal sacrifices. We can stand it two years longer; and as there can not be any just criticism, charging this Congress with selfishness in fixing the salary to apply to the Sixty-first Congress, and as the next Congress, the Sixtieth, can, before or after the election for the Sixty-first Congress, repeal or modify the law if desirable, it seems to me that a bill along the lines of mine enacted, fixing a salary for the Sixty-first Congress, is the least objectionable. Certain it is that the public service demands and justice calls for such a reform. [Great applause.]

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21574, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter above referred to is as follows:

APPENDIX.

[H. R. 21201. Fifty-ninth Congress, second session.]

In the House of Representatives, December 5, 1906. Mr. GAINES of Tennessee introduced the following bill; which was referred to the Committee on Appropriations, and ordered to be printed.

A bill fixing the salary of Members of Congress and Delegates, and their necessary expenses, and for other purposes.

Be it enacted, etc., That each Senator, Representative, and Delegate in Congress shall be paid an annual salary, to wit, $7,500, and, when duly authenticated and filed, all reasonable and proper expenses incurred and actually paid in coming to and going from each session, whether regular or extra, of Congress.

SEC. 2. That there shall be furnished on demand, free of charge, each Member of Congress and Delegate all proper and necessary writing material and supplies, including typewriting machines, to be used in executing their official duties.

SEC. 3. That this act shall take effect on and after March 4, 1909, applying first to the Sixty-first Congress.

LEGISLATION HERETOFORE HAD FIXING THE COMPENSATION OF MEMBERS OF CONGRESS, THE PRESIDENT, AND VICE-PRESIDENT.

The First Congress, first session, September 22, 1789 (obsolete), passed an act entitled:

An act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That at every session of Congress PRIOR to the *fourth* day of March, in the year *one thousand seven hundred and ninety-five,* each Senator shall be entitled to receive SIX dollars for every DAY he shall attend the Senate, and shall also be allowed, at the commencement and end of every such session and meeting, six dollars for EVERY TWENTY MILES OF THE ESTIMATED DISTANCE, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same daily allowance:

Provided always, That no Senator shall be allowed a sum exceeding the rate of six dollars a day from the end of one such session or meeting to the time of his taking his seat in another.

SEC. 2. *And be it further enacted,* That at every session of Congress, and at every meeting of the Senate in the recess of Congress, AFTER the aforesaid *fourth* day of March, in the year ONE THOUSAND SEVEN HUNDRED AND NINETY-FIVE, each Senator shall be entitled to receive SEVEN dollars for every DAY he shall attend the Senate; and shall also be allowed at the commencement and end of every such session and meeting, SEVEN DOLLARS FOR EVERY TWENTY MILES OF THE ESTIMATED DISTANCE, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness, on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same allowance of seven dollars a day: *Provided always,* That no Senator shall be allowed a sum exceeding the rate of seven dollars per day from the end of one such session or meeting to the time of his taking a seat in another.

SEC. 3. *And be it further enacted,* That at EVERY SESSION OF CONGRESS each Representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives, and shall also be allowed at the commencement and end of EVERY SESSION SIX DOLLARS FOR EVERY TWENTY MILES OF THE ESTIMATED DISTANCE, by the most usual road, from his place of residence to the seat of Congress; and in case any Representative shall be detained by sickness or after his arrival shall be detained by sickness, on his journey to or from the session of Congress or after his arrival shall be unable to attend the House of Representatives, he shall be entitled to the allowance aforesaid; and the Speaker of the House of Representatives, to defray the incidental expenses of his office, shall be entitled to receive in addition to his compensation as a Representatives six dollars for every day he shall attend the House: *Provided always,* That no Representative shall be allowed a sum exceeding the rate of six dollars a day from the end of one such session or meeting to the time of his taking a seat in another. (See pages 70, 71, vol. 1, Stat. Approved by President Washington.)

The First Congress, first session, September 24, 1789, passed an act entitled:

An act for allowing a compensation to the President and Vice-President of the United States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be allowed to the President of the United States, at the rate of twenty-five thousand dollars, with the use of the furniture and other effects now in his possession belonging to the United States; and to the Vice-President, at the rate of five thousand dollars per annum, in full compensation for their respective services, to commence with the time of their entering on the duties of their offices, respectively, and to continue so long as they shall remain in office and to be paid quarterly out of the Treasury of the United States.

Approved September 24, 1789. (See page 72, vol. 1, Stat. Signed by President Washington.)

The Second Congress, session two, on February 18, 1793, passed an act entitled:

An act providing compensation to the President and Vice-President of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the *third day of March in the present year* (1793) the compensation of the President of the United States shall be at the rate of twenty-five thousand dollars per annum, with the use of the furniture and other effects belonging to the United States and now in possession of the President; and that of the Vice-President at the rate of five thousand dollars per annum in full for their respective services, *to be paid quarter-yearly at the Treasury.*

Approved February 18, 1793 (see p/ 318, vol. 1).
Signed President Washington.

The Fourth Congress, 1st session, on March 10, 1796, passed an act entitled:

An act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to certain officers of both Houses.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That at every session of Congress, and at every meeting of the Senate in the recess of Congress, *from and after the third day of March in the present year,* each Senator shall be entitled to receive six dollars for every day he shall attend the Senate; and shall also be allowed, at the commencement and end of every such session and meeting, six dollars for every twenty miles of the estimated distance by the most usual road from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided always,* That no Senator shall be allowed a sum exceeding the rate of six dollars per day from the end of one such session or meeting to the time of his taking a seat in another.

SEC. 2. *And be it further enacted,* That at each session of Congress each Representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives; and shall be allowed, at the commencement and end of each session, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress. And in case any Representative shall be detained by sickness on his journey to or from the session of Congress, or, after his arrival, shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid; and the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a Representative, six dollars for every day he shall attend the House: *Provided always,* That no Representative shall be allowed a sum exceeding the rate of six dollars per day from the end of one such session or meeting to the time of his taking a seat in another.

Approved March 10, 1796. (See pages 448–449, vol. 1, Stat.)
Signed by President Washington.

The Fifth Congress, 1st session, July 6, 1797, passed an act entitled:

An act for allowing full mileage to the Members of the Senate and House of Representatives of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at the present extraordinary meeting and session of Congress the respective Members of the Senate and House of Representatives shall be entitled to receive a full allowance of mileage, any law to the contrary notwithstanding.

Approved July 6, 1797. (See page 533, vol. 1, Stat.)
Signed by President Jno. Adams.

The Fourteenth Congress, first session, March 19, 1816, passed this:

"An act to change the mode of compensation to the members of the Senate and House of Representatives and the Delegates from Territories:

"*Be it enacted, etc.*, That instead of the daily compensation now allowed by law, there shall be paid annually to the Senators and Representatives and Delegates from Territories, of *this* and every future Congress of the United States, the following sums, respectively—that is to say, to the President of the Senate pro tempore, where there is no Vice-President, and to the Speaker of the House of Representatives, three thousand dollars each; to each Senator, Member of the House of Representatives, other than the Speaker, and Delegate, the sum of fifteen hundred dollars: *Provided, nevertheless,* That in case any Senator, Representative, or Delegate shall not attend in his place at the day on which Congress shall convene, or shall absent himself before the close of the session a deduction shall be made from the sum which would otherwise be allowed him, in proportion to the time of his absence, saving to the cases of sickness, the same provisions as are established by existing law. And the aforesaid allowance shall be certified and paid in the same manner as the daily compensation to Members of Congress has heretofore been."

Approved March 19, 1816. (See page 258, vol. 3, public acts.)
Signed by President Madison.

The Fourteenth Congress, second session, February 6, 1817, passed this:

An act to repeal, after the close of the present session of Congress, the act entitled "An act to change the mode and compensation to the members of the Senate and House of Representatives and Delegates from Territories."

[Passed March 19, 1816.]

Be it enacted, etc., That on and after the close of the present session of Congress the act entitled "An act to change the mode of compensation to the members of the Senate and House of Representatives and Delegates of Territories," passed March 19, 1816, shall be, and the same is hereby, repealed: *Provided always,* That nothing herein contained shall be construed to revive any act or acts, or parts of acts, repealed or suspended by the act hereby repealed.

Approved February 6, 1817.
Signed by President Madison.

The Fifteenth Congress, first session, January 22, 1818, enacted this:

An act allowing compensation to the members of the Senate, Members of the House of Representatives of the United States, and to the Delegates of the Territories, and repealing all other laws on that subject.

Be it enacted, etc., That at every session of Congress, and every meeting of the Senate in the recess of Congress, after the third day of March, in the year one thousand eight hundred and seventeen, each Senator shall be entitled to receive eight dollars for every day he has attended, or shall attend, the Senate, and shall also be allowed eight dollars for every twenty miles of estimated distance, by the most usual route, from his place of residence to the seat of Congress at the commencement and end of every such session and meeting; and that all sums for travel already performed to be due and payable at the time of passing this act. And in case any member of the Senate has been, is, or shall be detained by sickness on his journey to or from such session or meeting, or after his arrival has been, is, or shall be unable to attend the Senate, he shall be entitled to the same daily allowance. And the President of the Senate pro tempore, when the Vice-President

has been, or shall be, absent, or when his office shall be vacant, shall, during the period of his services, receive, in addition to his compensation as a member of the Senate, eight dollars for every day he has attended or shall attend the Senate: *Provided always,* That no Senator shall be allowed a sum exceeding the rate of $8.00 a day from the end of one such session or meeting to the time of his taking his seat in another: *Provided also,* That no Senator shall receive more for going to and returning from a meeting of the Senate on the fourth day of March last than if this act had not been passed.

SEC. 2. *And be it further enacted,* That at every session of Congress after the said third of March, one thousand eight hundred and seventeen, each Representative and Delegate shall be entitled to receive eight dollars for every day he has attended, or shall attend the House of Representatives, and shall also be allowed eight dollars for every twenty miles of the estimated distance, by the most usual route, from his place of residence to the seat of Congress at the commencement and end of every such session and meeting, and that all sums for travel already performed to be due and payable at the time of passing this act. And in case any Representative or Delegate has been, is, or shall be detained by sickness on his journey to or from the session of Congress, or after his arrival, has been, is, or shall be unable to attend the House of Representatives he shall be entitled to the same daily allowance. And the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a Representative, eight dollars for every day he has attended or shall attend the House: *Provided always,* That no Representative or Delegate shall be allowed a sum exceeding the rate of eight dollars a day from the end of one session to the time of his taking his seat in another.

SEC. 3. *And be it further enacted,* That the said compensation which shall be due to the members of the Senate shall be certified by the President thereof and that which shall be due to the Representative and Delegate shall be certified by the Speaker, and the same shall be passed as public accounts and paid out of the Public Treasury.

SEC. 4. *And be it further enacted,* That all acts and parts of acts, on the subject of compensation to Members of the Senate and House of Representatives, and Delegates of the Territories, be, and the same are hereby, repealed from and after the third day of March last. (Pages 404–405, Vol. 3, Public Acts.)

Approved January 22, 1818.

President Monroe signed this act.

The Thirty-fourth Congress, first session, August 16, 1856, enacted this:

An act to regulate the compensation of Members of Congress.

Be it enacted, etc., That the compensation of each Senator, Representative, and Delegate in Congress shall be six thousand dollars for each Congress, and mileage as now provided by law for two sessions only, to be paid in amounts following, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for one session, and on the first day of each month thereafter, during such session, compensation at the rate of $3,000.00 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid; and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session, and monthly during such session, compensation at the rate of $3,000.00 per annum until the fourth day of March terminating the Congress, and on that day each Senator, Representative, and Delegate shall be entitled to receive any balance of the $6,000.00 not theretofore paid in the said monthly installments as above directed.

SEC. 2. *And be it further enacted,* That the President of the Senate pro tempore, when there shall be no Vice-President, or the Vice-President shall have become President of the United States, shall receive the compensation provided by law for the Vice-President; and the Speaker of the House of Representatives shall receive double the compensation above provided for the Representatives, payable at the time and in the manner above provided for payment of the compensation of Representatives.

SEC. 3. *And be it further enacted,* That this law shall apply to the present Congress, and each Senator, Representative, and Delegate shall be entitled to receive the difference only between their per diem compensation, already received under the law, now in force and the compensation provided by this act.

SEC. 4. *And be it further enacted,* That in event of the death of any Senator, Representative, or Delegate prior to the commencement of the first session of Congress, he shall be neither entitled to mileage or compensation; and in the event of death, after the commencement of any session, his representative shall be entitled to receive so much of his compensation, computated at the rate of $3,000 per annum, as he may not have received, and any mileage that may have actually accrued and may be due or unpaid.

SEC. 5. *And be it further enacted,* That if any books shall hereafter be ordered to and received by Members of Congress by a resolution of either or both Houses of Congress, the price paid for the same shall be deducted from the compensation hereinbefore provided for such Member or Members: *Provided, however,* That this shall not extend to books ordered to be printed by the Public Printer during the Congress for which the said Member shall have been elected.

SEC. 6. *And be it further enacted,* That it shall be the duty of the Sergeant-at-Arms of the House and Secretary of the Senate, respectively, to deduct from the monthly payment of Members as herein provided for the amount of his compensation for each day as such Member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign as a reason for such absence the sickness of himself or of some member of his family.

SEC. 7. *And be it further enacted,* That all acts or parts of acts inconsistent with or repugnant to the provisions of this act be, and the same are hereby, repealed.

Approved August 16, 1856.

This act was signed by President Pierce. (See pages 44–49, Vol. 11, Stat.)

The Thirty-fifth Congress, first session, December 23, 1857, passed the following:

Joint resolution to amend the act entitled "An act to regulate the compensation of Members of Congress," approved August 16, 1856:

Resolved by the Senate and House of Representatives, etc., That the compensation allowed to Members of Congress by an act entitled "An act to regulate the compensation of Members of Congress," approved August 16, 1856, be paid in the following manner, to wit: On the first day of the first session of each Congress, or as soon thereafter as may be in attendance and apply, each Senator, Representative, and Delegate shall receive his mileage, as now provided by law, and all his compensation from the beginning of his term, to be computed at the rate of $250.00 per month, and during the session compensation at the same rate. And on the first day of the session, or any subsequent session, he shall receive his mileage as now allowed by law, and all compensation which has accrued during the adjournment, at the rate aforesaid, and during the said session compensation at the same rate.

SEC. 2. *Be it further resolved,* That so much of said act approved August 16, 1856, as conflicts with this joint resolution and postpones the payment of said compensation until the close of each session be, and the same is hereby, repealed.

Approved December 21, 1857.

President Buchanan signed this resolution.

The Thirty-fifth Congress, second session, March 3, 1959, passed—

A joint resolution amendatory of an act entitled "An act to regulate the compensation of Members of Congress, approved August 16, 1856, so far as relates to such Members as shall die during their terms of service."

Be it resolved, etc., That whenever, hereafter, any person elected a member of the Senate or House of Representatives shall die after the commencement of the Congress to which he shall have been so elected compensation shall be computed and paid to his widow, or, if no widow survive him, to his heirs at law, for the period that shall have elapsed from the commencement of such Congress as aforesaid to the time of his death, at the rate of $3,000.00 per annum: *Provided, however,* That compensation shall be computed and paid in all cases for a period of not less than three months: *And provided further,* That in no case shall constructive mileage be computed or paid.

SEC. 2. *Be it further resolved,* That the compensation of each person elected or appointed afterwards to supply the vacancy so occasioned shall hereafter be computed and paid from the time the compensation of his predecessors is hereby directed to be computed and paid for, and not otherwise.

SEC. 3. *Be it further resolved,* That the provisions of this joint resolution, so far as the same are beneficial to the widows or heirs at law of Members of Congress as aforesaid, shall be extended and applied to the widows and heirs at law of Members elected to the present Congress who have died since its commencement.

Approved, March 3, 1859.

President Buchanan approved this resolution. (See pages 442–443, vol. 11.)

Act of July 28, 1866. (Sundry civil bill, 39th Cong., 1st sess.)

SEC. 17. *And be it further enacted,* That the compensation of each Senator, Representative, or Delegate in Congress shall be five thousand dollars per annum, to be *computed from the first day of the present Congress,* and in addition thereto mileage at the rate of twenty cents per mile, to be estimated by the nearest route usually travelled in going to and returning from each regular session, but nothing herein contained shall affect mileage accounts already accrued under existing laws: *Provided,* That hereafter mileage accounts of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives: *And provided further,* That the pay of the Speaker shall be eight thousand dollars per annum.

Signed by President Johnson.

Act 1873, March 3. "Back-salary grab act."

* * * * * * *

And the Speaker of the House of Representatives shall, after the present Congress, receive in full for all his services compensation at the rate of ten thousand dollars per annum, and Senators, Representatives, and Delegates in Congress, including Senators, Representatives, and Delegates *in the Forty-second Congress holding such office at the passage of this act* and whose claim to a seat has not been adversely decided, shall receive seven thousand five hundred dollars per annum each, and this shall be in lieu of all pay and allowance, except actual individual traveling expenses from their homes to the seat of government and return, by the most direct route of usual travel, once for each session of the House to which such Senator, Member, or Delegate belongs, to be certified to under his hand to the disbursing officer and filed as a voucher: *Provided,* That in settling the pay and allowances of Senators, Members, and Delegates in the Forty-second Congress all mileage shall be deducted and no allowance made for expenses of travel.

Signed by President Grant.

The act of 1874 refixed the salary at $5,000, the present law.

REPRINT OF BILLS.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 6018, a bill to enable the President of the United States to call an international conference for the purpose of securing an international agreement relative to the regulation of the emigration of aliens to the United States, and report thereon.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 10840, a bill to provide for the investigation of controversies affecting interstate commerce, and for other purposes.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the reprint of the bill named. Is there objection? [After a pause.] The Chair hears none.

MESSAGES FROM THE PRESIDENT.

The SPEAKER laid before the House a message from the President.

[For message, see Senate proceedings of December 11, 1906.]

The SPEAKER. So much of the message as relates to revenues is referred to the Committee on Ways and Means; so much as relates to insular affairs, not excepted by the rule, is referred

to the Committee on Insular Affairs; so much as relates to rivers and harbors is referred to the Committee on Rivers and Harbors, and ordered to be printed.

The SPEAKER also laid before the House the following message from the President; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress the report to the President by the committee on Department methods relative to the purchase of Department supplies. I heartily approve the recommendations of the committee.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 11, 1906.*

Mr. LITTAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hay (West) Harbor, Fishers Island, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Oconee River, Georgia, from the Georgia Railroad bridge to the northern boundary of Greene County—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Oconee River in the vicinity of Milledgeville, Ga.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Thames River to Allyns Point, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of a ship channel on the waters of the Great Lakes—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Cleveland Harbor, Ohio—to the Committee on Rivers and Harbors, and ordered to be printed with accompanying illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the harbor at Mayaguez, P. R.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of harbor at Ponce, P. R.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of New Bedford and Fairhaven Harbors, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed with accompanying illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hendricks Harbor, Maine—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of New York Bay from Kill von Kull to the vicinity of Bedloe (Liberty) Island—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Norwalk Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Penobscot River near Frankport, Me.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Bridgeport Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. P. Salyer against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of increase of limit of cost for five tenders for the Light-House Service—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of the findings of the Comptroller of the Treasury as to the claim of the State of Minnesota for suppressing the Indian hostilities in 1862—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for tender and scow for the fifteenth light-house district—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a draft of a proposed bill for allotting timber lands to Indians of the Standing Rock Agency, in North and South Dakota—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a draft of a bill for allotment of lands to married women on certain Indian reservations in North and South Dakota—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriations for fitting up and furnishing new police-court building—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a letter from the Commissioner of Indian Affairs, a recommendation for the payment of the purchase price of the lands of Indians of the Round Valley Reservation, in California—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, in response to the inquiry of the House, a statement of permits, etc., granted in St. Marys River or on lands adjacent thereto as affecting water supply and navigation—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Doorkeeper of the House, submitting a list of public property under his charge in the various committee rooms of the House—to the Committee on Accounts, and ordered to be printed.

A letter from the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting the report for the fiscal year ended June 30, 1906—to the Committees on Appropriations and Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rue XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BENNET of New York, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 20465) to validate certain certificates of naturalization, reported the same with amendment, accompanied by a report (No. 5407); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20510) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River in Geneva County, about 6 miles above the town of Geneva, Ala., reported the same without amendment, accompanied by a report (No. 5408); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the House (H. J. Res. 196) relating to the construction of a bridge at Fort Snelling, Minn., reported the same without amendment, accompanied by a report (No. 5409); which said joint resolution and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20988) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903, reported the same without amendment, accom-

panied by a report (No. 5410); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 189) to establish a life-saving station at the Isles of Shoals, off Portsmouth, N. H., reported the same without amendment, accompanied by a report (No. 5411); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19639) granting a pension to Lucy A. Kephart, reported the same with amendment, accompanied by a report (No. 5368); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18218) granting an increase of pension to Joseph L. Topham, reported the same with amendment, accompanied by a report (No. 5369); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19117) granting an increase of pension to Mary E. Higgins, reported the same with amendment, accompanied by a report (No. 5370); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20962) granting an increase of pension to Franklin H. Bailey, reported the same with amendment, accompanied by a report (No. 5371); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19411) granting an increase of pension to James L. Estlow, reported the same without amendment, accompanied by a report (No. 5372); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18410) granting an increase of pension to Andrew J. Cushing, reported the same with amendment, accompanied by a report (No. 5373); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20154) granting an increase of pension to George H. Dyer, reported the same with amendment, accompanied by a report (No. 5374); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20096) granting a pension to Theresia Bell, reported the same with amendment, accompanied by a report (No. 5375); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13815) granting an increase of pension to Christian M. Good, reported the same with amendment, accompanied by a report (No. 5376); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15150) granting an increase of pension to John O'Connor, reported the same without amendment, accompanied by a report (No. 5377); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12676) granting an increase of pension to Francis M. Morrison, reported the same with amendment, accompanied by a report (No. 5378); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10531) granting an increase of pension to William G. Binkley, reported the same with amendment, accompanied by a report (No. 5379); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10364) granting an increase of pension to John P. Patterson, reported the same with amendment, accompanied by a report (No. 5380); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8683) granting an increase of pension to William D. Voris, reported the same without amendment, accompanied by a report (No. 5381); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8563) granting an increase of pension to William H. Hays, reported the same without amendment, accompanied by a report (No. 5382); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9113) granting a pension to Elizabeth Cleaver, reported the same with amendment, accompanied by a report (No. 5383); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3228) granting an increase of pension to Michael Doyle, reported the same with amendment, accompanied by a report (No. 5384); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2909) granting an increase of pension to Jacob T. Wise, reported the same with amendment, accompanied by a report (No. 5385); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1249) granting an increase of pension to William R. Fulk, reported the same with amendment, accompanied by a report (No. 5386); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1068) granting an increase of pension to William S. Quigley, reported the same with amendment, accompanied by a report (No. 5387); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1067) granting an increase of pension to Jacob Bender, reported the same with amendment, accompanied by a report (No. 5388); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1144) granting an increase of pension to Franklin McFalls, reported the same with amendment, accompanied by a report (No. 5389); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 562) granting an increase of pension to John F. Mohn, reported the same with amendment, accompanied by a report (No. 5390); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20559) granting an increase of pension to John Bradley, reported the same with amendment, accompanied by a report (No. 5391); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21001) granting an increase of pension to George Rhodes, reported the same with amendment, accompanied by a report (No. 5392); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20724) granting an increase of pension to Rhoda A. Hoit, reported the same with amendment, accompanied by a report (No. 5393); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20617) granting an increase of pension to Isaac N. S. Will, reported the same with amendment, accompanied by a report (No. 5394); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20683) granting an increase of pension to James Bond, reported the same with amendment, accompanied by a report (No. 5395); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20714) granting an increase of pension to Robert Turley, reported the same without amendment, accompanied by a report (No. 5396); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20712) granting an increase of pension to Samuel W. Searles, reported the same with amendment, accompanied by a report

(No. 5397); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21058) granting an increase of pension to William H. Isbell, reported the same with amendment, accompanied by a report (No. 5398); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20968) granting an increase of pension to Waitman T. Mathers, reported the same with amendment, accompanied by a report (No. 5399); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21641) granting an increase of pension to Levi Eddy, reported the same with amendment, accompanied by a report (No. 5400); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20958) granting an increase of pension to Darius E. Garland, reported the same without amendment, accompanied by a report (No. 5401); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to whom was referred the bill of the House (H. R. 20928) granting an increase of pension to Ruben A. George, reported the same with amendment, accompanied by a report (No. 5402); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20735) granting an increase of pension to Berge Larsen, reported the same with amendment, accompanied by a report (No. 5403); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21015) granting a pension to Evan H. Baker, reported the same with amendment, accompanied by a report (No. 5404); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20891) granting an increase of pension to Hugh Blair, reported the same with amendment, accompanied by a report (No. 5405); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21045) granting an increase of pension to Unity A. Steel, reported the same with amendment, accompanied by a report (No. 5406); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KALANIANAOLE: A bill (H. R. 21926) for the establishment of a light-house at Mana Point, on the island of Kauai, Territory of Hawaii—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 21927) for the establishment of a light-house at Kalaupapa, on the island of Molokai, Territory of Hawaii—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS: A bill (H. R. 21928) causing a survey to be made of the harbor at Lynn, Mass.—to the Committee on Rivers and Harbors.

By Mr. HOLLIDAY: A bill (H. R. 21929) providing for the payment of a bounty to soldiers of the Regular Army on reenlistment—to the Committee on Military Affairs.

By Mr. COUSINS: A bill (H. R. 21930) authorizing the Secretary of the Treasury to sell certain land and buildings belonging to the United States Government at Cedar Rapids, Iowa, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. JONES of Washington: A bill (H. R. 21931) providing for the disposal of the interests of Indian minors of the Yakima Indian Reservation, State of Washington, in real estate—to the Committee on Indian Affairs.

Also, a bill (H. R. 21932) providing for the disposal of the interests of Indian minors in real estate—to the Committee on Indian Affairs.

By Mr. BROWNLOW: A bill (H. R. 21933) to vest in the United States district judge for the western judicial district of Tennessee jurisdiction and power to hold the United States circuit and district courts for the middle district of Tennessee at Nashville—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 21934) to provide for reports and registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District—to the Committee on the District of Columbia.

Also, a bill (H. R. 21935) to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN: A bill (H. R. 21936) to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation—to the Committee on Ways and Means.

Also, a bill (H. R. 21937) to provide for the compensation of the appraiser of merchandise at the port of New York—to the Committee on Ways and Means.

By Mr. ACHESON: A bill (H. R. 21938) to amend the civil-service act known as "An act to regulate and improve the civil service of the United States"—to the Committee on Reform in the Civil Service.

By Mr. McKINNEY: A bill (H. R. 21939) to provide for the purchase of additional ground for the public building at Rock Island, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21940) to increase the limit of cost of public building at Moline, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. SLAYDEN: A bill (H. R. 21941) to provide for the purchase of a site and the erection of a United States post-office building at Brownwood, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. HUGHES: A bill (H. R. 21942) to construct bridges across the Tug Fork of Big Sandy River—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: A bill (H. R. 21943) to increase the amount fixed as the limit of cost of site and building at Murfreesboro, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. KINKAID: A bill (H. R. 21944) to amend section No. 2 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904; to restore to and confer upon certain persons the right to make entry under said act, and to amend existing law as to the sale of isolated tracts subject to entry under said act—to the Committee on the Public Lands.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 21945) for the erection of a public building at Glasgow, Barren County, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Texas: A bill (H. R. 21946) to appropriate $80,000 for improving Buffalo Bayou from the upper end of Long Reach to the foot of Main street, Houston, Tex.—to the Committee on Rivers and Harbors.

By Mr. MURDOCK: A bill (H. R. 21947) to amend sections 4002 and 4004 of the Revised Statutes and acts amendatory thereof and supplementary thereto—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: A bill (H. R. 21948) to provide for the erection of a District of Columbia building and an appropriate exhibit therein at the Jamestown Tercentennial Exposition, and for other purposes—to the Committee on Appropriations.

By Mr. MAYNARD: A bill (H. R. 21949) authorizing the appropriation of the sum of $1,000,000 as a loan to the Jamestown Exposition Company for the purpose of aiding in the payment of the cost of the construction, completion, and opening of the Jamestown Ter-Centennial Exposition on Hampton Roads, Virginia, on April 26, 1907, and to provide for the protection of the Government and insuring the repayment of the said sum of $1,000,000 by a first lien upon the gross receipts of the said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from the concessions after the opening of said exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. BRADLEY: A bill (H. R. 21950) for the erection of a public building at Middletown, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. BANKHEAD: A bill (H. R. 21951) to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Bigbee River in the State of Alabama—to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Texas: A bill (H. R. 21952) to provide for the purchase of a suitable site and the erection of a public building for the United States post-office at Waxahachie, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21953) to provide for the purchase of a suitable site and the erection of a public building for the United States post-office at Ennis, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of Utah: A bill (H. R. 21954) to provide for the erection of a public building at Richfield, Utah—to the Committee on Public Buildings and Grounds.

By Mr. PATTERSON of South Carolina: A bill (H. R. 21955) to improve and extend the navigation of Salkehatchie River, South Carolina—to the Committee on Rivers and Harbors.

By Mr. MUDD: A bill (H. R. 21956) to amend section 188 of the Code of Laws for the District of Columbia relating to the salaries of United States deputy marshals—to the Committee on the District of Columbia.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 21957) authorizing a survey of Steeles Bayou and Washington Bayou, Mississippi—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 21958) authorizing the Secretary of War to survey Roe Buck Lake, Mississippi—to the Committee on Rivers and Harbors.

By Mr. DALZELL: A resolution (H. Res. 654) to pay Mrs. —— Wasson, widow of W. H. H. Wasson, deceased, a certain sum of money—to the Committee on Accounts.

By Mr. SHERMAN: A resolution (H. Res. 655) increasing the salary of certain employees of the House—to the Committee on Accounts.

By Mr. CAMPBELL: A joint resolution (H. J. Res. 199) providing for the appointment of a commission to inquire into the relation of the tariff to trusts and monopolies and the industrial and labor interests of the United States, if any, in existing schedules, as will better promote the common welfare—to the Committee on Ways and Means.

By Mr. SMITH of Maryland: A joint resolution (H. J. Res. 200) providing for a survey of Little Elk River, Maryland—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 201) providing for a survey of Pocomoke River, Maryland—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 202) providing for a survey of the Lower Thoroughfare at and near Wenona Deals Island, Maryland—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ANDRUS: A bill (H. R. 21959) granting an increase of pension to John H. Terry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21960) granting an increase of pension to Sarah Betts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21961) granting an increase of pension to Harvey F. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21962) granting an increase of pension to Henry Osterheld—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 21963) granting a pension to Mary A. Hird—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 21964) granting an increase of pension to Washington L. Waugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21965) for the relief of the estate of James A. Cleveland—to the Committee on War Claims.

By Mr. BIRDSALL: A bill (H. R. 21966) granting compensation to P. B. Bannon, for injuries received while in the employ of the United States Government—to the Committee on Claims.

By Mr. BONYNGE: A bill (H. R. 21967) granting a pension to James McCarney—to the Committee on Pensions.

Also, a bill (H. R. 21968) granting an increase of pension to William Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21969) granting an increase of pension to James E. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21970) granting an increase of pension to Charles H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21971) granting an increase of pension to Edwin Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21972) granting an increase of pension to Michael McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21973) granting an increase of pension to Mary E. Elwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21974) granting an increase of pension to John W. Lowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21975) granting an increase of pension to J. M. Essington—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 21976) granting a pension to James Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21977) granting an increase of pension to Maria Green—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 21978) granting an increase of pension to Mathias K. Benson—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 21979) granting a pension to James C. Southerland—to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 21980) granting a pension to Florence Nichols—to the Committee on Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 21981) granting an increase of pension to Ebe Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21982) granting an increase of pension to Charles Rumford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21983) granting an increase of pension to James E. Pusey—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 21984) to amend the army record of the late Richard Parke—to the Committee on Military Affairs.

Also, a bill (H. R. 21985) for the relief of Robert Lennan—to the Committee on Naval Affairs.

Also, a bill (H. R. 21986) granting a pension to Waldemar A. W. Tegner—to the Committee on Pensions.

By Mr. CASSEL: A bill (H. R. 21987) granting an increase of pension to John M. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21988) granting a pension to Philip Dieter—to the Committee on Pensions.

By Mr. CHANEY: A bill (H. R. 21989) for the relief of William Sutherland—to the Committee on Claims.

By Mr. CHAPMAN: A bill (H. R. 21990) granting an increase of pension to William W. Riggs—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 21991) granting an increase of pension to Redmond Roche—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 21992) granting an increase of pension to John A. Tucker—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 21993) granting an increase of pension to John J. Fields—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 21994) granting an increase of pension to Bryngel Severson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21995) granting an increase of pension to Mary A. Brick—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 21996) granting an increase of pension to Dilman Rosenberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21997) granting an increase of pension to Martha Joyce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21998) granting an increase of pension to Henry Hate—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 21999) granting an increase of pension to James S. Maxwell—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 22000) granting an increase of pension to William P. Crowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22001) granting an increase of pension to Amos Bishop—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 22002) granting an increase of pension to John W. Hall—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 22003) granting an increase of pension to Alexander Matchett—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 22004) granting a pension to George J. Pinckard—to the Committee on Pensions.

Also, a bill (H. R. 22005) granting a pension to David W. Taliaferro—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 22006) granting an increase of pension to William E. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22007) granting an increase of pension to Sanford D. Payne—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 22008) granting an increase of pension to Henry C. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22009) granting an increase of pension to S. P. Leith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22010) granting a pension to Tilden Aderholt—to the Committee on Pensions.

Also, a bill (H. R. 22011) granting a pension to Richard Robinson—to the Committee on Pensions.

By Mr. DOVENER: A bill (H. R. 22012) granting a pension to Elizabeth F. Brubaker—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 22013) granting an increase of pension to Eleazer Reynolds—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 22014) granting an increase of pension to George Harkless—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22015) granting an increase of pension to William Reese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22016) granting an increase of pension to George R. White—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 22017) granting an increase of pension to Adolphus Cooley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22018) granting an increase of pension to Charles Sells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22019) granting a pension to Elizabeth L. Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22020) granting an increase of pension to Samuel Keller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22021) granting an increase of pension to William M. McCrary—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 22022) granting a pension to Josiah H. Shaver—to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 22023) granting an increase of pension to Myron C. Burnside—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 22024) granting an increase of pension to Eldrige Underwood—to the Committee on Pensions.

Also, a bill (H. R. 22025) granting an increase of pension to Thomas H. Cook—to the Committee on Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 22026) granting an increase of pension to Stephen Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22027) to place Harold D. Childs on the retired list of the United States Navy—to the Committee on Naval Affairs.

By Mr. GILBERT: A bill (H. R. 22028) granting an increase of pension to William Trusty—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 22029) granting an increase of pension to Amos Fell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22030) granting an increase of pension to Noah Bixler—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 22031) granting an increase of pension to David J. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22032) granting an increase of pension to Emily M. Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22033) granting a pension to James T. Lewis—to the Committee on Pensions.

By Mr. GRAFF: A bill (H. R. 22034) granting an increase of pension to James A. Wonder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22035) granting an increase of pension to Benjamin Swayze—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 22036) granting a pension to Emma A. Hawkes—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 22037) granting a pension to John W. Phillips—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 22038) to grant an extension of certain letters patent to Will F. Hoyt, of Dowagiac, Mich.—to the Committee on Patents.

By Mr. HENRY of Texas: A bill (H. R. 22039) granting a pension to Alethia White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22040) granting an increase of pension to James W. Burns—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 22041) granting a pension to John Walker—to the Committee on Pensions.

By Mr. HIGGINS: A bill (H. R. 22042) granting an increase of pension to Mary A. Hill—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 22043) granting an increase of pension to John P. Neu—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22044) granting an increase of pension to John Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22045) granting an increase of pension to Luman Van Hoosen—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 22046) granting an increase of pension to R. M. Taylor, alias Rolla T. Marshall—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 22047) granting an increase of pension to George Tinkham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22048) granting an increase of pension to Orrin Freeman—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 22049) granting a pension to John N. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22050) granting an increase of pension to John W. Frost—to the Committee on Pensions.

By Mr. KLINE: A bill (H. R. 22051) granting an increase of pension to George Hoxworth—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 22052) granting a pension to James A. Meredith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22053) granting a pension to Cynthia E. Tramel—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 22054) granting a pension to Paul E. Ayer—to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 22055) granting an increase of pension to Maria Lorch—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 22056) granting a pension to Annie E. Osgood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22057) granting a pension to Ida Gordon Peirce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22058) granting an increase of pension to Oliver W. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22059) granting an increase of pension to Adelaide M. Snell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22060) granting an increase of pension to Joseph W. Randall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22061) granting an increase of pension to Sarah A. Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22062) granting an increase of pension to Samuel A. Powers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22063) granting an increase of pension to Horace F. Packard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22064) granting an increase of pension to William Wallace Lanman—to the Committee on Invalid Pensions.

By Mr. McGAVIN: A bill (H. R. 22065) granting an increase of pension to Henry Utter—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 22066) granting an increase of pension to John H. Bacon—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 22067) granting an increase of pension to Levi E. Miller—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 22068) granting an increase of pension to John P. Macy—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 22069) granting an increase of pension to Caroline W. Congdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22070) granting an increase of pension to Sylvester Byrne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22071) granting an increase of pension to Frederick Bender—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 22072) for the relief of settlers on certain lands in Wyoming—to the Committee on the Public Lands.

By Mr. NEEDHAM: A bill (H. R. 22073) granting an increase of pension to Eliza M. Scott—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 22074) granting an increase of pension to Thomas Greer—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 22075) granting an increase of pension to W. S. Noe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22076) granting an increase of pension to Thomas Horner—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 22077) granting an increase of pension to Daniel Bowers—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 22078) granting an increase of pension to Samuel Bushong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22079) granting an increase of pension to James D. Grayson—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 22080)

granting an increase of pension to Jasper F. Morton—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 22081) to correct the military record of William T. Fenton—to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 22082) granting an increase of pension to John H. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22083) granting a pension to Andrew Garrett—to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 22084) granting an increase of pension to Joseph W. Jenkins—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 22085) granting an increase of pension to Randolph Wesson—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 22086) granting a pension to Amelia Schmidtke—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 22087) granting an increase of pension to Jacob Ballerer—to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 22088) granting an increase of pension to Gottlieb Schweitzer—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 22089) granting an increase of pension to Adaline G. Bailey—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 22090) granting an increase of pension to Severt Larson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22091) granting an increase of pension to Charles L. Mueller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22092) granting an increase of pension to Simon McAteer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22093) granting an increase of pension to Lars Isaacson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22094) granting an increase of pension to Albert J. Hamre—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 22095) granting an increase of pension to William C. Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22096) granting a pension to Ruth Garrison—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 22097) granting an increase of pension to Sarah A. Adams—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 22098) to place upon the muster-in rolls the name of John O. Kinney—to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 22099) granting an increase of pension to Libbie D. Lowry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22100) granting an increase of pension to Frederick W. Sedgwick—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 22101) granting a pension to Mack Rittenberry—to the Committee on Pensions.

By Mr. VOLSTEAD: A bill (H. R. 22102) granting an increase of pension to Borre Peterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22103) granting an increase of pension to Warran P. Hubbs—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 22104) granting an increase of pension to James Crothers—to the Committee on Invalid Pensions.

By Mr. WATSON (by request): A bill (H. R. 22105) for the relief of Mary D. Farrar—to the Committee on Claims.

Also, a bill (H. R. 22106) granting a pension to Catharine Frank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22107) granting a pension to Joseph B. Israel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22108) granting a pension to Maria E. Walcutter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22109) granting a pension to John W. Shoemaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22110) granting a pension to James E. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22111) granting a pension to Edward S. Van Cleve—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22112) granting a pension to Christina B. Shelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22113) granting a pension to Winfield S. Conde—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22114) granting a pension to Sarah E. Ball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22115) granting a pension to George Atchison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22116) granting a pension to Margaret A. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22117) granting a pension to Mary J. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22118) granting a pension to William Coe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22119) granting a pension to Daniel W. Mason—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 22120) granting an increase of pension to John D. Myers—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 21758) granting an honorable discharge to Amasa Hodge—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 21782) granting an increase of pension to Anderson Graham—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Star of the Valley Council, No. 136, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Robert D. Keffer—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Sarah E. Cleveland—to the Committee on War Claims.

By Mr. BONYNGE: Petition of Kensington Council, No. 16, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of L. C. Ballard, manager of the American Ice Company, and the Knickerbocker Steam Towage Company, for an appropriation for improvements in the Kennebec River—to the Committee on Rivers and Harbors.

Also, petition of Rev. L. G. March, of Athens, Me., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURNETT: Petition of the Cullman Quartette Club, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURTON of Delaware: Petitions of Overbrook Council, No. 38, Daughters of America; Industry Council, No. 25; Millville Council, No. 37; John M. Clayton Council, No. 24, and Diamond Council, No. 5, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Eby Jones—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: Petition of the librarian of Haverford College library, against bill H. R. 19853, against legislation which will abridge the existing right of libraries to import books in the English language (previously referred to the Committee on Ways and Means)—to the Committee on Patents.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Sanford D. Payne—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of the Iowa State Retail Merchants' Association, for repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. DE ARMOND: Papers to accompany bills for relief of Mary J. Kerens and Daniel Palmer—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: Petition of Onondaga Council, No. 10, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DUNWELL: Petition of the New York Produce Exchange, against free distribution of seeds—to the Committee on Agriculture.

Also, petition of the Philadelphia Board of Trade, against

repeal of the bankruptcy act—to the Committee on the Judiciary.

Also, petition of the Japanese and Korean Exclusion League, against employment of Chinese coolies on the Panama Canal—to the Committee on Labor.

Also, petition of the Philadelphia Board of Trade, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of B. F. Middleton Post, Grand Army of the Republic, Department of New York, and Harry Lee Post, No. 89, Grand Army of the Republic, for restoration of the canteen in Bath Soldiers' Home—to the Committee on Military Affairs.

Also, petition of the New York State Pharmaceutical Association, for a pharmaceutical corps in the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the New York State Pharmaceutical Association, for the Mann patent bill—to the Committee on Patents.

By Mr. FITZGERALD: Petition of the International Brotherhood of Teamsters, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the librarian of the Long Island Historical Library, of Brooklyn, N. Y., against section 30 of bill H. R. 19853, against right of librarian to import books in English—to the Committee on Patents.

Also, petition of the executive committee of the Grand Army of the Republic, of Kings County, Department of New York, for restoration of the canteen to Soldiers' Homes—to the Committee on Military Affairs.

Also, petition of the New York State Pharmaceutical Association, for organization of a pharmaceutical corps in the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of General Warren Council, No. 46, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. FLETCHER: Petition of the Minnesota ex-Prisoners of the Civil War, for the Hamilton bill granting them pensions—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of John Tims—to the Committee on Pensions.

Also, paper to accompany bill for relief of S. H. Britts (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. FOSTER of Indiana: Petition of the German Society of Indiana, against the Dillingham-Gardner bill for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FULKERSON: Paper to accompany bill for relief of Orson M. Markcum—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Oliver P. Jackson—to the Committee on Pensions.

By Mr. GARRETT: Paper to accompany bill for relief of Jesse Harral—to the Committee on Pensions.

By Mr. GRAFF: Petition of citizens of Perkin, Ill., for free art legislation (H. R. 15268)—to the Committee on Ways and Means.

By Mr. GRANGER: Petition of the librarian of Brown University Library, of Providence, R. I., against section 30 of bills H. R. 19853 and S. 6330, relative to the importation of books in English language (previously referred to the Committee on Ways and Means)—to the Committee on Patents.

By Mr. HALE: Paper to accompany bill for relief of John W. Phillips—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of the trustees of the Chamber of Commerce of San Francisco, for an appropriation to improve the harbor of Oakland, Cal.—to the Committee on Rivers and Harbors.

By Mr. HENRY of Texas: Paper to accompany bill for relief of James Burnes—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Paper to accompany bill for relief of John P. Neu—to the Committee on Invalid Pensions.

By Mr. HUFF: Petitions of Youghiogheny Council, No. 255; Banner Council, No. 310; Crystal Council, No. 300, and Mayflower Council, No. 159, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. JOHNSON: Papers to accompany bills for relief of Libby Barnhill and Elizabeth Jane Hancher—to the Committee on Pensions.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Frank H. Loud—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of members of the Keokuk County Bar, for a Federal court at Ottumwa, Iowa—to the Committee on the Judiciary.

Also, petition of the Oskaloosa Commercial Club, favoring a parcels-post law and 1-cent postage—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Cynthia E. Tramel—to the Committee on Invalid Pensions.

By Mr. LEE: Paper to accompany bill for relief of Levi Mitchell—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: Papers to accompany bills for relief of John A. Casey, Harrison Baswell, Walter S. Withers, William G. Forsyth, John G. Pound, Rodic W. Turnipseed, Seaborn S. Smith, John H. Webb, John M. Ozburn, John C. White, Kate Diehl, Ezra Andrews, Elizabeth B. Lee, Mary N. Hutchinson, Darius S. Willingham, Thomas Dye, trustee of Sarah Dye; Timothy D. Lyons, Peter Lynch, Maxwell R. Berry, Albert Hope, James M. Kimberly, Levi S. Waggoner, and Matilda W. Allen et al.—to the Committee on War Claims.

By Mr. MAHON: Petition of Landisburg Council, No. 707, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. MANN: Paper to accompany bill for relief of Levi E. Miller—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of Fresno County Chamber of Commerce, approving of the Wilson bills (H. R. 9753) for regulation of the hours of first and second class clerks in post-offices, and (H. R. 9754) for classification of salaries of said clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the San Benito County Improvement Club, for an appropriation to improve Monterey Harbor—to the Committee on Rivers and Harbors.

Also, petition of the board of trustees of the city of Monterey, for an appropriation to improve Monterey Harbor—to the Committee on Rivers and Harbors.

Also, petition of the Oakland Chamber of Commerce, for an appropriation for improvement of Oakland (Cal.) Harbor—to the Committee on Rivers and Harbors.

Also, petition of the Central Labor Council of San Joaquin County, for the passage of the Senate shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Southern California Wholesale Grocers' Association, against legislation in antitrust laws to militate against the necessary cooperation of small dealers—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of San Francisco, for an appropriation to increase the water front of the harbor of San Francisco—to the Committee on Rivers and Harbors.

By Mr. PADGETT: Paper to accompany bill for relief of W. S. Noe—to the Committee on Invalid Pensions.

By Mr. PALMER: Petitions of Snyder Council, No. 967; Plains Council, No. 660; Slocum Council, No. 271; Ashley Council, No. 149; Colonel H. B. Wright Council, No. 896, and Willow Grove Council, No. 139, Junior Order United American Mechanics, and Forty Fort Council, No. 190, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PEARRE: Petitions of Excelsior Council, No. 33, and Golden Rod Council, No. 42, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Petition of Resolution Council, No. 6, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of the New York State Pharmaceutical Association, for increase in the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the New York State Pharmaceutical Association, for the Mann patent bill—to the Committee on Patents.

Also, petition of the Philadelphia Board of Trade, against repeal of the bankruptcy act—to the Committee on the Judiciary.

By Mr. SHEPPARD: Paper to accompany bill for relief of Gottlob O. Greiner—to the Committee on Pensions.

By Mr. SLAYDEN: Paper to accompany bill for relief of Amelia Schmidtke—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: Petitions of Asbury Council, No. 151; Worcester Council, No. 29, and Snow Hill Council, No. 167, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Burris Subers—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: Petition of librarian of the Toledo

Public Library, against bill H. R. 19853, relative to importation of English books (previously referred to the Committee on Ways and Means)—to the Committee on Patents.

By Mr. STAFFORD: Petition of the Allis-Chalmers Company, of Milwaukee, Wis., for relief of that company, in support of bill H. R. 21174—to the Committee on Appropriations.

By Mr. TIRRELL: Paper to accompany bill for relief of John O. Kinney—to the Committee on Military Affairs.

By Mr. TOWNSEND: Petition of the Spanish War Veterans of Jackson, Mich., and elsewhere, for extension of the time required for residence on the Shoshone Reservation, in Wyoming—to the Committee on the Public Lands.

By Mr. WANGER: Petition of Lancaster Council, No. 111, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *December 12, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

KONGO FREE STATE.

Mr. LODGE. I ask that 300 copies of Senate Report 393, Forty-eighth Congress, first session, March 26, 1884, may be reprinted. It is a report relating to the Kongo Free State, by Senator MORGAN, and contains many papers of great value.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Massachusetts? If not, it is so ordered.

The order was reduced to writing, as follows:

Ordered, That 300 copies of Senate Report No. 393, Forty-eighth Congress, first session, March 26, 1884, be printed for the use of the Senate.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Wildey Lodge, No. 27, Independent Order of Odd Fellows, of Charleston, W. Va., against The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and opinion filed by the court in the cause of Adolph Hartiens, tutor to his three infant children, Sidney L., William W., and Mary R. Hartiens, being the issue of his marriage with Mary C. Osborne Hartiens, deceased, his late wife, who was the daughter and only heir at law of William H. Osborne, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CREDENTIALS.

Mr. MCCREARY presented the credentials of Thomas H. Paynter, chosen by the legislature of the State of Kentucky a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. DRYDEN presented a memorial of Thorofare Grange, No. 59, Patrons of Husbandry, of Thorofare, N. J., and a memorial of Upper Township Grange, No. 139, Patrons of Husbandry, of Tuckahoe, N. J., remonstrating against any further appropriation being made for the free distribution of seeds and plants; which were referred to the Committee on Agriculture and Forestry.

He also presented the memorial of J. W. Beardsley Sons, of New York City, N. Y., remonstrating against the adoption of an amendment to the meat-inspection act requiring the cost of inspection to be paid by the packers, etc.; which was referred to the Committee on Agriculture and Forestry.

Mr. BEVERIDGE presented memorials of sundry citizens of Russiaville, Middletown, Ligonier, Anderson, Monroe County, Brown County, Sullivan County, Alaska County, Grant County, and Noble County, all in the State of Indiana, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Deming, N. Mex., praying for the enactment of legislation providing for a home in Africa for ex-slaves and their offspring, where they shall have a free and independent government of their own; which were referred to the Committee on Education and Labor.

Mr. LA FOLLETTE presented a petition of the common council of Superior, Wis., praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to require certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. BENSON presented a memorial of Osage County Grange, No. 442, Patrons of Husbandry, of Lyndon, Kans., and a memorial of the State Agricultural College of Kansas, remonstrating against the enactment of legislation providing for the free distribution of seeds; which were referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a petition of the Rock Island Business Men's Association, of Rock Island, Ill., praying that an appropriation be made for the improvement of the waterways of the country; which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Galesburg and Noble, in the State of Illinois, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the improvement of the channel at Oakland, in that State; which was referred to the Committee on Commerce.

He also presented a memorial of the Santa Barbara County Horticultural Society, of California, remonstrating against further apropriations for the free distribution of garden seeds and plants; which was referred to the Committee on Agriculture and Forestry.

Mr. ELKINS presented a paper to accompany the bill (S. 4383) for the relief of Elizabeth M. Earle, administratrix of the estate of J. B. Earle, deceased; which was referred to the Committee on Claims.

Mr. KEAN presented the petition of George Oakley, of Paterson, N. J., praying for the enactment of legislation providing for a readjustment of postal rates; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the city council of Woodbury, N. J., praying for the enactment of legislation providing for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Redbank, N. J., praying for the enactment of legislation to increase the salaries of railway postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLARD presented a petition of the Woman's Christian Temperance Union of Esceola, Nebr., praying for an investigation into the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; and also for the adoption of an antipolygamy amendment to the Constitution; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Commercial Club of Omaha, Nebr., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Albion and Hebron, in the State of Nebraska, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

Mr. HOPKINS presented a petition of the Merchants' Association of Elgin, Ill., praying for the enactment of legislation to increase the salaries of postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

REPORT OF A COMMITTEE.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19215) granting an increase of pension to John Lingenfelder; and

A bill (H. R. 18363) granting an increase of pension to Rudolph Bentz.

SEIZURE OF AMERICAN SCHOONER SILAS STEARNS.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the resolution submitted by Mr. MALLORY

on the 10th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interests, to transmit to the Senate copies of all papers, documents, and correspondence now in the possession of the Department of State relating to the seizure and forcible detention of the American fishing schooner Silas Stearns by the Mexican authorities; and to inform the Senate whether said schooner has been adjudged forfeited by the decree of any Mexican court, and if so, whether the owners of said schooner were ever given an opportunity, by citation or otherwise, to appear in said court and defend their property; and also to inform the Senate of the present status of said case and what action, if any, has been taken by this Government in the premises.

GERTRUDE A. DAVISON.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by him for Mr. ELKINS, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to Gertrude A. Davison, mother of F. L. Davison, late clerk of the Senate Committee on Interstate Commerce, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

Mr. HOPKINS introduced a bill (S. 7099) granting an increase of pension to Esther A. Cleaveland; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 7100) for the relief of Job O. C. Rathbun; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7101) granting an increase of pension to Catherine Matimore; and

A bill (S. 7102) granting an increase of pension to Benjamin F. Wells.

Mr. ALGER introduced a bill (S. 7103) granting a pension to Sarah S. Craig; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 7104) granting an increase of pension to Daniel B. McMullin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 7105) granting an increase of pension to Samuel Baker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7106) granting an increase of pension to H. H. Michael;

A bill (S. 7107) granting an increase of pension to George P. V. Tritipoe; and

A bill (S. 7108) granting an increase of pension to Charles B. Gilbert (with an accompanying paper).

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7109) for the relief of the trustees of the Methodist Episcopal Church South, of Point Pleasant, W. Va.;

A bill (S. 7110) for the relief of the trustees of the Methodist Episcopal Church South, of Great Cacapon, W. Va.;

A bill (S. 7111) for the relief of the trustees of the Mount Olive Primitive Baptist Church, of Philippi, W. Va.;

A bill (S. 7112) for the relief of the trustees of the Methodist Episcopal Church South, of Ravenswood, W. Va.;

A bill (S. 7113) for the relief of the trustees of the German Baptist Brethren Church, of Greenland Gap, W. Va.; and

A bill (S. 7114) for the relief of the trustees of Methodist Episcopal Church of Philippi, W. Va.

Mr. PERKINS introduced a bill (S. 7115) to amend a certain provision of the act making appropriation for the naval service, approved June 29, 1906; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 7116) to provide for the purchase of a site and the erection thereon of a building for the use and accommodation of the United States subtreasury at San Francisco, in the State of California; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CARMACK introduced a bill (S. 7117) for the relief of Joseph W. McCall; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7118) to limit the effect of the regulation of commerce between the several States and Territories in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TELLER introduced a bill (S. 7119) granting an increase of pension to Charles Boxmeyer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7120) for the relief of the trustees of the Methodist Episcopal Church South of Perryville, Ky.;

A bill (S. 7121) for the relief of the trustees of the First Presbyterian Church of Paris, Ky.;

A bill (S. 7122) for the relief of the trustees of the Methodist Episcopal Church South of Harrodsburg, Ky.;

A bill (S. 7123) for the relief of the trustees of the Cumberland Presbyterian Church of Henderson, Ky.;

A bill (S. 7124) for the relief of the trustees of the Baptist Church of Bowling Green, Ky.;

A bill (S. 7125) for the relief of the treasurer of Salt River Lodge, No. 180, Free Ancient and Accepted Masons of Mount Washington, Ky.;

A bill (S. 7126) for the relief of the directors of the Presbyterian Theological Seminary, of Kentucky; and

A bill (S. 7127) for the relief of the trustees of the Jessamine Female Institute, successor to Bethel Academy, of Nicholasville, Ky.

Mr. BRANDEGEE introduced a bill (S. 7128) granting an increase of pension to Lurinda E. Spencer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BENSON introduced a bill (S. 7129) granting a pension to Susan J. Chandler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 7130) granting an increase of pension to Oliver P. Case; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7131) for the relief of the trustees of the First Baptist Church of Danville, Ky.;

A bill (S. 7132) for the relief of the trustees of the Antioch Methodist Episcopal Church South, of Stewart, Mercer County, Ky.;

A bill (S. 7133) for the relief of the trustees of the Methodist Episcopal Church South, of Mount Sterling, Ky.;

A bill (S. 7134) for the relief of the trustees of the Regular Baptist Church, of Richmond, Ky.; and

A bill (S. 7135) for the relief of the vestry of Trinity Protestant Episcopal Church, of Danville, Ky.

Mr. McCREARY introduced a bill (S. 7136) granting an increase of pension to Cornelia W. Clay; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 7137) for the purchase of a site for a Federal building for the United States post-office at Franklin, N. H.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HALE introduced a bill (S. 7138) granting an increase of pension to George H. Allen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a joint resolution (S. R. 79) concerning railroad cars carrying United States mails; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. SPOONER submitted an amendment relative to an increase in the salaries of the justices and associate justices of the supreme court, District of Columbia, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

TERRITORY OF ALASKA.

Mr. BEVERIDGE submitted the following order; which was considered by unanimous consent, and agreed to:

Ordered, That there be printed for the use of the Committee on Territories 1,000 additional copies of Senate Document No. 14, Fifty-ninth Congress, second session, entitled a "Message from the President of the United States transmitting certain papers relative to the needs of the Territory of Alaska in matters of legislation and government."

TREATY WITH JAPAN.

Mr. GEARIN. I submit a resolution and ask that it may lie on the table.

The resolution was read, and ordered to lie on the table, as follows:

Whereas a controversy has arisen as to the rights of Japanese residents in the United States under the existing treaty with Japan, and it is desirable that all cause of misunderstanding as to the scope and meaning of the terms used in that treaty should be removed to the end that the present friendly relations between the two Governments should continue; and

Whereas the Senate considers that the further unrestricted immigration of Japanese laborers into this country is not desirable: Therefore, be it

Resolved, That it is the sense of the Senate that it is advisable that negotiations should be entered into with the Japanese Government by the proper executive officers of the United States with a view of securing such modification of the existing treaty with Japan as will clearly define and enumerate the rights guaranteed Japanese under said treaty, and will provide that the further coming of Japanese cooly laborers into the United States be prohibited altogether.

EXPERIMENTS WITH CHOLERA VIRUS IN THE PHILIPPINES.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is hereby directed to communicate to the Senate the facts pertaining to experiments with cholera virus, alleged to have been made at Manila upon prisoners by Surg. Richard P. Strong, of the United States Army; to state whether, as a result of such experimentation, ten or more persons lost their lives; whether any of the persons so experimented upon were previously informed of the dangerous and possibly fatal character of the experiments; whether any of them were natives of the United States, and by whose authority and upon whose responsibility these experiments were made.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had on the 11th instant approved and signed the act (S. 1804) providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies.

STATE PUBLIC SCHOOL SYSTEM.

Mr. RAYNER. Mr. President, I call up Senate resolution No. 183.

The VICE-PRESIDENT. The resolution indicated by the Senator from Maryland will be read.

The Secretary read the resolutions submitted by Mr. RAYNER on the 4th instant, as follows:

Resolved, That in the opinion of the Senate this Government has no right to enter into any treaty with foreign governments relating to any of the public school systems of the States of the Union; and

Resolved further, That in the opinion of the Senate there is no provision in the treaty between the United States and the Government of Japan that relates in any manner to this subject or in any way interferes with the right of the State of California to conduct and administer its system of public schools in accordance with its own legislation; and

Resolved further, That it is the duty of the President of the United States to notify the Government of Japan and notify any foreign government with whom the question may arise that the public educational institutions of the States are not within the jurisdiction of the United States, and that the United States has no power to regulate or supervise their administration.

Mr. CULLOM. Before the Senator from Maryland proceeds to a discussion of the resolutions I desire to state that immediately after the conclusion of the Senator's speech I will ask the Senate to proceed to the consideration of executive business for the purpose especially of disposing of what is called the "Algeciras treaty."

Mr. RAYNER. Mr. President, the proposition covered by this resolution is to my mind a most important one. The President has stated in his message that the Federal Government possesses some power in connection with the subject-matter set forth in the resolution, and that everything within his power shall be done and all of the forces, military and civil, of the United States, which he may lawfully employ will be employed for that purpose. It is very important therefore that we should know and the country should know, and the President should understand, whether he has any power in the premises at all, because it is quite a serious matter in view of the great calamity that has lately befallen the city of San Francisco for the President to contemplate the bombarding of the city at this time, and to declare war against the boards of county school trustees of California, if there is no justification or pretext upon which such ferocious proceedings can be undertaken.

With great respect and deference to the President, he is exercising a great many functions—executive, legislative, and judicial, lawful and unlawful, constitutional and unconstitutional. If he is possessed of the idea that he is the supervisor of all of the public schools of the various States of the Union, and he seems to be impressed with this idea, because in the very last paragraph of his message he recommends to Congress the establishment of shooting galleries in all of the large public schools of the country, we must either disabuse his mind of this fancy or we must let him know that we agree with him as to the omnipotence of his jurisdiction. If he can take possession of the public schools of California and compel the State to admit to them Japanese students contrary to the laws of California, he could with equal propriety send us an amendment to the Santo Domingo treaty and demand the admission of the negro children of Santo Domingo into the white schools of South Carolina or of any other State of the Union. Of course, if the people have come to the conclusion that everything that the President recommends is right, then there is hardly any use in contesting any of his propositions or recommendations, and instead of conferring upon him the power to give Congress information of the state of the Union, we might confer upon him the function of furnishing his own peculiar views upon the entire state of the universe and recommending any improvements or changes in the general plan of creation that he may deem expedient, from the cradle to the grave. In fact, the President, upon page 29 of his message, anticipates the cradle and makes a recommendation upon the state of the Union that tends to place in his hands the establishment of the birth rate of the country. Now, if we can only supplement this function by giving him complete jurisdiction over the death rate we will then have a ruler whose ubiquity is uncircumscribed and whose unlimited possibilities are beyond the reach of human contemplation.

I believe that there is a sufficient residuum of common sense and independent thought in the American people to keep the Executive within the prerogatives of his office and to let him quietly and respectfully understand that the Executive chair is not exactly the place from which to deliver exhortations or a course of didactics upon either the natural rights or the infirmities of the human race, and that in his messages and recommendations he ought to confine himself to the functions prescribed by the Constitution.

I desire to say, in passing, that I coincide with everything that the President says in praise of the people of Japan. In the war between Japan and Russia my sympathies were entirely with the Government of Japan, and whatever he says in honor of its marvelous race meets with my own hearty commendation. I always thought it was a great shame that through the kindly and well-intentioned offices of the President, Japan should have been overpowered in the conference room when she had been victorious in every battle upon the land and on the sea, and I think that the dauntless courage and the almost superhuman heroism, against overwhelming odds, of her military and naval forces is without a parallel upon the pages of ancient or modern history. I propose to discuss the question under consideration entirely outside of the particular circumstances that environ it, upon general grounds of constitutional law, and certainly with no feeling of hostility upon my part toward this wonderful people with whom this controversy has arisen.

THE TREATY WITH JAPAN—COMPARISON WITH CHINESE TREATY.

In my brief argument that I shall address to this body I shall plant myself upon two propositions:

First, that there is no provision whatever in the treaty with Japan that confers the right that the President speaks of, or gives to the Government of Japan the privileges that it claims in connection with the public school system of California or of any other State.

Secondly, the more important question, if there was such a provision in this treaty, or any other treaty conferring this right, the treaty would be void and without any authority upon the part of the United States to make it, and in violation of the Constitution and the treaty-making power of the Government.

The first step that it is necessary for me to take in this discussion is to quote the provisions of the treaty with Japan that have been held to be applicable to the subject in hand, the ratifications of which treaty were exchanged by the respective Governments on the 21st of March, 1895. I will ask the Secretary kindly to read those provisions. It will take but a moment.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

ARTICLE I. The citizens or subjects of each of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the territories of the other contracting party, and shall enjoy full and perfect protection for their persons and property.

They shall have free access to the courts of justice in pursuit and defence of their rights; they shall be at liberty equally with native citizens or subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native citizens or subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each contracting party shall enjoy in the territories of

the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects or citizens or subjects of the most favored nation. The citizens or subjects of each of the contracting parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be paid by native citizens or subjects or citizens or subjects of the most favored nation.

The citizens or subjects of either of the contracting parties residing in the territories of the other shall be exempt from all compulsory military service whatsoever, whether in the Army, Navy, National Guard, or Militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

ARTICLE XIV. The high contracting parties agree that, in all that concerns commerce and navigation, any privilege, favor, or immunity which either high contracting party has actually granted, or may hereinafter grant, to the Government, ships, citizens, or subjects of any other State, shall be extended to the Government, ships, citizens, or subjects of the other high contracting party, gratuitously, if the concession in favor of that other State shall have been gratuitous, and on the same or equivalent conditions if the concession shall have been conditional; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other upon the footing of the most favored nation.

Mr. RAYNER. There is not a clause or a line of this treaty that contains by expression or intendment the slightest reference to the public school systems of any of the States of the Union, or confers any rights whatever upon the citizens of Japan to enjoy the privileges of their public educational institutions. There is not a clause or a line, although I understand that the President has been advised to the contrary, that, to the professional mind, would admit of such a construction. The most liberal interpretation of any of its terms does not allow such an interpolation or insertion to be made. The treaty does not even contain the most-favored-nation clause, except in reference to the particular objects that are therein specifically enumerated.

If I have made a mistake upon this point let some Senator upon the floor or some of the President's legal advisers upon the treaty refer me to the clause that carries with it such a construction. Let the President elucidate his message upon this point and give us the language in the treaty that authorized him to state that he had any power or jurisdiction over this subject whatever. It can not be done, because here is the treaty, and no one arises here to justify his construction of it. If there is any decision in the United States that holds that any of the rights granted by the treaty carry with them the privilege to the subjects of Japan of even partaking of the advantages of the educational system of our States, let us have that decision. I have examined them all very carefully that relate to treaties and I find no authority to sustain such a proposition.

Now, let me call your attention to a very peculiar circumstance, and that is the Burlingame treaty, which was made with China, because that does contain such a provision. It is only a few lines. The Burlingame treaty with China, which was proclaimed on February 5, 1870, has the following provision in it:

ARTICLE VII. Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China, and, reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States which are enjoyed in the respective countries by citizens or subjects of the most-favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside, and, reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

"Of the United States." It does not say "of the States," but of the United States.

Mr. BLACKBURN. That is a distinction.

Mr. RAYNER. I say that is a distinction. I am coming to that. Nevertheless it contains a provision that the Japanese treaty does not contain. The Japanese treaty does not give any rights to any public educational institution controlled by the United States.

Now, as I was going to say, the Japanese treaty contains no such provision as this, and the favored clause does not cover it.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. RAYNER. I do.

Mr. FORAKER. If it would not interrupt the Senator, I would ask him if he can state the respective dates of those two treaties?

Mr. RAYNER. The Burlingame treaty, February 5, 1870. The ratifications of the Japanese treaty were exchanged by the respective Governments on the 21st of March, 1895, twenty-five years afterwards, and there is not a word of it in this Japanese treaty. The favored-nation clause does not cover it, because this clause is restricted to the objects that are specified in the treaty and no one of these objects relates to educational privileges; and even if there had been a provision in the Japanese treaty similar to the one in the Chinese treaty, it would not apply to this case, because the treaty with China confers educational privileges in educational institutions under the control of the Government of the United States, and neither the educational institutions of California nor of any other State of the Union are under the control of the United States.

The educational institutions of the States are not under the control of the Government of the United States, and therefore, by virtue of this provision in this treaty, the Chinese enjoy no privileges at all. Therefore, if this clause had been incorporated in the Japanese treaty, as I shall show a little farther on, it would not cover the proposition we are now discussing.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield further to the Senator from Ohio?

Mr. RAYNER. I do.

Mr. FORAKER. I wish to call the Senator's attention to the fact that the United States Government has no educational institutions as such, and that immediately following the ratification of the treaty with China, and ever since that, under the clauses granting certain exceptions, Chinese students have been entitled, except as it has been modified by treaty since, to come to this country and seek education in the institutions that are situated within the States and are not at all under the control of the United States Government.

Mr. RAYNER. There is no doubt about that proposition. Any of the States may admit any Chinese or Japanese student or any other sort if they choose who are in the United States. That in entirely within the province of the State, but the question here is a question of alleged discrimination in the public school system of California. Massachusetts or any other State of the Union has a perfect right to admit any Chinese or Japanese who are here. That does not affect the question, I respectfully submit, that I am discussing. I absolutely deny that the admission of these students into the educational institutions of the State is in compliance with and in furtherance of the treaty.

I might rest this entire subject right here, because this is an end of the claim of Japan if the treaty does not, either by expression or intendment, contain the controverted matter, but I have arisen for a larger purpose and a deeper inquiry; and inasmuch as what has taken place here may occur over and over again under the treaty-making power of the United States, I shall now proceed to the more important proposition, and that is that this Government has no power under the Constitution of the United States to make any treaty with any foreign government covering the subject in question, or overriding the legislation of any State of the Union in connection therewith.

THE ISSUES INVOLVED IN THE CONTROVERSY.

Now, let me quote—because I must say that to me it has been the most interesting subject in constitutional law, at least that I have ever examined or been interested in—the sixth article of the Constitution. It is not an academic discussion; it is likely to occur over and over again with all our oriental possessions, because if the President persists in his purpose, the day will come when he will demand that he has the right, either under the treaty-making power or under the amendments to the Constitution, to exercise this privilege in connection with the admission of foreign students into the public educational institutions of the States.

Now, one may read this article of the Constitution without understanding it. Just read it. Let a layman read it. It leaves an impression upon the mind of every man who has not studied the Constitution that the treaty overrides the reserved rights of the States whenever it comes in contact with them. No matter how brilliant the lawyer may be, no matter what his talents or resources may consist of, I do not care for the opinion of anyone who has not thoroughly mastered and analyzed the authorities upon this subject and made the proper discriminations between them:

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States—

Now, that is the distinction that the extreme school plants itself on between these two propositions. When it speaks of laws, it says laws which shall be made in pursuance of the Constitution. When the Constitution speaks of treaties, it says that all treaties which shall be made under the authority not of the Constitution, but of the United States. I shall, I think, demonstrate within a few moments that there is no possible distinction in the authorities between these two clauses.

This sixth article, which lies at the bottom of this controversy, reads partly as follows:

ARTICLE VI. This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

I plant myself firmly and unalterably upon the proposition that we can make no treaty that violates any of the provisions of the Constitution of the United States, that the treaty-making power in the sixth article must be construed *in pari materia* with all the other provisions contained in the Constitution, and if the treaty comes in conflict with any of the limitations of the instrument the treaty must yield and the Constitution prevail.

As a corollary of this proposition I plant myself upon the doctrine that any treaty that violates Article X of the Constitution and infringes upon the reserved rights of the States which have not been delegated to the General Government, and embraces subjects that belong to the States, and that are not necessary to carry out the purposes of the Government as defined in the Constitution, is *ultra vires* and not within the capacity of the Government to make.

It is my opinion that this subject involves one of the most interesting problems that has ever been before this body, and that the suggestion in the message of the President, with great respect to him, is not of the slightest value here, because in order to arrive at a proper conclusion upon this important inquiry it is necessary to assiduously examine the great mass of precedents, and authorities, and decisions that have been rendered upon the subject, and I am quite sure that I am entirely within bounds when I say that the President has not undertaken this task.

THE SEVERAL SCHOOLS OF CONSTRUCTION.

There are two separate schools of construction upon the subject at issue. These schools are professional schools and schools of commentators and text writers upon the Constitution, and it is not entirely accurate to designate them as the respective advocates of national and States' rights systems.

One of these schools claims that the treaty-making power is an inherent element of sovereignty, and though it is a conferred power in the Constitution it would exist as an essential attribute of this Government without delegation, and that when it is once delegated it need not derive its authority from the Constitution, and that whenever it comes in conflict with the provisions of a State law or a State constitution, by the terms of Article VI of the Constitution the treaty prevails. Some of the adherents of this school have proceeded to the most unfortunate limits in their construction of the treaty-making power, and have held that this power is superior to the Constitution and is not in any manner governed by its inhibitions or limitations.

The second school stands upon the doctrine that the treaty-making power exists for the purpose of carrying out the purposes and objects of this Government as prescribed and defined by the Constitution, and that no treaty is valid that violates the Constitution or that under its provisions surrenders the rights reserved and belonging to the States.

I am a disciple of the second school, not alone as a party man, but as a student of Constitutional history, and I proceed now to give the reasons for the faith that is in me.

The most instructive step that I can take in this discussion is to give, in the language of their advocates, the two standards that separate these two political creeds, so that the distinguishing features between them can be clearly and fully comprehended and understood.

Mr. Charles Henry Butler, the present reporter of the Supreme Court, and a man of great learning and industry, in a valuable text-book that he has written upon the treaty-making power of the United States, which I think is mainly wrong in the conclusions that it reaches, but which is full of the most interesting information upon the subject, thus states his own views and the views of those who belong to the first school of treaty-making power interpretation that I have referred to:

First. That the treaty-making power of the United States, as vested in the central Government, is derived not only from the powers expressly conferred by the Constitution, but that it is also possessed by that Government as an attribute of sovereignty, and that it extends to every subject which can be the basis of negotiation and contract between any of the sovereign powers of the world, or in regard to which the several States of the Union themselves could have negotiated and contracted if the Constitution had not expressly prohibited the States from exercising the treaty-making power in any manner whatever and vested that power exclusively in and expressly delegated it to the Federal Government.

Second. That the power to legislate in regard to all matters affected by treaty stipulations and relations is coextensive with the treaty-making power, and that acts of Congress enforcing such stipulations which, in the absence of treaty stipulations, would be unconstitutional as infringing upon the powers reserved to the States, are constitutional, and can be enforced, even though they may conflict with State laws or provisions of State constitutions.

Third. That all provisions in State statutes or constitutions which in any way conflict with any treaty stipulations, whether they have been made prior or subsequent thereto, must give way to the provisions of the treaty, or act of Congress based on and enforcing the same, even if such provisions relate to matters wholly within State jurisdiction.

The tenets of the school in which I have been trained are succinctly stated in a masterly way by that eminent constitutional lawyer, the Hon. John Randolph Tucker, in a report that he rendered to the Forty-eighth Congress, and which reads, in part, as follows:

The language of the Constitution of the United States which gives the character of "supreme law" to a treaty, confines it to "treaties made under the authority of the United States." That authority is limited and defined by the Constitution itself. The United States have no unlimited, but only delegated authority. The power to make treaties is bounded by the same limits, which are prescribed for the authority delegated to the United States by the Constitution. To suppose that a power to make treaties with foreign nations is unlimited by the restraints imposed on the power delegated to the United States would be to assume that by such treaty the Constitution itself might be abrogated and the liberty of the people secured thereby destroyed. The power to contract must be commensurate with and not transcend the powers by virtue of which the United States and their Government exist and act. It can not contract with a foreign nation to do what is unauthorized or forbidden by the Constitution to be done. The power to contract is limited by the power to do. (3 Story, Com. on Const., sec. 1501.)

It is on this principle that a treaty can not take away essential liberties secured by the Constitution to the people. The treaty power must be subordinate to these. A treaty can not alien a State or dismember the Union, because the Constitution forbids both.

In all such cases the legitimate effect of a treaty is to bind the United States to do what they are competent to do and no more. The United States by treaty can only agree with another nation to perform what they have authority to perform under the constitutional charter creating them. The treaty makes the *nexus* which binds the faith of the Union to do what their Constitution gives authority to do. A treaty made under that authority may do this; all it attempts to do beyond it is *ultra vires*—is null, and can not bind them.

In this admirable report and careful review of the treaty-making power Mr. Tucker remarks that—

If the treaty-making power extends to the limits that are claimed for it by the advocates of an inherent right, then a treaty may borrow money, regulate commerce, coin money, establish post-offices, and provide for raising armies and navies of the United States, and may thus annul or paralyze all the powers of Congress, and admit a foreign nation to exact, with the alternative of war, a compliance with these sweeping stipulations in the internal government of the people of the United States.

I am aware of the fact that some of the conclusions reached by this eminent statesman in this report have been assailed at times, but I am also aware of the fact that the main proposition upon which he stands, and from which I have quoted in the first instance, has never been impeached nor impugned by any Federal or State authority that I know of.

A TREATY CAN NOT VIOLATE THE CONSTITUTION.

I want to proceed one step further in the particular point that I am now discussing, and I desire to address these remarks to the extreme advocates of the doctrine of an "unlimited treaty-making power."

Let me take subsection 8 of section 9 of Article I of the Constitution of the United States, which provides "that no title of nobility shall be granted by the United States." Is there anyone here that believes we would have the right in a treaty to grant a title of nobility to the subject of a foreign government?

Subsection 4 of section 1 of Article II of the Constitution provides "that no person except a natural-born citizen * * * shall be eligible to the office of President." Does anyone here believe that we could make a treaty with a foreign power abrogating this section in its interests?

Article I of the amendments provides: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Is there anyone of the opinion that we could make a treaty with a foreign nation admitting their subjects to our shores, and then, in the same treaty, provide that they should not have the privilege of exercising their religious belief?

Mr. President, I am talking to the extreme advocates of this doctrine. I am coming to the middle class presently. I am taking now the doctrine of the men who claim that the treaty-making power is an inherent power, and is not circumscribed either by the delegated powers or by the limitations or inhibitions of the Constitution. I will come to the men of more moderate views of the first school in a few moments. I am planting this argument now upon the doctrine that the treaty-making power is an inherent power that is not governed or controlled at all by the Constitution of the United States.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Indiana?

Mr. RAYNER. Certainly.

Mr. BEVERIDGE. Might not the power be inherent in sovereignty and at the same time be limited by the Constitution?

Mr. RAYNER. Never. It can not lie in grant and lie in sovereignty. It must either lie in sovereignty or lie in grant. There is no such thing as a granted power under the Constitution carrying within its terms an inherent and sovereign power. I utterly deny the suggestion of the Senator from Indiana. Whatever inherent powers exist have been merged forever in the granted powers of the Constitution. It must be either one or the other.

Mr. BEVERIDGE. That was not my question, although I am happy to hear the Senator upon that.

Mr. RAYNER. Then I misunderstood the Senator.

Mr. BEVERIDGE. The question was, Might not the power be inherent in sovereignty and at the same time be limited by the prohibitions of the Constitution?

Mr. RAYNER. There is not an inherent power in the Government of the United States, because the Government of the United States is not a government of inherent powers. I deny that the Government of the United States has any inherent powers save the power to exist and to perpetuate itself, and while it might be inherent and still limited, the fact is it is not inherent. That answers the question.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. RAYNER. I do.

Mr. CARMACK. I wish to suggest to the Senator from Maryland that each of the States prior to the formation of the Constitution of the United States possessed this treaty-making power, and that the General Government possesses it now only by reason of its delegation by the States.

Mr. CULBERSON. The States possessed it inherently.

Mr. CARMACK. They possessed it inherently; and the General Government gets it by delegation from the States.

Mr. RAYNER. I was coming to that proposition in a moment. I think the Senator from Tennessee states that proposition a little too broadly—that is, that the States granted to the United States all the powers they possessed.

Mr. CARMACK. I did not say that.

Mr. RAYNER. I beg pardon. I understood the Senator to say that the States had granted to the United States all the treaty-making power.

Mr. CARMACK. No; I did not mean that; but all the powers the General Government possesses in that respect are derived from the grant by the States——

Mr. RAYNER. Undoubtedly.

Mr. BEVERIDGE. We can not hear a word over here of what is being said on the other side of the Chamber.

Mr. CARMACK. That all the treaty-making power was in the States prior to the formation of the Constitution. Each State possessed the treaty-making power. When the Constitution was formed the States delegated to the General Government the treaty-making power, and the treaty-making power possessed by the General Government is measured by the extent of that delegation.

Mr. FULTON. May I ask the Senator from Tennessee [Mr. CARMACK] a question?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Oregon?

Mr. RAYNER. I wish the Senator would ask me the question.

Mr. FULTON. Then I will ask the Senator if that delegation of power to the General Government, when exercisable, is nevertheless not restricted by the prohibition on the General Government contained in the Federal Constitution?

Mr. RAYNER. Mr. President, I am coming to the argument of that question in a moment.

I want, first, to say something in reference to the suggestion of the Senator from Tennessee [Mr. CARMACK]. Of course, the Senator from Tennessee recollects that in the Articles of Confederation it was provided that no treaty should be made unless nine of the States consented; but the suggestion made by the Senator is absolutely correct as to the proposition upon which I stand, that all powers of the Constitution—the treaty-making power and every other power—are derived from the powers given by the States. Of course, I can not admit that they have given all their treaty-making power, because they have only given the treaty-making power in connection with the delegated power, although the State itself has no right to make a treaty under the Constitution. While I can not admit that the States gave all the treaty-making power, I will undoubtedly admit that the States gave every treaty-making power that was necessary for the purpose of carrying out the delegated powers of the Constitution, and there are no other powers necessary.

Mr. BEVERIDGE. Will the Senator allow me?

Mr. RAYNER. In a moment. I have examined, I think, every treaty in existence between this Government and every other government, and I can—though I do not propose to do it now, because it would take too much time—but I can now show, and I am willing to trace every subject-matter in those treaties ever made with any foreign government to some delegated power contained in the Constitution of the United States. I challenge the Senator from Indiana to point me to a single case that will show this Government has ever made a treaty passed upon by the courts, and held to be valid by the courts, that was not for the purpose of carrying out the delegated powers of the Constitution conferred upon the United States.

Mr. BEVERIDGE. Mr. President——

Mr. RAYNER. Let me give one more quotation, and then I will yield. Section 1 of Article XIII of the amendments to the Constitution provides that—

> Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

Is this an inherent power? Is there any power under the treaty-making power, except the power to carry out the delegated powers of the United States? According to Mr. Butler and the various lecturers upon the revised edition of the United States Constitution, who agree with him, it is claimed that the power is not bound by the limitations of the Consitution. I ask, is there anyone here who believes that we could have put a provision into the treaty of Paris providing for a system of slavery in the Philippine Islands? If it is an inherent power, if it does not depend upon the delegated powers, if it is a sovereign power beyond and above the Constitution, then we can violate every article in the Constitution, and there would be no inhibition upon us at all from violating this particular provision and instituting or continuing, as I believe we have done anyway in a portion of the Philippine Islands—the Senator from Indiana will know more about that question than I do—the system of slavery that exists in a certain portion of those islands.

Mr. BEVERIDGE. I want to ask the Senator a question before he leaves that subject.

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Indiana?

Mr. RAYNER. Certainly.

Mr. BEVERIDGE. It was rather an interesting statement the Senator made, that he did not concede that the States had delegated away all of their treaty-making power. Under section 10 of Article I of the Constitution, what part of the treaty-making power does the Senator think any State has?

Mr. RAYNER. No State has any treaty-making power, except as provided in the Constitution. The States have delegated to the Federal authorities all the treaty-making power that it is necessary for the Government to have in order to carry out the delegated powers of the Constitution.

Mr. BEVERIDGE. I understood the Senator to say a moment ago, in answer to the Senator from Tennessee [Mr. CARMACK], that he did not concede that the States had parted with all of their treaty-making powers. I merely call his attention to section 10 of Article I of the Constitution.

Mr. RAYNER. I said the Constitution prohibits the States from making a treaty.

Mr. BEVERIDGE. Certainly.

Mr. RAYNER. The Federal Government can make every treaty, and the States have given the Government the right to make every treaty that is necessary to carry out its delegated powers, and you must take the treaty-making power *in pari materia* with the delegated powers that are given to the Government. I can not make it any plainer than that. I will give you what Mr. Adams says on that presently, and a number of your friends and some of my friends—Mr. Jefferson and others—and, I think, you will agree with me. I have stated the proposition almost in their identical language. I say that the States have given to the Federal Government the right to make treaties, but they have only given it the right to make such treaties as carry out the delegated powers of the Constitution, and they have never given it the right to make any treaty that interferes with the reserved rights of sovereign States acting within their own borders.

Mr. BEVERIDGE. Then I understand the Senator does not contend that the States have reserved to themselves at all any portion of the treaty-making power. That is made clear.

Mr. RAYNER. Look at the Constitution; that settles the rights of the States. The Government can make any treaty that carries out the purpose of the Government. My argument is that you must take the treaty-making powers together with the

delegated powers, and you can not construe one independently of the other.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. RAYNER. I do.

Mr. FORAKER. I only want to remark, if I may be permitted to do so, that the result of the Senator's contention, as I understand, is that that part of the old treaty-making power which the States originally possessed has become dormant or has been, by the provisions of the Constitution, placed in abeyance, does not belong to anybody, and can not be exercised by any governmental authority anywhere.

Mr. RAYNER. The Senator from Ohio evidently has misunderstood me. I will state the proposition over again.

Mr. FORAKER. I hope the Senator will not——

Mr. RAYNER. I want to answer the Senator's observation. There is no dormant power anywhere, because the Government of the United States contains the full treaty-making power for the purpose of carrying out all of its delegated powers, and there is no dormant power any place under the Constitution. Every power under treaties necessary to perfect the delegated powers has been parted with by the States, and the States have parted with their treaty-making power, but I repeat again that the treaty-making power must be construed *in pari materia* with the delegated powers.

Mr. BACON. Will the Senator permit me a moment?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Georgia?

Mr. RAYNER. Yes.

Mr. BACON. In connection with his suggestion as to whether or not the powers are dormant, I wish to call the attention of the Senator to the fact that the Constitution does contemplate that there may be questions in which a State may be interested and which may require a compact or a treaty which are not Federal questions; but its exercise of any power in connection with that is restricted and made dependent upon the consent of Congress. I will read the section to which I allude as illustrative of the question propounded by the Senator from Ohio in connection with the contention of the Senator from Maryland. Article 1, section 10, paragraph 3, of the Constitution, to be found on page 201 of the present edition of the Constitution and Manual, reads as follows:

> No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

If the Senator will pardon me just a moment, the point in connection, I think, with the subject under discussion is illustrative of the fact that it was in the contemplation of the Constitution that there were subjects-matter possible of compacts or treaties in which the States might be direcly interested and which did not relate to the General Government in its Federal capacity, but which subjects were in their treatment by the States or in dealing with by the States so restricted that there could be no action with reference thereto unless Congress should consent; in other words, that there were questions which could be and properly would be the subjects-matter of treaties interesting the States directly, but which were subsidiary entirely to the general power of the Government and required to be subject to its supervision.

Mr. RAYNER. Mr. President, I was coming to that in a moment. While I am quite willing to submit to any interruptions, I think there will be plenty of questions to ask me when I get into the cases.

Mr. CULBERSON. Will the Senator allow me just to read another section of the Constitution which will clear up this particular matter?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. I was going to read all of those sections, I will say to the Senator. I have the clause in mind to which he refers.

Mr. CULBERSON. What clause is it?

Mr. RAYNER. There are three clauses I was going to read ffom the Constitution. The first clause is in relation to the right of the President and the Senate to make a treaty; the second clause the Senator from Georgia [Mr. BACON] has read, and the third clause is the clause prohibiting a State from making a treaty.

Mr. CULBERSON. That is the one I desired to read.

Mr. RAYNER. Do not misunderstand my purpose. I am willing that the Senator should interrupt me.

Mr. CULBERSON. It is very pertinent, Mr. President, I think, in this connection, and it would be well to read it. It is section 10, Article I, of the Constitution, which declares:

> No State shall enter into any treaty, alliance, or confederation.

Mr. BEVERIDGE. That is the section to which I specifically called the Senator's attention a moment ago when the Senator ventured the remark that the States had not parted with all their treaty-making power.

Mr. RAYNER. Do not let the Senator from Indiana misunderstand that proposition. Do not let us get him wrong——

Mr. BEVERIDGE. No.

Mr. RAYNER. Because I understand the Senator delivered a lecture on that subject, and while I am against the lecture, I do not want the Senator from Indiana to misconstrue what I have said on this subject. I say, again and again, the States have granted to the Federal Government all their treaty-making powers that are necessary to carry out the purpose of the Government as constituted by the Constitution. That is the exact language of Mr. Jefferson, and I can not improve on it. It has never been improved on, except by Mr. Butler, who says Jefferson has been reversed. Jefferson has never been reversed by anybody except Mr. Butler, and I will take Jefferson against my friend and the distinguished reporter of the Supreme Court on that subject.

This brings me right down to the precise point involved in this discussion, and that is to the tenth article of the amendments, which reads as follows:

> ARTICLE 10. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Have we a right to violate the Constitution of the United States and incorporate in a treaty powers not delegated to the United States, powers that are not necessary and proper for carrying into execution the powers that are delegated, and barter away the privileges and rights reserved to the States respectively by virtue of the instrument and of the tenth amendment thereto that I have just referred to? The power of a State to regulate its public school system is clearly among its reserved powers. Have we, therefore, a right to provide in a treaty that the citizens of foreign lands shall possess privileges in the public schools of the States that are prohibited either by the Constitution or by the laws of the State in which they are claimed? If we can, in defiance of the laws and constitution of a State incorporate any such provision in a treaty so as to bind the State, then we can undoubtedly deprive the State of every reserved right that it possesses, and rescind and annul its laws and its constitution whenever they come in conflict with the treaty-making power. I trample upon this appalling doctrine. If ever such a deformity as this should creep into our judicial decisions it would disfigure the Constitution to such an extent that its features would no longer be capable of recognition. It would annul the charter; it would frustrate the intention of the men who framed it; it would undermine the entire framework of the instrument, and it would convert us from a constitutional government into a dictatorship, with the States in abject servitude to Federal power, and with the Executive in practical control of the destinies of the Republic.

THE LEADING AUTHORITIES UPON THE SUBJECT.

I want now to go over the cases. I know it is monotonous in the Senate to read cases, and I will not read them, because I think I can recollect them. There are two lines of cases. The first line is made up of the three cases of Ware *v.* Hylton (3 Dallas), the case of Chirac *v.* Chirac, from my own State (2 Wheaton, 259), and a case in Virginia, Fairfax *v.* Hunter (7 Cranch, 603).

Ware *v.* Hylton is the great case that is quoted against the proposition that I am arguing here now. That case was argued by Marshall. It was the only case that Marshall ever argued in the Supreme Court of the United States. It was decided by Justices Chase, Patterson, Cushing, Wilson, and Iredell, and the case covers 100 pages. Let me see if I can give it in a few words.

Virginia had confiscated the debts of all British creditors. After the Revolution Congress made a treaty with Great Britain providing that British subjects should have the right to prosecute their claims in the courts of the United States without impediments. There was a conflict between the act of Virginia confiscating the debts of British subjects and the treaty of the United States giving British subjects without impediment the right to sue. The United States courts held that the treaty prevailed and that the laws of the State of Virginia were in conflict with it and were void. I give you that case in a very short compass. I want to take the cases of Fairfax *v.* Hunter and Chirac *v.* Chirac.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Florida?

Mr. RAYNER. Certainly.

Mr. MALLORY. In the case of Hylton *v.* Ware the Supreme Court expressly declined to give an opinion as to whether a treaty could override the Constitution.

Mr. RAYNER. I am coming to that in a minute. I have not finished with Ware *v.* Hylton. I have had Ware against Hylton in my mind for pretty nearly forty years now, and I am going to finish with it in forty seconds, if I can. It occupies a hundred pages in the reports; so I do not intend to read it.

I am coming now to the other cases in the first line. Maryland passed a law, and so did Virginia, that aliens could not hold property. The Government made a treaty with France that aliens could hold property in the United States. The laws of Virginia and Maryland came into conflict with the treaty, and the Supreme Court of the United States held that the treaty prevailed. Those are the two cases that are cited to sustain the proposition that Mr. Butler is contending for and against the proposition that I am advocating. I want to say one word about those cases. The treaty referred to in Chirac *v.* Chirac and in Ware *v.* Hylton was made under the Articles of Confederation. It was not made under the Constitution at all. If you will look at the sixth article of the Constitution, you will see that it ratifies all treaties that have been made. This was one of the treaties that it ratified, because it was a treaty under the Articles of Confederation, and, furthermore, Justice Cushing, in uniting in the opinion of the court, says that Virginia was a party to the treaty, and being a party to the treaty she could not abrogate her own act, and she was estopped by having participated in it and having been a party to it. We all recollect that under the Articles of Confederation it was necessary that nine States should assent to a treaty before it became effective.

Let me get to the second line of cases, which the Senators from the Pacific coast will recollect without my going into details. Both California and Oregon passed laws in reference to this question. California passed a law that no Chinese laborers should be employed by any corporation, and Oregon passed a law that Chinese laborers should not be employed upon the public works of that State. The question came up under the Chinese treaty—and the cases are reported in 5 and 6 Sawyer; they are circuit court cases—the question came up under the Chinese treaty, Does the treaty prevail or do the law of California and the law of Oregon prevail? Is the law of California a valid law which provides that no Chinese laborer shall be employed by any corporation in the State of California? Is the Oregon law a valid law which provides that no Chinese laborer shall be employed upon any public works in Oregon? The Supreme Court said no. Why? Because, they held, the treaty having provided that Chinese at that time should have the right to live here, that the right to live here carried with it the right to labor here; that a man can not live without earning a living; that if we had the right by treaty to give them the privilege of coming here, the treaty by intendment and construction carried with it their right to earn a living; but the court never touched upon the reserved rights of the States.

Now, I want to take up the last case I am going to quote on the other side of this subject, because I want to argue it fairly. I come now to the decision in 92 United States, that most unfortunate decision of the Supreme Court of the United States. It does not trench at all upon the argument I am now making. California provided that no woman of ill repute should come into the ports of California. That is the Freeman case (92 U. S). What did the Supreme Court decide there? As the Senator from Wisconsin knows, they did what they had never done before. They went back of that statute. They never construed the statute according to the language of the statute, but they held that California intended, by that provision of her law, to exclude Chinese women, although there was not a word said about Chinese women or women of any other race. It was one of those peculiar cases in which the Supreme Court of the United States has gone into the motives of a State legislature in order to determine the validity of her statutes. But, Mr. President, when they come to decide that case they never touched upon the reserved rights of the State. If you will examine the Freeman case you will see that the Supreme Court held in that case that it was a regulation of commerce, and that California had passed a statute violating that article of the Constitution which gives the Congress of the United States the right to regulate commerce with foreign nations.

Now I want to give my cases. I could give numbers of other cases, but before I give my cases, I wish to read one or two extracts from this author whom I have quoted here upon several occasions, to show how he contradicts himself upon this point, and how, when he is arguing against himself, he is finally forced to the conclusion that he has made a mistake, and that you can not make a treaty which interferes with the reserved rights of the State; and the only question to his mind is whether it is a reserved right of the State. If it is once settled that it is, when you once admit it is a reserved right of the State, then it can not come within the treaty-making power, because you can no more violate article 10 of the Constitution than you can violate any other article of the Constitution in connection with its inhibitions and limitations.

Let me read a very peculiar passage from this author against himself. I am quoting now from a hostile authority to substantiate the propositions for which I am contending, because I have the most eminent authorities in the country to sustain the propositions upon which I stand.

I read from page 31 of Butler on the Treaty-Making Power, a most interesting book. If it were not all wrong on this point it would be the most valuable book upon the subject that we have in the United States. Upon page 31, section 344, of this work we find the statement which I shall read, made by my friend, Mr. Butler, whom I know personally very well, and of whom I think very highly, and I do not intend that any criticism of mine upon his work shall in the slightest degree reflect upon his great industry and talent as a lawyer and as an author. He represents the same school that my friend the Senator from Indiana represents—the school that believes that we are a government of inherent sovereignty.

> SEC. 344. *State statutes upheld; Chinese laundry cases.*—It must not be presumed, however, that the Federal courts have always interfered to prevent State action in regard to matters which are wholly under their control, and that they have used the treaty-making power as an excuse for interfering in their internal affairs. In 1885 the same learned justice of the Supreme Court who had declared the San Francisco queue ordinance invalid sustained a municipal ordinance of San Francisco imposing certain regulations and restrictions upon laundries, and which was as undoubtedly aimed directly at the Chinese as the queue ordinance had been. The Supreme Court held, however, that the regulation of laundries was a matter which came within the right of the municipality, and that treaty stipulations as to rights to live and labor should not be used to prevent the proper enforcement of municipal regulations.

Upon page 56 we find the following statement:

> The Supreme Court has, in regard to treaties, as it has in regard to Federal statutes, ever kept in view the exclusive right of States to regulate their internal affairs.

Upon page 350, section 455, we find this remarkable statement from the same author, which seems to be in direct conflict with almost every other statement that he has made in this valuable work upon this subject:

> SEC. 455. *Power must be limited, as no unlimited powers exist.*—

He has been arguing in 454 sections that unlimited powers exist, and when he comes to the four hundred and fifty-fifth section he says the powers must be limited, as no unlimited powers exist; and in order to apologize for the remarks he has made in the antecedent sections he goes on to say:

> After perusing the foregoing chapters the reader may think he is justified in presuming that the author does not consider that there are any limitations whatever on the treaty-making power of the United States, either as to the extent to or subject-matter over which it may be exercised.

I should think we were justified in presuming so when he has argued that question in the sections which have preceded this section.

Then says the author:

> Such, however, is not the case; the fact that the United States is a constitutional government precludes the idea of any absolutely unlimited power existing.

He has never said that before. He continues:

> The Supreme Court has declared that it must be admitted as to every power of society over its members that it is not absolute and unlimited; and this rule applies to the exercise of the treaty-making power, as it does to every other power vested in the Central Government. The question is not whether the power is limited or unlimited, but at what point do the limitations begin.

If the author had said that in the first section, it would have saved him the trouble of writing the greater part of his book.

Now, Mr. President, let me come to the citation of my cases, and I will finish them very briefly, although it is a subject very difficult to cover in the space I am devoting to it. I have the cases where this identical question has arisen—where the Supreme Court itself, and in approval of State authorities, has held not only that a reserved right of the State does not come within the treaty-making power, but has held that this right of a State to admit a particular class of people into its educational institutions is a reserved right of the State, and the Government has no control over it whatever, either in the treaty-making power or in statutes.

Let me read an extract from the case of Geoffroy *v.* Riggs (133 U. S., 267), as follows:

> The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument

against the action of the Government or of its departments, and those arising from the nature of the Government itself and of that of the States.

In 5 California, in the case of The People *v.* Gerke, the court, in its opinion, said:

The language which grants the power to make treaties contains no words of limitation; it does not follow that the power is unlimited. It must be subject to the general rule, that an instrument is to be construed so as to reconcile and give meaning and effect to all its parts. If it were otherwise, the most important limitation upon the powers of the Federal Government would be ineffectual, and the reserved rights of the States would be subverted. This principle of construction, as applied, not only in reference to the Constitution of the United States, but particularly in the relation of all the rest of it to the treaty-making grant, was recognized both by Mr. Jefferson and John Adams, the two leaders of opposite schools of construction.

I now refer to the case of The People *v.* Gallagher, in 93 New York Reports, page 438, and to the case of Roberts *v.* The City of Boston, 5 Cushing, 198, both of which cases have been cited with approval by the Supreme Court of the United States, and in which the question whether a separation of the races in the public schools was a violation of the "privileges and immunities" guaranteed by the Constitution came before the courts. I quote from the first case:

The school authorities have power, when, in their opinion, the interests of education will be promoted thereby, to establish schools for the exclusive use of colored children; and when such schools are established and provided with equal facilities for education, they may exclude colored children from the schools provided for the whites.

The establishment of such separate schools for the exclusive use of the different races is not an abridgement of the "privileges or immunities" preserved by the fourteenth amendment of the Federal Constitution, nor is such a separation a denial of the equal protection of the laws given to every citizen by said amendment.

It seems that the "privileges and immunities" which are protected by said amendment are those only which belong to the citizen as a citizen of the United States—

I beg my friends to draw the distinction here between a citizen of the United States and a citizen of a State, because a man may be a citizen of the United States without being a citizen of any State—

those which are granted by a State to its citizens and which depend solely upon State laws for their origin and support are not within the constitutional inhibition and may lawfully be denied to any class or race by the State at its will and discretion.

It seems also that as the privilege of receiving an education at the expense of the State is created and conferred only by State laws, it may be granted or refused to any individual or class at the pleasure of the State.

Mr. FULTON. May I ask the Senator from Maryland a question?

Mr. RAYNER. Certainly.

Mr. FULTON. I wish to say first that I am in accord with the Senator's views—that the Federal Government can not by treaty invade the right of a State to regulate its own school system. But a question has occurred to my mind, and I wish to ask the Senator from Maryland if it has occurred to his; and if so, whether he has reached a conclusion on it. It is this: Can the Congress and the President, in the exercise of the treaty-making power, invade the rights of a State—what we will term the "reserved" rights of a State—to any greater extent than it can by direct legislation? We will concede, I think, for instance, that Congress may not by direct legislation change the laws of a State providing who may hold property within the State—who may own real estate. That is a matter concerning which a State ordinarily would have the right to legislate, and concerning which the Congress could not interfere by direct legislation. Yet the Supreme Court has held that by a treaty a law of a State in that regard may be annulled.

Now, then, the question which has arisen in my mind is to what extent may the treaty-making power invade the rights of a State beyond what Congress may invade them by legislation, or can it?

Mr. RAYNER. And that, Mr. President, is not only a very pertinent question, but it is a question that would present a great deal of difficulty in its solution if certain cases in the Supreme Court, which I am going to quote, did not fully cover it. That is the point I am coming to, Can the United States by treaty go beyond the delegated powers of the Constitution? Admitting it can not violate the Constitution, is the treaty-making function circumscribed by the Constitution? The first case that arose was a California case, which was quoted by the Supreme Court with approval. It was The People, ex rel. the Attorney-General, *v.* Nagle. I read from 1 California, 232.

The State of California, as the Senator from California will remember, had imposed a license upon foreigners engaged in working gold mines in that State, and the question arose whether California, under the treaty, had the right to pass such a law. The court said:

OPINION OF COURT.

But even if the provisions of the statute did clash with the stipulations of that, or of any other treaty, the conclusion is not deducible that the treaty must therefore stand and the State law give way. The question in such case would not be solely what is provided for by the treaty, but whether the State retained the power to enact the contested law or had given up that power to the General Government. If the State retains the power, then the President and Senate can not take it away by a treaty. A treaty is supreme only when it is made in pursuance of that authority which has been conferred upon the treaty-making department and in relation to those subjects the jurisdiction over which has been exclusively intrusted to Congress. When it transcends these limits, like an act of Congress which transcends the constitutional authority of that body, it can not supersede a State law which enforces or exercises any power of the State not granted away by the Constitution. To hold any other doctrine than this would, if carried out into its ultimate and possible consequences, sanction the supremacy of a treaty which should entirely exempt foreigners from taxation by the respective States or which should even undertake to cede away a part or the whole of the acknowledged territory of one of the States to a foreign nation.

In addition to this case, I want to refer to the important cases in 119 Federal Reporter, page 381, and in 5 Howard, page 613, to the opinion of Justice Daniel, which is concurrent upon the proposition from which I quote, and which reads as follows:

This provision of the Constitution, it is to be feared, is sometimes applied or expounded without those qualifications which the character of the parties to that instrument, and its adaptation to the purposes for which it was created, necessarily imply. Every power delegated to the Federal Government must be expounded in coincidence with a perfect right in the States to all that they have not delegated; in coincidence, too, with the possession of every power and right necessary for their existence and preservation; for it is impossible to believe that these ever were, in intention or in fact, ceded to the General Government. Laws of the United States, in order to be binding, must be within the legitimate powers vested by the Constitution. Treaties, to be valid, must be made within the scope of the same powers, for there can be no "authority of the United States," save what is derived mediately or immediately, and regularly and legitimately, from the Constitution. A treaty, no more than an ordinary statute, can arbitrarily cede away any one right of a State or of any citizen of a State.

I wish to refer now to a case in 118 Federal Reporter. This was a case where a Chinese girl filed a petition for a mandamus against the public school trustees of San Francisco, I think, asking admission into the white school. It was denied. The case went to the United States court, and the court said that she had no right to be admitted into the white public schools of California; that there were schools set apart for her, and she could go into those schools. Is it not a strange thing that California can pass a law providing that the Chinese children who live there shall be separated in the schools, and can not pass a law that the Chinese children who do not live there, those who shall come there hereafter shall be not separated, but that they must be put in the white schools?

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from California?

Mr. RAYNER. Certainly.

Mr. FLINT. The language of the statute is "Mongolian," not "Chinese."

Mr. RAYNER. Yes, "Mongolian."

Mr. FLINT. It includes Japanese.

Mr. RAYNER. The Japanese hold that they are not Mongolians; but outside of that, I am on a proposition of law now. The Senate will sustain me in the proposition, without quoting the cases that the court has absolutely decided that children of Chinese parents have no right to go into the same schools with white children in California; and that has been approved of by the Supreme Court of the United States. How is it possible to hold that the Chinese children who live there can be separated and segregated, but that children living in China or Japan who may come here can not be separated and segregated, but must go into the white schools?

Let me get back again now to what Jefferson said—it is just three lines. He said it long ago, but not too long ago to be forgotten, and this is the proposition on which Mr. Butler says Mr. Jefferson has been reversed:

By the general power to make treaties, the Constitution must have intended to comprehend only those objects which are usually regulated by treaty and can not be otherwise regulated. It must have meant to except out of these the rights reserved to the States, for surely the President and Senate can not do by treaty what the whole Government is interdicted from doing in any way.

That is a concise but a stately statement of the proposition upon which I have planted myself to-day.

The last case I shall cite is the case known as the "Dispensary case," decided by Judge Simonton in the South Carolina circuit (54 Fed. Rep., 969). It is so pertinent to the subject-matter of this discussion that I shall quote an extract from the opinion of Judge Simonton thereon:

It is urged on behalf of these complainants that they are Italian subjects, and are protected by the treaty stipulations between Italy and the United States. The language of the treaty on this point is as follows:

"ART. 2. The citizens of each of the high contracting parties shall have liberty to travel in the States and Territories of the other; to carry on trade, wholesale and retail; to hire and occupy houses and warehouses; to employ agents of their choice, and generally to do any-

thing incident to or necessary for trade upon the same terms as the natives of the country, submitting themselves to the laws there established.

"ART. 3. The citizens of each of the high contracting parties shall receive in the States and Territories of the other the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or shall be granted to the natives, on their submitting themselves to the conditions imposed upon the natives."

Under these articles the complainants have the same rights as citizens of the United States. It would be absurd to say that they had greater rights. We have seen that the right to sell intoxicating liquors is not a right inherent in a citizen, and is not one of the privileges of American citizenship; that it is not within the protection of the fourteenth amendment; that it is within the police power. The police power is a right reserved by the States, and has not been delegated to the General Government. In its lawful exercise the States are absolutely sovereign. Such exercise can not be affected by any treaty stipulations.

In addition to the cases that I have cited, and in closing the entire reference, I desire to now advert to several diplomatic precedents of great value upon this subject. The first incident took place during the administration of Mr. Marcy over the Department of State, and I quote his opinion in the matter:

[Mr. Marcy, Secretary of State, to Mr. Mason, minister to France, September 11, 1854.]

It is not, as you will preceive by examining Mr. Drouyn de L'Huys's dispatch to the Count de Sartiges, the application of the "principle" to the particular case of M. Dillon which is to be disavowed, but the broad and general proposition that the Constitution is paramount in authority to any treaty or convention made by this Government. This principle, the President directs me to say, he can not disavow, nor would it be candid in him to withhold an expression of his belief that if a case should arise presenting a direct conflict between the Constitution of the United States and a treaty made by authority thereof, and be brought before our highest tribunal for adjudication, the court would act upon the principle that the Constitution was the paramount law.

The second incident also took place during the administration of Mr. Marcy:

[Mr. Marcy, Secretary of State, to Mr. de Figaniere, Portuguese chargé d'affaires, March 27, 1855.]

Although the language of Article II of the consular convention between the United States and France of February 23, 1853, exempting consuls from compulsory process, is general and unrestricted in terms, "yet it is here held that it does not take away the right which the defendant in a criminal prosecution has to resort to such process to procure the witnesses in his favor, for this right is secured to him by the express language of the United States Constitution." That instrument is paramount in authority to the laws of Congress or of any of the States, and to all treaty stipulations.

At a very late date the question arose with the Department of State, presided over by Secretary Hay, and I read the conclusion that the Secretary reached upon this subject, quoting from Mr. Moore's valuable treatise upon international law:

July 19, 1899, the Department of State declined a proposal of the British Government to negotiate a treaty to prevent discriminatory legislation by the several States of the United States, subjecting foreign fire-insurance companies to higher taxes than domestic companies. The reason given for the declination was that the negotiation of such a treaty would probably be futile on account of the indisposition of the people to permit any encroachment upon the exercise of powers of the local legislation.

ARE THE PUBLIC SCHOOLS OF CALIFORNIA THE PROPERTY OF CALIFORNIA OR OF THE UNITED STATES?

Is it necessary for me to say anything further? Are the public schools of California the property of California or the property of the United States? Does the public school system of California or of any other State belong to the State that creates and supports it, or to the Government that has neither created nor sustained it? Does this subject come within the treaty-making power? Does it come within the delegated powers of the Constitution? Have the United States the right to incorporate into a treaty a provision that the States shall, out of their own treasury, educate the citizens of foreign governments? Is there any power in any treaty to deprive any of the States of their reserved right to regulate and manage their local affairs according to their own usages and statutes? Are not foreign governments that deal with us presumed to know the nature and the character of our institutions, and is not this principle fully established by an unbroken line of precedents passed upon by the State Department from time immemorial? There can be but one response to all these inquiries, in my opinion, and as the result of the investigation that I have given to this subject I now assert, in the language of the resolutions, that the public school systems of the States belong to the States along with all of their reserved rights; that the Government has no power whatever to meddle with them or control them, and it was the duty of the President to have informed the Government of Japan as soon as the question arose, no matter what his feelings or sentiments may have been, that the subject was entirely without the domain of his jurisdiction.

THE CONCLUSIONS I HAVE REACHED.

I shall now, in conclusion, summarize the results that I have reached. I am not here for the purpose of denying to the Government the power to cover by treaty every right, privilege, and concession that comes within the treaty-making power in order to carry out the objects and purposes of this Government as defined in the Constitution. I do not for a moment set up the reserved rights of the States against the exercise of any constitutional power that may be incorporated in a treaty. I admit that the United States can enter into any treaty with any foreign power in reference to any subject embraced in the Constitution. I deny, however, that it possesses any inherent right to make a treaty, and I claim that the treaty-making power lies in grant and not in sovereignty and must be construed *in pari materia* with all the other clauses of the instrument that creates it, and that in interpreting the treaty-making power we must be governed by the principles of international law, its usages and its practices, as those principles, usages, and practices appertain to our form of constitutional government. I utterly deny that we have any right to make a treaty that violates the Constitution, or deprives the States of their reserved rights to conduct their local affairs over which the Federal Government has no jurisdiction, and which they alone have the right to administer according to their own constitutions and statutes.

THE RESERVED RIGHTS OF THE STATES.

As I said at the commencement, this is a grave and profound question that we have encountered. The local problem sinks into insignificance beside the great principle that is here involved. It affords a timely warning and admonition that at any time, through the treaty-making power, a deadly blow may be aimed at the entire fabric of our institutions, and they can be leveled to the ground. If the President can practically make a treaty, and that is what he is doing in other directions, and dispose of the reserved rights of the States, then the treaty-making power is above and beyond the Constitution, and the supremacy of the States within their own borders departs and vanishes forever. If the Democratic party accepts such a doctrine as this, then it has also parted with its birthright and abandoned the historic ground upon which it has stood for over a century. I believe in the complete exercise by the Federal Government of every Federal power contained in the Constitution, but beyond the delegated powers and the right to pass all laws necessary to execute the delegated powers, I would never justify the slightest encroachment upon the reserved rights of sovereign States within their own borders. In the night of our despair, this reserved right of the States is the only constellation that for our party has no "fellow in the firmament." We were born under its horoscope, and if there is any life left in us we must forsake the worship of grotesque and meaningless idols and follow it like a pillar of fire to the land of our nativity.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and forty-eight minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 13, 1906, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 12, 1906.

ENVOYS EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Leslie Combs, of Kentucky, now envoy extraordinary and minister plenipotentiary to Guatemala and Honduras, to be envoy extraordinary and minister plenipotentiary of the United States to Peru, vice Irving B. Dudley, nominated to be ambassador extraordinary and plenipotentiary to Brazil.

John W. Riddle, of Minnesota, now envoy extraordinary and minister plenipotentiary to Roumania and Servia, to be ambassador extraordinary and plenipotentiary of the United States to Russia, vice George von L. Meyer, nominated to be Postmaster-General.

AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARY.

Henry White, of Rhode Island, now ambassador extraordinary and plenipotentiary to Italy, to be ambassador extraordinary and plenipotentiary of the United States to France, vice Robert S. McCormick, resigned.

Lloyd C. Griscom, of Pennsylvania, now ambassador extraordinary and plenipotentiary to Brazil, to be ambassador extraordinary and plenipotentiary of the United States to Italy, vice Henry White, nominated to be ambassador extraordinary and plenipotentiary to France.

Irving B. Dudley, of California, now envoy extraordinary and

minister plenipotentiary to Peru, to be ambassador extraordinary and plenipotentiary of the United States to Brazil, vice Lloyd C. Griscom, nominated to be ambassador extraordinary and plenipotentiary to Italy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 12, 1906.

ASSOCIATE JUSTICE OF THE SUPREME COURT.

William H. Moody, of Massachusetts, now Attorney-General, to be associate justice of the Supreme Court of the United States.

SECRETARY OF THE NAVY.

Victor H. Metcalf, of California, now Secretary of Commerce and Labor, to be Secretary of the Navy, vice Charles Joseph Bonaparte, nominated to be Attorney-General.

ATTORNEY-GENERAL.

Charles Joseph Bonaparte, of Maryland, now Secretary of the Navy, to be Attorney-General.

SECRETARY OF COMMERCE AND LABOR.

Oscar S. Straus, of New York, to be Secretary of Commerce and Labor.

INTERNATIONAL CONFERENCE OF ALGECIRAS.

The injunction of secrecy was removed from the resolution ratifying the general act and an additional protocol signed on April 7, 1906, by the delegates of the powers represented at the conference which met at Algeciras, Spain, to consider Moroccan affairs.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 12, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. PAYNE. Mr. Speaker, I present the following privileged report from the Committee on Ways and Means.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Ways and Means.

The resolution is as follows:

Resolution No. 647.

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as relates to the revenue and the bonded debt of the United States be referred to the Committee on Ways and Means.

That so much as relates to the appropriations of the public revenue for support of the Government as herein provided, namely, for the legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for pensions; for the District of Columbia, and for all deficiencies, be referred to the Committee on Appropriations.

That so much as relates to the judiciary of the United States, to the administration of justice, to the punishment and prevention of crime and the organization of courts be referred to the Committee on the Judiciary.

That so much as relates to banks and banking and the currency be referred to the Committee on Banking and Currency.

That so much as relates to commerce, life-saving service, intercolonial railways and cables, and the Isthmian Canal be referred to the Committee on Interstate and Foreign Commerce.

That so much as relates to the merchant marine and fisheries be referred to the Committee on the Merchant Marine and Fisheries.

That so much as relates to agriculture, and appropriations therefor, and to forestry be referred to the Committee on Agriculture.

That so much as relates to the foreign affairs, the consular and diplomatic service, including appropriations therefor, be referred to the Committee on Foreign Affairs.

That so much as relates to the military establishment, and appropriations therefor, be referred to the Committee on Military Affairs.

That so much as relates to the naval establishment and to the construction of additional vessels for the Navy, and appropriations therefor, be referred to the Committee on Naval Affairs.

That so much as relates to the post-offices and post-roads and to the carrying of the foreign mails, and appropriations therefor, be referred to the Committee on the Post-Office and Post-Roads.

That so much as relates to the public domain be referred to the Committee on the Public Lands.

That so much as relates to the relations of the United States to the Indian tribes, and appropriations therefor, be referred to the Committee on Indian Affairs.

That so much as relates to the Territories, Alaska, and the Hawaiian Islands, and to the admission of States, be referred to the Committee on the Territories.

That so much as relates to the islands which came to the United States through the treaty of 1899 with Spain, and to Cuba (except so much as relates to the revenue and the appropriations), be referred to the Committee on Insular Affairs.

That so much as relates to education be referred to the Committee on Education.

That so much as relates to labor be referred to the Committee on Labor.

That so much as relates to the levees of the Mississippi River be referred to the Committee on Levees and Improvements of the Mississippi River.

That so much as relates to patents, copyrights, and trade-marks be referred to the Committee on Patents.

That so much as relates to the pensions of the civil war be referred to the Committee on Invalid Pensions.

That so much as relates to the pensions of all the wars of the United States, other than the civil war, be referred to the Committee on Pensions.

That so much as relates to the affairs of the District of Columbia (excepting appropriations) be referred to the Committee on the District of Columbia.

That so much as relates to reform in the civil service be referred to the Committee on Reform in the Civil Service.

That so much as relates to the election of the President, Vice-President, or Representatives in Congress be referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

That so much as relates to the irrigation of arid lands be referred to the Committee on Irrigation of Arid Lands.

That so much as relates to immigration or naturalization be referred to the Committee on Immigration and Naturalization.

That so much as relates to printing be referred to the Joint Committee on Printing on the part of the House.

That so much as relates to the industrial arts and expositions, other than revenue and appropriations, be referred to the Committee on Industrial Arts and Expositions.

The committee amendments are as follows:

In line 4, page 2, strike out "intercolonial railways and cables."
In line 13, page 3, strike out the words "and to Cuba."

Mr. PAYNE. Mr. Speaker, I do not care to have it read. This is a resolution for the distribution of the President's message, and I simply ask to have it referred to the Committee of the Whole House.

The SPEAKER. Without objection, it will be so referred.

HOLIDAY ADJOURNMENT.

Mr. PAYNE. I also present the following resolution.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Concurrent resolution No. 45.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, December 20, they stand adjourned until 12 o'clock meridian, January 3, 1907.

Mr. PAYNE. Mr. Speaker, I ask for the adoption of the resolution.

The question was taken; and the resolution was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

MRS. MARY HILL.

Mr. CASSEL. Mr. Speaker, I present the following privileged report from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolution No. 639.

Resolved, That the Clerk of the House is hereby authorized and directed to pay to Mrs. Mary Hill, widow of Isaac R. Hill, deceased, late employee on the rolls of the Doorkeeper of the House of Representatives, a sum equal to six months' pay at the rate of compensation received by him at the time of his death, and a further sum, not exceeding $250, on account of the funeral expenses of said Isaac R. Hill, said amounts to be paid out of the contingent fund of the House.

The question was taken; and the resolution was agreed to.

MRS MARY A. WEBB.

Mr. CASSEL. I also present the following.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolution No. 648.

Resolved, That the Clerk of the House is hereby authorized and directed to pay Mrs. Mary A. Webb, widow of Homer B. Webb, deceased, late a messenger on the rolls of the Doorkeeper of the House of Representatives, a sum equal to six months' pay at the rate of compensation received by him at the time of his death, and a further sum, not exceeding $250, on account of the funeral expenses of said Homer B. Webb, said amounts to be paid out of the contingent fund of the House.

The question was taken; and the resolution was agreed to.

COMMITTEE ON RIVERS AND HARBORS.

Mr. CASSEL. I also offer the following.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay out of the contingent fund of the House, upon vouchers to be approved by the chairman of the Committee on Rivers and Harbors, a sum not exceeding $250, for extra stenographic service to be rendered said committee.

The question was taken; and the resolution was agreed to.

FLORENCE Q. NORTON.

Mr. CASSEL. I also present the following.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay out of the contingent fund of the House to Florence Q. Norton, the sum of $30 for services rendered to the late Representative Henry C. Adams from July 1 to July 9, 1906, both dates inclusive.

The question was taken; and the resolution was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

On motion of Mr. BINGHAM, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21574, the legislative, executive, and judicial appropriation bill, Mr. HEPBURN in the chair.

Mr. LIVINGSTON. Mr. Chairman, I want to suggest to my colleague——

Mr. BINGHAM. Mr. Chairman, I would ask the gentleman on the other side if he has any desire to go on with general debate?

Mr. LIVINGSTON. No, sir; I desire that the committee go on under the five-minute rule immediately.

Mr. BINGHAM. Then, Mr. Chairman, I would ask for a reading of the bill.

The Clerk read as follows:

For twenty-one clerks to committees, at $1,800 each, $37,800.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry of the gentleman in charge of the bill. I notice on page 5, among the clerks allowed in the Senate, provision is made for a clerk to the Committee on Additional Accommodations for the Library of Congress, at $2,220. Now, I have no desire whatever to interfere with the method of arriving at why these clerks are provided, which, I suppose, is a matter, in the opinion of the gentleman to be left to the Senate, and of course I appreciate the arduous work of the Committee on Additional Accommodations for the Library of Congress. But it does seem to me that if we appropriate for a clerk to a Senate committee which in the nature of things can do nothing it is time the House took care of its own Members and its own clerks. The only time, I suppose, we can refer to the Senate is when we are considering appropriations relating to the Senate. Here is the clerk of a committee which can not meet, which can do nothing, originally created when it was proposed to have additional accommodations in the Library of Congress. Those accommodations have all been provided. This clerk is for the benefit of the chairman of the committee. I do not know who the chairman is, and I do not object to his being given the clerk. I have no doubt he makes good use of the clerk which he gets. But is it not proper if the Senate shall provide sufficient salaries for the employees under them and sufficient employees to permit the members of the Senate to attend to the public business which comes before them that the House shall do the same thing? In other words, we sit here and permit the members of the Senate to provide as many employees as they please, and for fear of criticism of ourselves we decline to do that for ourselves which we allow to the Senate; and we have to do as much work for our constituents as the Senators do, and in addition to that fact, we have to keep in closer touch with our constituents, because every two years we must present ourselves for approval or disapproval or else retire from public life.

Mr. BINGHAM. Mr. Chairman, the gentleman well understands the history of legislation in this bill, which has for many years been followed without controversy in matters of detail with the Senate. I shall not enlighten him with any opinion on that line of procedure, but will say that this committee clerk has been allowed the Senate for years. There is now pending, and has been pending for a year past, before your Committee on Appropriations, as well, doubtless, as the Library Committee of this House, an appropriation of $100 for the building of additional stacks in connection with the library. There are other proceedings that come, I believe, to the same committee. I will say to the gentleman only that I shall not pass judgment as to the usefulness of what the Senate recommends to us. My position heretofore has been well taken, has been generally followed by the House, and we do not desire to enter into controversy with the Senate as to what may be the Senate's judgment, a conclusion strengthened by preceding legislation as to their committees or the details of their work—whether it is greater or less than ours. I will state that this is consistent with current law.

The Clerk read as follows:

For twenty-five annual clerks to Senators who are not chairmen of committees, at $1,800 each, $45,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This is the item fixing salaries of clerks for Senators who have not committee clerks at $1,800 a year. Now, I understand the theory upon which the Committee on Appropriations has proceeded for years—that the Senate shall fix the salaries of its officials and the House shall fix the salaries of its officials. By the same token the War Department ought to fix the salaries of its clerks and the Agricultural Department ought to fix the salaries of its clerks. We can not escape from our responsibility. We are just as much responsible for the salaries of the clerks in the Senate as are the Senators. It is not a possibility, at least theoretically, for the gentlemen to avoid the responsibility for the salaries of the clerks in the Senate.

Now, if the salaries of the clerks in the Senate in this bill are correct, then the salaries for the clerks to the Members of the House are too low. It requires just as much experience to properly and efficiently serve a Member in the House as it does a member of the Senate. I do not undertake to say at this time whether in my judgment the salary of eighteen hundred dollars a year is too little or too much or the right amount, but I can not understand what explanation the gentleman in charge of the bill can give in justification of the action of the committee of the House in providing a different salary for a clerk to a Senator and a clerk to a Member of the House. It does not do to say that we take the old law. The committee is responsible for just legislation. It is the duty of the committee to ascertain whether these salaries are the proper salaries to be paid, and I think that the Members of the House at least generally feel that the salaries of their clerks ought to be on a par with the salaries of the Senators' clerks.

Mr. LAWRENCE. Will the gentleman yield to me for a question?

Mr. MANN. I yield to the gentleman.

Mr. LAWRENCE. Do I understand that this appropriation increases the salaries paid to Senators' clerks over what they were?

Mr. LITTAUER. They were increased last year.

Mr. MANN. It does not increase their salaries, but I want to emphasize the fact that a Senator's clerk is not worth one and a half times a Member's clerk.

Mr. LAWRENCE. Has there been any provision in the bill to require Senators to certify that they had agreed to pay this amount to their clerks?

Mr. MANN. I do not know; I do not think they are required to certify.

Mr. BURLESON. I can answer that question. No such provision has ever been made.

Mr. BINGHAM. Does the gentleman from Illinois desire any reply to his remarks?

Mr. MANN. I certainly would like to hear the gentleman. I would much rather have him agree with the remarks than otherwise.

Mr. BINGHAM. I will state to the gentleman and to the committee that I fairly agree with him, and when we reach that part of the bill in reference to clerks for Members I shall be perfectly willing to express myself about the matter. I have no doubt, as a general proposition, doing work along the same line, the clerks should have the same compensation; but that proposition will not come before us. We have conformed to the current law, which gives Senators' clerks, as the gentleman has stated, $1,800 a year. There was no proposition before your committee in reference to a change in that compensation. There has certainly not come from Senators any suggestion as to increase or decrease of their salaries, nor from any official of the Senate. The proposition in the bill with reference to the payment of $1,500 to clerks to Members of the House came from, I may say, a large body of the membership of the House. The conclusion reached was that $1,200 was not a fair compensation for the character of man required, the confidential character of work, and the first-class ability of the intrusted clerk. I feel convinced that $1,500 would be a fair compensation to our clerks, and only fair, not generous. I have no disposition to disturb the thorough equilibrium and, as I trust, good feeling existing, as it has existed, between the Senate and the House, and whether it is on the part of the House or the Senate is another proposition. I can only say to the gentleman we have taken the current law, as there has been no question before us of any proposed change. The gentleman would ask me if we could change it, and I would say that I would like the clerks of the House to have the same compensation as the clerks of the Senate; but as to whether, from the work and responsibilities of the clerks to Senators, the compensation is fair or unfair, I do not know.

Mr. MANN. Pardon me. If the Senators should propose to fix the salaries of their clerks at $10,000 per annum, would the gentleman be willing to agree to that?

Mr. BINGHAM. I should say not, simply. Why does the gentleman fix $10,000? Why not increase it to a reasonable fortune?

Mr. MANN. But the gentleman does presume to say now, by bringing in a bill, that the sum appropriated is a fair and reasonable sum.

Mr. BINGHAM. I think it is a fair and resonable sum—$1,800.

Mr. MANN. I agree with him about that; but why should it be different from that of a Member's clerk?

Mr. BINGHAM. I do not know, not being a Senator and never hoping to be one.

Mr. MANN. The gentleman would adorn the Senate, I may say.

Mr. BINGHAM. Thank you.

Mr. LITTAUER. I would state to the gentleman from Illinois that we were confronted last year not only with a theory, but with an exact condition in considering this very rate of compensation of clerks to Senators. These clerks prior to the current year received $1,500. The Senate last year made a raise in the salary of their clerks from $1,500 to $1,800. We had a serious discussion in conference over the matter, at first refusing to agree to this manifest inequality. We felt that the compensation was altogether out of proportion to the compensation paid at this end of the Capitol, not only in reference to these clerks, but to all other services in connection with the two bodies. The condition which confronted us compelled us to give in to the proposition of the Senate, who will ever demand that they shall control the compensation of their employees, and to that demand we must necessarily bow.

Mr. BURKE of South Dakota. Will the gentleman allow me to ask him a question?

Mr. LITTAUER. Certainly.

Mr. BURKE of South Dakota. Is it not a fact that the Senators' clerks get a month's extra pay in addition to their salary?

Mr. LITTAUER. That is true.

Mr. BURKE of South Dakota. And they are carried, I believe, on the rolls of the Senate?

Mr. LITTAUER. They are carried by name on the rolls of the Senate.

Mr. BURKE of South Dakota. I would like to ask the gentleman if the Committee on Appropriations have ever considered the question of putting the clerks to Members on a roll in the House?

Mr. LITTAUER. We have considered it this very year in connection with the subject of clerk hire to Members of the House. The objection to placing clerks to Members on a roll is simply this: That if a roll should be made, but one clerk can be placed upon that roll. The custom has grown up here for Members to have two or more clerks. Some have one in Washington and one at home, each receiving part of the allowance for clerk hire. With such practice it became impracticable to have clerks on a specified roll.

Mr. BURKE of South Dakota. Then the difference between the salaries paid to a clerk of a Senator and a clerk of a Member is the difference between $1,200 and $1,950?

Mr. LITTAUER. That is the very least sum paid clerks to Senators. Remember these $1,800 clerks are clerks to Senators who are not chairmen of committees, but sixty-five out of ninety Senators are chairmen of committees, whose clerks receive $2,220.

Mr. LAWRENCE. I should like to ask the gentleman from New York a question. As I understand, you propose in this bill to change the law, which has always required us to certify that we have agreed to pay so much to a clerk. Now, was one reason for that in order to make the practice of the House uniform with that of the Senate?

Mr. LITTAUER. No; we did not care for uniformity in this instance.

Mr. LAWRENCE. Will the gentleman be willing to state the reasons which actuated the committee in recommending that change?

Mr. LITTAUER. The committee felt that a proper allowance for clerk hire was necessary to every Member of the House. The duties of a Congressman, representing, as each of us does, to-day so large a body of people, in round numbers 200,000, have become so varied and onerous that to perform his work properly each Member should be given the services of a competent clerk, worthy of at least a recompense of $1,500 per year. We believed that the certification necessary under current law was uncalled for and in actual practice perfunctory. I personally have always expended more than my allowance for clerk hire and felt that every Member is entitled to and can well expend $1,500 for clerk hire. The requirement of the law as to certification has proved to be only a form, which really did not actually amount to anything and which is in a certain sense a reflection upon our honesty of purpose.

Mr. LAWRENCE. Then the intention of the committee was that this fifteen hundred dollars should go entirely to the clerk?

Mr. LITTAUER. Positively. It was the belief of the committee that every Member, in order to obtain proper service, ought to pay at the rate of at least fifteen hundred dollars a year for clerk hire.

Mr. LAWRENCE. And it was not an attempt, indirectly, to increase the salaries of Members?

Mr. LITTAUER. No. We hope to reach that question in a positive way rather than in an indirect way. It is to do away with all sorts of indirection that this recommendation was made.

The CHAIRMAN. Debate on this paragraph is exhausted.

Mr. UNDERWOOD. Mr. Chairman, I move to strike out the last word. I dislike very much to disagree with the gentlemen on the committee and many other Members of the House with reference to this question of clerk hire. I recognize that the precedents allow the Senate practically the right to fix the amount of compensation for its secretaries, and this House to fix the compensation for its clerks. So far as the clerk hire of the Senate is concerned, it would probably be unwise for this House to attempt to interfere with the salaries paid. The Senators are responsible to their constituents for the salaries they pay, and if we should try to interfere with the salaries of Senators or their clerks it might produce friction between the two Houses that would be detrimental to good legislation on other important questions. Therefore I do not propose to oppose the item inserted here for Senators' clerks, as I understand from the members of the committee that it is done by request of the Senate committee.

But when it comes to the question of additional compensation for clerks of Members, I do not agree with the committee that it is necessary to raise the salaries of the present clerks of Members of the House from $1,200 a year to $1,500 a year. There are a number of Members who have a great deal of work to do, but practically all of those Members are chairmen of committees——

Mr. MANN. I did not know that the gentleman had become chairman of a committee.

Mr. UNDERWOOD. I have not.

Mr. MANN. Well, I know the gentleman always has a great deal of work to do, and does it well.

Mr. UNDERWOOD. Yes; and I will say that so far as my work is concerned, I have tried to give it good attention.

Mr. MANN. The gentleman has done so.

Mr. UNDERWOOD. And I have been able to get along very comfortably and very successfully with one clerk at $1,200 a year. I believe my clerk is a satisfactory one. He is a good stenographic clerk, and a good typewriter. He understands the business of the Departments and attends to my business there. In addition to receiving his salary, he takes advantage of his opportunity here to study law at the night school, and he is acquiring a profession. He is very glad to work at the compensation he receives, and, if he desired to quit the job, I have no doubt in the world that I could find fifteen or twenty young men—good stenographic clerks, and competent men—who would gladly accept the position at $100 a month, in order that they might be able to come to Washington to study law or some other profession.

Mr. MANN. Does the gentleman from Alabama think that we ought to inflict upon the country the idea that a Member of Congress can have no clerks except one that wants to study law?

Mr. UNDERWOOD. I do not think so; but I know that you can go into any of the Departments and find a number of men working in Washington for less than $100 a month to-day who are doing more work than the average clerk to a Member of Congress.

Mr. MANN. I do not know what the average is, but I know that the clerk of this Member of Congress does more than twice the work of any clerk in any of the Departments.

Mr. UNDERWOOD. Yes; I know the Member of Congress from Illinois wants his work done like a steam engine.

Mr. MANN. I am like the other Members of the House.

Mr. LITTAUER. I want to state to the Member from Alabama that I pay $50 a month to have my pension work looked after. Does the gentleman have any burden of that kind?

Mr. UNDERWOOD. No; I do not.

Mr. LITTAUER. Then there is an item that the gentleman does not have to bear.

Mr. UNDERWOOD. There are very few pension claims from my district.

Mr. SIMS. I would like to ask the gentleman from Alabama a question.

Mr. UNDERWOOD. Certainly.

Mr. SIMS. The gentleman from Alabama is comparing the clerks for Members with the Department clerks, who have fixed hours, who are only required to work during those hours, and do not work at night. Members' clerks do work at night and have no fixed hours. The Department clerks have an extra month's pay, or thirty days' leave of absence; the Member's clerk does not have that. In addition to that, the Member's

clerk has to travel back and forth from home, either at his own expense or at the expense of the Member, which the Department clerk does not have to bear.

Mr. UNDERWOOD. I will say to the gentleman from Tennessee that, so far as I am concerned, I would gladly vote for a bill that made the Members' clerks employees of the House and also gave them mileage or actual expenses for their travel from home to the capital. But I think that is as far as we ought to go in the matter. I think it would be very proper to pay his actual expenses going to and from the capital, but I do not see any reason why we should make an increase in the salary when the average man does not need it. And if we should make an increase in salary, I think a question of that kind should come before the House in a proper way and not be legislated on in an appropriation bill.

Mr. SIMS. If we continue the pay at $100 a month, does it not make it impossible for a Member to employ a married man?

Mr. UNDERWOOD. I did not say anything about a married man; I said he could get young men. I know this: You take the average post-office, and the Government only allows $50 a month to the new clerks in the post-office. I know a number of young men in the post-office in my town who are just as competent to fill the position of private secretary or clerk to a Congressman as is the average clerk who is now filling that place.

Mr. SIMS. Does my friend from Alabama take into consideration the personal qualifications of the clerk? Let me give him my experience: I had one of the best clerks of any Member of this House, who was fortunate enough to be married to a good wife. He stayed here four years and lost money every day. I had to give him up in order that he might make a living at something else.

Mr. UNDERWOOD. Oh, I do not think that argument applies at all. There are lots of positions my friend from Tennessee could not accept because he could not support his family on the pay. There are lots of married men who could accept the position of clerk to a Member and live comfortably on the pay.

Mr. SIMS. Does the gentleman from Alabama think that a Member should look around to find somebody who can live on the salary, without reference to his personal qualities?

Mr. UNDERWOOD. I think I could get men with personal qualities that the clerk ought to possess to take the position. I have had no trouble in the past, and I do not think I will have any trouble in the future.

But I think if the House wants to pass on this question it ought not to be brought in here on an appropriation bill. I think it is a matter that ought to go before the proper legislative committee, be properly considered by that committee, and reported to this House as a change of existing law, and let the House discuss it fully and consider it as a separate proposition.

Mr. SIMS. Why can not they discuss it just as fully in this way. Does this House need a committee's report to them to know what their clerks need; who do their own work?

Mr. UNDERWOOD. No, they do not; but this is not the place to consider it, on an appropriation bill.

Mr. SIMS. This technical idea that we must not legislate upon appropriation bills, and yet accept every amendment put on them in the Senate in violation of our own rules, does not have much weight with me.

Mr. UNDERWOOD. I agree with the gentleman. I think we have legislated entirely too much on appropriation bills, and so has the Senate, but I have said in the beginning that I do not think we can interfere with the Senate fixing the compensation of its employees any more than the Senate can interfere with our fixing the compensation of our employees. I think it would be a mistake to adopt the amendment that the committee offers to this bill, so far as clerk hire is concerned.

Mr. SIMS. Why not let the committee vote upon it?

Mr. UNDERWOOD. I will say to the gentleman that, so far as I am concerned, although I do not think the committee ought to have brought it in here, that this being a matter that goes to the individual membership, to the rights of every Member of this House, a personal matter between us, I would not interject a point of order in the way of my colleagues on the floor of this House. I say that I do not think the committee ought to put it on the bill, but as it is a matter which is personal to us and that we must act upon at our own responsibility in voting to increase the salary of our clerks, I would not myself interject a point of order that would prevent this House from acting. I do say, however, that I do not think the House should vote in favor of the increase of the salaries of our clerks, and I shall certainly vote against any such proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, personally I favored and am in favor of placing the names of the clerks to Members upon the rolls, but for the reasons so forcibly stated a moment ago by the gentleman from New York [Mr. LITTAUER] the Committee on Appropriations abandoned the idea of attempting to place the names of these clerks upon the rolls. Personally I believe that the salaries of these clerks ought to be increased. I believe they render a service that entitles them to an increase. They now receive $1,200 a year and are compelled to make two trips home and two trips to Washington, making four trips, without mileage, during each term of the Representative he serves. When the amount of the expense incurred by one of these clerks on these trips is deducted from the salary he receives, considering the increased cost of living, it is a mystery to me how he manages to live. The salary now paid a Senator's clerk is $1,800 a year, and in addition they each receive $150, an extra month's compensation—which is always granted, as we all know—every year, making $1,950 which a Senator's clerk receives as compared with $1,200 which we now pay our clerks. Mr. Chairman, I insist there is no reason which can be here stated which will appeal to the common sense of any man why there should be this difference between the compensation we allow our clerks and the compensation that we allow a Senator's clerk. A Member's clerk performs exactly the same duties or just as arduous as those performed by the Senator's clerk. For these reasons, and because I know that 99 per cent of my fellow-Members believe it should be done, I favor this increase.

In response to the query of the gentleman from Massachusetts [Mr. LAWRENCE] as to why the Appropriation Committee in this bill abandoned the requirement of certification by the Member of the amount he has promised to pay, etc., I desire to say this. We did it because we believed the certification is a mere blind, a pretense, a humbug. Every man here knows that these certificates are passed to us here on this floor in blank, and that each Member signs them in blank, taking no time to fill in the amount that is to be paid by him for his clerk's compensation. These blanks are afterwards filled by House employees, and I never heard of one being filled for less than the maximum amount. Furthermore, as a matter of fact, it involves a degree of humiliation that a Member of this body must certify that he has promised to pay, or agreed to pay, a given sum for his clerk's service, when a Senator is required to make no such certification. Now, I never see the warrant for my clerk's salary. I authorize him to sign my name on the back of it, to indorse, and collect it. It comes in a red envelope; my pay comes in a white envelope, and when it comes my clerk takes it and indorses my name on the back of it, collects it, and I never see it. But, Mr. Chairman, I do not hesitate to say that every time I sign one of those blank certificates I feel that I am making a certification that in a measure reflects upon me as a Member of this body. I do not know how it strikes other Members; I speak only for myself. Some may have constituents who will believe that if they vote to increase the compensation allowed to their clerks it will go into their own pockets. It is a source of satisfaction to me to believe that I do not have one constituent who will believe that I will steal my secretary's or clerk's salary. I think that we ought to grant this increase to our clerks—they deserve it. I believe that, as self-respecting men, we ought to abandon this hypercritical certification, and the Committee took that view of it, and for that reason embodied this item in this bill. [Applause.]

Mr. DAWSON. Would it not be going one step farther in the same direction—the gentleman's views and mine being along the same line—to place these secretaries of ours on the rolls and give them the same status that the secretaries of the Senators have?

Mr. BURLESON. Personally, as I stated in the beginning of my remarks, I very much favor that suggestion. I believe that it ought to be done, but for the reasons given by the gentleman from New York [Mr. LITTAUER] the Committee on Appropriations concluded it was not best to attempt it. As a matter of fact, I will state to the gentleman from Iowa that information reached us which satisfied us that if we attempted what is suggested by the gentleman from Iowa that a point of order would be made against it and the whole item would go out.

Mr. LITTAUER. Will the gentleman from Texas permit me one moment?

Mr. BURLESON. Certainly.

Mr. LITTAUER. As I stated, Members frequently have to employ one clerk in Washington and another clerk in their districts. How is it in the case of a Senator? All Senators have an eighteen-hundred dollar or twenty-two hundred and fifty dollar clerk here, and nearly all have messengers in addition whose compensation is fourteen hundred and forty dollars, so that the messenger can perform the necessary clerical work in Washington between sessions if the clerk happens to be at home

with the Senator. With two clerical assistants it is quite feasible to have a permanent roll in the Senate.

Mr. SIMS. And the messenger is often a stenographer, too.

Mr. LITTAUER. Well, he does actual clerical work.

Mr. GARDNER of Michigan. Mr. Chairman and gentlemen, to my mind this is not a question as to whether or not we can not get clerks for $1,200, as the gentleman from Alabama intimates, no more than whether men could not be gotten to serve as Members of Congress for less than $5,000 a year. I have no doubt we could flood this Capitol with young men if an advertisement was made for clerks to Members at $1,000 per annum. There was no dearth of candidates when the Government paid $8 a day to Members of Congress, whether of the House or Senate, and I doubt whether there would be now. In my district, I think, we could find quite a number of men who would be willing to move into the district of the gentleman from Alabama, bright, capable, competent men, and who would make good Congressmen, if it was known that by doing so they could come here for $2,500 a year and serve the country through membership in this House. That is not the question, gentlemen. It is this. What is a reasonable compensation to the men who come here and serve the Government, whether as clerks to Members to aid them in the discharge of their duties or as Members of the House in their official capacity. Why should, for instance, a Senator's clerk have $1,950, or $750 more than a clerk to a Member of the House? It costs the clerk of a Member of the House just as much to come here from Michigan as it does the clerk of either of the Senators from Michigan. It costs the wife of a clerk to a Member of the House just as much to travel here as the wife of a Senator's clerk. It costs just as much to keep his wife and child or children in his home in his State as it does the clerk to a Senator.

Now, is the amount named an unreasonable compensation for the services rendered and for the expense necessarily incurred? Not that you can not get men for less. Why, I was secretary of the State of Michigan once for $800 a year. I was making an argument for an amendment to the constitution before a large assemblage of people at a great farmers' gathering, showing how it was unfair and unreasonable to ask men to serve the Commonwealth for that pitiable sum. I asked, "Who could afford it?" Many hands went up, and voices replied, "I can; I can." You could have gotten a thousand men in that audience to serve the State of Michigan as its secretary for $800 a year. We pay our attorney-general a like insignificant sum, and yet there is never a lack of trained and capable lawyers to seek the office regardless of the salary. But do these answer the argument? Are the services rendered not worth more than that paltry sum? The fathers, in the days of the Commonwealth's infancy and poverty, put these and other like limitations as to salaries in the constitution fifty-six years ago, and we have not been able to vote it out. Is it a fair compensation for the services rendered? It seems to me that is the question before the House in this matter now pending. [Applause.]

The Clerk read as follows:

Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $5,000; hire of horses and wagons and cartage for use of the Clerk's office, $900, or so much thereof as may be necessary; Chief Clerk, $4,000; Journal Clerk, and two reading clerks, at $3,600 each; tally clerk, $3,000; file clerk, $2,750; printing and bill clerk, disbursing clerk, and enrolling clerk, at $2,500 each; distributing clerk, $2,250; docket clerk, assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, printing and document clerk, index clerk, assistant journal clerk, stationery clerk, and assistant to Chief Clerk, at $2,000 each; librarian, and superintendent Clerk's document room, at $1,800 each; bookkeeper, document and bill clerk, two assistant librarians, and seven clerks, at $1,600 each; assistant index clerk, assistant file clerk, and special employees in Clerk's document room, at $1,500 each; document clerk, $1,440; locksmith, who shall be skilled in his trade, $1,200; one assistant in Clerk's office, and one assistant in disbursing office, at $1,400 each; telegraph operator, and stenographer to the Clerk, at $1,200 each; assistant telegraph operator, authorized and named in resolution adopted January 15, 1902, $1,200; one assistant in library, one assistant in document room, one assistant in stationery room, and one messenger in file room, at $900 each; one page, $720; attendant in charge of bathroom, $1,000; three laborers in the bathroom, at $720 each; three laborers, page in enrolling room, and janitor in the library, at $720 each; messenger in Chief Clerk's office and disbursing office, $900; allowance to Chief Clerk for stenographic and typewriter services, $500; in all, $101,420.

Mr. JOHNSON. Mr. Chairman, I move to strike out the last word. I want to find from the gentleman in charge of the bill what has become of the work of preparing the index to the claims. I see it is not in this item.

Mr. LITTAUER. It has been dropped out, sir.

Mr. JOHNSON. The work has not been completed.

Mr. LITTAUER. They have until next July to complete it. The law requires that it shall be completed on the 1st of July, 1907.

Mr. JOHNSON. I know that, but they came up asking another appropriation, I notice.

Mr. LITTAUER. Well, the committee took the mandate of last year's law and followed it.

Mr. JOHNSON. I withdraw the amendment.

The Clerk read as follows:

For the following minority employees authorized and named in the resolution adopted by the House of Representatives November 9, 1903, namely: One special employee, $1,500; two special messengers, at $1,200 each, and one special chief page, $900, and $700 additional for services as pair clerk, and said special chief page shall be designated a deputy sergeant-at-arms; in all, $5,500.

Mr. BARTLETT. Mr. Chairman, I desire to offer the amendment which I have sent to the Clerk's desk.

The Clerk read as follows:

On page 18, line 23, strike out the word "two" where it occurs the second time and insert the word "four;" so as to read:
Two special messengers at $1,400 each.

Mr. BINGHAM. Mr. Chairman, I will state to the Chair that there is no disposition on this side of the House to make any suggestion as to restriction of the convenience of the Members on the other side. I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For the special messenger authorized and named in the resolution adopted by the House of Representatives January 15, 1900, $1,200.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word. As the question of salaries for the employees of the Government in its various Departments will likely be considered at this session of Congress, I desire to say something on this all-important subject.

The bill under consideration, as agreed on by the Committee on Appropriations, is good as far as it goes. However, to do justice to a most deserving class of men and women it must include all those in the Government service.

For four years, with others, I have advocated the proper recognition of the letter carriers and postal clerks. Our cry for relief has up to the present fallen on deaf ears. Now comes the good news that the President is expected to send a special message to Congress, recommending an increase of 20 per cent in the salaries of all persons in the United States service.

This is a commendable act worthy of our great Chief Executive. He fully realizes that the cost of living in the last five years has increased fully 25 per cent. In the larger cities, particularly in New York, the average rent paid by post-office clerks and carriers is $25 per month, and this for a small apartment or a two-family house unheated. All the necessaries of life are high, so that these faithful public servants can barely, by the strictest economy, make both ends meet.

In the trades wages have nearly doubled in the same period of time. Mechanics are getting from $4 to $6 per day. The policemen and firemen of that city receive $1,400 annually after five years, with a pension of one-half of that sum when they are incapacitated on account of age.

The insufficiency of the wages paid by the Government is keeping many of the best of our young men out of the service. Not only this, but the bright, energetic youth leaves it at the first opportunity. It is in the interest of efficiency to secure the very best men and women for the various Departments of the Government. To do this, and thus maintain a service equal to that of any commercial enterprise, good living salaries must be paid.

In our public school system in New York we pay good salaries and an age pension. Even with these advantages we are at times short of teachers.

It is rumored that the Post-Office Department will recommend a reclassification of salaries, with the view of increasing the same. It is to be hoped that with all these proposed movements that justice may be meted out to those who honestly and faithfully serve the people. Merit and length of faithful service alone should be the test.

I withdraw my amendment.

The Clerk read as follows:

To continue the employment of the special messenger authorized and named in the resolution of the House adopted February 7, 1900, $1,200.

Mr. BARTLETT. Mr. Chairman, I desire to offer the amendment which I have sent to the Clerk's desk.

The Clerk read as follows:

On page 20, in line 7, strike out the word "two" and insert the word "four;" so as to read:
"One thousand four hundred dollars."

Mr. BINGHAM. That is perfectly acceptable. There is no objection on this side to that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For clerk hire, Members and Delegates: To pay each Member and Delegate for clerk hire, necessarily employed by him in the discharge of his official and representative duties, $1,500 per annum, in monthly installments, $594,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation.

Mr. HAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Line 15 strike out all after the word "Delegates" down to the word "necessary," in line 20, and insert: "To pay to the clerks employed by each Member and Delegate, and who may be necessarily employed by him in the discharge of his official and representative duties, $1,500 per annum, in monthly installments, $594,000, or so much thereof as may be necessary, the same to be paid by the Clerk of the House to the clerk so employed by the Member or Delegate."

Mr. OLMSTED. Mr. Chairman, I make a point of order against that amendment.

Mr. HAY. Now, if the gentleman wants to make points of order——

Mr. OLMSTED. It is against the amendment, that it changes existing law in violation of the second clause of Rule XXI of the Rules of the House.

Mr. HAY. Very well, sir.

Mr. UNDERWOOD. Mr. Chairman, I desire to move to amend the paragraph.

The CHAIRMAN. Does the gentleman desire to speak on the point of order?

Mr. UNDERWOOD. I thought the point of order had been disposed of.

The CHAIRMAN. The Chair sustains the point of order.

Mr. UNDERWOOD. Mr. Chairman, I desire to offer the following amendment:

Strike out the word "five" where it occurs in line 18, on page 21, after the word "thousand," and insert "two;" so that the paragraph will read:

"One thousand two hundred dollars per annum."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 18, after the word "thousand," insert the word "two;" so that it will read:

"One thousand two hundred dollars per annum."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LITTAUER. Mr. Chairman, I do not exactly understand the gentleman's amendment.

Mr. UNDERWOOD. Mr. Chairman, my amendment is as follows: Strike out the word "five" where it occurs after the word "thousand," in line 18, page 21, and insert "two" in place thereof; so that the paragraph will read: "One thousand two hundred dollars per annum" instead of "$1,500 per annum."

Mr. TAWNEY. The effect of the amendment, as I understand the gentleman, is to leave the clerk hire exactly as it is now—$1,200 a year—without certification.

Mr. UNDERWOOD. It is. Mr. Chairman, I overlooked the question of certification; so I ask leave to withdraw the amendment and move to strike out the paragraph.

The CHAIRMAN. The question is on the motion to strike out the paragraph.

Mr. UNDERWOOD. Now, Mr. Chairman, on that motion I wish to say that my object in making the motion is that I think Members should certify the amount they expend in payment of their clerks; and, in the next place, I think that $1,200 a year is sufficient to obtain a competent clerk. If it could be offered, I would prefer to see the law amended as the gentleman from Virginia has proposed, so that clerks to Members might be carried on the rolls of the House as employees of the House. I believe I can employ a good and competent clerk to fill the position and answer the requirements for a Member of Congress at the present compensation. I do not believe there is any large corporation in this country or any business house in this country that employs a clerk that has similar duties to perform and no more labor to do than is required of a clerk to a Member of Congress where the man employed receives more compensation than $100 a month for this class of clerical service. It is not a service that requires independent judgment; it is not a service where a man has to be informed on matters in general. It is a service where the employee merely carries out the instructions and the orders of his Member of Congress; and it is not necessary for him to know more than that, except the details of the work in the Departments here. The average clerk in the Departments who is appointed to do the detail work does not receive more than $1,200 a year.

Mr. ALEXANDER. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. I will.

Mr. ALEXANDER. If your motion carries, how does that leave the appropriation for clerk hire?

Mr. UNDERWOOD. It will leave it in order to insert the appropriation as it was carried in the last appropriation bill, which I propose to move to insert. It does not propose to knock out all of it.

Mr. ALEXANDER. I had hoped the present arrangement would not be disturbed. As I understood him, I agree with the gentleman from Alabama as to the present salary. This motion, however, if supported, must be with the understanding, of course, that it will be followed by a further motion. [Cries of "Vote!"]

Mr. MANN. Mr. Chairman, I would not say a word if it had not been for the description the gentleman from Alabama has given of the service of his clerk. [Laughter.] If the gentleman from Alabama can get along as a Member of Congress with a clerk who does not require peculiar tact and who does not require independent judgment, it is a reflection upon both the gentleman from Alabama and his constituents, which I regret to hear him announce. I can not understand the character of work done by a Member of Congress, both upon the floor of the House and for the people here, who receives the help of a clerk, unless the clerk is required to use independent judgment and is required to have peculiar knowledge and peculiar tact and peculiar information. I do not know how the gentleman from Alabama has acquired the valuable information which he has frequently presented to the House, but if he has done it without the assistance of his clerk or some other clerk or employee of the House, he is a more remarkable man even than I have given him credit for, and I have always given him credit for being one of the ablest Members of this body.

To render efficient service, it does require the clerks to have tact and independent judgment. It may be that in Birmingham and in Buffalo, two busy B's, they can secure the services of able clerks at $100 a month and expect those clerks to pay their fare to Washington and return. There has never been a year since I have been a Member of this body that I did not expend more for clerk hire, by a considerable amount, than the amount reimbursed to me by the Government, and I never yet secured the services of a clerk whom I thought was too good to be a clerk. It may be that by hunting around I might be able to secure the services, temporarily, of a young gentleman desirous of occupying his time in the study of law, but a young man who came to Washington as my clerk, intending to study law, would find at night instead of being in the law school, he was at work until 11 or 12 o'clock at night, and all the law he would acquire knowledge of would be through his work for me and not from his study in the law school.

It is always wise for any legislative official to provide himself with ample tools with which to work, and one of the most efficient tools in the service of the Government is an able, intelligent, tactful clerk, both to a Member of the House and to a member of the Senate, who can not be obtained, I regret to say, either for $1,200 a year or even for $1,500 a year. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. UNDERWOOD, on a division (demanded by Mr. UNDERWOOD), there were—ayes 11, noes 122.

Accordingly, the amendment was rejected.

Mr. DAWSON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 21 strike out all of lines 15 to 24, inclusive, and lines 1 and 2, on page 22, and insert in lieu thereof:

"Clerks to Members and Delegates: For clerk hire to each Member and Delegate, at $1,500; and clerks to the Members and Delegates hereunder shall be placed on the rolls of the House and be paid as are other clerks and employees of the House; $594,000."

Mr. OLMSTED. Mr. Chairman, I make the same point of order that I have already made against an almost identical amendment, namely, that it changes existing law in violation of the second paragraph of Rule XXI.

Mr. DAWSON. I should like to be heard on the point of order.

Mr. KEIFER. Allow me to make the further suggestion that we have just voted down a proposition to strike out the entire paragraph, and if it was in order to make amendments to the paragraph they ought to have been offered before the vote was taken on the motion to strike out. As I recollect the rule, it is too late now to undertake to perfect the paragraph.

The CHAIRMAN. The Clerk will read the seventh paragraph of Rule XVI.

The Clerk read as follows:

A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert; and no motion or proposition on a subject differ-

ent from that under consideration shall be admitted under color of amendment.

The CHAIRMAN. The point of order of the gentleman from Ohio [Mr. KEIFER] is overruled.

Mr. DAWSON Now, Mr. Chairman, I should like to be heard on the point of order raised by the gentleman from Pennsylvania [Mr. OLMSTED].

The CHAIRMAN. The gentleman from Iowa is recognized on the point of order.

Mr. DAWSON. As I understand, this entire paragraph in the bill was at one time in the consideration of the bill subject itself to a point of order. That point of order, however, was not raised, and the committee proceeded to the consideration of the proposition itself. That having been done, is it not true that any amendment which is germane to the subject-matter is in order, the point of order not having been raised against the amendment?

Mr. LAWRENCE. That is right. The paragraph itself changes existing law.

Mr. OLMSTED. While it may be true, as the gentleman from Iowa [Mr. DAWSON] has suggested, that this paragraph was at one time itself subject to a point of order as changing existing law, in that it increased the amount of clerk hire, this proposed amendment changes it in another particular, which is not germane to the particular in which the paragraph itself transgressed the rule, namely, in the amount of clerk hire. This amendment not only increases the compensation to fifteen hundred dollars, but goes further and changes the entire scheme, because, instead of allowing a certain amount for clerk hire to each Member, who may pay it to one clerk or divide it between two clerks if he chooses, it provides for the appointment of one clerk, who is not to be the employee of the Member, but of the House of Representatives. It simply increases the number of employees of the House. It is additional legislation, provides for a different class of employees, and comes clearly within the precedents quoted at the bottom of page 357 of the Manual, and in opposition to the precedents upon which the gentleman from Iowa [Mr. DAWSON] doubtless relies, that a paragraph which changes existing law, being allowed by general consent to remain, may be perfected by any germane amendment.

That is undoubtedly true, but you will find at the bottom of page 357 this language: "But this does not permit an amendment which adds additional legislation," and the precedents there cited.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

GOVERNMENT PRINTING OFFICE.

Office of the Public Printer: Public Printer, $6,000; deputy public printer, who shall perform the duties of chief clerk, have supervision of buildings, and be appointed by the Public Printer, $3,600; private secretary, $2,250; stenographer, $1,000; cashier and paymaster, $2,500; paying teller, $2,000; one messenger; one telephone switchboard operator; two assistant telephone switchboard operators; chief inspector and purchasing agent, $3,600; and one clerk of class 1; in all, $24,910.

Mr. MANN. Mr. Chairman, I desire to reserve a point of order on this paragraph, because it changes existing legislation in fixing the salary of the Public Printer. I reserve the point of order until we can have an explanation of the reason. This increases the salary of the Public Printer from $4,500 to $6,000. It seems to me like a good and substantial increase.

Mr. BINGHAM. I will state to the gentleman from Illinois that as a result of the hearings in connection with the large responsibility that is now thrown upon the Public Printer, who goes into the office controlling upward of 4,000 subordinate employees, who has submitted to your committee a line of improvements which he is now engaged upon, which will save large sums of money to the Government; in view of the fact that he handles the largest public printing establishment in the world, appropriations for which are almost $6,000,000 annually; in view of the suggested changes which he claims will save to the Government large sums of money, your committee think that it is only a fair compensation.

I want to say that he is a man of large experience, young in years, determined to make a reputation for himself in the administration of this great office, whereby the beneficiary will be the Government of the United States. He believes the great office is susceptible of large improvements, and your committee felt that in handling a proposition of this character, with the promises of the large saving in that great enterprise, that $1,500, the proposed increase, is not too much. We have a very capable man there, a man of marked ability, large responsibility, great experience in the business, his knowledge of the public service—all those things enter into the reasons for the increase. In this case the enterprise is so large, the amount of money handled is so great, largely at his own discretion, because he goes into the markets and makes his own figures, looks after the mechanical work, that we thought that a fair compensation was $6,000.

Mr. MANN. If the gentleman will pardon me, I can understand the theory of the increase of the compensation to an old and tried servant. I do not quite understand the theory upon which, when you have just appointed a young man to an office where there has been no increase in his predecessor's salary, you should instantly increase the salary of that young man by a very large amount.

Mr. TAWNEY. If the gentleman from Illinois will permit me, I will say that we are not increasing the salary of any individual employee; we are increasing the salary of the man who fills the office of Public Printer, whoever he may be, now or hereafter.

Mr. MANN. Of course, I understand; we never go back. [Laughter.]

Mr. TAWNEY. With reference to the man now filling the office of Public Printer, let me say that the enviable record of having saved to the Government a million dollars in the output of our printing establishment in one year, as compared with the cost of that institution's output during preceding years, is a record that deserves recognition.

Mr. MANN. If the gentleman from Minnesota will tell us how he saved that, I will be obliged to him.

Mr. TAWNEY. I will say that he saved it in administration.

Mr. MANN. He could not save it in the administration, because the administration does not cost a million dollars.

Mr. TAWNEY. In the administration of his office, the purchase of supplies, and in the reduction in the cost of the output. I include in the administration the entire management of the business of this largest printing establishment in the world, the value of the product of which last year was over $4,000,000. One word more. If the gentleman from Illinois will go to the Printing Office, as I did a week or ten days ago——

Mr. MANN. Did the gentleman go in a carriage furnished by the Government? [Laughter.]

Mr. TAWNEY. I beg the gentleman's pardon; it is not material how I went there. If the gentleman will go, as I did a week or ten days ago, he will find, as I did, that as the result of this man's effort and his business capacity he has reclaimed from the junk pile in the Public Printing Office $250,000 worth of type, a great deal of which is new and has been there for ten years and never unpacked.

He has, in addition to that, reclaimed from the junk pile about $250,000 worth of machinery, some of which has been there for years and has never been unpacked. He has reclaimed nine Smythe sewing machines installed in the bindery department of the Public Printing Office some years ago—a standard sewing machine, costing $1,200 apiece. They were operated for about two years without showing any wear whatever, yet for no reason that anybody can ascertain these nine machines were rejected and other sewing machines were installed in their place. These nine machines have been reclaimed, have been put in place, and they can be sold for cash at $1,000 apiece, because they are standard machines, a machine of very general use in a great many bookbinding establishments in the United States. That is some of the work that the Public Printer has been doing since he went into that office. In addition to this, he has effected a great saving by the reduction of the force and is accomplishing more work, far more work, with a smaller force than has been accomplished heretofore under any previous administration of that department.

Now, a man who has the capacity to manage on economical business lines a plant of that size, having the capacity for output that the Public Printing Office of the Government of the United States has, must be a very valuable man. There is no private institution or corporation that could obtain a man capable of managing an institution of that size for the salary the Government of the United States has heretofore been paying to the Public Printer. In view of the ability required for this position, in view of the work, in view of the economies that the present Public Printer has already effected, the committee felt that it was justified in giving him a compensation commensurate with the work he is doing, and thus encourage him in his efforts to secure better administration, greater economy, and more efficient service in this great Government manufacturing establishment. I will say further that the gentleman did not make an application for this increase. The Public Printer was not even asked whether he would take it, but the committee was prompted to giving him this increase in salary because of the result he has obtained and because of his efforts during the first year of his administration to make the Government Printing Office the model printing establishment of the world.

Mr. MANN. Mr. Chairman, I wondered why the action of

the committee giving this increase was prompted. I am very glad to see present my distinguished friend from Indiana [Mr. CHARLES B. LANDIS], who runs the Public Printing Office. I am very glad that the committee was not governed at all by the little memorandum in the note which we all received the other day from the Public Printer, which reads as follows:

If you will kindly notify me a little in advance of the time you would like to visit the Government Printing Office, I will be pleased to send one of the office carriages for you, and have it return with you to the Capitol or elsewhere, as you may desire.

The distinguished gentleman from Indiana [Mr. CHARLES B. LANDIS] was the author of the proposition to do away with the private carriages owned or controlled by the various public officials in Washington at the expense of the General Government, and we heard one day that gentleman standing in his place in the House enumerate the long list of carriages that reached from the Capitol to the White House, ridden in and used by the underlings, as he called them, of the Government. Yet it comes about in the course of time that the gentleman peculiarly under his control and domination, the gentleman who relies upon him for his support and his direction, not only offers to ride in his own office carriage, but offers to send for any and all the Members of Congress and take them by way of the Printing Office to the White House reception, to their homes, to the Zoo—any other place that they may wish, not even barring Cabin John. I have been surprised that we have not already heard from my lovely and distinguished friend from Indiana, and I have wondered whether riding in these carriages from the Capitol to the Printing Office has been the occasion for this voluntary, this forced raise of salary, not asked by the Public Printer, but urged upon him—taken unwillingly on his part—by the Committee on Appropriations. It is the only instance of the kind with which I have ever met in Congress. Its very uniqueness may compel me to withdraw the point of order, for I hope that he will be so economic in the administration of his office that he will at least confine the use of his many office carriages to the Committee on Appropriations or to the Committee on Printing. The rest of us do not need them.

Mr. BINGHAM. Mr. Chairman, I desire to offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

On page 23 strike out after the word "Printer," in line 9, down to and including the word "Printer" in line 11, and after line 19 insert: "The office of Deputy Public Printer shall be filled by the selection and appointment by the Public Printer of a person skilled as a practical printer and versed in the art of bookbinding, and who shall perform the duties heretofore required of the chief clerk, have the supervision of the buildings occupied by the Government Printing Office, and perform such other duties as may be required of him by the Public Printer."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Hereafter in printing documents authorized by law or ordered by Congress or either branch thereof the Government Printing Office shall follow the rules of orthography established by Webster's or other generally accepted dictionaries of the English language.

Mr. CRUMPACKER. Mr. Chairman, I desire to make the point of order against the paragraph just read.

Mr. LITTAUER. Mr. Chairman, I trust that the gentleman will reserve his point of order.

Mr. CRUMPACKER. Very well; I reserve the point of order.

The CHAIRMAN. The gentleman from Indiana will state his point of order.

Mr. TAWNEY. I understood the gentleman from Indiana to reserve the point of order.

Mr. CRUMPACKER. I want to state the ground for it, however, that the paragraph changes existing law; that it is new legislation. I, however, reserve the point of order if gentlemen care to express themselves in relation to the merits of this proposed legislation.

Mr. SULLIVAN. Mr. Chairman, I understand the gentleman has reserved the point of order so that we may briefly speak on the merits of the proposition. I assume that the reason for offering the point of order is that this subject is not properly a subject of legislation, and I would agree with the gentleman ordinarily, but I think he fails to note the distinction between this and other cases. I do not believe the English language can or ought to be changed by Congressional action or by Presidential decree. I do not think it is properly a subject of Congressional action, but there is a clear difference between an attempt by Congress to change language as written in official documents and an attempt by Congress to preserve the existing language as written in official documents, and that is what the committee sought to accomplish—to preserve the established order. Now, what threatens the established order? Absolutely nothing but an Executive decree. I point out to the gentleman that the President of the United States derives no authority from the simplified spelling board. The Executive decree would be just as effective if no simplified spelling board existed at all. If the President of the United States has authority by imperial ukase to change the spelling of 300 words of the English language, it follows that he has authority to change 30,000 words, or every word in the language. The result may be that a new court language may be established by Executive decree for the new American empire. We got along very well with the customary form of the English language until the reign of the present Ruler, and I think we will get along quite as well if the language is left unchanged.

Now, what will be the effect of the point of order if it is sustained by the Chair, as I anticipate it will be, if it is pressed? It will be that the Government Printer, who desires to retain his position, realizing that he has been appointed by the President and may be removed by the President, will print official documents as ordered by the President, unless this measure offered by the committee becomes a law. He will do so because he fears the Presidential power. The result will be that the language, so far as it appears in official documents, will be changed upon the initiative of a single individual of the 80,000,000 people in the United States, each one of whom has just as much right and just as much power, if power be measured by legal authority, to change the language as has the President of the United States.

Mr. SOUTHARD. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Ohio?

Mr. SULLIVAN. I do.

Mr. SOUTHARD. Is the purpose of this paragraph to show that the President has not this power?

Mr. SULLIVAN. The purpose is not to show that the President has or has not the power. The purpose of the paragraph, as I understand it, is to preserve the right of Congress to have the speeches made upon the floor and also to have public documents spelled according to the usages established in the United States of America, and not changed because a Government official, who fears the Presidential power, spells in accordance with an Executive decree.

Mr. COOPER of Wisconsin. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Wisconsin?

Mr. SULLIVAN. I do.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman from Massachusetts one question not touching the point of order, but the merits of the proposition or the paragraph of the bill. The gentleman, I understand, is on the committee which reported this bill.

Mr. SULLIVAN. Yes.

Mr. COOPER of Wisconsin. Does not the gentleman think if this paragraph were enacted into law it would be giving by law a very great advantage to the publishers of Webster's Dictionary?

Mr. SULLIVAN. I do, and——

Mr. TAWNEY. If the gentleman will permit me——

Mr. SULLIVAN (continuing). I think an amendment ought to be offered striking out the word "Webster's," so as to leave it "generally accepted dictionaries of the English language."

Mr. TAWNEY. I will state that the chairman of the subcommittee has an amendment proposing to strike out "Webster's" and to leave it to any recognized dictionary of the English language.

Mr. COOPER of Wisconsin. In that connection I observed, in reading the testimony given before the committee by Public Printer Stillings, he was asked this question:

Is there any difference between Webster's and Worcester's dictionary?
Mr. STILLINGS. I know very little about Worcester's dictionary I have not examined it recently.

Mr. COOPER of Wisconsin. Then would it not be putting quite a responsibility upon anyone who submitted a document there, if the statute be mandatory, and have him assume that the Public Printer would recognize the authority of a Worcester as proper? Would it not compel him to accept Webster as the only authority?

Mr. SULLIVAN. The chairman has stated that it is the intention of the committee to offer an amendment to strike out this apparent discrimination.

Mr. COOPER of Wisconsin. What could be the interpretation "of any generally recognized dictionary" and the Public Printer saying that he does not consult Worcester at all?

Mr. SULLIVAN. I presume the Public Printer would have the right to consult Worcester or Webster or the Standard or

the Century. I assume he would not go back to the dictionary of Samuel Johnson or Mr. Walker. I assume he would consult generally recognized authorities for spelling and pronunciation of the English language.

Mr. COOPER of Wisconsin. But if Worcester is the dictionary that the Public Printer does not consult, would that be an accepted dictionary of the English language?

Mr. SULLIVAN. Unquestionably it would be. The mere fact that the Public Printer did not accept it does not alter the fact that it is a standard work which officially he would be bound to recognize.

Mr. NORRIS rose.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. SULLIVAN] yield to the gentleman from Nebraska [Mr. NORRIS]?

Mr. SULLIVAN. Yes.

Mr. NORRIS. Was not the intention of the committee in this paragraph to prohibit the Public Printer from following the instructions of the President in orthography, in printing his own message, for instance?

Mr. SULLIVAN. No.

Mr. NORRIS. Now, if the gentleman will look at the paragraph, it says: "Hereafter in printing documents authorized by law."

Now, as I take it, that would include any communication that the President had to make. Does the committee want to go so far as to preclude and make it illegal for the President to use any form of spelling that he wants to?

Mr. SULLIVAN. I do not think that the committee intended to go so far. Speaking for myself, I would be glad to go so far as to tell the President of the United States to have all the official documents printed according to the established usages of the English language. I see no reason why the President should not submit to some authority, even if it is only the authority established by the standard dictionaries of the language.

Mr. NORRIS. I wanted to find out whether the committee wanted to go that far or not.

Mr. SULLIVAN. As I stated, I do not think that is their intention.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SULLIVAN. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks for five minutes more. Is there objection?

There was no objection.

Mr. SULLIVAN. The effect of the gentleman's point of order will be this, that the House, which has been constantly losing its power because of its own rulings, will become an ally of the President in this new form of usurpation. The gentleman from Indiana [Mr. CRUMPACKER], by arising here and pressing his point of order, will render this House powerless to keep up the established system of spelling in the CONGRESSIONAL RECORD and other official documents. That will be the result of the gentleman's action, and I wish to call that to his attention as one reason for not pressing it.

Now, there is a great question of utility involved in this discussion which I think ought not to be pushed prominently forward, because the question of authority ought to be decisive of the whole question at issue. But even on the question of utility there is no unanimity among scholars, either as to the wisdom or the expediency of these proposed changes. Scholars quite as eminent and quite as high in authority in the world of letters as the gentleman who compose the simplified spelling board have declared it is neither wise nor expedient to adopt the new spelling of these 300 words. The result will be, therefore, that men of letters who have a large influence over our language will spell in the old way and we will have two standards in the United States. We will have the official standard, established in the court language here at Washington, and we will have the unofficial standard established by men of letters and conformed to generally by the people throughout the United States. The confusion which would result—not in my opinion merely, but in the opinion of eminent scholars—would be far greater than any confusion which exists to-day. Therefore, on the ground of utility, it seems to me that this change ought not to be made. I trust that the gentleman from Indiana [Mr. CRUMPACKER] will remember the prerogatives of this House and that to-day he will occupy the position which he has proudly occupied in the past, as a defender of the House and its privileges, and not an attacker of them; that he will not become a conscious or unconscious ally of the President in this new attempt at Executive usurpation, but will allow the English language, as used in official documents, to be spelled as formerly, according to the plain sense of the American people and the usages established by eminent men in English literature.

Mr. TAWNEY. Mr. Chairman, there has been a great deal of discussion upon the subject of the so-called "simplified spelling," and some criticism of the Committee on Appropriations for having incorporated this provision in this appropriation bill. I am of the impression that Members of the House fail to fully realize the position of Congress with respect to this proposition. The Committee on Appropriations did not voluntarily precipitate this discussion. It was made necessary by an Executive order directing that all executive publications shall be printed in accordance with the recommendations of a board on simplified spelling in respect to the orthography of 300 words. When the Committee on Appropriations convened, before the opening of the session, we were presented with the book of annual estimates printed in accordance with the decree of the Executive in accordance with the rules laid down by this board on simplified spelling. On the first pages was printed the word "fixt" and [fixed]. When the clerk made up the bill for the use of the subcommittee in its work it was his duty, under the rule and custom of the committee, to have these estimates printed in the language in which they came to the committee in the Book of Estimates, printing the new matter in italics. He was also obliged to have, and did have, the current law, or the way in which the words were spelled in the current law, printed in brackets.

Therefore it was absolutely necessary at the inception of our work at this session of Congress to consider whether or not the Congress of the United States should follow the legislation of the Executive Department of the Government in respect to the spelling of these 300 words so far as the printing of public documents was concerned, or whether the former usage of the Government should be followed. It was the judgment of your committee that Congress was not in favor of adopting this alleged simplified form of spelling. That being so, the committee was obliged to consider the further question—the practical question—the question of expense and the effect of the lack of uniformity in the event Congress did not adopt the simplified form of spelling, or direct the continuance of the policy that has heretofore obtained in the printing of public documents. The committee carefully investigated the question of the practical operation of one department of our Government following one form of spelling and another department of the Government adopting and following a different form of spelling, and reached the conclusion embodied in this paragraph.

We were advised that the Supreme Court of the United States, while it had in part adopted the new form, did not do so in whole, for the reason that all quotations printed in briefs or in current opinions rendered by the Supreme Court or by the Court of Claims had to be printed in the old or usual form of spelling, the form in which these quotations were originally printed.

I was informed by a foreman of the Government Printing Office, when I inquired about the practical operation of this incongruous system, that the men in his division, when printing the decisions of the Supreme Court of the United States and the briefs filed with the Court of Claims, were all in the air, for the reason that part of these briefs were printed in one form of spelling and another part in another form of spelling.

Now, Mr. Chairman, for these reasons the Committee on Appropriations felt that it was absolutely essential that Congress should take some action one way or the other, either adopt the simplified form of spelling, following the decree of the President, or declare by law that the form of spelling should be the usual form, the familiar form of spelling heretofore employed, and thus continue uniformity in the printing of documents that are printed in accordance with law or under the direction of Congress. Now, gentlemen, do not——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I should like to have a few more minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. If gentlemen do not believe that we should follow the former usage or custom in spelling in printing public documents and that we should follow the simplified form of spelling recommended by this board or ordered by the President, then let us do it. Let us have but one standard of orthography in the printing of our documents and all governmental publications. But unless we take some action documents that are printed under the direction of Congress and executive documents printed by authority of law independent of Congressional authority will have to be printed in accordance with two different rules of orthography. While the Congres-

sional document, such as the CONGRESSIONAL RECORD, will be printed in the usual form of spelling, the executive document will be printed in accordance with the decree of the President, and we will have nothing but chaos and unnecessary expense incident to the varying rules of orthography in the printing of Executive and Congressional documents. This additional expense results necessarily from the fact that in a document printed in the simplified form of spelling, when printed by order of Congress, the proof reading will be duplicated, necessitating a resetting of the type, or a remolding of part of the plate, if not all of it.

Mr. PARSONS. Why ought not the simplest solution be to provide that when an executive document is printed in the simplified form it should always be printed in that form? Then you would not have this expense of making changes.

Mr. TAWNEY. We would not have the expense of making changes, but we would have the Government of the United States put in the ridiculous position before the American people of having one document printed in one form of spelling and another document printed in another form of spelling.

If the gentleman from Indiana [Mr. CRUMPACKER] insists upon his point of order because he is in favor of simplified spelling, he should follow his point of order with a substitute for this paragraph, directing that our CONGRESSIONAL RECORD and all other public documents printed by order of Congress or under authority of law shall be printed in the simplified form of spelling, so as to secure uniformity of spelling in the printing of all public documents.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. STEPHENS of Texas. Is it not a fact that there is a prior act of Congress, passed several years ago, adopting the spelling approved by Webster's Dictionary and other standard authorities?

Mr. TAWNEY. I have been investigating that, and I have had the law librarian of the Library of Congress searching for two days to ascertain whether there has been any legislation upon this subject. He has not reported to me yet, nor have I, nor have a great many gentlemen who have examined the subject, been able to find that there has been any legislation upon this subject in the past.

Mr. STEPHENS of Texas. I have seen it stated that there was a law passed several years ago.

Mr. TAWNEY. If there is such a law I should be glad to know it. I have not been able to find it.

Mr. LIVINGSTON. We have no new legislation on this subject in this bill. It is not subject to the rule. If the gentleman from Indiana wants to make the point of order at all, let him make it on the Executive order changing the common rule of the country. We have made no change. It does not lie at our door.

Mr. TAWNEY. That discussion will properly come after the point of order is made; but I appeal to the gentleman from Indiana, as a Member of this House, that unless we adopt this provision, or adopt the simplified form of spelling that has been adopted by the executive department of the Government, we will of necessity have chaos and discord and additional expense incident to the public printing resulting from one branch of the Government having its documents printed in one form of spelling and another branch of the Government having its documents and publications printed in another form of spelling. I hope the gentleman will not press this point of order.

Mr. LACEY. Mr. Chairman, it seems to me that this point of order is not well taken.

The CHAIRMAN. The Chair would remind the gentleman that no point of order has yet been made. It has simply been reserved.

Mr. LACEY. I trust the gentleman will not insist upon it. I think I can give him a good reason why it should not be reserved. Suppose that an Executive order had adopted the phonetic spelling, with Mr. Pitman's additional letters which he invented. Would that not be an order requiring that the printing should not be in the English language as it is commonly understood? Is it not a part of the common law of the land to-day that all laws shall be printed in the English language? And is not a radical change in the orthography of the official documents and statutes of the country a change in existing law? In other words, this declaration in the bill is not a change of existing law, but is simply a protest against an order changing the existing law. This is a declaration of the existing law, not an enactment of a new law.

Mr. NORRIS. As I understand it, if the position taken by the gentleman from Iowa [Mr. LACEY] is correct, then this paragraph to which the point of order has been reserved is no legislation whatever. Now, if that be true, what hurt will it do? If it is not legislation, then there is no point of order, as the gentleman says.

Mr. TAWNEY. It is a legislative declaration of existing law.

Mr. NORRIS. If it is not legislation, then why not let it go out?

Mr. LACEY. It should not go out for this reason: Suppose there should be an Executive order requiring the laws to be printed in Latin, which was formerly the universal official language and which is now taught and understood in all countries. Suppose there should be an Executive order requiring the printing of public documents in one of the newly invented languages.

Mr. TOWNE. In Esperanto.

Mr. LACEY. Or in Volapuk. Then it would become a question of an Executive order against the existing standards fixed by unanimous consent and by the common law. In short, Mr. Chairman, this is simply a declaration of this House that the English language "as she is spoke, and the English as she is spelt," shall remain in force. A great authority on spelling, Mr. Artemus Ward, said concerning an early English poet that "Chawsir was a grate poit, but he could not spel." That was his only objection to Chaucer.

Mr. TOWNE. That objection is still good. [Laughter.]

Mr. LACEY. These new words are offensive to the eye. Gradually they grow up by custom and we get used to them. First we "endure, then pity, and then embrace." But to put them, by Executive order, into the laws of the land before they have reached common use in literature is getting the matter wrong end foremost. Literature may gradually change usage in orthography. It has long done so. But these changes evolve very slowly. Let this Congress put this declaration into law; it is not enacting anything, but it is simply protesting against the interference with the established custom as it has been followed for more than one hundred years. [Applause.]

Mr. SOUTHARD. Will the gentleman allow me a question?

Mr. LACEY. Certainly.

Mr. SOUTHARD. Then would the gentleman say that the provision that these documents should not be printed in Latin, that they should not be printed in "Artemus Ward spelling," would not be legislation?

Mr. LACEY. It would be simply a legislative declaration of what the law now is. It could be put in the form of a limitation on the appropriation that no money should be expended under any appropriation of Congress in the "Artemus Ward or Josh Billings spelling." Seriously, of course, there is progress being made in orthography. That progress has been going on from year to year. We have dropped the "k" out of "public" and "almanac," and the "u" out of such words as "labor" and "harbor." These have grown up in literary usage, and we have become used to them.

We must all recollect that this is not the American language. I received in my mail from New York this morning a request to sign a card agreeing to write the "national language" and to recognize a "national language" and to conform in all respects to the spelling as now proposed in the so-called "simplified orthography." I did not sign that card. I prefer the best usages of the writers of our world-wide language. This is not the American language. It is the English language, a world-wide language, which we have no more right to change by legislation in the United States, or, at least, no moral right, than they have to change it by legislation in Canada, Australia, or New Zealand. It is the New Zealand language, it is the Texas language, it is the New York language, and it is the Yorkshire language, and the orthography is as much a part of the language as the spoken language itself.

Mr. UNDERWOOD. Will the gentleman allow me an interruption?

Mr. LACEY. Certainly.

Mr. UNDERWOOD. As I understand, there is no legislation on the statute book requiring you to spell in any particular way?

Mr. LACEY. No; it is the common usage of mankind, the common law of the land. I have been trying to explain that if somebody should see fit to print our laws in a foreign language that would be a violation of existing law, and to print it in a different orthography is just as much a violation, because the orthography is a part of the language itself.

Great rulers have not always been good spellers. Napoleon was noted for his lapses in spelling, which, however, were somewhat disguised by the illegibility of his writing. Washington was not always accurate in his orthography, and Andrew Jackson was very original and erratic in his method of spelling. The public will continue to look to the general literature of the English language for their orthography, instead of going to the Patent Office reports or the CONGRESSIONAL RECORD.

Congress and the Executive Departments of the Government are not leaders on questions of literary taste and style. The business of Congress is to make laws, not literature.

Our President is a most able and brilliant man and has won a proud place in letters as well as in statesmanship, but his example in orthography has not thus far been followed by the press of the country.

There is a strong and natural prejudice in favor of good spelling which has always existed. The French worshiped Napoleon, but they did not follow his example in orthography. The Democracy voted for Jackson with great enthusiasm, but his lapses in spelling were not adopted by his admirers.

Mr. UNDERWOOD. Then the gentleman is denying the President the right to spell his message to Congress as he pleases.

Mr. LACEY. He can spell it in any way he wants to, but when Congress prints it we should print it in the usual and accepted orthography.

Mr. UNDERWOOD. Is not that taking away a privilege of the President?

Mr. LACEY. It is not. My friend from Alabama can write a letter to his grandchild or to his best girl and spell it in any way he pleases. That is a personal privilege. He can speak in the sign language, but when it comes to printing public documents, the laws of the land, or the records of Congress there is only one language to print them in, and that is the English language, and the usually accepted spelling is a part of that language which, Mr. Chairman, it seems to me, is a part of a common law, and that the reservation of the point of order has no foundation within the rules of the House.

Mr. CRUMPACKER. Mr. Chairman, I will address myself to the point of order very briefly. I desire to say a few words only on the wisdom of this paragraph and on the policy of this kind of legislation. I do not believe, as a matter of general policy, that the standard of orthography ought to be established by act of legislation. The tendency of a fixed standard is to retard that evolutional reform in spelling that I think every person acquainted with the language and its orthography should welcome. My judgment is that if Congress enacts a law fixing a legislative standard of orthography, it would seriously retard that gradual reform in orthography that is going on all the time. The effect of this proposition would not be to establish uniformity.

Mr. TAWNEY. Will the gentleman yield for a question?

Mr. CRUMPACKER. Yes.

Mr. TAWNEY. Does the gentleman pretend to say that this paragraph fixes a standard of orthography in the publication of public documents?

Mr. CRUMPACKER. That is its purpose.

Mr. TAWNEY. Well, let us assume that that is so, for the sake of argument. Has Congress any less power in that regard than has the Chief Executive?

Mr. CRUMPACKER. It is not a question of power. I am discussing it as a question of policy.

Mr. TAWNEY. Is it not a fact that that will be the effect of the Executive order of the President——

Mr. CRUMPACKER. That is a different proposition.

Mr. TAWNEY. If we adopt it?

Mr. CRUMPACKER. This House is not responsible for an order of the Executive on the question of simplified spelling. It carries no responsibility for such an order, but the effect of the Executive order would be to establish or promote reform and to establish uniformity. The standard we fix here gives rather a large latitude, and there still may be two or three ways of spelling several hundred words.

Mr. LITTAUER. Well, but it admits of progression.

Mr. CRUMPACKER. It very likely admits of progression, but its moral effect will be to retard progress and reform. Scholars and authors would naturally observe the standard of spelling that has legislative sanction, the standard that is fixed by legislative action, and I think it would very seriously retard progress along proper lines.

Now, in relation to the responsibility for insisting upon the point of order, whenever a Member of the House or a committee seeks to introduce legislation in contravention of the rules of the House, of course it always goes by implied unanimous consent. I believe it to be the duty of every Member of the House who is not ready to consent to the legislation when it is asked under conditions that imply unanimous consent to make his objection at the time. Mr. Chairman, I have no doubt of the fact that this paragraph is subject to the point of order. It is new legislation, it undertakes to fix by law that which exists only by custom or in the discretion of the Public Printer. There is no legislation now fixing a standard of orthography for the printing of public documents or anything else. The standard of orthography now is a matter of taste on the part of the Public Printer, a matter of discretion in a large measure with him, and the effect of this legislation will be to limit and circumscribe that discretion, to direct and control in a degree the latitude that the Public Printer has under existing conditions.

Mr. LACEY. Mr. Chairman, I would like to ask my friend from Indiana if he thinks the Public Printer would have the discretion to spell the word "CRUMPACKER" with a "K?" [Laughter.]

Mr. CRUMPACKER. I think he would. Names are only for purposes of identification, and as long as the purpose is preserved the object is secured.

Mr. LACEY. Would not that be changing a Member of Congress? [Laughter.]

Mr. CRUMPACKER. There is no law that fixes or limits the method of spelling, and the confusion that gentlemen talk about here is chiefly fanciful. I do not believe that the absence of legislation would result in any extravagance or confusion. There certainly can be no confusion of ideas, and the object of language is to convey our ideas. Nobody pretends to have any question about the meaning of the words if spelled after the reformed fashion. It occurs to me that there can be no doubt that the paragraph is obnoxious to the rules of the House in that it is new legislation.

Mr. JAMES. Would not the result of this legislation be, in case reform spelling is put into effect by Congress, that all of the schools throughout the United States would have to follow it?

Mr. CRUMPACKER. Oh, no.

Mr. JAMES. And the result would be that new schoolbooks would have to be bought and placed in all the schools.

Mr. CRUMPACKER. Oh, no.

Mr. LITTAUER. And new dictionaries would have to be printed.

Mr. JAMES. And new dictionaries.

Mr. CRUMPACKER. No; the people of each State could determine for themselves, and the people of the State of Kentucky particularly would, I have no doubt, resent the interference of the Federal Government and an effort on its part to establish a standard of spelling.

Mr. JAMES. But Kentucky, like every other State, would want to keep in touch with the National Government, and new dictionaries and spelling books would have to be put in all the schools.

Mr. CRUMPACKER. Mr. Chairman, I insist on the point of order.

Mr. GROSVENOR. Mr. Chairman, I want to speak to the question of the point of order. As I understand the point of order, it is the claim is made that the paragraph under consideration changes existing law. What law? What existing law? It is one thing to make a statement of a proposition and it is another thing to convince an intelligent man that you are right about it.

What is the law that is changed by directing that the Public Printer shall print in the English language? Where do we get this English language from? From whence does it come? There is no statute, we are told, that directs that the printing ordered by Congress, the simple order to print, shall be printed in any given language. Then we will suppose that the Public Printer prints in Choctaw or in French, if you please, that very polite language, and spends a lot of money in doing so. Would he not be obnoxious to the statute for embezzlement of money, or, in any event, would he not be impeachable for deflecting the public funds for an unlawful purpose? Where does the law come from, then? What is the law on this subject? Does the gentleman say that it is necessary in order that there shall be a law prescribing that a certain thing shall be printed in the English language that at this year of our Lord that the enactment shall show "in the English language" or else there is not statute authorizing it?

Mr. TOWNE. Will the gentleman yield for a question?

Mr. GROSVENOR. Yes, sir.

Mr. TOWNE. Is not the paragraph we are discussing on page 23 of the bill?

Mr. GROSVENOR. Yes, sir.

Mr. TOWNE. And is not the substance of it in line 23?

Mr. GROSVENOR. It is.

Mr. TOWNE. Then is it not a double "skiddoo," and does it not go out as a matter of necessity?

Mr. GROSVENOR. The trouble about the gentleman is that that piece of brilliancy has been published in all the daily papers during the last week almost continually.

Mr. TOWNE. Then I am behind the time.

Mr. GROSVENOR. The gentleman has brought in something new, and that seems to be the order of this objection.

Mr. TOWNE. I wanted the gentleman's authority for it, and that is conclusive.

Mr. GROSVENOR. That is conclusive. I have been put on the list myself some time ago.

Mr. TOWNE. We hope that is not conclusive.

Mr. GROSVENOR. In looking around I see the gentleman in the same boat.

Mr. TOWNE. We have this difference: I put myself there and the gentleman was put there. [Laughter.]

Mr. GROSVENOR. That is the difference, and that was a violation of existing law. [Great laughter.]

Mr. TOWNE. I agree with the gentleman.

Mr. GROSVENOR. In your case it was just a declaration of consent—unanimous consent. Now, if the Chair will give his attention I will come to the point of my argument. I was deflected from the course of my argument at a point where I was pointing out that the English language is the law of the people of the United States. It is not written in the statute book, but it is written indelibly upon the pages of American history and American life, and he who seeks to change that language in an official document will be compelled to change existing law. I take it if there were a provision in this bill that the printing of any given public document should be made in German it would go out of this bill upon the point of order. It would go out of it because it changes the law that is higher and better and more comprehensive and irrepealable than any statute that can be put upon the statute books, so I proceed to state that the law of our language is the English language. Now, then, if that be true; what does this proposed proposition mean?

Mr. SOUTHARD. May I ask the gentleman, would he say that the word "though," if spelled "tho," is not part of the English language, but if spelled "though" it is part of the English language?

Mr. GROSVENOR. I need not answer that question. It has no application here or pertinency to my argument. This is my argument, if the gentleman will wait a moment. The provision of this bill is a mere direction that in the use of the English language, which is the law in the Printing Office and all over the United States, the Public Printer shall be guided by the rules of orthography established, etc. Suppose that the Public Printer undertook to use a form of grammatical construction differing widely from that in common use among the people of this country, would it be a change of existing law to say when we send documents to him to be printed they shall be printed in the English language as it is to-day, and that is all there is in this paragraph. It simply says, "Conform in your printing to the established law of this country."

Mr. SOUTHARD. Will the gentleman tell us who is to judge of what the established authority is?

Mr. CRUMPACKER. May I ask the gentleman a question?

Mr. GROSVENOR. I yield to the gentleman from Indiana first.

Mr. CRUMPACKER. I desire to call the gentleman's attention to the fact that this paragraph fixes a standard as that fixed by certain dictionaries.

Now, I want to ask him if the standard is not that used by scholars and literary men throughout the country and if the dictionaries are not the compilation of that use? I want to ask the gentleman now if the language of the country is not such as is used by the best scholars and has been used by the best English scholars in this country in times past?

Mr. GROSVENOR. I think so.

Mr. CRUMPACKER. The paragraph, then, denies the Public Printer the right to have access to the scholars?

Mr. GROSVENOR. What does the gentleman mean? Does he mean this mangled-up condition that you see comes from the scholars?

Mr. CRUMPACKER. I mean in legislative literature, political literature—such scholars as Thomas Jefferson, George Washington, and John Marshall.

Mr. GROSVENOR. George Washington, it is said, could not spell anything. [Laughter.]

Mr. CRUMPACKER. I do not know. I mean the standard of spelling that was given the country from these men.

This paragraph would deny the Public Printer the right to spell after the fashion of Thomas Jefferson and John Marshall and of Benjamin Franklin, and the fathers of the country, and I think they were masters of English. They helped to fix the standard. The legislation limits the Public Printer to dictionaries of the country, which are simply the summing up or a conclusion of the authors respecting the standard of spelling taken from scholars and those that are considered authority on that subject throughout the country.

Mr. GROSVENOR. My answer to that, Mr. Chairman, is this: The dictionaries of the English language to-day embody whatever of change and method there has been in the English language from the days when General Washington wrote certain words and spelled them in a certain way, and Jefferson and Madison did the same thing, so far as I know. I do not know anything about that, and I do not think they have transmitted their orthography down to this period of time. But whatever there may have been in that, the present English language, which is the law of this country to-day, is embodied in the popular use of the English langauge, and is made apparent in the dictionaries of to-day. So that there is nothing, in my judgment, in that proposition. Now, then, what is this? It must come under the exact language of this objection; it must be a change of existing law or else it is not obnoxious. In my judgment, if you will allow me the suggestion, I do not believe there is anything more vital in that paragraph in this bill than though it had said "the Public Printer shall print the public documents of the country correctly in the English language." And I can not bring myself to believe that the House of Representatives is foreclosed from demanding at the hands of the Public Printer the execution of his duties and powers in this paragraph in the plain language of the country simply because the paragraph points out to him simply where he can find the standard that we insist he shall act upon. [Cries of "Vote!"]

Mr. DE ARMOND. Mr. Chairman, this question has lately been given by the gentleman from Iowa [Mr. LACEY] something of the turn of an international question, and perhaps it would be well enough for us to consider, before we go too far, whether we are liable to be embroiled with Great Britain on account of legislating a portion of their language out of existence or making changes in it which they may not approve. The language does belong, I suppose, to the English-speaking people the world over, as well as to those of the United States. Perhaps the people of Great Britain have a little advantage of us in the matter by reason of priority. The language was their language before it was our language, as their nation is older than our nation. I believe, however, that with the increase of the Navy that is going on we need not hesitate to make some changes on account of fear of trouble with Great Britain or of the consequences of that trouble. The fact is, I think, that the trouble will arise, if it arises at all, on account of legislation and not on account of the absence of it. It seems to me that the gentleman from Iowa [Mr. LACEY] was strangely illogical when he was advocating legislation upon the subject of the language, while those who make the point of order and insist upon it are merely standing upon the proposition that it is wise not to legislate upon that subject.

The discovery has been made also that to change existing law you must in form propose to amend some provision to be found in the law. I think these gentlemen, by referring to the decisions on this Rule XXI, will probably find that the making of new law is the changing of existing law. Whatever brings about a change in the state of the law, whether it be the putting in of a law that does not exist or the making of something new by the changing of something old, the change of existing law is effected within the terms, within the spirit, and within the purpose of the rule which forbids this kind of legislation upon appropriation bills. I think there will be no doubt left upon that proposition if the decisions under this rule be referred to, because I think they are abundant and convincing upon the point of a proposition to change existing law by making a new law.

Now, let us put it to another test. The President, by Executive order, has directed the use of the new spelling in executive documents, and has employed it in executive documents which he has sent to this House. Has he violated any law, or has he not violated any law? Is he a lawbreaker in doing that, or is he not? I am rather of the opinion that neither the Executive nor any of those who have followed his direction has been guilty of a violation of the law in adopting the new spelling. If he has violated the law, what law? Where is the law to be found? Is it part of the common law or part of statute law? In what book shall we read it? What court has pronounced a decision upon it? How are we to find what it is, and where it is?

Now, I think we may safely assume that this proposition is to legislate where there is no legislation; to change the body of the law as it now is, by incorporating something new and bringing it into use. If so, then this objection that is made, the point of order that is raised, is good.

Now, I do not for myself see visions of great difficulties that would arise, provided some latitude were given to people in office as well as people out of office with reference to orthography. There have been instances stated here of what would happen, and how bad it would be, and how unlawful it would be, if a book were to be ordered to be printed in the Latin, the German, or any foreign language. It has been stated and

restated that the English language is our language, and that documents must be printed in the English language. That is assuming to argue a proposition which is not before the House, and has no existence with reference to this proposition. There is no proposition to have anything printed in any language except the English language; nobody proposes to have any foreign language substituted in whole or in part for the English language; but the only question is as to whether by act of Congress we shall fix the orthography of the words in which thoughts in the English language shall be expressed.

Now, suppose that a word were incorrectly spelled, contrary to the canons of authority, where it happens in a most important legal document. Would the effect be to destroy the validity of that document wholly or in part, provided it could be understood what the real meaning was, although the orthography has no authority to support it? Suppose I employ in a publication the words spelled in the new way of spelling. Does anybody suppose the document would be vitiated? And what of confusion would arise, and what of trouble about words where there is but a slight change in them?

The proposed changes in spelling are very slight changes; in some instances a change in one, two, or three letters; in some instances lopping off one, two, or three letters. Nobody need be troubled about recognizing the words, and nobody who has any knowledge of spelling the old way or the new need have any trouble as to the meaning of the words.

Now, all things have an individuality; why not in spelling as well as in other things? Why not allow a man in office or out of office to use some individuality in spelling? Why may not a man in a public document, which he has the right to send to Congress or to give out to the public, use his judgment and his taste in the spelling which he employs in the expression of his ideas? He has the right to choose his words, use his own judgment, gratify his own taste, and draw upon his own culture in the expression of his thoughts in what he esteems as the best English. Why circumscribe the form in which certain words shall be written or printed?

Talking about the confusion down at the Printing Office; there can be no more reason for confusion in printing our own spelling than there is in printing our own expressions in a given way that the man who sets the type would not adopt. Every man has his own individuality; has his own way of constructing his sentences; chooses the words in which he expresses his thoughts. Why may he not have also and exercise also his own choice, his own judgment, and his own taste as to his orthography?

Now, a thing that the Printer could wisely do, and might well do, is to follow copy, instead of himself putting up and establishing a standard of spelling. If anybody who has the right to send him a document to be printed chooses to exercise that right of choice in spelling, who can justly complain, if the document be so printed that everybody will understand it? And there will be at least the possible advantage, a practical advantage, not only of bringing into the language, but into general use in it, words that conform to the simplified style, and which in that dress would receive the approval and indorsement of the general public. Why bar the door of progress; why halt every step of individuality by legislative act?

This provision is objectionable, as suggested, in naming one particular dictionary as the standard, when some others may be as good a standard by which to test spelling.

The objection found here is not met fairly anyhow. The objection is that the President, by Executive order and by his own example, has adopted what is called the "simplified form" of spelling. Now, it is one thing, if you choose to do it, to enact a law to the effect that no official, by order, shall change the established form of spelling in any documents whatever or direct anybody else to do it. If that is what is intended here, why is that not attempted? If it can be done, why is that not done? This legislation goes far beyond the supposed abuse which it is meant to reach. The President has chosen to adopt the simplified spelling. The President has seen proper to direct various executive and departmental officers to follow it also. Now, with that as the ground of offending, according to the views of the gentleman on the Committee on Appropriations, they would nail down the whole language, fix, so far as they can fix, the entire orthography of their day and time against all attempts at progress.

Mr. GILBERT. I wish to ask the gentleman from Missouri, for my own information and for the information of the House, what existing law is violated or would be violated by the insertion of that clause in the pending appropriation bill?

Mr. DE ARMOND. The existing law, by virtue of which it is not unlawful for a man to spell words according to this simplified spelling. That would be changed.

Mr. GILBERT. Where is there any provision of the common law, or the statutory law, or any other law that is infringed by that clause? That is what I want to know. If there is any such provision, point it out to me.

Mr. DE ARMOND. I have already discussed that matter. The gentleman seems to hang up his parliamentary knowledge upon the hook that unless a proposition is made to amend some particular provision of law there is no proposition to change law. I have already been over that. According to my view, and a correct one, I think, and borne out by the decisions—many of them—anything in the way of legislation upon an appropriation bill which works a change in existing law——

Mr. GILBERT. Where is the change?

Mr. DE ARMOND. Wait until I finish what I am saying. Anything which when it becomes the law leaves the state of the law different from what it was before is a change of existing law.

Mr. GILBERT. Unquestionably; but that is the difficulty. Now, point out the change in existing law.

Mr. DE ARMOND. The change in existing law is this, as I understand it; and if the gentleman does not understand it that way, I should be glad to have him say so in so many words. As I understand, it is no violation of law to spell words as the President spells them in his message, where he departed from the general usage of spelling. Now, is that or is that not a violation of law?

Mr. GILBERT. Unquestionably not.

Mr. DE ARMOND. Well, then, it will be made a violation of law, so far as the Printer is concerned, if he follows that kind of copy after the enactment of this provision. Now, if that is not a change of law, what is it?

Mr. GILBERT. But the gentleman from Missouri has already said very distinctly that that pronunciamento or ukase of the President did not amount to a law. It was a mere personal privilege of the President, and the gentleman reasons in a circle when he comes back and says that to prohibit the enforcement of that personal predilection of the President is a violation of the existing law.

Mr. DE ARMOND. What I say is this, Mr. Chairman—and the gentleman admits that I am right about it—I say that the President violated no law when he adopted the new or simplified spelling in his message and in other papers and when he directed the people in the Departments to follow the same sort of spelling. I say that the Public Printer violated no law, and neither did any printer in any of the Departments, when he printed the words according to the spelling adopted by the author of the documents sent to him for printing.

Mr. GILBERT. Therefore——

Mr. DE ARMOND. That is true, I think.

Mr. GILBERT. Therefore, the order——

Mr. DE ARMOND. No; let me finish this. I would rather make this my way for several reasons; one, because I am in the business of making it, and the other because I conclude I am right and I conclude that the gentleman is wrong. Now, read this into the law, and suppose it is in the law, this provision that has been offered, and I ask anybody then whether the Public Printer, without violating the law, can print those words in the simplified spelling? Could he or could he not? If he could not, has there been a change made in the law or has there not been a change made in the law? That may be reasoning in a circle, but I hardly think so.

Mr. GILBERT. Let me ask one question, and then I will stop.

Mr. DE ARMOND. I hope the gentleman will not do that.

Mr. GILBERT. Does the order issued by the President change existing law?

Mr. DE ARMOND. I am not talking about the order issued by the President.

Mr. GILBERT. Does compelling the disregard of that order change existing law?

Mr. DE ARMOND. No; I have already said that. Saying a thing a great many times I do not think adds force to the correctness of it.

Mr. SULLIVAN. Will the gentleman allow me a suggestion?

Mr. DE ARMOND. Certainly.

Mr. SULLIVAN. Assuming, as the gentleman asserts, that the gentleman has the right to spell as he pleases, will the gentleman tell me by what right the President can enforce his idea of spelling upon the public official whom we call the Public Printer, and whose salary is paid out of the Treasury of the United States?

Mr. DE ARMOND. That is a question I do not care to go into. I was touching the edge of that question when the gentleman from Kentucky diverted my attention by the questions which he asked. I was saying that the President issued an

order which, it is claimed, he ought not to have issued, and with that as the reason, or the supposed reason, for some legislation, the proposition offered in the way of new legislation goes far beyond the effect, or any possible effect, of the Executive order. If gentlemen wish to legislate on a proposition that the President ought not to issue such an order, and that he should be forbidden by law from issuing such an order, why do they not do it? They know and I do not know. They could state and I could only speculate. If the object is, as it appears to be, to reach the end by indirect means, by wholesale legislation, which, in my judgment, would be bad, it would seem to me to be better to approach their object in a more direct way, and to propose legislation which would be less harmful in its effect.

Mr. FITZGERALD. Will the gentleman from Missouri yield for a question?

Mr. DE ARMOND. Certainly.

Mr. FITZGERALD. Does the gentleman mean to suggest that every time the President issues an order directing the performance of some act for which no authority can be found empowering him to issue such an order that Congress should pass a law saying that he should not issue orders which the law does not authorize him to issue?

Mr. DE ARMOND. No; I do not mean anything of that kind. I mean if gentlemen wish to forbid the Executive from issuing orders with reference to spelling and propose to make it a crime—that is, a violation of law to obey such orders—they ought to come up to the question and propose to do that. I am not proposing to do it. I am not urging anybody to do it; but in order to accomplish that sort of thing which I think it is unnecessary to accomplish, I am not willing to vote to padlock the language as these gentlemen by this legislation would tend to do.

Coming back to the point of order, it seem to me there can be no question at all about its being good. The law will be different, the law will be changed from what it is now if this goes into the law. Therefore it is a proposition upon an appropriation bill to change existing law by making the existing law something different from what it is now, by incorporating into it something which is not now in it, in form or in substance.

Mr. CRUMPACKER. Mr. Chairman, I have an authority which I would like to submit, if the Chair would like to hear it.

The CHAIRMAN. The Chair is ready to rule. The language assailed by the point of order is as follows:

Hereafter in printing documents authorized by law or ordered by Congress or either branch thereof, the Government Printing Office shall follow the rules of orthography established by Webster's or other generally accepted dictionaries of the English language.

That language is assailed by a clause of Rule XXI, which is as follows:

Nor shall any provision changing existing law be in order in any general appropriation bill, or in any amendment thereto.

The language of the provision I have read is either an enactment or it is a legislative construction of what we generally term the common law. The attention of the Chair has not been called to any statute upon this subject, and if there is any law upon the subject it is simply the law of usage or of custom. If it is an enactment, it is obnoxious to many of the precedents established in this House. For instance, it has been held that the enactment of positive law where none exists is a change of existing law within the meaning of Rule XXI. Again, it has been generally held that provisions giving new construction of law or limiting the discretion which has been exercised by the officers charged with the duties of administration are changes of law within the meaning of the rule.

Again, a provision authorizing or directing an officer of the Government to do things involves legislation. The language of this statute requires the Public Printer hereafter to pursue a particular line of action or to do things. It has been held that in the pension appropriation bill a paragraph proposing a construction of existing law different from that adhered to by the Department was legislation and not a limitation. Again, it has generally been held that provisions giving a new construction of law or limiting the discretion which has been exercised by officers charged with the duties of administration are changes of law within the meaning of the rule.

In view of these precedents, the point of order will be sustained.

Mr. BINGHAM. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In lieu of the paragraph stricken out insert:
"No money appropriated in this act shall be used in connection with the printing of documents authorized by law or ordered by Congress, or either branch thereof, unless the same shall conform to the orthography recognized and used by generally accepted dictionaries of the English language."

Mr. CRUMPACKER. Mr. Chairman, I make the point of order against that amendment that it changes existing law. It contains legislation.

The CHAIRMAN. The Chair has just ruled that the paragraph which was assailed by the point of order heretofore made by the gentleman from Indiana [Mr. CRUMPACKER] changed existing law. Here there is a proposition, not to change existing law, but to attach certain provisions to an appropriation of dollars made in this bill—in other words, a limitation as to the use of the money herein appropriated. Very many precedents can be found sustaining this kind of legislation, and the Chair holds that this is a limitation upon the appropriation in the bill. [Applause.]

Mr. SHACKLEFORD. Mr. Chairman, I desire to offer an amendment to the amendment, and I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection; and the Clerk again reported the amendment.

Mr. SHACKLEFORD. Mr. Chairman, I desire to move to amend the amendment by striking out all after the words "conform to" and insert in lieu thereof the words "the language in which the document is written which is to be printed." That is, Mr. Chairman, I want the Public Printer to follow the copy.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out all after the words "conform to" and insert in lieu thereof the words "the language in which the document is written to be printed."

Mr. SHACKLEFORD. Mr. Chairman, if I may say a word in behalf of my amendment, we have heard some discussion here to-day in the way of freedom in the matter of spelling. My amendment will make it incumbent upon the Public Printer to follow the copy. If the President of the United States chooses to spell through t-h-r-u, the document should be printed in that way. If the gentleman from Minnesota [Mr. TAWNEY] chooses to spell the word plow p-l-o-u-g-h-e, then the Public Printer will be compelled to spell in the antiquated form of the old-fashioned gentleman who represents the constituency in the Northwest. In other words, let every man enjoy his fancy in spelling, from the President of the United States up to a member of the Appropriations Committee [laughter], and however he may choose to spell, let the Public Printer set it up as he finds it in the copy before him.

Mr. KEIFER. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SHACKLEFORD. I do.

Mr. KEIFER. If I heard the proposed amendment to the amendment rightly, it would not require the Public Printer to change the spelling if it was misspelled. Is that what the gentleman means?

Mr. SHACKLEFORD. Yes; it would mean that, too. I mean that the Public Printer shall follow the copy before him.

Mr. KEIFER. Then every man must have his copy followed as to the manner of spelling?

Mr. SHACKLEFORD. Yes; in every instance.

Mr. MANN. I have no doubt that that would be quite convenient for Missouri generally. [Laughter.]

Mr. KEIFER. I suggest that the gentleman better change the form of his amendment and see if he can not use language which would slightly change it.

Mr. MANN. Mr. Chairman, I can understand how the gentleman from Missouri [Mr. SHACKLEFORD] possibly desires to have different spelling in every different district in the United States, but I can not understand how the Committee on Appropriations desires to make the confusion a great deal worse by the amendment which has now been offered. I rather sympathized with the committee in the proposition which came in in the bill, designed to have a uniform system of spelling in the Public Printing Office, but here is a proposition now presented to us which will require a very small portion of the printing in the Printing Office to conform to the old orthography and permit a very large amount to conform to the new orthography. Now, whatever action is taken ought to make it in the Public Printing Office so that there shall be some method of uniformity.

The objection which was made before was that when a document is issued by one Department and printed for the use of a Department, that would be printed with the new style of orthography, and then when presented at the beginning of the session to the House or Congress it goes again to the Printing Office for a new edition, known as the "Congressional edition," and that would require a new setting up of the plates and new

composition, because it must conform to the old style of orthography. The original proposition was designed to do away with that confusion in order that all editions might be printed by the same method, but here is a proposition that makes it still worse. No one can tell, if this amendment becomes a law, just what will be printed with the new style and what will not be printed with the new style. There is but a trifle of public printing carried by this bill, and it seems to me idle nonsense for Congress to put upon the statute books a provision that a small portion of the printing done by Congress shall be done on one style of spelling and that all the rest of the printing can be done upon the other style of spelling.

Mr. OLMSTED. I think the gentleman is mistaken as to the scope of the amendment offered by the gentleman from Pennsylvania, which I understood relates to all the printing authorized by law or by either branch of Congress.

Mr. MANN. If it related to all printing, the amendment would have been subject to the point of order. The amendment only relates to all printing authorized by this appropriation act.

Mr. LITTAUER. That covers the Public Printer's salary and everything that has to do with the Public Printer's office.

Mr. MANN. Not at all. Mr. Chairman, I ask unanimous consent that the amendment be re-reported to the committee.

The CHAIRMAN. Without objection, the amendment will be re-reported.

The Clerk again reported the amendment.

Mr. OLMSTED. That relates to all printing.

Mr. MANN. Not at all.

Mr. LITTAUER. When you come to read that part of the bill which makes appropriation for the Government Printing Office you will see the limitation and——

Mr. MANN. Oh, the Public Printer is paid a salary irrespective of any printing ordered by Congress or by law.

Mr. LITTAUER. There is a limitation placed upon every paragraph, the Public Printer's salary, and everything under him.

Mr. MANN. It is perfectly plain, I think, to gentlemen who ought to be well versed in the construction of laws that fixing the salary of an official such as the Public Printer and then making a limitation that something printed in the Government Printing Office shall conform thereto does not affect the salary of the Public Printer at all. The salary of the Public Printer is entirely apart from the printing directed to be done by law or by Congress, and I have not the slightest hesitation in saying that no Public Printer will ever construe that he loses his salary because he follows his own method of printing.

Mr. KEIFER rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. MANN. I do.

Mr. KEIFER. I simply wanted to inquire whether this would not be true; that we would go on until the 1st of July, 1907, printing according to the President's order and then begin on the 1st of July, 1907, printing under the limitation of this clause?

Mr. MANN. If it had any effect at all that would be the case.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask for five minutes additional.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SHACKLEFORD. Will the gentleman allow an interruption—a short one?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. I yield to the gentleman from Missouri for a question.

Mr. SHACKLEFORD. If the gentleman has observed the reading of the amendment offered by the gentleman from Pennsylvania, it says the Public Printer shall not print any public document sent to him unless that document conforms to the established spelling.

Mr. MANN. That is not what the amendment says at all, I will say to the gentleman——

Mr. SHACKLEFORD. I beg the gentleman's pardon, it does say so. If the President sent a message in the reformed method of spelling, would it not be the duty of the Public Printer, under the amendment of the gentleman from Pennsylvania, to refuse to print it at all?

Mr. MANN. Now, Mr. Chairman, under the rules which have been issued by the Public Printer, and I take it that at some time or another, either by usage or by law, he acquired the right to issue rules, under the rules that have been issued and are published in the Printing Office Manual of Style, which has been furnished to every Member of Congress, it is provided that Webster's International Dictionary shall be followed in spelling and divisions, with a few exceptions; and various other provisions are made, because it is necessary in the Public Printing Office, as it is necessary in any other office, to follow a uniform method of printing, a uniform method of capitalization, a uniform method of division of words. But here we have a proposition now presented to us by the Committee on Appropriations, in its present form, which will require a certain method of printing in a few cases and permit a different method of spelling or printing in other cases. It seems to me that this is a matter that ought to be taken in charge, if there is to be any change at all, by the Committee on Printing, and I hope that this amendment, designed to make confusion worse confounded, will not get into the law.

[Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Missouri [Mr. SHACKLEFORD].

The question was taken; and the amendment to the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, I desire to offer an amendment in lieu of the amendment of my colleague [Mr. BINGHAM].

Mr. TAWNEY. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The regular order is consideration of the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED]. The Clerk will read the amendment.

The Clerk read as follows:

Amend by inserting in lieu of the former amendment:

"No part of the compensation provided by this act shall be paid to the Public Printer unless he shall, in printing documents authorized by law or ordered by Congress or either branch thereof, conform in the spelling thereof to the rules of orthography recognized and used by accepted dictionaries of the English language."

Mr. OLMSTED. Mr. Chairman——

Mr. FITZGERALD. Mr. Chairman, I make the point of order against that amendment.

Mr. OLMSTED. Will the gentleman please withhold it a minute?

Mr. FITZGERALD. Well, I will reserve it.

Mr. OLMSTED. The amendment of my colleague from Pennsylvania [Mr. BINGHAM], who is in charge of the bill, provides, as I understand it, that none of the money appropriated in this bill shall be paid unless the documents themselves submitted for printing conform to the orthography established, and so forth, and so forth. That would make it unlawful for the Public Printer to print the document at all if it were misspelled or if in any particular it did not follow the established orthography. I think my amendment carries into effect what was intended by my colleague, namely, that if the spelling does not conform, the Printer shall in printing it conform to the established printing; in other words, if the speech of a Member of Congress should go down and the typewriter or stenographer should misspell it, the Printer, under my colleague's amendment, would not be permitted to print it all in the CONGRESSIONAL RECORD.

Mr. FITZGERALD. The gentleman does not accomplish what he wishes.

Mr. BINGHAM. Mr. Chairman, I am of the opinion that the substitute submitted has less complication than the amendment offered by the gentleman, and I ask that there be another reading of the amendment which I submitted.

The CHAIRMAN. The Chair is ready to pass upon the point of order. This very question has been ruled upon——

Mr. BINGHAM. If the Chair is ready to rule on the point of order, of course I have nothing to say.

The CHAIRMAN. An amendment proposing to make the payment of salaries of certain officials dependent upon contingencies was held to be a change of law and not a limitation. The Chair sustains the point of order.

Mr. FITZGERALD. I desire to be recognized in opposition to the amendment.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Pennsylvania.

Mr. FITZGERALD. I would like to be heard in opposition to the amendment.

Mr. Chairman, the President issued an Executive order requiring documents to be printed in accordance with certain rules of orthography. The committee recommended a provision that might perhaps have obviated the difficulties that have followed that direction. This amendment will not do so. There are no appropriations in this bill for public printing outside of those that are made for the compensation of certain designated officials.

The language, the music, and the literature of a nation are among its most valuable assets; we should not attempt to make radical innovations in them. The language is continually undergoing changes. They are so gradual, however, as to become

generally accepted without conflict or controversy. The President of the United States is recognized as a man of culture, a well and widely read man. So far as the documents that he himself prepares and sends to Congress it seems to me we should and well might be willing to permit him to use that orthography which, according to his standards and ideals, is correct. While we should not attempt to control his action, it is equally clear that he should not attempt to force his ideas upon those who are in a subordinate position to him. The President in his letter to the Public Printer said that if these words in the modified form were not accepted generally, if they did not meet with public approval, that the movement to have the new spelling adopted would probably, to employ the word that he used, be "dropt."

It seems to me that in addition to the opposition expressed upon the floor of this House to the enforcement of this order of the President, the fact that a number of distinguished scholars, recognized as men of culture, differ as to the correctness of the orthography of certain of the 300 words specified by the board of simplified spelling, that the board of education of the city of New York, among others, has refused to accept the simplified spelling, the President might well annul this order. Apparently it has not met with the public approbation that he hoped it would. Upon ascertaining the difficulty that arises from it, the confusion that it involves, the complications that beset this House, may he not well deem it best to rescind the order, and permit men who have, to say the least, some culture to prepare their documents according to their own standards of orthography. After this discussion he may direct the Public Printer to do as has always been the practice, unless it be insisted that some peculiar method of spelling be used of certain words that he ascertain as best he can what is the form used most generally and by the best and most generally accepted authorities, and use those forms in the public printing.

We have some obligations, Mr. Chairman. We should attempt to legislate in good English; we should insist that laws be framed in accordance with the rules of the best grammarians, and the words used be spelled in the generally accepted forms. Having done that, is it not going pretty far to say that this House should attempt to determine for the President, a man of culture, to what peculiar standard he should conform in the preparation of public documents which it is hoped will some day form part of the literature of the country? Scholars differ as to the correct form of certain words; he is sufficiently scholarly and cultured to determine his own form when using words the preferential orthography of which is disputed. I hope that this amendment will not be pressed; it will not accomplish what is desired. It would be better to have a round robin signed by Members of Congress and presented to the President requesting him to withdraw or to annul the order that he has issued.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, this incident shows the folly of attempting to legislate on an appropriation bill. The committee brought in here an amendment which I suppose was well considered, and which certainly was not as drastic as the one that is now proposed and not as far-reaching. That amendment very properly went out on a point of order. Now, the gentleman in charge of the bill offers this amendment. Under this amendment not a dollar of the appropriation for the salary of the Public Printer or of the executive force in his office can be expended for any printing whatever unless it conforms to the old recognized standard in spelling, or unless it violates, or causes him to violate, the order of his superior officer, the President of the United States. And under the rulings which have been made the Chair was justified in his decision. I remember a very able ruling that I myself made several years ago in that direction, and which has been quoted here a great many times since. The more it is quoted the more doubtful I am about the propriety of the ruling. [Laughter.] Yet it was an able ruling. It has been followed a good deal. It has sometimes been honored more in the breach than in the observance.

Mr. SOUTHARD. Will the gentleman from New York yield for a question?

Mr. PAYNE. With pleasure.

Mr. SOUTHARD. I understand that the Century Dictionary has adopted the new spelling. Now, if that is true, and supposing the Public Printer continues to use that spelling, if the gentleman should be in the chair and be called upon to rule with reference to this question of appropriating for the salary of the Public Printer, what would his ruling be, under this substitute?

Mr. PAYNE. That would be a matter for the gentleman to decide when he was called to the chair. The construction must be based upon the language of the bill if it becomes a law. The Public Printer must construe that.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. PAYNE. I yield to the gentleman from Minnesota.

The CHAIRMAN. Before an interruption can be permitted, the gentleman desiring to interrupt must address the Chair.

Mr. TAWNEY. Mr. Chairman, I desire to ask the gentleman a question.

Mr. PAYNE. Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. TAWNEY. I desire to ask the gentleman from Ohio [Mr. SOUTHARD], who interrupted the gentleman from New York a moment ago, if he is aware of the fact that one of the publishers of the Century Dictionary was a member of the board on simplified spelling?

Mr. SOUTHARD. I was not aware of that.

Mr. TAWNEY. And that if action is taken by Congress adopting simplified spelling, it will not only perhaps lead to a republication of all dictionaries, but of all school books as well?

Mr. SOUTHARD. I am not aware of that.

Mr. LITTAUER. And that it would lead to a multiplication of sales of these publications in consequence?

Mr. MANN. Mr. Chairman, I desire to ask the gentleman from New York, if this amendment prevails, would it be necessary for the Auditor and the Comptroller to read all of the documents issued by the Government Printing Office in order to determine whether the salary of these different officials should be paid?

Mr. PAYNE. Well, in the conscientious performance of a public duty possibly it might be necessary.

Mr. MANN. The law would require it.

Mr. PAYNE. That is something for them to decide. My own private opinion is that this amendment ought to be voted down and let this matter be referred to the very able and competent Committee on Printing, who are so intimately acquainted with the workings of the Government Printing Office, and who know so much about simplified spelling, or are supposed to know. Let them come in and give the House the benefit of their judgment, so that the House can act more intelligently upon the matter than we are likely to do this afternoon. This amendment, of course, will go over to the other body, and the other body will strike it all out probably or substitute something else for it. Then it will come back and go to conference, and the conference committee, consisting of three wise gentlemen from each House, will bring in a substitute in the conference report—something that nobody ever dreamed of up to that moment—and the report embodying their wisdom will come into the House without much time for reflection, and possibly less than a majority of the House will decide this all-important question. I call it an all-important question because it has rocked the Republic for the last two or three months. I have considered it a good deal like a tempest in a teapot. I have not considered it very important. I have not been able to get excited. Above all, I have not been able to get so indignant as some of my friends around me on this question. I can not work up any excitement on the subject. I have found that out of these 300 words I myself have, perhaps unconsciously, been using about 150 of them in my correspondence, and I never have been very severely criticised for my method of spelling—that is to say, the method used by my typewriter—and I will say that since I employed this typewriter I have been considered a pretty fair speller. [Laughter.]

In fact, I may say that I was a very good speller when I was at school. It doesn't make much difference to me whether you spell it "t-h-r-u," "t-h-r-o-u-g-h," or "t-h-r-e-w," it is all through the same to me.

Now, Mr. Chairman, the point of my remarks is simply this: It shows the folly of trying to legislate upon an appropriation bill. I want to press that home on the Members of this House, but more particularly on the distinguished gentlemen on the Committee on Appropriations, whose wisdom generally I commend to the House, and whom I am generally glad to follow most anywhere they may lead, if they only confine themselves to the legitimate functions of that committee, and satisfy themselves by bringing in an appropriation bill and not trying to put in limitations. Why, in the report I have here, what they call the original language in the act and a limitation, is purely and simply legislation and new law. Of course, they get this in here finally under the guise of limitation. Gentlemen, do not be so confoundedly jealous of giving the other committees an opportunity to deliberate upon the subjects which belong to them. Let them bring them into the House and let the House fully consider them, and when they have considered the momentous question as to simplified spelling, let the House decide it in accordance with the fitness of things and in accordance with eternal right and justice. [Applause.]

The question was taken on the amendment offered by the gentleman from Pennsylvania [Mr. BINGHAM]; and on a division (demanded by Mr. MANN) there were—142 yeas, and 25 noes.

So the amendment was agreed to.

The Clerk read as follows:

Increase of Library of Congress: For purchase of books for the Library, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, $100,000;

For purchase of books and for periodicals for the law library, under the direction of the Chief Justice, $3,000;

For purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress, and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, $1,500;

Mr. JOHNSON. Mr. Chairman, I move to strike out the last word. What I shall say is not germane to this paragraph, but I wish to get some information from the Committee on Appropriations. I notice, in reading the hearings before the committee, that almost every Bureau in the Government has a separate library; that often in the same building, under the same general executive head, the various bureaus are all gathering together great libraries, duplicating one another and spending large sums of money, besides taking up room that is needed for other purposes. What I want to find out from that committee is what steps have been taken, or what steps they propose to take, to prevent the duplicating of books in the same Department under different bureaus.

Mr. BINGHAM. I will say to the gentleman from South Carolina that the committee has submitted this part of the report, which the gentleman will find on page 7, and he will find the amendment proposed on page 160 of the bill.

SEC. 4. Only such books, periodicals, and pamphlets shall be purchased out of any appropriation made in this or any other act for the use of any library or office or officer as are strictly essential to the technical and professional work of the particular Department, Bureau, office, or officer authorized to use such library or collection of books; and all books, periodicals, and pamphlets which now form a part of or belong to any library or office collection of books and which are not strictly essential to the technical and professional work of the particular Department, Bureau, or office shall be transferred on or before January 1, 1908, to the Library of Congress, except that books of fiction and belles-lettres shall be transferred to the Free Public Library of the District of Columbia, and all expenses of making this transfer, not otherwise sufficiently provided for, shall be paid from appropriations made for contingent expenses of the several Executive Departments or other Government establishments to which this section shall apply.

That paragraph will come at the close of the bill, and that is the proposition of the committee.

Mr. JOHNSON. I am glad the committee has taken some action in the matter, which I consider an abuse.

The Clerk read as follows:

Indexes, digests, and compilations of law: To continue the preparation of a new index to the Statutes at Large, in accordance with a plan approved by the Judiciary Committees of both Houses of Congress, and to prepare such other law indexes, digests, and compilations of law as may be required for Congress and other official use, namely: For one assistant, $1,800; one assistant, $1,200; one assistant, $900; two assistants, at $720 each; and $500 as additional compensation to the law librarian; in all, $5,840.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph just read in order to ask the gentleman in charge of the bill whether this is the identical provision of existing law?

Mr. BINGHAM. It is.

Mr. MANN. I do not quite understand the theory of authorizing the preparation of these digests, and in addition to those which have already been ordered by Congress, "such other law indexes, digests, and compilations of law as may be required for Congress and other official use." There is no end to that, if there is any authority of law for it; and if not, I insist on the point of order.

Mr. BINGHAM. It is word for word with the current law.

Mr. MANN. But current law is no authority for it in here.

Mr. KENNEDY of Nebraska. Will the gentleman from Illinois allow me?

Mr. MANN. Yes.

Mr. KENNEDY of Nebraska. I assume that you have reference to the paragraph near the top of page 32.

Mr. MANN. Yes.

Mr. KENNEDY of Nebraska. The sundry civil bill passed last session had identically that provision appropriating a like amount to that appropriated in this bill. I will say to the gentleman from Illinois that this matter was fully discussed last session and the work is now in progress. I understand that in a few days this House will be furnished with evidence of the progress made.

Mr. MANN. If the gentleman will pardon me, I have no desire to interfere with the work under way. I remember the discussion which took place in the House, but the appropriation here goes away beyond any work that is now under way, because here they authorize the gentleman in charge of these digests and indexes to commence any sort of an index, digest, or compilation which any official of the Government may ask for.

Mr. KENNEDY of Nebraska. I will say to the gentleman from Illinois [Mr. MANN] that this is the language of the former provision.

Mr. MANN. That does not make any difference. That would not authorize it in this bill, and if it was long before, it is better corrected before somebody makes use of the ill part of it. I make the point of order, Mr. Chairman, upon that part of the paragraph commencing in line 8, page 32, "And to prepare such other law indexes, digests, and compilations of law as may be required for Congress and other official use," on the ground that there is no provision of law authorizing this appropriation for that purpose.

Mr. LITTAUER. Will the gentleman reserve his point of order?

Mr. MANN. Certainly.

Mr. BINGHAM. I will state, Mr. Chairman, that it is current law, and your committee regarded it as work in progress. It therefore comes under the rule.

Mr. LITTAUER. I would like further to state, Mr. Chairman, for the information of the gentleman from Illinois [Mr. MANN] that the very objection he has made to this very legislation was taken up in our consideration of this bill. This provision was added to the sundry civil act of last year. We realized that the language "required for Congress and other official use" was a very broad provision and might lead to any amount of extravagance. Yet it would be circumscribed by the amount of clerical force given to carry it out. Our committee attempted to limit this provision, but on calling upon the gentleman from Maine [Mr. LITTLEFIELD], whom I do not see here now, and whose proposition this was originally, he gave us good reason why at this time the working of this small bureau had better be permitted to go on for another year until we could find out just what character of digests and compilations might properly be called for. We submit here the same provision as is in current law, except that we have inserted the word "law" before "indexes," so that only law indexes and digests would be prepared.

Mr. MANN. Did the gentleman from Maine [Mr. LITTLEFIELD] have this particular language under consideration and think that it was necessary?

Mr. KENNEDY of Nebraska. Yes.

Mr. LITTAUER. He had this particular language under consideration.

Mr. MANN. Then I am willing to take his judgment on the matter.

Mr. LITTAUER. With this language a very wide latitude is possible. Members might call for digests of the law in connection with their private work, but as long as we provide only a very small force and the present law librarian is in charge of that force, I do not think for the time being any unwarranted use of this privilege will take place.

Mr. MANN. I withdraw the point of order.

Mr. LITTAUER. The committee intend next year to place this matter in an altogether better shape.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, and necessary pneumatic dusting apparatus, $40,000.

Mr. BINGHAM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21574—the legislative appropriation bill—and had come to no resolution thereon.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. TIRRELL. Mr. Speaker, I ask unanimous consent that the bill (H. R. 5292) to prevent the sale of intoxicating liquors in buildings and upon premises owned or controlled by the United States Government be taken from the House Calendar and referred back to the Committee on Alcoholic Liquor Traffic, no adverse action having been taken thereon.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill to which he refers be taken from the House Calendar and referred back to the Committee on Alcoholic Liquor Traffic. Is there objection?

There was no objection, and it was so ordered.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to the Speaker to withdraw from the files of the House, without leaving copies, the papers in the case of William N. Hanley, Fifty-eighth Congress (H. R. 18224), no adverse report having been made thereon.

ADJOURNMENT.

Then, on motion of Mr. BINGHAM (at 4 o'clock and 5 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Director of the Mint submitting an estimate of diversion of appropriation for certain clerks and employees—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting papers in claims of certain natives of Calapan and Baco, Mindoro, P. I., for property destroyed and confiscated from July, 1901, to July, 1902—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting papers and a petition relating to request of Señor Casimiro Oria y Balbas for remuneration in recognition of his aid to the American cause during the Philippine insurrection—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21678) to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana, reported the same with amendment, accompanied by a report (No. 5419); which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the resolution of the House (H. Res. 643) requesting the Secretary of the Interior to furnish the House of Representatives descriptions of public lands withdrawn or reserved from entry, etc., reported the same with amendment, accompanied by a report (No. 5421); which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21202) fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same, reported the same without amendment, accompanied by a report (No. 5422); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21749) granting an increase of pension to Annie Reaney, reported the same with amendment, accompanied by a report (No. 5412); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21849) granting an increase of pension to John P. Dix, reported the same with amendment, accompanied by a report (No. 5413); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DAVIS of Minnesota: A bill (H. R. 22121) to provide for an increased annual appropriation for the colleges for the benefit of agriculture and the mechanic arts, established and maintained under the provisions of the act of Congress approved July 2, 1862, and the act of Congress approved August 30, 1890—to the Committee on Agriculture.

By Mr. WM. ALDEN SMITH: A bill (H. R. 22122) authorizing the President of the United States to select from the retired list of the Army an officer not above the rank of brigadier-general who may have distinguished himself during the civil war, throughout twenty-five years of Indian wars, throughout the Spanish-American war, and the insurrection of the Philippine Islands, and to appoint, by and with the advice of the Senate, the officer so selected to be major-general, United States Army, with the pay and allowances established by law for officers of that grade on the retired list—to the Committee on Military Affairs.

By Mr. GREENE: A bill (H. R. 22123) to amend an act to authorize the Baltimore and Washington Transit Company to enter the District of Columbia, approved June 8, 1896—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 22124) to remove restrictions on the sale of certain lands in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. McGUIRE: A bill (H. R. 22125) to authorize the Delaware Indians residing in the Cherokee Nation, Ind. T., to bring suits in the Court of Claims against the United States, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 22126) for the relief of Indians residing in the Indian Territory and Oklahoma—to the Committee on Indian Affairs.

By Mr. HENRY of Texas: A bill (H. R. 22127) for improving the Brazos River from Old Washington to Waco—to the Committee on Rivers and Harbors.

By Mr. SCOTT: A bill (H. R. 22128) to amend section 3 of the act of May 9, 1900, entitled "An act in amendment of sections 2 and 3 of an act entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor and providing for pensions to widows, minor children, and dependent parents, approved June 27, 1890.'"—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 22129) to amend a certain provision of an act making appropriation for the naval service, approved June 29, 1906—to the Committee on Naval Affairs.

By Mr. SMITH of Texas: A bill (H. R. 22130) to require railroad companies engaged in interstate commerce to promptly furnish transportation for the shipment of live stock, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Virginia: A bill (H. R. 22131) for the improvement of the national boulevard at Fredericksburg, Va., owned by the United States—to the Committee on Military Affairs.

By Mr. WILEY of New Jersey: A bill (H. R. 22132) for universal transfers over the street-railway lines in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KENNEDY of Ohio: A bill (H. R. 22133) providing for the issuance of passenger tickets and mileage coupons by railway companies engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. McGAVIN: A bill (H. R. 22134) for the payment of claims for overtime work by letter carriers and barred by statute of limitation—to the Committee on Claims.

By Mr. LEGARE: A bill (H. R. 22135) authorizing the construction of a bridge across the Ashley River in the counties of Charleston and Colleton, S. C.—to the Committee on Interstate and Foreign Commerce.

By Mr. PUJO: A bill (H. R. 22136) appropriating $25,000 for the maintenance and improvement of the mouth and passes of Calcasieu River—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 22137) appropriating the sum of $25,000 for the improvement of navigation for Mermentau River, Grand Lake, Lower Mud Lake, and Bayou Nezpique—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 22138) for the rectification of the channel of Red River opposite the town of Boyce, Rapides Parish, La., and making the necessary appropriation therefor—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 22139) authorizing the survey of the Bayou Courtableau from the bar at its mouth to the head of navigation—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 22140) to authorize the dredging of a channel through the bar at the mouth of Johnsons Bayou, and to make necessary appropriation therefor—to the Committee on Rivers and Harbors.

By Mr. GARNER: A bill (H. R. 22141) to construct channel from Aransas Pass, via Turtle Cove, to Corpus Christi Bay—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 22142) to construct channel from Aransas

Pass to Corpus Christi Bay by the way of Turtle Cove—to the Committee on Rivers and Harbors.

By Mr. MOORE of Texas: A bill (H. R. 22143) to appropriate $75,000 for the improvement and maintenance of the Brazos River, Texas, from Velasco to Old Washington—to the Committee on Rivers and Harbors.

By Mr. GILL: A bill (H. R. 22144) authorizing the Secretary of War to enter into certain contracts for the deepening of the main ship channel in the Patapsco River and Chesapeake Bay and authorizing the payment of $2,000,000 for that purpose, as appropriations may be made from time to time—to the Committee on Rivers and Harbors.

By Mr. GREENE: A bill (H. R. 22145) defining the position of employees of the public school system of the District of Columbia authorized by act No. 254, enacted at the first session of the Fifty-ninth Congress, and authorizing payment therefor—to the Committee on the District of Columbia.

By Mr. BELL of Georgia: A bill (H. R. 22146) authorizing the erection of a post-office building at Toccoa, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A resolution (H. Res. 656) requesting information from the Interstate Commerce Commission concerning the shortage of cars in shipping live stock and other commodities—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: A joint resolution (H. J. Res. 203) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1906, on the 20th day of said month—to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 22147) granting an increase of pension to Joseph M. Caldwell—to the Committee on Invalid Pensions.

By Mr. AIKEN: A bill (H. R. 22148) granting an increase of pension to Martha Ann Pruett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22149) granting an increase of pension to Louisa E. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22150) granting an increase of pension to Malinda P. Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22151) granting an increase of pension to Eliza O. Colvard—to the Committee on Pensions.

By Mr. ANDREWS: A bill (H. R. 22152) granting a pension to Julian Lujan—to the Committee on Pensions.

Also, a bill (H. R. 22153) granting a pension to Antonio Archuleta—to the Committee on Pensions.

Also, a bill (H. R. 22154) granting an increase of pension to Anna M. Shout—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22155) granting an increase of pension to Andrew J. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22156) granting an increase of pension to Jose Chavez y Chavez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22157) granting an increase of pension to Louise Chavez de Archibeque—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22158) granting an increase of pension to S. D. Longstreet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22159) granting an increase of pension to John J. Stockton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22160) granting an increase of pension to Francis M. Shelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22161) granting an increase of pension to Maria S. B. Sanchez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22162) granting an increase of pension to Bitor Apodaca—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 22163) granting an increase of pension to Joseph Newmeyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22164) granting an increase of pension to John Powelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22165) granting an increase of pension to John Hand—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22166) granting an increase of pension to William J. Turpin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22167) granting an increase of pension to Isaac N. Bliss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22168) advancing the grade of John F. Smith, passed assistant engineer, United States Navy—to the Committee on Naval Affairs.

By Mr. BELL of Georgia: A bill (H. R. 22169) granting an increase of pension to Cynthia M. Bryson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22170) granting an increase of pension to Benjamin James—to the Committee on Pensions.

Also, a bill (H. R. 22171) granting an increase of pension to William O. Phillips—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 22172) granting an increase of pension to Anton Mazzanovich—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 22173) for the relief of Jabez Burchard—to the Committee on Naval Affairs.

Also, a bill (H. R. 22174) granting an increase of pension to Adam Hunterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22175) granting a pension to Charles Prendeville—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22176) granting a pension to Mary V. Schnell—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 22177) for the relief of William W. Pardee—to the Committee on Military Affairs.

Also, a bill (H. R. 22178) granting an increase of pension to John Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22179) granting an increase of pension to Francis E. Boyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22180) granting an increase of pension to Melvin A. Tenney—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 22181) granting a pension to Emmett Gillooly—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 22182) to authorize William D. Clay and others to select lands in lieu of lands purchased by the father of said parties from the United States Government and lost by said heirs—to the Committee on the Public Lands.

Also, a bill (H. R. 22183) granting an increase of pension to W. H. H. Minot—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 22184) granting a pension to Sophronia J. Dyer—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 22185) granting a pension to John H. Guntner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22186) granting a pension to Thomas Earl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22187) granting a pension to Hiram C. Jett—to the Committee on Pensions.

Also, a bill (H. R. 22188) granting a pension to Zachariah T. Spurgen—to the Committee on Pensions.

Also, a bill (H. R. 22189) granting a pension to Georgie B. Snapp—to the Committee on Pensions.

Also, a bill (H. R. 22190) granting a pension to John Hearn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22191) granting a pension to Henry S. Rease—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22192) granting an increase of pension to Christopher C. H. Mace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22193) granting an increase of pension to Francis M. McClendon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22194) granting an increase of pension to Henry C. Estep—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22195) granting an increase of pension to John Banks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22196) granting an increase of pension to George Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22197) granting an increase of pension to James W. Chambers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22198) granting an increase of pension to Jacob Lohr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22199) granting an increase of pension to William Templin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22200) granting an increase of pension to George R. Begley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22201) granting an increase of pension to Henry Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22202) granting an increase of pension to John E. Green—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 22203) granting an increase of pension to Oliver J. Burns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22204) granting an increase of pension to Joseph Caddore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22205) granting an increase of pension to Thomas Files—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22206) granting an increase of pension to James W. Fisk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22207) granting an increase of pension to William A. Harlan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22208) granting an increase of pension to Dwight J. Sheldon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22209) to correct the military record of Thomas Riley—to the Committee on Military Affairs.

Also, a bill (H. R. 22210) to correct the military record of Homer Quick—to the Committee on Military Affairs.

By Mr. CAMPBELL of Ohio: A bill (H. R. 22211) granting a pension to Jacob Cost—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 22212) granting an increase of pension to W. S. Lacker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22213) granting an increase of pension to John N. Kundert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22214) granting an increase of pension to Thomas J. Prouty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22215) granting an increase of pension to Eliza A. Hughes—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 22216) granting an increase of pension to Griffin A. Coffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22217) granting an increase of pension to George W. Boughner—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 22218) granting an increase of pension to Leonard T. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22219) granting an increase of pension to Calvin S. Preston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22220) granting an increase of pension to James B. Haslet—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 22221) granting an increase of pension to Henry Beckwith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22222) granting an increase of pension to John W. Booth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22223) granting an increase of pension to Uriah Kitchen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22224) granting an increase of pension to Ralph M. Musser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22225) granting an increase of pension to John B. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22226) granting an increase of pension to Gilbert H. Tremain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22227) granting an increase of pension to Edwin N. Kline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22228) granting an increase of pension to James A. Roche—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22229) granting an increase of pension to Thomas Heimbach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22230) granting an increase of pension to Thomas D. Marsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22231) to correct the military record of Charles Clark—to the Committee on Military Affairs.

By Mr. DICKSON of Illinois: A bill (H. R. 22232) granting an increase of pension to Gottworth Eilenstein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22233) to remove the charge of desertion from the record of George Forbes, alias George Davidson—to the Committee on Military Affairs.

By Mr. DIXON of Montana: A bill (H. R. 22234) to provide compensation to Daniel Yancey for buildings constructed by him in the Yellowstone National Park—to the Committee on the Public Lands.

By Mr. DWIGHT: A bill (H. R. 22235) granting an increase of pension to Frederick Ely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22236) granting an increase of pension to Albert B. Hayden—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 22237) granting an increase of pension to Nathan Lawson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22238) granting an increase of pension to James Stinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22239) granting an increase of pension to Elizabeth T. Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22240) granting an increase of pension to James M. Ping—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22241) granting an increase of pension to Stephen Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22242) granting an increase of pension to Sarah Davidson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22243) granting an increase of pension to James W. Campbell—to the Committee on Pensions.

By Mr. FASSETT: A bill (H. R. 22244) granting an increase of pension to George N. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22245) granting an increase of pension to Charles F. Grenell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22246) granting an increase of pension to Jacob Kiser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22247) granting an increase of pension to Mordecai Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22248) granting a pension to Mary Carmody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22249) granting an increase of pension to Josiah Thomas—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 22250) granting a pension to John W. Hudson—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 22251) granting an increase of pension to Samuel Manly—to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 22252) granting an increase of pension to William W. Tyson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22253) granting an increase of pension to Edward Hadfield—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 22254) for the relief of Lee T. Kitts, of Union County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 22255) granting an increase of pension to Benjamin F. Houston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22256) granting an increase of pension to John Patrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22257) granting an increase of pension to Wesley Owens—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 22258) granting a pension to Mary M. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22259) granting an increase of pension to Frederick Rapp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22260) granting an increase of pension to James E. Bissell—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 22261) granting a pension to Thomas Wyman—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 22262) granting a pension to Elizabeth S. Osborne—to the Committee on Pensions.

Also, a bill (H. R. 22263) granting an increase of pension to Mary A. Hough—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 22264) granting an increase of pension to Sibby Barnhill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22265) granting an increase of pension to Elizabeth Jane Hencher—to the Committee on Pensions.

By Mr. CLAUDE KITCHIN: A bill (H. R. 22266) granting an increase of pension to Delphie Thorne—to the Committee on Pensions.

By Mr. KLINE: A bill (H. R. 22267) granting an increase of pension to Annes Sicher—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: A bill (H. R. 22268) granting an increase of pension to Daniel C. Winton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22269) granting an increase of pension to John L. Rosecrans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22270) granting an increase of pension to Michael Hogan—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 22271) granting an increase of pension to Francis Weaver—to the Committee on Invalid Pensions.

By Mr. FREDERICK LANDIS: A bill (H. R. 22272) granting a pension to George W. Rodefer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22273) granting an increase of pension to Henrietta S. Kimball—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 22274) granting an increase of pension to Silas E. Buckland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22275) granting a pension to Laura M. Keyes—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 22276) granting an increase of pension to Warren Sherwood—to the Committee on Pensions.

Also, a bill (H. R. 22277) granting an increase of pension to John W. Shraffer—to the Committee on Pensions.

By Mr. McGAVIN: A bill (H. R. 22278) granting a pension to L. M. Wright—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 22279) granting an increase of pension to Thomas M. Griffith—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 22280) granting an increase of pension to Emily V. Ackley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22281) granting an increase of pension to Leonard Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22282) granting an increase of pension to Edward H. Lunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22283) granting an increase of pension to Stoddard Caswell—to the Committee on Invalid Pensions.

By Mr. MICHALEK: A bill (H. R. 22284) granting an increase of pension to George Ruhle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22285) granting an increase of pension to Dennis Remington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22286) granting a pension to Joseph Felix Bath—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 22287) granting a pension to Absalom Mowery—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 22288) granting an increase of pension to Samuel L. Davis—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 22289) granting an increase of pension to John R. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22290) granting an increase of pension to Joseph J. Pritchett—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 22291) to authorize the reappointment of Harry McL. P. Huse to the active list of the Navy—to the Committee on Naval Affairs.

By Mr. PATTERSON of Tennessee: A bill (H. R. 22292) granting a pension to Annie Orange—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 22293) granting an increase of pension to Charles C. Gage—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22294) granting an increase of pension to Perry Lamphere—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 22295) granting an increase of pension to Felix Calionette—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22296) granting an increase of pension to Russell J. Richards—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 22297) granting an increase of pension to Hugh L. Dicus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22298) granting a pension to Emeline Ballon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22299) granting an increase of pension to Thomas Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22300) granting an increase of pension to William G. Reppy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22301) granting an increase of pension to Adam Buford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22302) granting an increase of pension to Burrell H. Gillam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22303) for the relief of Jerome B. Shuler—to the Committee on Military Affairs.

Also, a bill (H. R. 22304) for the relief of William H. Price, alias William Sweeney, alias John Sweeney—to the Committee on Military Affairs.

Also, a bill (H. R. 22305) granting a pension to Florance Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22306) granting an increase of pension to Louisa Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22307) granting an increase of pension to Edward Lewey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22308) granting an increase of pension to Francis M. Hughes—to the Committee on Invalid Pensions.

Also a bill (H. R. 22309) granting an increase of pension to Thomas Dipper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22310) granting an increase of pension to Mary A. Kerr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22311) granting an increase of pension to J. Edgar Perry, alias J. E. Woodruff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22312) granting an increase of pension to Lewis Rockwell—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 22313) granting an increase of pension to James Swan—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 22314) granting an increase of pension to Daniel McConnell—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 22315) granting a pension to Wallace A. Cogdell—to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 22316) granting an increase of pension to John S. Bray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22317) granting an increase of pension to Emma Templeton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22318) granting an increase of pension to James D. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22319) granting an increase of pension to Richard H. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22320) granting an increase of pension to Joseph W. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22321) granting an increase of pension to Isaac Z. Stine—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: A bill (H. R. 22322) granting an increase of pension to Maria Cross—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 22323) placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank—to the Committee on Naval Affairs.

By Mr. WATSON: A bill (H. R. 22324) granting a pension to Margaret O'Tool—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22325) granting a pension to John Colby—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 22326) granting an increase of pension to Mary Levina Williams—to the Committee on Pensions.

Also, a bill (H. R. 22327) granting an increase of pension to Isabel Mauney—to the Committee on Pensions.

Also, a bill (H. R. 22328) granting an increase of pension to Susan Baker—to the Committee on Pensions.

Also, a bill (H. R. 22329) granting an increase of pension to Margaret L. James—to the Committee on Pensions.

Also, a bill (H. R. 22330) granting an increase of pension to Mary C. Jones—to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 22331) for the relief of William M. Raber—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 21873) to remove the charge of desertion from the military record of John Huffman—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 21885) granting a pension to Sylvania S. Clark—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21910) granting a pension to Emil S. Weisse—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7211) granting a pension to James C. Southerland—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13201) granting a pension to Sarah A. Jones—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 21841) for the relief of H. C. Linn and Samuel Powell—Committee on Claims discharged, and referred to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of a mass meeting of colored citizens of Boston, against the President's discharging Companies B, C, and D, United States Infantry—to the Committee on Military Affairs.

By Mr. AIKEN: Papers to accompany bills for relief of Malinda P. Sullivan, Louise E. Price, and Martha Ann Pruitt—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of colored citizens of Boston, against the order of the President discharging B, C, and D Companies of the Twenty-fifth United States Infantry—to the Committee on Military Affairs.

Also, petitions of Honest Abe Council, No. 66, and Coal Valley Council, No. 98, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Pittsburg Board of Trade, for bill H. R. 9754, for increase of postal clerks' salaries and their classification—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Japanese and Korean Exclusion League of San Francisco, Cal., against employment of Chinese coolies on the Panama Canal—to the Committee on Labor.

Also, petition of Grandview Council, No. 259, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of New Era Club of Western Pennsylvania, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of Dotterer Baptist Young People's Society, for a constitutional amendment abolishing polygamy in the United States—to the Committee on the Judiciary.

Also, petition of the Philadelphia Board of Trade, for the shipping bill (S. 6291)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chosen Friends Council, No. 86, and Æolian Council, No. 17, Junior Order United American Mechanics, for bill S. 4403—to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Charles Prendeville—to the Committee on Invalid Pensions.

By Mr. BOUTELL: Resolutions of various cities, towns, etc., in favor of postal savings banks, as follows: City government of Hartford, Conn.; city governments of Pueblo, Colorado Springs, and Salida, Colo.; mayor and common council of Santa Cruz, Cal.; general council of Atlanta, Ga.; mayor and city clerk of Cedar Falls, Va.; city governments of Chicago, Shelbyville, and Decatur, Ill., and of Richmond and Valparaiso, Ind.; city council of Kansas City, Kans.; board of aldermen of Fall River, Mass.; common council of Lansing, Mich., and Brookfield, Mo.; cities of Buffalo, Gloversville, North Tarrytown, and Tonawanda, N. Y.; cities of Cincinnati, Columbus, Toledo, Norwood, Toronto, and Piqua, Ohio; city council of Oregon City, Oreg.; cities of Pottsville, Homestead, Quakertown, Union City, Wilmerding, and Susquehanna, Pa.; cities of Aberdeen, Bellingham, and Spokane, Wash. Also thousands of citizens in the following States: California, Los Angeles; Florida, St. Augustine; Illinois, Chicago, Danville, Peoria, Bloomington, Elgin, Canton, Pontiac, and Freeport; Indiana, Wabash, Valparaiso, and Garrett; Iowa, Cedar Rapids and Davenport; Kansas, Topeka; Massachusetts, Malden and Fitchburg; Maryland, Baltimore; Michigan, Detroit, Saginaw, Muskegon, Sault Ste. Marie, St. Joseph, and Benton Harbor; Minnesota, Minneapolis; Missouri, St. Louis; New Jersey, Paterson; Nebraska, Omaha; New York, New York City, Binghamton, Mount Vernon, Oyster Bay, and Gloversville; Oregon, Oregon City; Ohio, Cincinnati, Cleveland, Sandusky, Springfield, and Columbus; Pennsylvania, Wilmerding; South Dakota, Sioux Falls; Tennessee, Nashville; Vermont, Bennington; Virginia, Richmond and Norfolk; Washington, Fruitland, and Walla Walla; Wisconsin, Milwaukee, Watertown, and Manitowoc—to the Committee on the Post-Office and Post-Roads.

By Mr. BURNETT: Petition of H. G. Nichols Council, No. 10, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Pennsylvania: Petition of Star of America Council, No. 305, and Dawson Council, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Paper to accompany bill for relief of Alexander Matchett—to the Committee on Invalid Pensions.

Also, petition of Lodge No. 646, Brotherhood of Locomotive Firemen, for the shipping bill (Senate subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of New Era Club of Western Pennsylvania, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. EDWARDS: Petition of Pineville Council, No. 77, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Amasa Hodge (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. ESCH: Petition of colored citizens of Boston, against the President's order discharging Companies B, C, and D, Twenty-fifth United States Infantry—to the Committee on Military Affairs.

Also, petition of the Wisconsin State Federation of Labor, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FITZGERALD: Petiton of the Philadelphia Board of Trade, for bill S. 6291 (subsidy shipping bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Post No. 499, Grand Army of the Republic, of Kings County, Department of New York, for restoring the canteen to Soldiers' Homes—to the Committee on Military Affairs.

Also, petition of the New York State Pharmaceutical Association, favoring the Mann patent bill—to the Committee on Patents.

By Mr. FLOYD: Petition of citizens of Arkansas, for an appropriation to make available the waters of White River for electric power purposes—to the Committee on Appropriations.

Also, paper to accompany bill for relief of Eldridge Underwood—to the Committee on Pensions.

Also, paper to accompany bill for relief of Anna E. Hughes—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: Petitions of Perseverance Council, No. 30, Junior Order United American Mechanics; Lucy Webb Hayes Council, No. 12, Daughters of Liberty, of Vineland, N. J., and Ocean City Council, No. 10, Daughters of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GOULDEN: Petitions of Loyal Council, No. 75, and True Blue Council, No. 61, Daughters of Liberty, of New York, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of the New Era Club of Western Pennsylvania, for repeal of the duty on art works—to the Committee on Ways and Means.

Also, petitions of Hoboken Council, No. 984; Manchester Council, No. 124; George Washington Council, No. 423; Springdale Council, No. 70, and Reliable Council, No. 90, Junior Order United American Mechanics; Pride of the West Council, No. 27, and Allegheny Council, No. 23, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Board of Trade, for the shipping bill (S. 6291)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of colored citizens of Boston, against the President's order discharging Companies B, C, and D of the Twenty-fifth Infantry—to the Committee on Military Affairs.

By Mr. HALE: Paper to accompany bill for relief of John W. Hamil—to the Committee on Invalid Pensions.

By Mr. HAY: Paper to accompany bill for relief of Barbara E. Schwab—to the Committee on Pensions.

By Mr. HENRY of Connecticut: Petition of the First Regiment Connecticut Volunteer Infantry, Spanish war, for reestablishment of the Army canteen—to the Committee on Military Affairs.

By Mr. HIGGINS: Petition of the Woodstock Agricultural Society, of Connecticut, for bill S. 4953, for forest reservations in the White and the Southern Appalachian mountains—to the Committee on Agriculture.

Also, petition of the First Regiment Spanish War Veterans, of Connecticut, for the reestablishment of the Army canteen—to the Committee on Military Affairs.

Also, petition of the New Haven Business Men's Association, for bill S. 4953, for forest reservations in the White and the Southern Appalachian mountains—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of the Board of Trade of Red Bank, N. J., for larger salaries for postal clerks (bill H. R. 9754)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Pride of Monmouth Council, No. 27, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HUFF: Petitions of Paul Revere Council, No. 441, and Pennsylvania Council, No. 106, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HUGHES: Petitions of New Haven Council, No. 175; Mountain State Council, No. 194; Cologne Council, No. 203, and Barbourville Council, No. 187, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. KNOWLAND: Petition of the Southern California Wholesale Grocers' Association, of Los Angeles, for a modification of the antitrust law—to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Petition of Pride of Hanover Council, of Hanover, Pa., Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LEVER: Petition of Olympia Council, No. 50, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Paul E. Ayer—to the Committee on Pensions.

By Mr. LILLEY: Papers to accompany bills for relief of Laura M. Keyes and Silas E. Buckland—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of colored citizens of Boston, Mass., against the President's order discharging Companies B, C, and D of the Twenty-fifth Infantry, United States Army—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of Thorofare Grange, Patrons of Husbandry, against free distribution of seeds—to the Committee on Agriculture.

By Mr. MAHON: Petition of Lewisburg Council, No. 926, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON: Petition of E. Wetzmann & Co., against legislation in the copyright law against mechanical instrument music—to the Committee on Patents.

By Mr. RAINEY: Petition of A. W. McGeachin and 44 others, for a service pension—to the Committee on Invalid Pensions.

By Mr. RHODES: Paper to accompany bill for relief of Lewis Rockwell—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William H. Price—to the Committee on Military Affairs.

By Mr. PADGETT: Papers to accompany bills for relief of Hugh H. Brown, James S. Beard, and James W. Stanley—to the Committee on War Claims.

By Mr. SPERRY: Petition of the Veteran's Association of the First Regiment Connecticut Volunteer Infantry, Spanish-American war, for reestablishment of the canteen in the Army—to the Committee on Military Affairs.

Also, petition of the Business Men's Association of New Haven, Conn., for forest reservations in the White and Southern Appalachian mountains—to the Committee on Agriculture.

By Mr. SHERMAN: Paper to accompany bill for relief of James Swan—to the Committee on Invalid Pensions.

By Mr. TALBOTT: Petitions of Fairmount Council, No. 63; Franklin Council, No. 150; Relief Council, No. 36; New Windsor Council, No. 44; Guiding Star Council, No. 9; Independence Council, No. 98; Mechanicsville Council, No. 78; Alesia Hall Council; Multiply Council, No. 4; Mount Royal Council, No. 61, and Mason and Dixon Line Council, No. 141, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. WACHTER: Petition of American Council, No. 60; Wabash Council, No. 73; Riverside Council, No. 105; Ellsworth Council, No. 158, and Baltimore Council, No. 1, Junior Order United American Mechanics; Liberty Council, No. 6, Daughters of Liberty, of Baltimore, Md.; Eutaw Council, No. 77, and Friendship Council, No. 7, Junior Order United American Mechanics; Defender Council, No. 6, Daughters of America, of Baltimore, Md.; Monumental Council, No. 13, Daughters of Liberty, of Baltimore, Md., and Maryland Council, No. 2, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of M. H. Plunkett—to the Committee on Naval Affairs.

By Mr. WOODYARD: Petition of citizens of the Fourth Congressional district of West Virginia, for an appropriation to improve the Little Kanawha River—to the Committee on Rivers and Harbors.

By Mr. ZENOR: Paper to accompany bill for relief of John D. Myers—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *December 13, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

HIGHWAYS IN CHICKASAW AND CHOCTAW NATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of a memorial of the legislature of the Chickasaw Nation, approved by the governor of that nation September 20, 1906, relative to the establishment of public highways or roads in the Chickasaw and Choctaw nations; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ARLINGTON (VA.) NATIONAL CEMETERY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, recommending that section 4875 of the Revised Statutes be amended so as to provide a compensation of $100 per month, with fuel and quarters, for the Superintendent of the Arlington (Va.) National Cemetery; which was referred to the Committee on Military Affairs, and ordered to be printed.

AGRICULTURAL AND MECHANIC ARTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the disbursements for the fiscal year ending June 30, 1907, made in the States and Territories under the provisions of an act to apply a portion of the proceeds of the public lands to the more complete endowment and support of schools for the benefit of the agricultural and mechanic arts, etc.; which was referred to the Committee on Territories, and ordered to be printed.

EXPERIMENTS WITH CHOLERA VIRUS IN THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of the 12th instant, facts pertaining to experiments with cholera virus alleged to have been made at Manila upon prisoners by Surg. Richard P. Strong, United States Army, etc.; which was referred to the Committee on the Philippines, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Thursday, December 20, 1906, they stand adjourned until Thursday, January 3, 1907; in which it requested the concurrence of the Senate.

HOLIDAY RECESS.

Mr. HALE. I ask the Chair to lay before the Senate the resolution just received from the House of Representatives.

The VICE-PRESIDENT laid before the Senate the concurrent resolution of the House of Representatives; which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, December 20, they stand adjourned until 12 o'clock meridian, January 3, 1907.

Mr. HALE. I ask that the resolution of the House be sent to the Committee on Appropriations.

The VICE-PRESIDENT. The concurrent resolution will be referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. KEAN presented the memorial of Frank C. Storck, of Red Bank, N. J., and the memorial of D. Wolff & Co., of Newark, N. J., remonstrating against the adoption of a certain amendment to the copyright bill relating to musical instruments; which were referred to the Committee on Patents.

He also presented a memorial of Thorofare Grange, No. 59, Patrons of Husbandry, of Thorofare, N. J., and a memorial of Upper Township Grange, No. 139, Patrons of Husbandry, of Tuckahoe, N. J., remonstrating against any further appropriation being made for the free distribution of seeds and plants; which were referred to the Committee on Agriculture and Forestry.

Mr. PLATT presented the petition of F. C. Colton, of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the New York branch of the National League of Commission Merchants of the United States, praying that reciprocal trade relations with Germany be established, especially relative to the fruit industry; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the board of managers of the New York Produce Exchange, of New York City, N. Y., remonstrating against the enactment of legislation providing for the free distribution of seeds; which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of New York City and Brooklyn, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. BRANDEGEE presented a petition of the First Regiment, Spanish War Veterans, of New Britain, Conn., praying for the reestablishment of the Army canteen; which was referred to the Committee on Military Affairs.

Mr. MARTIN presented a petition of the Chamber of Com-

merce, Board of Trade, and the Business Men's Association of Norfolk, Va., praying for the enactment of legislation providing for an increase in the salaries of post-office clerks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Banker's Club of Chicago, Ill., praying for the enactment of legislation providing for a bank-note currency to meet the requirements of the business of the country; which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of the South Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the discontinuance of grade crossings; which was referred to the Committee on the District of Columbia.

Mr. LODGE presented a memorial of sundry citizens of Buckland, Mass., and a memorial of sundry citizens of South Amherst, Mass., remonstrating against the enactment of legislation authorizing the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. DRYDEN presented a petition of sundry citizens of Newark, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of the faculty of Columbia College, of Paterson, N. J., praying for the enactment of legislation to include college publications in second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Red Bank, N. J., praying for the enactment of legislation providing for the classification of salaries of clerks in post-offices of the first and second class; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New Jersey Bankers' Association, of Jersey City, N. J., and a petition of the Second National Bank of Jersey City, N. J., praying for the adoption of an amendment to the so-called "railroad rate bill" relative to bills of lading; which were referred to the Committee on Interstate Commerce.

Mr. BULKELEY presented a memorial of Rippowan Grange, No. 145, Patrons of Husbandry, of Long Ridge, Conn., remonstrating against the enactment of legislation providing for the distribution of free seeds; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the First Regiment Connecticut Volunteer Infantry, Spanish-American war, of New Britain, Conn., remonstrating against the enactment of legislation to repeal the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented the memorial of W. N. C. Carlton, librarian of Trinity College Library, Hartford, Conn., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which was referred to the Committee on Patents.

PREVENTION OF COLLISIONS AT SEA.

Mr. FRYE. From the Committee on Commerce I report back favorably without amendment the bill (S. 6855) to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

I was instructed by the Committee on Commerce to ask unanimous consent for the present consideration of this bill. It is very important that it shall become a law at the present session. The International Maritime Congress several years ago met to consider rules and regulations to prevent collisions at sea. All the maritime nations agreed upon certain rules and regulations, and the United States adopted those rules and regulations by law, as it was obliged to do.

The fishing interests were not considered at that time, but since then they have been pursuing the inquiry as to what rules and regulations were required for fishing craft, and all the maritime nations have finally agreed upon rules and regulations touching fishing vessels. Therefore it becomes necessary that we shall unite with them, and the only way we can do it is by enacting into law those rules and regulations.

I will say in relation to the fishermen that circulars were sent to nearly if not quite all who are interested in fishing vessels, and nine replies out of ten were in favor of the rules and regulations as agreed to by the Maritime Congress. The only objection raised by anyone to them was the additional cost to the fishermen. That is a mere bagatelle, and it ought not to be considered in the matter of collisions.

I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 6754) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4554) to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnewski, reported it without amendment, and submitted a report thereon.

Mr. CRANE, from the Committee on Commerce, to whom was referred the bill (S. 6729) authorizing the President to appoint Webb C. Maglathlin a second assistant engineer in the Revenue-Cutter Service, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 7139) granting an honorable discharge to Leonard Thielman; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7140) granting an increase of pension to Charles E. Dunn;

A bill (S. 7141) granting an increase of pension to Daniel Guptill; and

A bill (S. 7142) granting an increase of pension to Selden Dawes.

Mr. CULLOM introduced a bill (S. 7143) directing the Postmaster-General to credit John A. Bingham, late postmaster at Vandalia, Ill., in the sum of $500, on account of stamps lost by burglary; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced the following bills; which were severally read twice by their respective titles, and referred to the Committee on Pensions:

A bill (S. 7144) granting an increase of pension to Joel Brown; and

A bill (S. 7145) granting a pension to Louise H. Curtis.

Mr. PLATT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Finance:

A bill (S. 7146) to provide for the compensation of the appraiser of merchandise at the port of New York; and

A bill (S. 7147) to amend section 2536 of the Revised Statutes relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation.

Mr. PENROSE introduced a bill (S. 7148) for the relief of Jabez Burchard; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 7149) for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7150) granting an increase of pension to John Bell;

A bill (S. 7151) granting an increase of pension to Jonathan B. Reber;

A bill (S. 7152) granting an increase of pension to Jacob Foust;

A bill (S. 7153) granting a pension to Edwin R. Smith; and

A bill (S. 7154) granting an increase of pension to Samuel A. Miller.

Mr. ALLEE introduced a bill (S. 7155) to provide for the purchase of a site and the erection of a public building thereon in the city of Georgetown, State of Delaware; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 7156) granting an increase of

pension to John W. Thomas; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 7157) granting an increase of pension to Austin S. Dunning; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 7158) for the relief of the trustees of the Presbyterian Church of Clarksburg, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7159) for the relief of the trustees of the Methodist Episcopal Church of Mannington, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PILES introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7160) granting an increase of pension to Kate Myers; and

A bill (S. 7161) granting an increase of pension to George A. Tyler.

Mr. FORAKER introduced a bill (S. 7162) granting a pension to William H. Sheckler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 7163) to correct the naval record of Alfred Burgess; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 7164) to amend the military record of Charles W. Fillmore; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 7165) to regulate the width of parking, sidewalks, roadways, and carriageways in the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. LONG (for Mr. DOLLIVER) introduced a bill (S. 7166) to correct the military record of Joseph Maiden; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ALGER introduced a bill (S. 7167) granting an increase of pension to Josephine E. Wooster; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 7168) granting an increase of pension to Edward B. Shepherd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 7169) for the relief of the estate of William A. Coffman, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 7170) to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia;'" which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 7171) granting an increase of pension to Margaret Holden; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BRANDEGEE introduced a bill (S. 7172) granting an increase of pension to Thomas R. Fish; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7173) granting an increase of pension to Silas A. Carpenter;

A bill (S. 7174) granting an increase of pension to Rebecca Faggart (with an accompanying paper); and

A bill (S. 7175) granting an increase of pension to Adline Mabry (with an accompanying paper).

Mr. FULTON introduced a bill (S. 7176) granting an increase of pension to William J. R. Waters; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 7177) granting an increase of pension to M. L. Le Suer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7178) granting an increase of pension to Timothy J. Sheehan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEARIN introduced a bill (S. 7179) granting an increase of pension to Elbridge G. Haseltine; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 7180) for the purchase of a site for a Federal building for the United States post-office at Hickory, N. C.;

A bill (S. 7181) to provide for the purchase of a site and the erection thereon of a public building at Gastonia, N. C.;

A bill (S. 7182) to provide for the purchase of a site and the the erection of a public building thereon at Wilson, N. C.; and

A bill (S. 7183) to provide for the purchase of a site and the erection of a public building thereon at Lexington, N. C.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7184) granting an increase of pension to Uriah S. Bradley; and

A bill (S. 7185) granting an increase of pension to Nelson Church.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (S. 7186) to limit the jurisdiction of district and circuit courts of the United States; and

A bill (S. 7187) to amend the jurisdiction act of 1887 so as to abrogate Federal jurisdiction over State corporations when the jurisdiction is founded only on the fact that the action or suit brought is between citizens of different States.

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 7188) to remove the charge of desertion from the military record of Martin All; and

A bill (S. 7189) to remove the charge of desertion from the military record of Randolph F. Williamson.

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7190) granting a pension to John H. Walden;

A bill (S. 7191) granting an increase of pension to Solomon Jones;

A bill (S. 7192) granting an increase of pension to Noah Jarvis;

A bill (S. 7193) granting an increase of pension to David C. Benjamin;

A bill (S. 7194) granting an increase of pension to Lawrence Over;

A bill (S. 7195) granting an increase of pension to William L. Scott;

A bill (S. 7196) granting an increase of pension to William H. Hubbard;

A bill (S. 7197) granting an increase of pension to William H. Horn;

A bill (S. 7198) granting an increase of pension to Katharine Korp;

A bill (S. 7199) granting an increase of pension to John McCool;

A bill (S. 7200) granting an increase of pension to Samuel M. Graham; and

A bill (S. 7201) granting an increase of pension to James Edwards.

Mr. MONEY introduced a bill (S. 7202) for the relief of the estate of William Joslin, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 7203) granting a pension to Isaac Sawyer, jr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 7204) for the purchase of a site for a Federal building for the United States court, custom-house, and post-office at Miami, Fla.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7205) for the relief of the stewards of the Methodist Episcopal Church South, of Bowling Green, Ky.;

A bill (S. 7206) for the relief of the trustees of the Central University of Kentucky (formerly Center College), of Danville, Ky.;

A bill (S. 7207) for the relief of the trustees of the Methodist Episcopal Church South, of Danville, Ky.;

A bill (S. 7208) for the relief of the deacons of the African Baptist Church, of Richmond, Ky.;

A bill (S. 7209) for the relief of the secretary and treasurer of Harrison Masonic Lodge, No. 122, of Brandenburg, Ky.; and

A bill (S. 7210) for the relief of the trustees of the Presbyterian Church of Mount Sterling, Ky.

SENATOR FROM UTAH.

The VICE-PRESIDENT. If there are no concurrent or other resolutions, the morning business is closed.

Mr. BURROWS. I ask the Chair to lay before the Senate resolution No. 143.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from Michigan.

The Senate resumed the consideration of the resolution reported June 11, 1906, from the Committee on Privileges and Elections, which was read, as follows:

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

Mr. DUBOIS. Mr. President, it is difficult to describe conditions in Utah and the surrounding country where the Mormons are in great numbers so that one not familiar can form an adequate idea of the situation.

Negro domination in the South would not be tolerated by the white man, and, finally, the entire North has come to sympathize with the white people of the South in their determination that the black race shall not be supreme in political affairs.

The same principle is involved in the contest which the non-Mormons are making against the political control of the Mormon hierarchy. It is almost impossible for one who has not spent some time among the Mormon people, and who has not studied conditions existing in the Mormon country, to appreciate the tremendous power and influence which the leaders of the Mormon Church have over their followers in all things.

The Mormon Church is a commercial and political organization essentially. The followers, for the most part, are simple-minded and industrious people, who are content to live on farms and eke out an existence for themselves and families. Their condition is better than it was before they joined the Mormon Church in Sweden, Denmark, or Wales, or England, or the Southern States, or the backwoods of Indiana or Illinois.

The leaders—and by the leaders I mean especially those who control the people in spiritual, temporal, and political affairs, who are the first presidency and the twelve apostles—are, with rare exception, bright and active men of the world, and Americans by birth. They are business men, and handle the church on business principles. Generally they are well to do, and some of them are rich. They live nicely and mingle with men of the world in high positions on perfectly easy and equal footing.

The church collects a tithe from all its members. Its members are taught constantly that the paying of tithes is a high duty, and that one can not be in good standing in the church unless tithing is paid freely and fully. When a Mormon does not pay his tithing cheerfully he is regarded by the heads of the church as a very poor Mormon.

They pay this tithe, or 10 per cent of all their earnings, either in money or in kind; for instance, if a follower has ten calves, but no money, he gives to the tithe collector one calf. If he has ten tons of hay, he gives one ton of hay; and in a great many instances a Mormon has no money, and so gives in kind, no matter whether it is eggs or butter or cheese or chickens, or what not. The tithe collector turns this property over to the proper officer of the church, and the produce is disposed of and is used for the benefit of the church.

If you take into consideration that in addition to this 10 per cent which every good Mormon must pay to the church he is also called upon to pay his ordinary taxes, as a citizen, amounting to from 3 to 5 per cent, you can easily see that the rank and file of the Mormon people do not make much progress toward material independence.

Tithing at the present time is being freely given, and must amount to something in the neighborhood of $2,000,000 a year. This tithing is paid to the high officers of the church, and there is never any accounting to anybody for its disposition.

Only recently a Mr. Smurthwait, of Ogden, Utah, a wealthy man, was turned out of the church because he undertook to enter into business in competition with the church. Before being excommunicated, however, he brought suit against the church in the court for an accounting of the tithings, alleging that he himself paid money to the church, and that he had a right to know what became of it. The subservient courts of Utah of course dismissed the suit.

The Mormons are urged to contribute to the building of temples, and apparently enough money has been collected for the building of these temples to have built a great many more than there are.

The leaders of the Mormon Church are engaged in business enterprises of all descriptions. The Zion Cooperative Mercantile Institution is a great business establishment, dealing in all kinds of articles which department stores would carry, and has many branches. The Mormons trade with the Zion Cooperative Mercantile Institution, and it is almost impossible for a non-Mormon to compete with the Zion Cooperative Mercantile Institution in a community where the Mormons are in the great majority.

The leaders of the church and those high in its councils are the directors and managers and controllers of this high commercial institution. The leaders are also presidents and directors of banks, mining companies, railroad companies, electrical companies, summer and bathing resorts, theaters, etc. In fact, the hierarchy and the church are controlling spirits in all sorts of business enterprises.

They are not made president of the church and apostles because they are successful business men and because they are presidents and directors of these various business organizations, but they become directors and controllers in these organizations by virtue of their being president of the church and apostles, and after they have been selected as president or apostles of the church.

The constant tendency is to make the church and state one, with the church in control. This has been so completely and so ingeniously carried out that it is impossible in any affair, temporal, spiritual, or political, to tell where the authority of the church begins or ends. It is impossible to separate the ecclesiastical power of control from the political power of control.

All authority in temporal, spiritual, and political affairs unites and is centered and is absolute and binding in the hierarchy.

The organization of the church is very complete in its arrangements. The power begins with and ends with the hierarchy. Nearly all members of the church are given some office and some responsibility, and there is an opportunity for advancement in all directions, ecclesiastical, temporal, and political, if the Mormon is obedient to his leaders and accepts without question their counsel. There are but comparatively few lay members of this church. The smallest officers, such as teachers, are selected by the bishops of the various wards. Commencing with the bishops and going up in ecclesiastical authority all the officers of the church are appointed with the approval of the president of the church. In other words, the president selects all officers of the church of responsibility. Commencing at the lowest of the officers of the church and going up to the president himself, you begin with the bishops of wards, who have jurisdiction over geographical subdivisions and locally are the recognized heads of the Mormons in their particular locality. They collect the tithings, settle disputes among the Mormons, look after church and secular affairs of the Mormons in their wards.

Each bishop has two counselors, selected by himself.

Next above the bishop come the presidents of stakes. A stake is a much larger subdivision of territory inhabited by Mormons. The president of a stake has two counselors, also appointed by himself. The president of a stake is the highest authority locally in the Mormon Church, outside of Utah.

Above the president of the stakes are about a dozen other officers, with different designations and different powers, until you come to the twelve apostles, who stand next in authority to the president of the church himself. All of these officers, including the apostles, are appointed directly by the president of the church, without consultation or restraint by anyone, or else, as in the case of bishops, they are approved by the president of the church before their selection can be made valid. In the case of the selection of an apostle to fill a vacancy in the apostolic quorum, the theory is that the apostles themselves fill this vacancy; but it is a fact that the president of the church claims that he received a revelation from God that some certain man shall be selected for this apostleship, and the apostles unhesitatingly accept this revelation and select the man named by the president of the church.

Ecclesiastical preferment in the church means opportunity for temporal advancement. The business, social, and political future of every Mormon depends upon his standing with the church. Every avenue is open to him so long as he implicitly obeys the counsel and does the bidding of the church, while every avenue is closed to him whenever he loses his fellowship in the church. There is nothing left for a Mormon who refuses to obey implicitly whatever policy the church may determine upon except to leave the church entirely and take his chances with the world, the same as non-Mormons do. For a Mormon brought up in the church to sever the ties which bind him to all his kindred and the associations, teachings, and trainings of a lifetime is well-nigh appalling. It means social ostracism. The pretty fiction is given to the Mormon people and the world that all these officers of the Mormon Church, including the president himself, must be selected by the people at the various conferences. This they attempt to prove from the fact that at these conferences the names of the first presidents and the apostles,

the seven presidents of seventies, the presidents of stakes, and the bishops are submitted to the people and they are asked to "sustain" them by holding up their hands. The list includes a great many, of course, and I doubt if a case has ever been known where anyone of the 10,000 people gathered in a semi-annual conference has risen in his place and objected to "sustaining" any officer submitted to the conference by the authorities of the church. I doubt if any provision is made in case such a protest or dissent should come. It never was contemplated that any member of the church would question the divine right of the authorities to select these officers. I imagine that if anyone should have the temerity to object to sustaining an officer presented to the conference for their approval that such a member would have to withdraw his objection or else be disfellowshipped if he persisted in his objection.

You can imagine what complete domination the church has over its followers through this power of the president to appoint all the officers of the church by reflecting on the effect on the appointees their selection by the President of the United States has on them. As a rule, the President selects men to fill the Federal offices who have demonstrated their acceptance of the principles of the party of which the President is the head and who have been zealous in the advocacy of those principles. Whenever a policy for the party is announced by the President of the United States and his close party associates high in authority, these officeholders, as a rule, immediately become advocates of that policy. When you contemplate that these appointees of the president of the Mormon Church are not, as is the case with the President of the United States, confined to one party, but embrace members of all parties, you can have some faint idea of their subserviency.

When you take into account, in addition, that not only political preferment is involved in their acquiescence, but that every opportunity for advancement in all the walks of life are dependent upon their accepting the decrees of their leaders, you can begin to comprehend the tremendous power politically which this hierarchy wields.

The president of the Mormon Church, Joseph F. Smith, and the president of the twelve apostles, who is next in line for the presidency of the church, both testified before the Senate committee that they were living in open polygamy, in defiance of law and of the contract which they made with the Government when they secured statehood for Utah. More than half of the twelve apostles are admittedly defying the law and the Government, in that they are openly living in polygamous relations.

New polygamous marriages are continually being celebrated in the Mormon Church. It has been shown that apostles of the church have entered into or performed these new ceremonies since the manifesto of the church was issued in which the church agreed solemnly to suspend polygamy.

New polygamous marriages are not entered into so openly as in the days before the manifesto, and a different character of men are now entering into the polygamous relation. Formerly the poor and ignorant took plural wives, the same as those better off, and of a higher order of intelligence. Now, young men of ability are selected to enter into these relations. The brainy young men of the church are tied irrevocably to the church and made subservient to it through the polygamous relation. Whenever they contract polygamous marriages, they are without the pale of the law, and their only hope for protection is through this powerful church organization. It is a wonderful fact, and has stood forth plainly throughout all the history of the church, that the polygamists occupy the high ecclesiastical and political positions, and are the wealthiest and most powerful members of the organization in all respects. Under the present system, polygamous marriages are celebrated secretly, and for the most part in foreign countries or beyond the jurisdiction of the United States; for instance, a young man is to take a plural wife, he gets the consent of the authorities through his bishop, goes with his prospective wife to British Columbia, Mexico, or to some place on the ocean some miles beyond the United States coast, where the marriage is celebrated by some authorized officer of the church. Instead, as in the old days when polygamy was entered into indiscriminately, now the polygamists are selected, and in this way the practice is more insidious and dangerous than formerly, because a cult and aristocracy of polygamists are being built up within the church. Those in polygamy are in complete control of the organization now, and have ever been, and it is evident that under the system which they are building up now, they intend to remain always in complete control.

It is much more difficult in these days to prove polygamy or polygamous cohabitation than formerly, because now every means is resorted to to keep the facts concealed that anyone has gone into polygamy. There is no record anywhere of the plural marriages which anyone not a member of the governing body of the church has access to. It is impossible to prove a polygamous marriage because of the lack of power to prove by the records that a polygamous marriage has been celebrated. When children come as a result of plural marriages the neighbors readily understand that the polygamous relation is being maintained, and if the power were in the State to punish, convictions could be had for unlawful cohabitation. It would be impossible, however, to prove polygamy. In fact, when the Edmunds law was being rigidly enforced, while quite a number of convictions in Utah were secured under the provisions of that act for unlawful cohabitation, no convictions for polygamy could be prosecuted successfully because of the inability on the part of the officers to prove the plural marriage.

A national law, passed by Congress and approved by the President, giving to the United States authorities power to prosecute for polygamy would be ineffective, because there would be no possible way by which a plural marriage could be proved to the satisfaction of a judge or jury.

I desire the Senate to bear that in mind, because at some time in the future when I shall not be here this question will come up. The President of the United States in his message recommends a law for correcting evils connected with marriage and divorce and against polygamy. That is a Mormon suggestion. The leaders of the Mormon Church have asked me to introduce a constitutional amendment to that effect. Such an amendment would not be worth the paper on which it might be written. You can not prove polygamy against these people. If the Government had the power it could provide against plural marriages, but not against Mormons; and every Mormon here stands behind the recommendation of the President of the United States. You can not prove polygamy without proving the second marriage, and you can not prove the second marriage on a Mormon. Such marriages are celebrated in their endowment houses, no one being present except Mormons. The ceremony is performed by the high officials of that organization and no record is kept of it. In their testimony before our committee in regard to their plural marriages they could not even recollect the slightest portion of the ceremony. It is futile to pass laws against polygamy.

While thousands of convictions were secured under the Edmunds law, there were but four or five all told in Utah, Idaho, and elsewhere for polygamy; and in those cases such convictions happened where the polygamous marriage to the second wife, accidentally or through inadvertence, was performed before a recording officer. You can prove unlawful cohabitation, but no Mormon will ever support an amendment to the Constitution providing for the punishment of those living in unlawful cohabitation. You will be confronted with that. The defenders of the Mormons here, including the apostle Senator himself, who is on trial, and all those who are here through the votes and grace of the Mormons, will insist on the polygamous amendment, but they will be very strenuously against an unlawful-cohabitation amendment.

The Supreme Court of the United States has unanimously held that to prove unlawful cohabitation it is only necessary to prove that a man holds out to the world more than one woman as his wife. It is unnecessary even that she bear him children. That can be proved through circumstantial evidence, but you can not prove polygamy through circumstantial evidence.

I may say also, in passing, that unless you provide for the selection of jurors you can not convict; and when you come to the adoption of a constitutional amendment I beg Senators to bear that in mind. You can not, and never could and never did, convict a Mormon of any of these offenses if there was a Mormon on the jury. There is not a Mormon anywhere within the sound of my voice or elsewhere who does not believe, as firmly as any of you believe that which is most dear to you, in the divine right of polygamy; and with a Mormon on the jury you can not convict another Mormon of these offenses. In the early days, under the Edmunds Act, the United States marshal was granted an open venire. He selected his own jurors, and until he did that there never was a conviction of a Mormon for these offenses.

One polygamous marriage entered into now under the system adopted of selecting those who should go into polygamy, with great care, is more dangerous and more inimical, more subversive of law, and more degrading to womanhood than forty such marriages entered into indiscriminately in the past.

It is apparent to all close observers that the church does not intend to give up polygamy. It is plain, on the contrary, that they intend to establish it more firmly, and that they will openly proclaim it again as a divine institution so soon as they think they are in a position to do so.

Their every endeavor is to strengthen their position by extending their political control. They are all powerful in Utah

now, and can control all the political offices, including Senators and Members of Congress. They are so strong in Idaho that no one can be elected to the Senate or House without their consent. This is equally true in Wyoming. They are becoming a large balance of power in Oregon, and when the Government irrigation enterprises are developed in Nevada and large tracts of land are opened there for settlement, they can and easily will colonize and control politics in Nevada.

It is the present condition and the future menace politically that the non-Mormons of this section especially protest against. The non-Mormons in all this region have the same detestation of polygamy that the balance of the country has, and join with the rest of the United States in their desire to protect and exalt womanhood and to enforce obedience and respect for the laws of the land. Those who have not come in contact with the organization, however, do not and can not understand the effect on our free institutions and to our system of government of this tremendous political home of the Mormon hierarchy. It is the chief desire of the non-Mormons in that section to make plain this close union of church and state and to arouse the country, so that through Congressional action it will come to our rescue and help us to break it down.

The lower branch of Congress refused to seat Brigham H. Roberts because he was a self-confessed polygamist. Roberts claimed to be a Democrat. He was a high official, and is now a high official of the Mormon Church, and stands higher in the estimation of that organization than he did before he was deprived of his seat in Congress. His highest allegiance then and his highest allegiance now is to the Mormon Church. Whether he calls himself a Democrat or a Republican is a mere bagatelle, and counts for nothing.

Senator SMOOT is not a polygamist, or rather no attempt is made to prove that he is a polygamist. He may be or he may not be. In his case this question does not particularly interest the non-Mormons who live in that section of the country. Senator SMOOT is an apostle of the Mormon Church. He is one of the body of twelve, who, next to the first presidency and in conjunction with the first presidency, are the controlling authorities of the church in everything, spiritual, temporal, and political. He would not have been selected as an apostle unless he was in full accord with the authorities of the church.

As I have indicated, obedience to the leaders, obedience to council, subserviency to the ruling authorities of the church lead to promotion in the church.

The fact that Senator SMOOT was steadily promoted until he was finally selected to be an apostle is proof conclusive that he is in full accord with Joseph F. Smith, Mr. Lyman, and his other brother apostles, who, by their own statements and admissions, are openly living in polygamous relations in defiance of the law. In addition to that, it is not denied, but on the other hand it has been sworn to by the president of the church himself, that REED SMOOT had to secure the consent of the church and of his associate apostles before he could become a candidate for the United States Senate. The president of the church gave his consent that REED SMOOT should be a candidate for the United States Senate. He did not give his consent that any other person should be a candidate for this high office. This consent was given openly and proclaimed to the people of Utah. There was no other candidate for the United States Senate at that election in either party, because it was understood by every man, woman, and child in Utah that, the president of the church and the authorities of the church having given their consent that REED SMOOT should be a candidate, it was the desire and counsel of the church to the Mormons that REED SMOOT should be elected to the United States Senate. No other Mormon dared to announce his candidacy for the United Senate after the church had selected REED SMOOT. It was useless for any non-Mormon to become a candidate against the candidate of the church. REED SMOOT, therefore, is clearly the Senator of the Mormon hierarchy, and is unmistakably the representative of all the Mormon hierarchy, and is unmistakably the representative of all the Mormon hierarchy stands for, and would do the bidding of the church as its Senator if the directions of the church came in conflict with the duties he has sworn to perform as a Senator of the United States.

I say that notwithstanding the fact that the Senator from Utah testified that if he were confronted with that problem he would go to some other country where he could live his religion, I insist that under the organization of his church he would do the bidding of the church here, and he would not leave the United States and go to any other country, where he could live his religion. He would live it here in the open Senate. If Joseph Smith should receive a revelation from God on any subject, this revelation would be binding on REED SMOOT, no matter what relation it might bear to the duties which he has sworn to perform under his oath to the United States.

It must be plain to anyone who has followed the testimony of the present case that the Mormon authorities constitute a band of conspirators, whose object is to set aside and nullify the laws of the land when in their judgment such laws are in conflict with the duties which they owe to their organization, and that this conspiracy aims to make the state subservient to the church and to concentrate in the hands of the church authorities the political powers which belong solely to the State. REED SMOOT is a part of this conspiracy as an apostle of the church. He is one of the head conspirators, and not only fully understands the object of the conspiracy, but countenances and encourages by his acquiescence and support the plans and aims of the conspiracy.

Non-Mormons in that section where Mormon influence is predominant believe that the separation of the church and state, the denial of the right of the church to dictate politically, and the breaking down of the church hierarchy in political affairs will have more to do with stopping polygamy than any laws which possibly can be framed or enforced against the practice of polygamy. So long as the political power of the church authorities is maintained and exercised, just so long will every avenue for advancement in all lines to the Mormon people be absolutely under the control of the Mormon authorities. Every incentive compels them, therefore, to accept the conclusion and the counsel of their authorities in every spiritual, temporal, and political matter.

The masses of the Mormon people do not approve of the continuance of polygamy and polygamous living, nor do they approve of the union of church and state and the dictation of the church authorities in political matters. These conditions are no more pleasing to them than to the non-Mormons. Their own individual ambition is stifled, and their independence of action in political and temporal affairs taken away. None would hail with more delight the complete abandonment of polygamy and the political control by the leaders than would the great number of followers of these leaders. Their lives are so interwoven with the teachings and the doctrines of the church, and they are so dependent in their every relation on the church organization, however, that they perforce dread breaking away from it entirely, and rather than do that, with all its attendant consequences, accept present conditions.

If the church authorities would give them absolute freedom of action, and would not, by their example and counsel, teach them obedience in political affairs and defiance of the law in respect to polygamy and polygamous cohabitation, the great masses of the Mormon people would quickly put a stop to polygamy, and would with vigor and energy exercise complete independence in all political matters.

It is my judgment that the masses of the Mormon people intended to live up to the promises made by their leaders to the Government when statehood for Utah was secured. They believed their leaders were sincere in entering into the compact with the Government that polygamy and polygamous relations would cease and that the church would not interfere in politics.

It is the constituted authorities of the organization that the Government has to contend with and not the masses of the people.

So long as polygamy and polygamous relations are openly maintained by the leaders of this organization, and so long as the ruling authorities of the church claim and exercise the right to dominate the State politically, just so long will polygamous relations continue, and just so long will the political power of the church authorities be maintained and strengthened. The followers and the great masses of the people will take the example of their leaders, and will be guided by their counsel in all things.

The hopes of the masses of the people are in the Government, and in them the Government has an ally in so far as their hopes and wishes will aid.

It is only fair, I think, for me to say—and I am glad the distinguished Senator from Michigan [Mr. BURROWS] treated upon it the other day—that there is a branch of the Mormons, called the "Josephites," who ought to be separated clearly in the minds of all Senators from the Brighamite Mormons. The Josephites claim that they are the custodians of the church as it was founded. They claim that Brigham Young has interjected doctrines into the church which the Mormons did not accept in the beginning. At any rate, however that may be, the Josephite Mormons, with their headquarters at Lamoni, in the State of Iowa, and wherever they are, no matter in what part of the country, are among the best of our citizens in all respects. They do not believe in polygamy; they never practiced polygamy. They discountenanced it. They do not believe in

church dictation in political affairs. They are the same as other church organizations, and to their religion no one has any objection. I am glad to call the attention of Senators to it, so that in the future we may not confuse the Josephite with the Brighamite Mormons.

I have in this brief sketch endeavored to convey an idea as to what the Mormon organization is. There has been no change in the spirit or intent of the Brighamite branch of the Mormon Church, to which Apostle SMOOT owes his complete allegiance, from its beginning down to the present day. Its methods in carrying out its objects differ from time to time and in different localities as the exigency demands. The Mormon Church is a government of its own in all things, and demands and receives of its followers their first and highest allegiance. Wherever it is sufficiently strong it completely dominates the State politically, as in Utah, and where it has a large minority of the population it dominates the State through its great balance of power, as in Idaho and Wyoming.

One of its chief tenets is the divine right of polygamy, to the practice of which it has clung tenaciously during all the years, and to which it tenaciously adheres to-day.

From its very inception this organization has been a menace to our form of government, and has been bitterly assailed wherever it has located itself by American citizens who have come in contact with it. There has been a perpetual conflict between it and the Government, with the exception of a few years following the issuance of the manifesto in 1890. I will refer to this later on in my remarks and give the reasons why there was a temporary cessation of hostilities between the United States Government and the government of the church during these years.

So opposed are the teachings and practices of this organization to the ordinary conception of what constitutes American citizenship and so offensive have been its practices that every President of the United States, from Buchanan down to McKinley, has called attention in his messages to Congress to the necessity for the most stringent legislation in restraint of their treasonable and obnoxious practices.

I should like to read the messages of Presidents Buchanan, Grant, Hayes, Garfield, Arthur, and Cleveland (during his first term), but, with the consent of the Senate, will content myself by having them made a part of my argument.

The VICE-PRESIDENT. In the absence of objection, the matter referred to by the Senator from Idaho will be printed in the RECORD as part of his remarks.

The matter referred to is as follows:

EXTRACT FROM FIRST ANNUAL MESSAGE OF PRESIDENT BUCHANAN.

A Territorial government was established for Utah by act of Congress approved the 9th September, 1850, and the Constitution and laws of the United States were thereby extended over it "so far as the same or any provisions thereof may be applicable." This act provided for the appointment by the President, by and with the advice and consent of the Senate, of a governor (who was to be ex officio superintendent of Indian affairs), a secretary, three judges of the supreme court, a marshal, and a district attorney. Subsequent acts provided for the appointment of the officers necessary to extend our land and our Indian system over the Territory. Brigham Young was appointed the first governor on the 20th September, 1850, and has held the office ever since. Whilst Governor Young has been both governor and superintendent of Indian affairs throughout this period, he has been at the same time the head of the church called the Latter-Day Saints, and professes to govern its members and dispose of their property by direct inspiration and authority from the Almighty. His power has been, therefore, absolute over both church and state.

The people of Utah almost exclusively belong to this church, and believing with a fanatical spirit that he is governor of the Territory by divine appointment, they obey his commands as if these were direct revelations from heaven. If, therefore, he chooses that his government shall come into collision with the Government of the United States, the members of the Mormon Church will yield implicit obedience to his will. Unfortunately, existing facts leave but little doubt that such is his determination. Without entering upon a minute history of occurrences, it is sufficient to say that all the officers of the United States, judicial and executive, with the single exception of two Indian agents, have found it necessary for their own personal safety to withdraw from the Territory, and there no longer remains any government in Utah but the despotism of Brigham Young. This being the condition of affairs in the Territory, I could not mistake the path of duty. As Chief Executive Magistrate I was bound to restore the supremacy of the Constitution and laws within its limits. In order to effect this purpose I appointed a new governor and other Federal officers for Utah and sent with them a military force for their protection and to aid as a posse comitatus in case of need in the execution of the laws.

With the religious opinions of the Mormons, as long as they remain mere opinions, however deplorable in themselves and revolting to the moral and religious sentiment of all Christendom, I had no right to interfere. Actions alone, when in violation of the Constitution and laws of the United States, become the legitimate subjects for the jurisdiction of a civil magistrate. My instructions to Governor Cumming have therefore been framed in strict accordance with these principles. At their date a hope was indulged that no necessity might exist for employing the military in restoring and maintaining the authority of the law, but this hope has now vanished. Governor Young has by proclamation declared his determination to maintain his power by force, and has already committed acts of hostility against the United States. Unless he should retrace his steps the Territory of Utah will be in a state of open rebellion. He has committed these acts of hostility notwithstanding Major Van Vliet, an officer of the Army, sent to Utah by the commanding general to purchase provisions for the troops, had given him the strongest assurances of the peaceful intentions of the Government, and that the troops would only be employed as a posse comitatus when called on by the civil authorities to aid in the execution of the laws.

There is reason to believe that Governor Young has long contemplated this result. He knows that the continuance of his despotic power depends upon the exclusion of all settlers from the Territory except those who will acknowledge his divine mission and implicitly obey his will, and that an enlightened public opinion there would soon prostrate institutions at war with the laws both of God and man. He has, therefore, for several years, in order to maintain his independence, been industriously employed in collecting and fabricating arms and munitions of war and in disciplining the Mormons for military affairs. As superintendent of Indian affairs he has had an opportunity of tampering with the Indian tribes and exciting their hostile feelings against the United States. This, according to our information, he has accomplished in regard to some of these tribes, while others have remained true to their allegiance and have communicated his intrigues to our Indian agents. He has laid in a store of provisions for three years, which in case of necessity, as he informed Major Van Vliet, he will conceal "and then take to the mountains and bid defiance to all the powers of the Government."

A great part of all of this may be idle boasting, but yet no wise government will lightly estimate the efforts which may be inspired by such frenzied fanaticism as exists among the Mormons in Utah. This is the first rebellion which has existed in our Territories, and humanity itself requires that we shall put it down in such a manner that it shall be the last. To trifle with it would be to encourage it and to render it formidable. We ought to go there with such an imposing force as to convince these deluded people that resistance would be in vain, and thus spare the effusion of blood. We can in this manner best convince them that we are their friends, not their enemies. In order to accomplish this object, it will be necessary, according to the estimate of the War Department, to raise four additional regiments, and this I earnestly recommend to Congress. At the present moment of depression in the revenues of the country I am sorry to be obliged to recommend such a measure; but I feel confident of the support of Congress, cost what it may, in suppressing the insurrection and in restoring and maintaining the sovereignty of the Constitution and laws over the Territory of Utah.

EXTRACT FROM THIRD ANNUAL MESSAGE OF PRESIDENT GRANT.

In Utah there still remains a remnant of barbarism repugnant to civilization, to decency, and to the laws of the United States. Territorial officers, however, have been found who are willing to perform their duty in a spirit of equity and with a due sense of the necessity of sustaining the majesty of the law. Neither polygamy nor any other violation of existing statutes will be permitted within the territory of the United States. It is not with the religion of the self-styled saints that we are now dealing, but with their practices. They will be protected in the worship of God according to the dictates of their consciences, but they will not be permitted to violate the laws under the cloak of religion.

It may be advisable for Congress to consider what, in the execution of the laws against polygamy, is to be the status of plural wives and their offspring. The propriety of Congress passing an enabling act authorizing the Territorial legislature of Utah to legitimatize all children born prior to a time fixed in the act might be justified by its humanity to these innocent children. This is a suggestion only, and not a recommendation.

EXTRACT FROM SEVENTH ANNUAL MESSAGE OF PRESIDENT GRANT.

In nearly every annual message that I have had the honor of transmitting to Congress, I have called attention to the anomalous, not to say scandalous, condition of affairs existing in the Territory of Utah, and have asked for definite legislation to correct it. That polygamy should exist in a free, enlightened, and Christian country, without the power to punish so flagrant a crime against decency and morality, seems preposterous. True, there is no law to sustain this unnatural vice; but what is needed is a law to punish it as a crime and at the same time to fix the status of the innocent children, the offspring of this system, and of the possibly innocent plural wives, but as an institution polygamy should be banished from the land.

EXTRACT FROM PRESIDENT HAYES'S THIRD ANNUAL MESSAGE.

The continued deliberate violation by a large number of the prominent and influential citizens of the Territory of Utah of the laws of the United States for the prosecution and punishment of polygamy demands the attention of every department of the Government. This Territory has a population sufficient to entitle it to admission as a State, and the general interests of the nation, as well as the welfare of the citizens of the Territory, require its advance from the Territorial form of government to the responsibilities and privileges of a State. This important change will not, however, be approved by the country while the citizens of Utah in very considerable number uphold a practice which is condemned as a crime by the laws of all civilized communities throughout the world.

The law for the suppression of this offense was enacted with great unanimity by Congress more than seventeen years ago, but has remained until recently a dead letter in the Territory of Utah, because of the peculiar difficulties attending its enforcement. The opinion widely prevailed among the citizens of Utah that the law was in contravention of the constitutional guaranty of religious freedom. This objection is now removed. The Supreme Court of the United States has decided the law to be within the legislative power of Congress and binding as a rule of action for all who reside within the Territories. There is no longer any reason for delay or hesitation in its enforcement. It should be firmly and effectively executed. If not sufficiently stringent in its provisions, it should be amended; and in aid of the purpose in view I recommend that more comprehensive and more searching methods for preventing as well as punishing this crime be provided. If necessary to secure obedience to the law, the enjoyment and exercise of the rights and privileges of citizenship in the Territories of the United States may be withheld or withdrawn from those who violate or oppose the enforcement of the law on this subject.

EXTRACT FROM PRESIDENT HAYES'S FOURTH ANNUAL MESSAGE.

It is the recognized duty and purpose of the people of the United States to suppress polygamy where it now exists in our Territories and to prevent its extension. Faithful and zealous efforts have been made by the United States authorities in Utah to enforce the laws against it. Experience has shown that the legislation upon this subject to be ef-

fective requires extensive modification and amendment. The longer action is delayed the more difficult it will be to accomplish what is desired. Prompt and decided measures are necessary. The Mormon sectarian organization which upholds polygamy has the whole power of making and executing the local legislation of the Territory. By its control of the grand and petit juries it possesses large influence over the administration of justice. Exercising, as the heads of this sect do, the local political power of the Territory, they are able to make effective their hostility to the law of Congress on the subject of polygamy, and, in fact, do prevent its enforcement. Polygamy will not be abolished if the enforcement of the law depends on those who practice and uphold the crime. It can only be suppressed by taking away the political power of the sect which encourages and sustains it.

The power of Congress to enact suitable laws to protect the Territories is ample. It is not a case for halfway measures. The political power of the Mormon sect is increasing. It controls now one of our wealthiest and most populous Territories. It is extending steadily into other Territories. Wherever it goes it establishes polygamy and sectarian political power. The sanctity of marriage and the family relation are the corner stone of our American society and civilization. Religious liberty and the separation of church and state are among the elementary ideas of free institutions. To reestablish the interests and principles which polygamy and Mormonism have imperiled and to fully reopen to intelligent and virtuous immigrants of all creeds that part of our domain which has been in a great degree closed to general immigration by intolerant and immoral institutions, it is recommended that the government of the Territory of Utah be reorganized.

I recommend that Congress provide for the government of Utah by a governor and judges or commissioners appointed by the President and confirmed by the Senate—a government analogous to the provisional government established for the territory northwest of the Ohio by the ordinance of 1787. If, however, it is deemed best to continue the existing form of local government, I recommend that the right to vote, hold office, and sit on juries in the Territory of Utah be confined to those who neither practice nor uphold polygamy. If thorough measures are adopted, it is believed that within a few years the evils which now afflict Utah will be eradicated and that this Territory will in good time become one of the most prosperous and attractive of the new States of the Union.

EXTRACT FROM PRESIDENT GARFIELD'S INAUGURAL ADDRESS.

The Constitution guarantees absolute religious freedom. Congress is prohibited from making any law respecting an establishment of religion or prohibiting the free exercise thereof. The Territories of the United States are subject to the direct legislative authority of Congress, and hence the General Government is responsible for any violation of the Constitution in any of them. It is therefore a reproach to the Government that in the most populous of the Territories the constitutional guaranty is not enjoyed by the people and the authority of Congress is set at naught. The Mormon Church not only offends the moral sense of manhood by sanctioning polygamy, but prevents the administration of justice through ordinary instrumentalities of law.

In my judgment it is the duty of Congress, while respecting to the uttermost the conscientious convictions and religious scruples of every citizen, to prohibit within its jurisdiction all criminal practices, especially of that class which destroy the family relations and endanger social order. Nor can any ecclesiastical organization be safely permitted to usurp in the smallest degree the functions and powers of the National Government.

EXTRACT FROM PRESIDENT ARTHUR'S FIRST ANNUAL MESSAGE TO CONGRESS.

For many years the Executive, in his annual message to Congress, has urged the necessity of stringent legislation for the suppression of polygamy in the Territories, and especially in the Territory of Utah. The existing statute for the punishment of this odious crime, so revolting to the moral and religious sense of Christendom, has been persistently and contemptuously violated ever since its enactment. Indeed, in spite of commendable efforts on the part of the authorities who represent the United States in that Territory, the law has in very rare instances been enforced and, for a cause to which reference will presently be made, is practically a dead letter.

The facts that adherents of the Mormon Church, which rests upon polygamy as its corner stone, have recently been peopling in large numbers Idaho, Arizona, and other of our Western Territories is well calculated to excite the liveliest interest and apprehension. It imposes upon Congress and the Executive the duty of arraying against this barbarous system all the power which under the Constitution and the law they can wield for its destruction.

Reference has been already made to the obstacles which the United States officers have encountered in their efforts to punish violations of law. Prominent among these obstacles is the difficulty of procuring legal evidence sufficient to warrant a conviction even in the case of the most notorious offenders.

Your attention is called to a recent opinion of the Supreme Court of the United States, explaining its judgment of reversal in the case of Miles who had been convicted of bigamy in Utah. The court refers to the fact that the secrecy attending the celebration of marriages in that Territory makes the proof of polygamy very difficult, and the propriety is suggested of modifying the law of evidence which now makes a wife incompetent to testify against her husband.

This suggestion is approved. I recommend also the passage of an act providing that in the Territories of the United States the fact that a woman has been married to a person charged with bigamy shall not disqualify her as a witness upon his trial for that offense. I further recommend legislation by which any person solemnizing a marriage in any of the Territories shall be required, under stringent penalties for neglect or refusal to file a certificate of such marriage in the supreme court of the Territory.

Doubtless Congress may devise other practical measures for obviating the difficulties which have hitherto attended the efforts to suppress this iniquity. I assure you of my determined purpose to cooperate with you in any lawful and discreet measures which may be proposed to that end.

EXTRACT FROM PRESIDENT ARTHUR'S THIRD ANNUAL MESSAGE.

The Utah Commission has submitted to the Secretary of the Interior the second annual report. As the result of its labors in supervising the recent election in that Territory, pursuant to the act of March 22, 1882, it appears that persons by that act disqualified, to the number of about 12,000, were excluded from the polls. This fact, however, affords little cause for congratulation, and I fear it is far from indicating any real and substantial progress toward the extirpation of polygamy. All the members-elect of the legislature are Mormons. There is grave reason to believe that they are in sympathy with the practices that this Government is seeking to suppress, and that its efforts in that regard will be more likely to encounter their opposition than to receive their encouragement and support. Even if this view should happily be erroneous, the law under which the Commissioners have been acting should be made more effective by the incorporation of some such stringent amendments as they recommend and as were included in bill No. 2238 on the Calendar of the Senate at its last session.

I am convinced, however, that polygamy has become so strongly intrenched in the Territory of Utah that it is profitless to attack it with any but the stoutest weapons which constitutional legislation can fashion. I favor, therefore, the repeal of the act upon which the existing government depends, the assumption by the National Legislature of the entire political control of the Territory, and the establishment of a commission with such powers and duties as shall be delegated to it by law.

EXTRACT FROM PRESIDENT ARTHUR'S FOURTH ANNUAL MESSAGE TO CONGRESS.

The report of the Utah Commission will be read with interest.

It discloses the results of recent legislation looking to the prevention and punishment of polygamy in that Territory. I still believe that if that abominable practice can be suppressed by law it can only be by the most radical legislation consistent with the restraints of the Constitution.

I again recommend, therefore, that Congress assume absolute political control of the Territory of Utah and provide for the appointment of commissioners with such governmental powers as, in its judgment, may justly and wisely be put into their hands.

EXTRACT FROM PRESIDENT CLEVELAND'S FIRST ANNUAL MESSAGE.

In the Territory of Utah the law of the United States passed for the suppression of polygamy has been energetically and faithfully executed during the past year, with measurably good results. A number of convictions have been secured for unlawful cohabitation, and in some cases pleas of guilty have been entered and a slight punishment imposed, upon a promise by the accused that they would not again offend against the law, nor advise, counsel, or aid or abet in any way its violation by others.

The Utah commissioners express the opinion, based upon such information as they are able to obtain, that but few polygamous marriages have taken place in the Territory during the last year. They further report that while there can not be found upon the registration lists of voters the name of a man actually guilty of polygamy, and while none of that class are holding office, yet at the last election in the Territory all of the officers elected, except in one county, were men who, though not actually living in the practice of polygamy, subscribed to the doctrine of polygamous marriages as a divine revelation and a law unto all higher and more binding upon the conscience than any human law, local or national. Thus is the strange spectacle presented of a community protected by a republican form of government, to which they owe allegiance, sustaining by their suffrages a principle and a belief which set at naught that obligation of absolute obedience to the law of the land which lies at the foundation of republican institutions.

The strength, the perpetuity, and the destiny of the nation rest upon our homes, established by the law of God, guarded by parental care, regulated by parental authority, and sanctified by parental love.

These are not the homes of polygamy.

The mothers of our land, who rule the nation as they mold the characters and guide the actions of their sons, live according to God's holy ordinances, and each, secure and happy in the exclusive love of the father of her children, sheds the warm light of true womanhood, unperverted and unpolluted, upon all within her pure and wholesome family circle.

These are not the cheerless, crushed, and unwomanly mothers of polygamy.

The fathers of our families are the best citizens of the Republic. Wife and children are the sources of patriotism, and conjugal and parental affection beget devotion to the country. The man who, undefiled with plural marriage, is surrounded in his single home with his wife and children has a stake in the country which inspires him with respect for its laws and courage for its defense.

These are not the fathers of polygamous families.

There is no feature of this practice or the system which sanctions it which is not opposed to all that is of value in our institutions.

There should be no relaxation in the firm but just execution of the law now in operation, and I should be glad to approve such further discreet legislation as will rid the country of this blot upon its fair fame.

Since the people upholding polygamy in our Territories are reenforced by immigration from other lands, I recommend that a law be passed to prevent the importation of Mormons into the country.

EXTRACT FROM PRESIDENT CLEVELAND'S FOURTH ANNUAL MESSAGE TO CONGRESS.

It also appears from this report that though prior to March, 1885, there had been but six convictions in the Territories of Utah and Idaho under the laws of 1862 and 1882, punishing polygamy and unlawful cohabitation as crimes, there have been since that date nearly 600 convictions under these laws and the statutes of 1887; and the opinion is expressed that under such a firm and vigilant execution of these laws and the advance of ideas opposed to the forbidden practices, polygamy within the United States is virtually at an end.

Suits instituted by the Government under the provisions of the act of March 3, 1887, for the termination of the corporations known as the Perpetual Emigrating Fund Company and the Church of Jesus Christ of Latter-Day Saints have resulted in a decree favorable to the Government, declaring the charters of these corporations forfeited and escheating their property. Such property, amounting in value to more than $800,000, is in the hands of a receiver pending further proceedings, an appeal having been taken to the Supreme Court of the United States.

Mr. DUBOIS. I will read the second and third messages of President Harrison to Congress bearing on this subject. (Vol. IX, pages 118 and 206, Messages and Papers of the Presidents.) This is what President Harrison said in his second message:

The increasing numbers and influence of the non-Mormon population of Utah are observed with satisfaction. The recent letter of Wilford Woodruff, president of the Mormon Church, in which he advised his people "to refrain from contracting any marriage forbidden by the laws of the land," has attracted wide attention, and it is hoped that its influence will be highly beneficial in restraining infractions of the laws of the United States. But the fact should not be overlooked that the doctrine or belief of the church, that polygamous marriages are rightful and supported by divine revelation, remains unchanged. President Woodruff does not renounce the doctrine, but

refrain from teaching it and advises against the practice of it because the law is against it. Now, it is quite true that the law should not attempt to deal with the faith or belief of anyone, but it is quite another thing, and the only safe thing, so to deal with the Territory of Utah as that those who believe polygamy to be rightful shall not have the power to make it lawful.

It is to be regretted that the wise and statesmanlike warnings of President Harrison were not heeded. Mr. Harrison said in his third message to Congress:

The legislation of Congress for the repression of polyamy has, after years of resistance on the part of the Mormons, at last brought them to the conclusion that resistance is unprofitable and unavailing. The power of Congress over this subject should not be surrendered until we have satisfactory evidence that the people of the State to be created would exercise the exclusive power of the State over this subject in the same way. The question is not whether these people now obey the laws of Congress against polygamy, but, rather, would they make enforce, and maintain such laws themselves if absolutely free to regulate the subject? We can not afford to experiment with this subject, for when a State is once constituted the act is final and any mistake irretrievable. No compact in the enabling act could, in my opinion, be binding or effective.

I will not read, but, with the consent of the Senate, will have inserted as a part of my remarks the manifesto of President Woodruff, in which he promises a cessation of polygamous living and an abandonment and giving up of that practice, and also a petition for amnesty signed by the authorities of the Mormon Church to President Harrison, in which they set forth that they will in the future cease living in polygamous relations, cease dominating the State politically, and beg the President of the United States for amnesty for their past crimes.

The papers referred to are as follows:

OFFICIAL DECLARATION.

To whom it may concern:

Press dispatches having been sent for political purposes from Salt Lake City, which have been widely published, to the effect that the Utah Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized and that forty or more such marriages have been contracted in Utah since last June or during the past year; also that in public discourses the leaders of the church have taught, encouraged, and urged the continuance of the practice of polygamy.

I, therefore, as president of the Church of Jesus Christ of Latter-Day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy, or plural marriage, nor permitting any person to enter into its practice, and I deny that either forty or any other number of plural marriages have, during that period, been solemnized in our temples or in any other place in the Territory.

One case has been reported in which the parties alleged that the marriage was performed in the endowment house, in Salt Lake City, in the spring of 1889, but I have not been able to learn who performed the ceremony; whatever was done in this matter was without my knowledge. In consequence of the alleged occurrence the endowment house was, by my instructions, taken down without delay.

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise.

There is nothing in my teachings to the church or in those of my associates during the time specified which can be reasonably construed to inculcate or encourage polygamy, and when any elder of the church has used language which appeared to convey any such teachings he has been promptly reproved. And I now publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the law of the land.

WILFORD WOODRUFF,
President of the Church of Jesus Christ of Latter-Day Saints.

PETITION.

To the President:

We, the first presidency and apostles of the Church of Jesus Christ of Latter-Day Saints, beg respectfully to present to Your Excellency the following facts:

We formerly taught to our people that polygamy, or celestial marriage, as commanded by God through Joseph Smith, was right; that it was a necessity to man's highest exaltation in the life to come.

That doctrine was publicly promulgated by our president, the late Brigham Young, forty years ago, and was steadily taught and impressed upon the Latter-Day Saints up to a short time before September, 1890. Our people are devout and sincere and they accepted the doctrine and many personally embraced and practiced polygamy.

When the Government sought to stamp the practice out our people, almost without exception, remained firm, for they, while having no desire to oppose the Government in anything, still felt that their lives and their honor as men were pledged to a vindication of their faith, and that their duty toward those whose lives were a part of their own was a paramount one, to fulfill which they had no right to count anything, not even their own lives, as standing in the way. Following this conviction hundreds endured arrest, trial, fine, and imprisonment, and the immeasurable suffering borne by the faithful people no language can describe. That suffering, in abated form, still continues.

More, the Government added disfranchisement to its other punishments for those who clung to their faith and fulfilled its covenants.

According to our faith the head of our church receives, from time to time, revelations for the religious guidance of his people.

In September, 1890, the present head of the church, in anguish and prayer, cried to God for help for his flock, and received the permission to advise the members of the Church of Jesus Christ of Latter-Day Saints that the law commanding polygamy was henceforth suspended.

At the great semiannual conference which was held a few days later this was submitted to the people, numbering many thousands, and representing every community of the people of Utah, and was by them in the most solemn manner accepted as the future rule of their lives.

They have since been faithful of the convenant made that day.

At the late October conference, after a year had passed by, the matter was once more submitted to the thousands of people gathered together, and they again, in the most potential manner, ratified the solemn covenant.

This being the true situation, and believing that the object of the Government was simply the vindication of its own authority and to compel obedience to its laws, and that it takes no pleasure in persecution, we respectfully pray that full amnesty may be extended to all who are under disabilities because of the operation of the so-called "Edmunds and Edmunds-Tucker laws." Our people are scattered, homes are made desolate, many are still imprisoned, others are banished or in hiding. Our hearts bleed for these. In the past they followed our counsels, and while they are thus afflicted our souls are in sackcloth and ashes.

We believe there are nowhere in the Union a more loyal people than the Latter-Day Saints. They know no other country except this. They expect to live and die on this soil.

When the men of the South who were in rebellion against the Government, in 1865 threw down their arms and asked for recognition along the old lines of citizenship the Government hastened to grant their prayer.

To be at peace with the Government and in harmony with their fellow-citizens who are not of their faith, and to share in the confidence of the Government and people our people have voluntarily put aside something which all their lives they have believed to be a sacred principle.

Have they not the right to ask for such clemency as comes when the claims of both law and justice have been fully liquidated?

As shepherds of a patient and suffering people we ask amnesty for them and pledge our faith and honor for their future.

And your petitioners will ever pray.

WILFORD WOODRUFF.	H. J. GRANT.
GEORGE Q. CANNON.	JOHN HENRY SMITH.
JOSEPH F. SMITH.	JOHN W. TAYLOR.
LORENZO SNOW.	M. W. MERRILL.
FRANKLIN D. RICHARDS.	ANTHON H. LUND.
MOSES THATCHER.	ABRAHAM H. CANNON.
FRANCIS M. LYMAN.	

Mr. DUBOIS. I will read the proclamation of President Harrison granting amnesty:

WASHINGTON, D. C., *January 4, 1893.*

Whereas Congress by a statute approved March 22, 1882, and by statutes in furtherance and amendment thereof, defined the crimes of bigamy, polygamy, and unlawful cohabitation in the Territories and other places within the exclusive jurisdiction of the United States, and prescribed a penalty for such crimes; and

Whereas, on or about the 6th day of October, 1890, the Church of the Latter-Day Saints, commonly known as the "Mormon Church," through its president, issued a manifesto proclaiming the purpose of said church no longer to sanction the practice of polygamous marriages, and calling upon all members and adherents of said church to obey the laws of the United States in reference to said subject-matter; and

Whereas it is represented that since the date of said declaration the members and adherents of said church have generally obeyed said laws and have abstained from plural marriages and polygamous cohabitation; and

Whereas by petition dated December 19, 1891, the officials of said church, pledging the membership thereof to a faithful obedience to the laws against plural marriage and unlawful cohabitation, have applied to me to grant amnesty for past offenses against said laws, which request a very large number of influential non-Mormons residing in the Territories have also strongly urged; and

Whereas the Utah Commission, in their report bearing date September 15, 1892, recommend that said petition be granted and said amnesty proclaimed under proper conditions as to the future observance of the law, with a view to the encouragement of those now disposed to become law-abiding citizens; and

Whereas during the past two years such amnesty has been granted individual applicants in a very large number of cases, conditioned upon the faithful observance of the laws of the United States against unlawful cohabitation, and there are now pending many more such applications:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the powers in me vested, do hereby declare and grant a full amnesty and pardon to all persons liable to the penalties of said act by reason of unlawful cohabitation under the color of polygamous or plural marriage who have, since November 1, 1890, abstained from such unlawful cohabitation; but upon the express condition that they shall in the future faithfully obey the laws of the United States hereinbefore named, and not otherwise. Those who shall fail to avail themselves of the clemency hereby offered will be vigorously prosecuted.

BENJAMIN HARRISON.

By the President:
JOHN W. FOSTER, *Secretary of State.*

Mr. President, I call attention to these messages of the Presidents for two purposes: One, to indicate the views of our former Executives; the other, to mark the contrast between them and the present occupant of the White House. Mormonism is more insidious, more dangerous, and a greater menace to our Government and civilization to-day than it was at any particular period when these messages were addressed to Congress. Yet President Roosevelt does not deem the subject worthy of mention in a message filled with suggestions. A majority of a great committee of the Senate, after patient and exhaustive research, have reported that REED SMOOT is not entitled to his seat as a Senator. It was not a partisan report. It should not be a partisan subject. No President heretofore has made it a matter of partisan politics. President Roosevelt has.

Mr. President, I can not help but think that my position would be similar to that of a Senator from the South if he were asked to make a plea against negro domination in the South to an audience having the power to grant him relief, but which was ignorant of the subject in its detail. I imagine if I were a Senator from the State of Mississippi and were called upon to plead

for the American white citizenship of the South to a body powerful enough to grant relief, I would confine myself to the State of Mississippi, because negro domination in Mississippi is the same as negro domination in North Carolina or elsewhere.

I should like to make an impression on the Senate and the country, because I stand as the last representative of the American citizenship of the Rocky Mountain country opposed to the domination of the Mormon hierarchy in our politics; and I think perhaps it would be as well for me to do as I imagine I would do if I were from the South. I have lived among these people for a quarter of a century, for more than twenty-five years. I went there from Illinois, after having been graduated from an eastern college. I knew nothing of the Mormons. My lot fell there. My life has been spent there. Mormons everywhere are the same, and perhaps I had better tell you of conditions as they have been and now are in Idaho rather than to deliver a thesis on the Mormon question.

When, in 1880, I went to Blackfoot, where I now live, the polygamists were on all sides. They held the high church positions, the high official positions. No one could be preferred, either ecclesiastically or politically, unless he were a polygamist. There were no laws on the statute books then by which they could be punished, and I am sorry to say that in my State—Idaho—there are now no laws on our statute books by which they can be punished there. That has been my contention in my State—that we pass laws; but we can not; we are powerless.

That entire western country was divided into Territories in those days—Montana, Utah, Idaho, Wyoming, Washington, the Dakotas. We had no Senators or Representatives in Congress then. If we had none now we would put an end to this question, as we did then, because then so flagrant had become the practices of this organization that the prayers and entreaties which went up from that western country finally reached your ears here in the East, penetrated your minds, and in March, 1882, Congress passed the Edmunds Act, which provided for the punishment of those living in unlawful cohabitation.

I had much to do with the enforcement of that act. Under it hundreds and thousands of Mormons were sent to the penitentiary for unlawful cohabitation, hundreds of them in southeastern Idaho. In no case did a judge ever sentence a convicted Mormon until he asked him the question, "Will you, in the future, agree to obey the laws of your country?" If the convicted one said, "I will," the judge allowed him to go free on his own parole. But in no instance did one of these convicted Mormons agree that in the future he would obey the laws of his country. The Mormons are very technical, and perhaps their defenders will be as technical; so I will qualify that statement by saying Bishop Sharp, in Utah, did agree to obey the laws of the country, and he was removed from office and pursued by the church in consequence thereof, so that no other Mormon attempted it.

The political domination of the Mormon leaders over their followers was as absolute then as it is now. There was a little difference in methods. They were more open and brutal then. Now they are more covert. Now they employ men by making them governors and Senators and Representatives to say there is no such thing. Then they made no pretense of concealment.

Conditions had become such in Idaho that there was organized an anti-Mormon party in the southeastern belt of Idaho which embraced every non-Mormon. In a fierce campaign, because in that great county the Mormons and Gentiles were about equally divided, the anti-Mormons won. They sent six members to the Territorial legislature of Idaho out of thirty-six. The sentiment of the Territory had been aroused. The good people from the other sections stood with the anti-Mormons of the southeast, and they passed through the Idaho legislature a test oath, so-called, under the provisions of which no Mormon voted or held office in Idaho for ten years.

Neither the Edmunds Act nor our action in Idaho seemed to make any impression on the Mormon people. They were just the same. They were just as defiant. So in 1887 Congress passed the Edmunds-Tucker Act, which provided additional penalties against these people and, amongst other things, took away from them their vast church belongings. Think of it, my brother Senators. From the beginning to this day and now and forever wherever there are Mormons living with Gentiles there is this perpetual conflict; and in the past Congress took away from it its church belongings, its church property. Would the American citizenship there during all these years do all those things to persecute any religious sect on account of its religion? Would your fellow American citizens there be making this fight now on account of anybody's religion? Does it not occur to the Mormons themselves, or to you, perhaps, that there is something inherently wrong in their organization or else this conflict would not be perpetual?

Congress took away their property and put it into the hands of the United States marshal as a receiver. This did not seem to affect the Mormons. Congress contemplated other legislation. So that finally here they were, going to the penitentiary by the thousands; their church property had been taken away from them; they were disfranchised in one of the Territories; bills were pending in Congress, the Struble bill amongst others, to disfranchise them everywhere. They were sorely beset. Their leaders were in hiding or in the penitentiary. Their followers had left their families and fled into the mountain fastnesses to evade the officers of the law. It was a trying time. And in addition to that there was then what I am sorry to say I do not observe now—a movement among the younger members of the church against the leaders.

The younger members then said to the leaders, "You must give up this unequal contest. You can not carry on this struggle against the great power of the United States. You must live as other citizens live. You must obey the laws of the land. You must yield or we will be destroyed." Pressed on all sides, by the Government from without, by their younger men from within, President Woodruff, on the 25th day of September, 1890, issued a manifesto to the world that from that time on there would be no more polygamous living, there would be no more dictation by this organization in political affairs.

Unless one were in that fight in southeastern Idaho and in Utah in those days, he can not begin to comprehend or realize the sigh of relief which went up from our friends when that manifesto was issued. We had stood for ten years solidly arrayed one against the other—the Mormons there, the Gentiles here. We scarcely spoke to one another. We had no business or social relations. Life was hardly worth the living, so intense was the conflict. They were contending for what they thought to be a religious principle; we were contending for the sanctity and purity of the American home; and to-day in Utah and Idaho, in the southeastern part, the Gentiles are once more united, making a fight for the sanctity and the purity of the home, and once more they will win the fight.

We took the Mormons by the hand and said to them, "Let us forget past animosities; let us bury differences, and together we will live as American citizens and here build up a young Commonwealth to be the pride of our sister States." Every party hastened to remove the restrictions against the Mormons. I myself was the first. I think I can say—and I think my colleague will not charge me with egotism when I say—that at that time I was the undisputed leader of the Republican party of my State. I was its representative in this Chamber. I sent a letter to the chairman of our State committee on this subject, dated July 24, 1892, which I wish to read. I had just been elected to a six-year term in the Senate:

UNITED STATES SENATE,
Washington, D. C., July 24, 1892.

HON. EDGAR WILSON,
Chairman Republican State Central Committee,
Boise City, Idaho.

SIR: Your telegram inviting me to meet the Republican editors of the State on August 1 to consult with them regarding plans and measures and policies which will best tend to maintain the supremacy of Republican principles is at hand.

There is a local question still with us and with which our party has contended unitedly and aggressively for many years. I refer to the Mormons. I would like to be with you all to exchange views fairly and freely in regard to it. There is a law on our statute books which disfranchises them. So long as it remains there it is the duty of every good citizen to see that it is obeyed. The Mormons themselves will be quick to recognize the absolute necessity for this if, as they claim, they are now law-abiding citizens in every sense of the word.

Bad laws should be repealed. Laws which have been enacted to cure certain evils and which are harsh in their provisions, and in their workings make hardships for individuals, should likewise be promptly repealed when they have served their purpose and have cured the evils which they are enacted to correct. The Republican party has always been the party of liberty and progress, and it is its boast that it guarantees a free ballot and a fair count to every citizen, however humble. The course of our party on the Mormon question in Idaho in the past is one of which we may all feel justly proud. We made it a question of party fealty that its members should demand that the Mormons should give up polygamy and that the leaders of the Mormon Church should not exercise political control over their followers. Our party demanded that there should be no union of church and state, and that the individual members of the Mormon Church should be allowed to exercise, untrammeled, perfect freedom of action in all political affairs. The people of the State sustained our party in this position. The Mormons have acknowledged that we were right by openly and repeatedly proclaiming that they have abandoned polygamy and that their leaders no longer attempt nor will they attempt to use their positions to influence the judgment of their followers in political matters. If this is so, if polygamy has been given up for all time, if members of the Mormon Church are taking sides with the different parties according to their individual judgment and as their conscience dictates, the Republican party should be the first to extend to them the right hand of fellowship and to use its best endeavors to make them feel welcome as full citizens in every sense of the word. Our party, as a party, can not afford and

will not prosecute any class of men for past mistakes nor through prejudice.

Please extend to each one present individually my best wishes, and accept my sincere regrets that I can not be with you.

Yours, very truly,

FRED T. DUBOIS.

The church not only issued the manifesto, but a plea for amnesty was sent to President Harrison, signed by the authorities of the church, in which plea they set forth that from that time on there would be no more polygamous living nor would they dictate in political affairs, and asking pardon for past offenses. The authorities of the Mormon Church are twenty-six in number—the president and his two counselors, the twelve apostles, a patriarch, three high bishops, and seven presidents of the seventies, making twenty-six. But as a matter of fact, as was shown in the testimony, the authority is exercised by and resides in the first presidency and the twelve apostles. Every one of them signed this plea for amnesty, saving, I think, two, who were in Europe. They signed their names. These authorities have full control over their followers in all things. They speak for them, and when the president of the church receives a revelation from God it is binding on the church.

This manifesto of President Woodruff came to him as a revelation from God. That sounds queer in the United States Senate, but there is not a Mormon anywhere who does not believe that the president of his church receives communications directly from God Almighty—not one. In addition to that, when the president of this church receives a revelation from God and submits to the people of the church and they accept it, it is binding on them as a command from God. This manifesto received by the president from God Almighty was submitted to the Mormon people in conference shortly after its reception. There gather in the great temple in Salt Lake City twice in every year ten to fifteen thousand of the leaders of this church in their great conferences. At their first conference shortly after the manifesto was received it was submitted to the people, and these ten or fifteen thousand, speaking for all the people, with uplifted hands ratified and accepted the manifesto. And again, six months afterwards, in another conference the Mormon people accepted this manifesto which came to their president as a revelation from God. That is the record.

As I say, no one can understand the joy with which we accepted the changed conditions. The Republican party and the Democratic party in their first State conventions after the manifesto put planks in their platforms favoring the repeal of the statutes making effective our test oath, and in the legislature which followed, the legislature of 1893–94, the statutory provisions making effective our test oath were repealed, I think, without a dissenting voice. Gradually, too, since then all other statutes in Idaho reflecting on these people have been repealed. Gradually all your Congressional action has been repealed. The Edmunds-Tucker Act and the Edmunds Act were wiped out by statehood. You have restored to them their church property, and in 1896 we gave statehood to Utah, and it stood there as a sovereign State, with no law against it except those of its own manufacture and to be enforced by itself.

Things went along quietly after the manifesto and until statehood was secured for Utah. It was not long after that, however, before the signs became ominous, and I will tell you a few things which happened which have caused the renewal of this contest. It was none of our seeking; it was forced upon us by the church itself.

In the election of 1902 there appeared in southeastern Idaho a polygamous apostle, John Henry Smith, from Utah; a polygamous apostle, Mathias F. Cowley, of Utah, and a polygamous apostle, Francis Lyman, of Utah, all Republicans, who went among the Mormons and told them how they should vote. We all understood what it meant. That portion of Idaho was then Democratic. In the early days, when the Republican party was passing the Edmunds Act, there was not a Republican Mormon in Idaho; every Mormon in Idaho was a Democrat. There is not a Democratic Mormon in Idaho now.

I went down to one of the Mormon counties, Oneida, a Democratic county then, as they were divided. There was David L. Evans running for the State senate. His brother Lorenzo was chairman of the Democratic county committee. Both were Mormons. I met them. I said, "We are beaten; the church once more is taking possession of our politics." They said, "Yes, it is;" and David L. Evans, one of the brainest men of the organization, wanted to withdraw the county ticket; but finally he concluded to let it go through. Matthias F. Cowley, the polygamist apostle of the Mormon Church from Utah, was going into this county of Oneida, distributing the Republican ticket to the church people, telling them it was the will of the Lord, and that they must obey Him politically as they did in spiritual affairs. After that, of course, they were successful.

In the legislature following the election in Idaho of 1902–3 this same polygamous apostle, John Henry Smith, of Utah, appeared at Boise City to pass a resolution through the Idaho legislature for a new constitutional convention to take the test oath out of the Idaho constitution. He testified about it before this committee, and so did Gentiles. He went to the leading Republicans there. He went to Governor Morrison, the Republican governor. John Henry Smith himself testifies that Morrison tried to dissuade him. I do not know that it had any bearing on it or not. Governor Morrison was a worthy gentleman, apparently a good governor. We generally give our governors two terms. He was not renominated. The solid Mormon vote was against him for renomination. Whether it was on account of the advice he gave John Henry Smith or not, I will not say. The editor of the Boise Stateman testified before the Committee on Privileges and Elections that John Henry Smith came to him and said: "I want a constitutional convention to take the test oath out of your constitution." He asked, "Why do you want to take it out?" He said, "Because it is obnoxious to our people." He replied, "You can not take it out. The people of Idaho will not submit to it. You will destroy the Republican party if you attempt it."

All the Republican leaders apparently gave him the same advice, and they thought they had dissuaded him, because he left the city. But he came back in about ten days and he slipped so quietly a resolution through the legislature calling for a constitutional convention, the avowed object of which was to take the test oath out, that no one knew it. It was not published in any paper. No one knew that we were to be confronted with such a question as that for six or eight months after its passage, and when the attention of the people of the State was called to the fact there was a protest from one end to the other, so much so that the attorney-general of the State, in answer to a communication, delivered an opinion, which was published, that the resolution had been improperly passed and, therefore, could not be submitted to the people. The only thing that restrained them was the knowledge on their part that the people of Idaho were not yet sufficiently educated to stand for that; the Mormons must be a little more patient before they can lead the people of Idaho up to that step, because unless that provision was in our constitution of Idaho to-day we would be as helpless as they are in Utah.

I know the attorney-general would not have rendered that opinion except for fear of the consequences, because the attorney-general then was a Mormon. The attorney-general then was a polygamist, and I stated time and time again in Idaho without contradiction that the attorney-general of Idaho, three years ago occupying the highest judicial office in that State, took a polygamous wife while attorney-general, and we can not pass laws in Idaho to punish him.

To show the utter subserviency to the Mormon power and the care which they exercise for their material interests, the same legislature in Idaho of 1902 and 1903 passed a sugar-bounty bill, which provided for the payment of a cent a pound on manufactured sugar for the first year and half a cent a pound for the second year and a flat bonus of $20,000 for the sugar factories. It did not provide a bounty for the grower of the beet, the farmer. It gave it to the manufacturer, to the manufactured product, to the factory. There are three sugar-beet factories in full operation in Idaho now, one in my town, Blackfoot, with a capacity of 500 tons a day; one in my county, at Idaho Falls, with a like capacity, and another one in the adjacent county of Fremont, at Sugar City, with a capacity of 1,000 tons a day.

The president of the Mormon Church and the polygamous apostles are the directors of every one of these factories. So this legislature voted directly to the Mormon Church some three or four hundred thousand dollars as a bounty. They have put the Gentiles of that State to paying tithings the same as the Mormons.

The auditor of the State, one of the most capable auditors we have had, serving his first term, refused to pay the bounty when they presented it. The Mormons refused very promptly to renominate him as State auditor. The Democratic party of the State, however, called attention to these facts which I have narrated, and up to date the Republican party has not yet paid that bounty. But they passed the law, and it is there to-day. My judgment is that it is unconstitutional; but whether it is or not, the law was passed.

These were large incidents in Idaho. There were many smaller ones. At about the same time the apostle from Utah was elected a Senator of the United States from Utah. The right to his seat was questioned. An investigation was had. I happened to be a member of the Committee on Privileges and Elections before I knew there was such a man as REED SMOOT.

I was on that committee when his case came before it. I heard all of that appalling testimony which has brought the blush of shame to the cheek of every right-thinking and pure-minded person in the world. I heard it all.

There come times to you, to every one of us, in our lives when we pause for most serious meditation. We are confronted with our conscience. There is an easy way for us to go, but there is a conscience which says you must go the other. It comes to all of us in our lives. It came to me. When I heard that testimony and when these occurrences took place in Idaho I thought of the bitter fight of ten years of my early manhood. When it was finished I thought no power on earth could induce me to enter upon another such. I wanted to flee from it all.

On the other hand, there were the people of Idaho, who had honored me far beyond any deserts of mine for twenty years. For twenty years, no matter to what party I had belonged, they had made me their leader. They were there, those good men and women, to follow again in a fight for American citizenship. I had to quit or I had to fight. It was none of my seeking.

I heard that testimony. You are all familiar with it. I shall not go into it in great detail. The president of the church, the president of the quorum of twelve apostles, who will become president of the church if he outlives the president, and the first five apostles in line of succession to the presidency all testified that they are now living in the polygamous relation, and everyone of them had signed his name to the solemn covenant made with the President of the United States to the people of the United States, that from that time on they would cease these practices.

Some men undertake to excuse them because they are old cases of polygamy, entered into years ago. The president of the church testified, the head of the quorum of apostles testified that their living in the polygamous relation now was not contrary to the laws of God and man. I ask these apologists for these old polygamists, "Where is your sympathy for the children? They are brought into this world to carry through life the awful brand that they come here contrary to the laws of God and man."

It was shown in this testimony that several of the apostles have gone into new polygamy since the manifesto. It was proved that John W. Taylor married two sisters, he being an apostle of the church, at the same ceremony, in 1897, he having two wives at the time.

I might say in passing that it is very common for polygamous Mormons to marry sisters. They do it almost invariably if the opportunity affords; and there is scarcely a leader among the Mormons in Utah to-day who is not married to two sisters. Joseph F. Smith himself is. This John W. Taylor, who married two sisters into polygamy in 1897, was one of the authorities who signed his name to the amnesty plea and who was granted pardon by the President of the United States. Do you attribute to the apostle Senator from Utah so little intelligence as to think that he did not know of these occurrences, sitting as a brother apostle with Taylor?

Abraham H. Cannon, another apostle who signed this plea for amnesty, married Lillian Hamlin as his wife in 1896, and the ceremony was performed by Joseph F. Smith, the president of the Mormon Church.

I do not know how much testimony you expected the committee to wring from the lips of reluctant Mormon witnesses. The chairman of the committee, the Senator from Michigan, referred to the cases of Thatcher and Roberts from a political standpoint. They were candidates, respectively, for Congress and the United States Senate on the Democratic ticket, Thatcher having been nominated in the State convention. In the middle of the campaign the church issued a ruling that no officer of the church, from a bishop up, inclusive, could be a candidate for office without getting the consent of the church. Thatcher and Roberts were the most conspicuous Mormons of them all, the two most eloquent men of the church, and I think Thatcher was the most beloved man in his church, the most beloved of any who has appeared among them for twenty years, and the authorities evidently intended to make a lasting example of these two shining lights. They had a reconvened Democratic State convention in Utah, which undertook to denounce this action of the church. Thatcher published letter after letter and made speech after speech, claiming that as an American citizen he had a right to aspire to office, notwithstanding the orders of his church, and Roberts did the same thing.

They carried the controversy into the election. Their addresses appealed to the highest type of American citizenship and would have been a credit to American statesmanship anywhere. Both were beaten at the polls, the Republicans winning the election. Both were candidates two years after for the same offices, but in the meantime Roberts had recanted, had written an open letter saying that the church had a right to dominate him and all other followers in politics. He then asked the consent of the church to become a candidate for Congress. Consent was given by the church. Thatcher continued his opposition. The Democrats were successful, and Roberts was elected to Congress. The legislature was Democratic, and the Mormon leaders then took away from Thatcher his Democratic following, and finally had one Republican Mormon change his vote in order to elect some one besides Thatcher.

REED SMOOT in the committee's investigation was asked if it was necessary for him to get the consent of the president of the church to become a candidate for the United States Senate, and he said yes. Joseph F. Smith was asked if it was necessary for Senator SMOOT to get his consent, and he said it was. Some Senator, I think it was the Senator from North Carolina [Mr. OVERMAN], asked, and the same question may occur to you perhaps, what would become of one if he would insist on running notwithstanding he did not get the consent of the church. That question was asked, I think, of Roberts, but, at any rate, whoever answered the question, whatever Mormon it was on the witness stand, he replied that he would be out of harmony with the quorum.

Now, it does not seem probably very dreadful to you, Senators, to be out of harmony with your quorum, but it is of considerable moment to a Mormon. Mr. Thatcher was out of harmony with his quorum, and after they had beaten him out of the Senatorship they took away his apostleship. They dropped him. They took away every ecclesiastical office which he had, until now, I think, he is the only Mormon living who has not any office. They stripped him of his temporal possessions. They have reduced him to nothing. They made him a pitiable object. They destroyed him financially, ecclesiastically, physically, and finally made him apologize abjectly in a written open letter to the world in which he said "the church has a perfect right to command me in all things." That is what it means to be out of harmony with your quorum.

So far as the Gentiles of Utah and Idaho are concerned, it is about equally as bad with them. We had a Democratic platform in Idaho in 1904, which reads as follows—this is the 1904 platform:

> We demand the extermination of polygamy and unlawful cohabitation within the State of Idaho and the complete separation of church and state in political affairs.

We had hard work to pass that plank. There were many Mormons in the convention. But it was finally adopted, and it cost the Democratic party every Mormon vote in Idaho. That was the sum total of the platform. That was all there was to it. That was in the 1904 campaign. We went before the people demanding the power to enact laws to punish these people and to separate the church from the state in politics. Finally, at the end of the campaign, the Republican leaders from the stump pledged the people that if they were given the power again they would enact adequate laws. That pledge was made by Governor Gooding and Judge Richards and two or three other leading Republicans plainly and everywhere. The people evidently took them at their word, because Idaho is strongly Republican, and they preferred to remain with their party. So they voted the Republicans in almost overwhelmingly; and the first thing that the Republicans did when they met in legislature was to elect a Mormon bishop speaker.

There was a judge, J. H. Richards, one of the leading attorneys of the State, who had canvassed the entire State pledging the Republicans to the enactment of sufficient legislation. He is a man of high character and standing in the party. While he was making the campaign through the State he was elected to the legislature from Boise City, Ada County. When the legislature assembled he introduced bills against unlawful cohabitation and for a change of venue—what we had then been demanding. They were carefully drawn, carefully considered bills. He introduced them. The Mormons and the Republican authorities throttled them and passed what they called an "administration bill"—that is, a bill against polygamy—and, as I have demonstrated here to-day, you might as well pass a bill to divide the moon into four equal parts, so far as its effectiveness is concerned, as to pass a law against polygamy. It is a dead letter. They stifled the bill against unlawful cohabitation, because under that we could punish these practices, provided we had a change of venue.

Polygamous children are being born constantly in my State. We have the names, we have the dates, but we can not prosecute the polygamous parents. The Mormons absolutely control in southeastern Idaho as they do in Utah, and even more so. If the officers are not Mormons, they are those who were elected by the Mormons and are dependent upon them, and in these

Mormon communities in southeastern Idaho you can not any more than you can in Utah proceed against these offenders; and not so well in Idaho, because we have not the laws. In numerous instances I see their political power here as well as in Idaho. They have become an object of solicitude now. They are a political factor because they control Senators and electoral votes and Members of Congress. They are to be reckoned with, not as a criminal organization, but as a political factor.

I will refer to an old soldier. I will not call attention to a number of things that I could, but will confine myself mostly to the political aspect of it. There was an old soldier, a major in the Union Army, who was holding the postmastership in the town of Montpelier, in Bear Lake County. It is a Mormon county, strongly so, but Montpelier itself is a divided town. From what I gather and from my knowledge I should think that considerably more than one-half of the business of the post-office at Montpelier is done by Gentiles. This Major Underwood was a Gentile. His place was filled by the appointment of a Mormon bishop, and the Gentiles of Montpelier protested to me, and I went to the Departments about it. The Gentiles thought that they ought to have that office. I called the attention of the President and the Postmaster-General to the facts in the case, but without avail. I can not better tell the story than by reading my letters to both the President and the Postmaster-General. The letter to the President is as follows:

WASHINGTON, D. C., *April 22, 1906.*

To the PRESIDENT:

I hand you herewith some papers in regard to the appointment of the Mormon postmaster at Montpelier, Idaho. I have no recommendation to make as to the appointee. There are a number of qualified Gentiles in Montpelier, any one of whom would be glad to be postmaster.

I am sure that it would be much more in the line of good government if Congressman FRENCH would select a postmaster from among the Gentiles. I think a mistake was made in displacing the present postmaster.

Unless a Gentile is appointed postmaster at Montpelier the very large Gentile population of this county will not have a representative in any office, county or Federal. It does seem to me that no church, or alleged church, is so superior in its membership that every office in the county should be in the possession and under the control of this organization. I have an agreement with my colleague, Senator HEYBURN, that the Senate will pass upon the confirmation of Mr. Winters, the Mormon bishop, Thursday, the 28th. I will acquiesce in your decision. If you think the Gentiles, under the circumstances, are entitled to this position, and will ask Mr. FRENCH to recommend a Gentile and will get him to consent to the withdrawal of Mr. Winters for that purpose, you will gratify those in Montpelier who are not Mormons, as well as myself. If you think, under the circumstances, that Mr. Winters should be confirmed and will so intimate to me, I will raise no objection.

I ask that you kindly give me your answer before Thursday of this week.

Respectfully, FRED T. DUBOIS.

I received no answer to that communication. I wrote the following letter to Postmaster-General Cortelyou:

WASHINGTON, D. C., *April 30, 1906.*

Hon. GEORGE B. CORTELYOU,
Postmaster-General, Washington, D. C.

MY DEAR MR. CORTELYOU: I hand you herewith another petition for the appointment of Marcus F. Whitman as postmaster at Montpelier, Idaho.

I desire to call attention to this fact, that all the county offices in Bear Lake County, where Montpelier is situated, are held by Mormons, and every Federal office, excepting the post-office at Montpelier, is held by Mormons.

Montpelier is a Gentile town, a considerable majority of the people being Gentiles.

I inclosed with the letters filed with you a little typewritten statement showing the vote of the county for President and governor and lieutenant-governor at the last election, from which it will be seen that the Republican vote was between 1,500 and 1,600 and the Democratic vote between 300 and 400.

At the same election there was a Gentile candidate for superintendent of schools and for treasurer on the Republican county ticket, yet both of them were beaten by Mormons who were running for the same offices on the County Democratic ticket.

The situation there means the disfranchisement of every American citizen by this political organization which calls itself a church.

The domination of this so-called "church" in political affairs and the complete union of church and state is perfectly exemplified in this county of Bear Lake, Idaho. Under existing circumstances the American citizens there are helpless so far as county affairs are concerned, but I do think they are entitled to the support of the National Government in the unequal fight in which they are engaged in trying to maintain American citizenship.

Respectfully, FRED T. DUBOIS.

I received no answer to that communication.

Now, I will read you the Democratic platform adopted prior to the last election; and when I am describing conditions in Idaho, I am describing conditions wherever Mormons are found, and these are so familiar to me that no one can dispute any statement which I make. There was this plank in our platform during the last election, viz:

STATE BOARD OF HEALTH LAW.

We pledge the party to enact a State board of health law for the control of contagious and infectious diseases, and for the collection of vital statistics

It was rather strange that it was necessary to put a plank of that sort in a political platform. Idaho is the only State in the Union which does not have such a law. It is one of the most favored States. Our climate is such that if vital statistics were published, the State would become famous as a health resort. Yet we can not pass a law to control contagious or infectious diseases or to collect vital statistics, because, of necessity, it carries with it a provision for a registration of births, and the Mormons in the legislature and the Republican leaders will not let us pass such a law. The Mormons say so openly. They do not disguise it. They say, "You can not pass that law, because you could then locate the polygamists, and our people would not submit to it."

A Democratic State senator from south Idaho, in the legislature before the last, spent almost the entire session—and he is a doctor—trying to get such a bill through, but he failed. The medical association of the State has been urging it for years. A Republican doctor and State senator from north Idaho spent the last session in trying to have a similar bill passed, and he failed for the same reason. We adopted our plank of 1904 in our last State platform demanding the extermination of polygamy and unlawful cohabitation within the State of Idaho, as follows:

EXTERMINATION OF POLYGAMY AND UNLAWFUL COHABITATION.

We demand the extermination of polygamy and unlawful cohabitation within the State of Idaho and the complete separation of church and state in political affairs. We pledge the people of Idaho that, in the event of Democratic success at the polls in November, we will make effective by legislative enactment the wise and patriotic declarations in our State constitution, contained in section 3, Article VI, which reads as follows:

"No person is permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic, or insane; or who has, at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling, or offering to barter or sell, his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist, or who is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or of the United States forbidding any such crime, or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society, which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State; nor shall Chinese, or persons of Mongolian descent, not born in the United States, nor Indians not taxed, who have not severed their tribal relations and adopted the habits of civilization, either vote, serve as jurors, or hold any civil office."

That is the test oath. The platform further declared:

We favor further legislation in harmony with the unanimous recommendation of our supreme court to the last session of the legislature, providing for a change of venue on the application of the State upon a proper showing on behalf of the prosecution that justice demands such change.

I will say in passing that the Supreme Court of the United States unanimously affirmed the constitutionality of that act, and complimented the people of Idaho for having passed it. The Congress of the United States, the Senate, after great deliberation, admitted Idaho to statehood with that provision in our constitution, knowing full well what it meant. The next clause of our State constitution, following immediately after that, says:

SECTION IV, ARTICLE VI. The legislature may prescribe qualifications, limitations, and conditions for the right of suffrage additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.

That is the constitution of the State of Idaho.

Immediately after that was passed—and it was passed unanimously—delegates had come there from every portion of the State, and the Democratic party of Idaho was in a more hopeless minority than it is in Vermont. Two years before that its candidates had not received nearly one-half of the votes of the State. The party had driven from their support all the Mormons; yet they were there in their seats in that convention in Coeur d'Alene, in the extreme north of the State. The Democratic party put that plank in their platform which said from this time on no Democratic politician shall trade or barter away the principles and rights of the people of this State for a Mormon vote. They had no hope or expectation of winning. Every Democratic county convention in the Mormon counties repudiated that platform and the Democratic party after it was passed. In Fremont County the Mormons nominated on the Republican ticket six members of the legislature, all of whom were Mormon bishops. The other Mormons nominated what they called a citizens' ticket. They also put up for the legislature six Mormon bishops. The American citizenship party there nominated

a ticket, but it was, of course, hopelessly beaten. In my county of Bingham the Mormons nominated a Democratic ticket, so called, but they repudiated that platform, denounced the Democratic State ticket, and put up candidates for the legislature pledged to vote, at any rate, against the nominees of the Democratic State convention. In my county the Americans nominated a ticket; and I am proud to state that it received a great many more votes than the so-called Democratic ticket.

In Oneida County they nominated four bishops on each ticket—three or four, I have forgotten the exact number—and in Bear Lake County they did the same, repudiating utterly the Democratic party on account of that platform.

I will ask that the address of the chairman of the Democratic committee of the State of Idaho, Mr. Lockhart, be inserted in the RECORD. I will not read it. The address is confined entirely to the Mormon question.

The address referred to is as follows:

CHAIRMAN LOCKHART'S ADDRESS ON THE POLITICAL SITUATION.

To the people of Idaho:

In view of the great consequences which will arise from the campaign of 1906, and which may reflect for good or evil the destinies of the people of Idaho for a long time to come, I have deemed it proper that a statement should be given to the people of this State relative to the course to be pursued by the Democratic State Committee, of which I have the honor to be the chairman.

DEMOCRATIC STATE CONVENTION.

A convention of the Democratic party lately held in Coeur d'Alene City has declared in unmistakable words that polygamy and unlawful cohabitation must cease, and that the interference in the political affairs of this State by the Mormon hierarchy must stop; and it pledged itself, if given the power by the people at the polls, to carry into effect by statutes punishing such offenses, that clause of the State constitution which has heretofore been at once the bulwark of morality and decency in the homes of this State and the weapon of defense against the political domination of an unscrupulous and selfish alien oligarchy which seeks to confuse the religious sentiments of its people by directing them in their political actions.

NO PARTISANSHIP DICTATED COURSE.

No partisanship has dictated the course of the Democratic party in presenting this issue, for at all times, disregarding the possibilities of deriving advantage by truckling to the Mormon hierarchy, the Democratic party has sought to occupy the high ground of citizenship which looks solely to the welfare of the State and the preservation of those homes which are at once the glory and safeguard of a republic.

POLYGAMY IN IDAHO.

We affirm unhesitatingly that polygamy is not only practiced in this State, but is increasing to an alarming extent, and if the people of Idaho will intrust the affairs of government of the State of Idaho to the nominees of the Coeur d'Alene convention and the legislators from the various counties who indorse the Coeur d'Alene platform, we will pass such laws at the next session of the Idaho legislature as will enable us to prove this assertion; without laws we are powerless to act. We affirm that children, the future citizens of this State, are being born branded with illegitimacy and deprived of their legal birthright, and reared in an atmosphere which must undermine their moral natures. To absolutely stamp out this crime, prohibited by the moral sense of mankind, and to rescue these little children, so that each may stand equal in the eyes of the law, unashamed of its parentage, we appeal to the motherhood of this State to stretch out protecting arms over the children reared in this vicious practice of unlawful cohabitation.

WOMEN'S PRIVILEGE AND DUTY.

The women of Idaho have been given at once a great privilege and a great duty, and we urge them so to act in this campaign that the claims made in their behalf shall be vindicated, viz, whenever a question of morality should be presented to the people, the votes of the women would be cast fearlessly for the right. Can you, women of Idaho, looking into the clear, innocent eyes of your children, fail to help us free the polygamous children of the curse of bastardy? Was it not taught on the shores of Galilee that, "It were better that a millstone were hanged about his neck and that he be cast into the sea, rather than that he should offend one of these little ones." Is that not living truth to-day in Idaho? Is not the question whether or not you will continue to permit these little ones to be offended put straight to the hearts of the women of Idaho to-day in this campaign; or whether, joining with us, you will put down forever the practice of polygamy in this State? There have appeared apologists for the old polygamists, but who, if not women of this State, shall be heard in defense of their young children?

FRENCH'S TESTIMONY.

The State of Idaho stands pilloried before the United States, placed there by the sworn testimony of Representative French before the REED SMOOT investigating committee of the United States Senate, where, sitting between two polygamous apostles of the Mormon Church, he unblushingly testified that the people of Idaho condoned the crime of polygamy and unlawful cohabitation in the cases of old polygamists. Do you, women of Idaho, condone the birth of children of old polygamists, tainted from their infancy with this system of crime? (Last July a forty-third child was born to the third polygamous wife of Joseph F. Smith, president of the Mormon Church.) Are we to allow this statement to stand regarding Idaho, or will the earnest men and women of this State repudiate it?

CHURCH INTERFERENCE.

No less momentous in its effects upon the future of Idaho is the interference in political affairs of the Mormon hierarchy. As is well known, the Mormon voters hold the balance of power between the two great parties—the Republican and Democratic—and these Mormon voters are absolutely controlled by the hierarchy. It is possible for the authorities of the Mormon Church, sitting in Salt Lake City, to say to either party in Idaho: "If you will agree to our demands, we will place you in power." It can say to any individual in either party: "If you agree to support measures favorable to us, we will make you Senator, governor, or put you in whatever office you may aspire to." Is not this great power inimical to the best interests of the State? Will it not build up in our politics the system of "bossism," to trample upon the aspirations of our people? Was not this great power of the Mormon hierarchy lately exerted at Pocatello, when in a convention in which three polygamists sat two men were permitted to prepare a "slate" and parcel out the offices of this State without regard to the choice of the people, but always with the approval of the Mormon leaders? The motto of that convention seems to have been: "If we can please the hierarchy, the people can be disregarded."

APOSTLES COME TO IDAHO.

Have we not seen in Boise the polygamous apostle, John Henry Smith, of the Mormon Church, endeavoring to coerce a legislature and to change the clear provisions of the constitution of Idaho against polygamy, which he said was so objectionable to his people, and has not this been testified to by the leading Republicans of Idaho?

Have we not seen the polygamous apostle Matthias Cowley masquerading as a book agent and visiting homes in Oneida County with the statement that inasmuch as he was the spiritual adviser of the people they must listen to him in political affairs? Have not the people of this State seen Apostle Penrose, likewise a polygamist, leaving his office in Salt Lake City and coming at the request of political leaders in Fremont County, Idaho, and changing its political complexion in a night? Is there, in this demand that the Mormon hierarchy should refrain from interfering in the political affairs in Idaho, any partisan politics? If so, then the evidence of leading men both in the Democratic and Republican parties must be disregarded.

LAST LEGISLATURE.

Who can view the last session of the Idaho legislature without the blush of shame mantling his cheek? Did not Representative Ainey, a Republican, of Canyon County, stand up in the house of representatives and declare that he had been approached by members of the ecclesiastical organization and told that if he voted for certain measures his usefulness as a legislator was ended? Have the men of Idaho become so docile in their subjection to Joseph F. Smith, of Salt Lake, that such a statement can be made by one of their representatives and they not resent it? Was it partisan politics when, acting under their constitutional duty, the judges of the supreme court of this State wisely suggested to the legislature of this State that a change of venue bill be passed in the interest of justice? And yet was this Democratic politics when this measure advocated by the supreme court (composed of two Republicans and one Democrat) and introduced by so prominent a Republican as Judge Richards, of Ada County, in the house, the Mormon speaker left the chair and, descending to the floor of the house, characterized the bill as the weapon of character assassins and with passion declared it an insult aimed at the Mormon people. Why? When this change of venue bill was being discussed in the senate Senator McBeth, in advocating its enactment, stated that if this bill should be passed it would be the death blow to polygamy, and on this statement, notwithstanding the recommendation of the supreme court of the State and in order to continue this abhorrent practice, the influence of the Mormon hierarchy in the senate forthwith killed it.

POWER OF CHURCH.

Are the citizens of Idaho, who are trying to lift Idaho to the high place occupied by her sister States in civic authority and public morality, to be called partisan when they insist that laws that have proven efficacious in other States in preventing disease and in fostering public health be adopted in this State? If in agitating against the control of the affairs of Idaho by the Mormon hierarchy we be called partisan, we point to the experience of Doctor France, Republican representative from Shoshone County in the last legislature, as an example of the power of the church to oppose and defeat the best interests of this people. Doctor France, at the request of the State medical board, introduced a board of health bill, which in effect provided the machinery for stamping out epidemics and contagious diseases and provided for the collection of the vital statistics of the State. Idaho is the only State of the American Union which has not such a law, and to the credit of the medical profession of the State, they endeavored to place Idaho in line with the best medical and scientific information by collating and copying the best part of each law from the different States on this subject. Doctor France introduced this bill, and was thereupon told by the representatives of this Salt Lake hierarchy that if he eliminated the provision regarding the registration of births the bill could be passed, otherwise it could not. Upon his refusal to truckle to this plainly immoral demand the bill met the same fate as its predecessors by being defeated at the hands of the Mormon influence. Thus to hide the evidence that they still preach and practice polygamy the Salt Lake hierarchy have exposed the people of Idaho to contagious disease and possibly death by keeping the State from having the necessary machinery to effectually quarantine against disease.

THE GREAT ISSUE.

There is but one issue to be presented to the people of the State in view of these incontrovertible facts above stated, viz, whether or not the people of Idaho shall enjoy political independence and whether or not they shall cleanse this State of the crimes now being practiced within its borders. I shall not permit the personalities of the different candidates to enter into the discussion, but shall insist at all times that the question of the sanctity of the home and political liberty is greater than the aspirations of any candidate; that the great question to be answered and settled at the polls in November is whether vice shall be effectively suppressed and individual political liberty be preserved to each citizen of Idaho. We must make sure that the State lives before we discuss the question of politics.

APPEAL TO PATRIOTIC CITIZENS.

I am not appealing to the partisan sentiments of the Democratic party, but, rather, I am addressing in this campaign all the citizens of Idaho regardless of party; to Democrats and Republicans alike, because their interests are being injured in the most vital places; to the women of Idaho, regardless of party affiliations, because crime is practiced in this State which particularly affects them. We have before us the ever-continuing struggle of a democracy—the preservation of a liberty dearly bought and heroically maintained. It is a fight for first principles and all that is most dear to men.

Before any other question can be answered the people of this State must, by their solemn votes, affirm that liberty is dearer to them than their party affiliations and that the purity of the home must be pre-

served and that the children born in this great Commonwealth shall face the world without a stain upon their birth. For the accomplishment of these great ends I appeal to the whole people of Idaho to unite with the Democratic party so that the pledges of its platform may be enacted into the laws of the land.

H. W. LOCKHART, *Chairman.*

BOISE, IDAHO, *August 30, 1906.*

Mr. DUBOIS. I will read the letter of the chairman to those whom he invited to speak for the Democratic party during the campaign. It is as follows:

CHAIRMAN LOCKHART'S LETTER TO SPEAKERS.

MY DEAR SIR: The campaign in this State is going to be a very interesting one. The greatest question to be submitted to the voters of Idaho is whether or not the Mormon hierarchy is going to dominate in the political affairs or whether the people of this State are going to settle the question this time by making it plain that the good people of Idaho will never submit to church dictation of politics and the practices of those vices which are against the moral sentiment and the law of the land.

We are very anxious to enlist in this campaign the services of those who believe in advocating strongly a straightforward fight along the lines of noninterference in politics by the Mormon church and the eradication of the practice of polygamy and unlawful cohabitation. We desire very much to have the services of such as speakers in this campaign, and I cordially extend to you, on behalf of the committee, an invitation to speak at such places and at such times as the committee can avail themselves of your services, and we would appreciate it very much if you would kindly respond to this letter at your very earliest convenience.

Thanking you for your prompt response, I remain,

Yours, truly,

W. H. LOCKHART,
Chairman Democratic State Committee.

BOISE, IDAHO, *September 1, 1906.*

The whole campaign from beginning to end was made on the Mormon question. We put in our platform a plank lamenting the death of ex-Governor Steunenberg and calling for justice to be meted out to his murderers. The Republican State platform was entirely silent on that question. Not a speaker, not even the governor himself, at the State convention said one word about this subject. Our recent candidate for governor is and was the chief justice of Idaho. As chief justice he handed down the decision in the Moyer-Haywood cases, denying the writ of habeas corpus, which decision has been affirmed by the Supreme Court of the United States. There was no law or order issue in Idaho of that kind.

Senator HEYBURN, my colleague, made a speech in Boise City on Friday evening, September 14, 1906, which, I presume, you might call a keynote speech. I addressed the people of Boise from the same platform in the same theater on the Tuesday preceding. My colleague was kind enough to attend my meeting, but I was not in Boise when he spoke. I presume my speech was a keynote speech, and his was in answer and a keynote speech for his party. Among other things, my colleague in a measure ridiculed me for putting in our platform the provision regarding the enforcement of our State constitution. In that carefully prepared speech at Boise, after reciting in full the test oath which I have just read to you, my colleague said:

That is the constitution; that is higher law than any statute. The legislature, without regard to party lines, repealed the statute on that subject. They needed no statute; the constitution is sufficient to prevent them from voting. If they come within this provision, they are disfranchised now.

I think that is good doctrine, whether or not it is sound law, especially when our State constitution says further that the legislature shall not take out any of those limitations in our constitution.

At the end of the campaign we instructed our men to challenge the Mormons at the polls; to present to them that constitutional provision, and ask that they conform to the constitutional requirement before they voted. I will ask the Secretary to read what our chairman says in regard to challenging voters.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

REGARDING CHALLENGES.

To the people of Idaho:

At the beginning of the present campaign I addressed you in an open letter in which I insisted, in obedience to the mandate of the Democratic State convention, which was held at Coeur d'Alene city on August 6, the Mormon question was the paramount issue in Idaho politics and that the Republican party, as a result of their State convention held at Pocatello on August 1, were firmly allied with the Mormon Church.

The Democratic State campaign has been conducted in entire harmony with the spirit and letter of the Democratic State convention. The Republican State campaign has been conducted in entire harmony with my suggestion in my former address at the beginning of this campaign, that the Republican party was firmly allied with the Mormon Church.

In his final address to the election judges of the State of Idaho James H. Brady, chairman of the Republican State central committee, emphasizes this fact and shows now for his party an attempt to ride over the constitution of the State of Idaho and to curry favor with the cohorts of his organization, the Church of Jesus Christ of the Latter-Day Saints. This is especially emphasized in his closing sentence, which is as follows:

"Any attempt to challenge voters on account of their being members of churches or organizations, or associations, or on account of their religious or other beliefs is illegal and is an intimidation of voters, and it is your sworn duty to see that this is not done."

Senator HEYBURN, in an address delivered at Columbia Theater, Boise, on Friday evening, September 14, 1906, said, after reading the Idaho test oath:

"That is the constitution; that is higher law than any statute. The legislature, without regard to party lines, repealed the statute on that subject. They needed no statute; the constitution is sufficient to prevent them from voting. If they come within this provision they are disfranchised now."

The Democratic State central committee has undertaken to and will call to account at the polls, by way of challenging, all the Mormons which it is possible to reach by challenge, that they may be made to comply with the spirit and letter of our constitution, which is the fundamental law of the State of Idaho, and with that part in particular found in section 3 of Article VI. This announcement was made a week ago, since which time Governor Gooding and the Republicans generally who belong to his machine have threatened our challengers with arrest. They put this on the flimsy ground that it is the desire of our organization to delay this election.

Our challengers are hereby instructed to preserve order and to act with all possible dispatch. The appeal by the governor and this notice of Chairman Brady to the election judges of the State are exciting trouble. The notice of Chairman Brady to the judges of election is issued for the purpose of avoiding the issue.

The American people must rally to us and help us in the defense of the people exercising the legal rights of the citizens, and our challengers should be supported in doing their duty. The Democratic State central committee will stand behind everybody while performing his duty both before and after election.

The claim of Chairman Brady that none but judges of election can challenge voters is erroneous and unwarranted by law. The law relating to challengers (see Session Laws of 1899, pp. 52 and 53 and secs. 77 to 86, inclusive) provides that any elector may challenge anyone who offers to vote, and should do so if he believes the person is not a qualified voter. There is no law forbidding an elector challenging anyone who offers to vote. The wording of section 5, above referred to, says:

"It shall be the duty of any judge of election to challenge any person offering to vote whom he believes not to be qualified as an elector."

This enjoins upon the judges of election the especial duty of challenging, but does not arrogate to them the sole right to challenge. It has been the custom in this State for any elector to challenge when he believes the person offering to vote is not entitled to vote.

The constitution, the highest law in this State, disqualifies a member of any order from voting who encourages, advises, teaches, counsels, or aids polygamy, plural or celestial marriage, or teaches that any rule of action or law is greater than the laws of this State in matters of civil conduct. The membership of an organization which does these things prohibits anyone from holding any civil office or from voting. The election laws prescribe what questions shall be asked the person offering to vote who is challenged upon certain ground, viz: First. Upon the ground that he is not a citizen. Second. That he has not resided in the precinct, county, or State a sufficient length of time to vote. In no other case does it prescribe what questions shall be asked. To hold that one can not challenge a polygamist or anyone who teaches, advises, or counsels members in the organization that does believe in polygamy, or who places the ecclesiastical above the civil law, is erroneous and contrary to sections 2 and 3 of Article VI of the constitution. Such claim is absurd, and the threat to arrest a person who challenges others offering to vote is not sound in law nor fair to our constitution, upon which rests the entire superstructure of our young Commonwealth. The right to challenge is the privilege accorded by the law above mentioned, and is not an offense. It may be exercised, it should be exercised, to the end that anyone not a qualified elector should be prevented from voting. The election law in Idaho (Session Laws 1899, p. 34, sec. 5) especially provides that—

"Electors are privileged from arrest except for treason, felony, or breach of the peace during their attendance on election."

Our advice to challengers in Idaho is that you challenge any person who offers to vote in your precinct when you believe such person is not entitled to vote under the provision of our constitution, as well as of statute, but in doing so we advise you to act in a peaceable, dignified, and determined manner, without disturbing the peace; that you state the grounds of challenge and ask that the person be sworn and questioned in regard to his constitutional right to vote.

I hope that the higher citizenship may guide all challengers in the performance of this very important function. The good citizens of this State should rally to the support of those who are aiding to insist upon the adherence to this provision of our State constitution, which was placed there by the leading citizens of Idaho, regardless of party affiliations, and which affords such a splendid safeguard to our people, if enforced.

I remain, with great respect,

H. W. LOCKHART,
Chairman Democratic State Central Committee.

BOISE, IDAHO, *November 1, 1906.*

Mr. DUBOIS. Mr. President, the chairman of the Republican State committee also issued an address to the voters and election judges, in which he advised them in regard to their duty. He said:

ELECTION JUDGES TAKE NOTICE!

An organized attempt has been threatened to prevent thousands of citizens who are duly qualified and registered voters from casting their ballot.

It is your sworn duty to see that qualified electors have an opportunity to cast their ballots without molestation or interference of any kind.

The election laws of Idaho regarding the duties of the judges of election are plain and simple. By an act of the legislature you are furnished by the county clerk with the election laws of the State, which is your only guide in the performance of your duties. When you go beyond this law you interfere with the rights of citizens of the State, and you violate the laws you have sworn to uphold, and you are amenable to the law governing such cases.

It is your sworn duty to keep all persons out of the room where the election is being conducted, except persons who are authorized to vote and the proper election officers. You are empowered to remove all other persons, and it is your duty to do so, and especially such persons as interfere in any manner with the voters.

If you should allow any person to be present for the purpose of challenging, it is your duty to see that it is done in good faith and that such challenge must not result in intimidation or interfering with voters or delaying the voters from casting their ballots.

No one except the judges should be permitted in any manner to interrogate a voter after he is challenged. The challenger can not ask him any questions. It is your duty, if you believe the challenge is made in good faith and upon any of the grounds mentioned in the election laws furnished you, to state the qualifications of an elector to the person challenged, and if the person challenged declares himself qualified and the challenge is not withdrawn, then you should administer to him the elector's oath as provided in the election laws, and you are prohibited from administering any other oath, and he is not compelled to take any other oath in order to be allowed to vote.

Then the chairman of the Republican State committee says:

The elector's oath prescribed by the statute, and which is the only oath that you can administer, is found on page 17 of the election laws, and is as follows:

ELECTOR'S OATH.

"I do swear (or affirm) that I am a citizen of the United States, of the age of 21 years, or will be the ——— day of ———, A. D. 1900—(naming the date of next succeeding election); that I have (or will have) actually resided in this State for six months and in this county for thirty days next preceding the next ensuing election; that I have never been convicted of treason, felony, embezzlement of public funds, bartering or selling or offering to barter or sell my vote, or purchasing or offering to purchase the vote of another, or other infamous crime, without thereafter being restored to the rights of citizenship; that I will not commit any act in violation of the provisions in this oath contained; that I am not now registered or entitled to vote at any other place in this State; that I do regard the Constitution of the United States and the laws thereof, and the constitution of this State and the laws thereof, as interpreted by the courts as the supreme law of the land; (when made before a judge of election as: 'and I have not previously voted at this election') so help me God.

"Subscribed and sworn to before me this ——— day of ——— A. D. 190—. Register of ——— precinct, ——— county, Idaho."

I will say in regard to the elector's oath that it does not prescribe one of the qualifications which are in our constitution. Every one of them which affects a Mormon is carefully eliminated by the legislature from the elector's oath. The chairman of the Republican State committee says:

The elector's oath prescribed by the statute * * * is the only oath that you can administer.

And then the chairman of the Republican State committee says:

The grounds of the challenge must be stated by the challenger, and a challenge can not be made except for the following reasons, to wit:

That the person has been convicted of a felony;

Or that the person has not resided in the State six months;

Or that the person has not resided in the precinct thirty days;

Or that the person is not a citizen of the United States or is not 21 years of age;

That the person is registered and entitled to vote in some other place in the State;

That the person has previously voted at this election.

If the challenge is made on the ground that a person has been convicted of a felony, he shall not be questioned by anyone, not even the judges, but the laws you are furnished with provide the proof to be produced in order to prevent him from voting.

If the challenge is made on any of the other four grounds mentioned, the law provides what questions shall be asked by the judges, and when this is done your full duty and authority is performed.

When a voter is registered the law makes the registration prima facie evidence of his right to vote, and he should be allowed to cast his ballot unless it is shown to you that he is disqualified under the law, and you are furnished with the law pertaining to your duties and what the qualifications of the legal voter are.

Any attempt to challenge voters on account of their being members of churches or organizations or associations, or on account of their religious or other beliefs, is illegal and is an intimidation of voters, and it is your sworn duty to see that this is not done.

JAMES H. BRADY,
Chairman Republican State Committee.

BOISE, IDAHO, *October 13, 1906.*

In these instructions to judges and Mormons every one of the disqualifications in our constitution is left out.

Governor Gooding, in a speech at Rexburg just before the election—I will say that the vote at Rexburg on election day was 644 for Gooding and 66 for Stockslager, 644 to 66—Governor Gooding, in this Mormon precinct, said: "Arrest these challengers if they interfere or intimidate you. I will stand by you as governor of the State if you arrest them." And the Weiser World, the known organ of Governor Gooding, had this to say on November 2:

To citizens of Idaho:

Carry arms on election day in sections where it may be necessary to defend the rights of citizens, and use such means to protect the ballot as the occasion may demand.

They followed the advice. We sent our challengers to the polls, and the Mormons arrested at Rexburg and threw into jail Mr. H. A. Buchman, who was running for sheriff on the American ticket, and J. A. Kinney, a druggist from St. Anthony. They were there to put the constitutional challenge to Mormons, as they had the right to do under the statutes of Idaho. They were arrested by the Mormons and thrown into jail and deprived of their right to vote. Will Mulkins and Robert Hopkins, as reputable citizens as there are anywhere, were thrown into jail at Sugar City. The vote there stood, Gooding 422, Stockslager 27. They were thrown into jail for intimidating 422 votes against 27!

Down in Bannock County, at McCammon, H. O. Harkness, one of the most reputable citizens of Idaho, who has been a leading character there for thirty years, a lifelong Republican, was arrested for challenging Mormon voters. He was there and helped to make the State. He was one of the pioneers. He is one of the leading characters of the State. He was arrested by a Mormon constable and taken 25 miles to Pocatello.

Our challenger was arrested at Oxford, also in Bannock County. One hundred and five men were challenged there, and the judges refused to administer the constitutional oath. Gray, the Mormon county attorney of the county of Bannock, telephoned to arrest the challenger and throw him in the ditch, and they arrested him. At no place would the Mormons take the constitutional oath. They refused. At Rose precinct, in my county and near my town, a Mormon named Johnson, whose brother has just been elected to the legislature from Bingham County (he is a Mormon bishop), threatened to arrest the judges of election at Rose, two of whom were Gentiles, and prevented them as judges from challenging the voters. It was that way all through this southeastern country. There were fights in some precincts—that is, the great masses of the Mormons would throw out the Gentiles; and in no case did the Mormons take the constitutional requirement.

The Mormons elected twenty-seven members of the legislature in Idaho out of a total of seventy-two. They absolutely elected by force of numbers in those counties twenty-one members. Their votes elected six more. Out of these twenty-one whom they absolutely control they elected sixteen Mormon bishops. They allowed the Gentiles to have, I think, three members of the legislature in southeastern Idaho, but they were careful that they were as subservient to the church as a Mormon bishop would be.

The result of the election—and the whole fight was, as I say, made on the Mormon question, from one end of the State to the other, and from the beginning to the end—was that Governor Gooding carried the six Mormon counties in south Idaho out of the sixteen, and none other. He lost the ten Gentile counties, although all but three of them are strongly Republican. He carried, two years ago, Canyon County, where Governor Steunenberg lived and died and is revered. It is a purely agricultural county, and Governor Gooding carried it two years ago by 1,200. This time he lost it by 600.

Ada County, in which Boise City is situated, which is normally Republican by 2,500, and which Governor Gooding carried two years ago by 3,000, he lost by over 500 this time. It is a purely agricultural county. He lost the Republican counties—every one of them—in south Idaho. He carried three counties out of five in the north by a slight majority. So in the State outside of the Mormon counties he carried three counties only.

Judge Stockslager came to the Mormon belt with a majority of between two and three thousand, which these six Mormon counties wiped out, and planted to the credit of Governor Gooding 8,800 majority. The people of Idaho intended to elect last time a Democratic governor and a Democratic legislature, and they would have elected a Democratic legislature, but that the Socialist vote defeated it. The Democrats were beaten in the county of my colleague, Shoshone County, by 200 as respects their legislative ticket. The Socialist vote was 700 in the county. The Socialist vote added to the Democratic vote would have made a Democratic legislature.

The Democratic party was not making a campaign for the Socialist ticket. The Republicans were encouraging the Socialists to keep up their organization, and in the midst of it President Roosevelt sent Secretary Taft to Idaho to speak in behalf of law and order and for Governor Gooding, who was advising the Mormons to mob American citizens who were attempting to exercise the right of challenge at the polls.

I will submit the official vote of the State, prepared by the secretary of state, which, if anyone is curious to read it, will show that if the Socialists are against law and order, they were the adjuncts of the Republican party; and I trust that the President of the United States does not mean that every member of a labor union is against law and order, because, as I say, these overwhelmingly Republican counties went for Judge Stockslager on the Mormon question, and they were agricultural counties, without a mine in them.

Abstract of votes cast for governor and members of the Idaho State legislature for 1904 and 1906.

County.	1904.					1906.						
	Frank R. Gooding, Rep.	Henry Heitfeld, Dem.	Theo. D. Shaw, Soc.	Edwin R. Headley, Pro.	T. W. Bartley, Peop.	Frank R. Gooding, Rep.	Chas. O. Stockslager, Dem.	Thos. F. Keller, Soc.	Silas Luttrell, Pro.	William Majors, Ind.	Noah Pitts, Ind.	Fred T. Dubois.
Ada	4,007	1,984	271	157	21	2,600	3,116	266	203	....	....	....
Bannock	2,778	1,014	219	2	2	2,373	1,421	128	8	....	....	....
Bear Lake	1,615	349	14	3	2	1,915	209	19	1	....	....	....
Bingham	3,035	1,004	341	25	10	2,994	1,411	266	33	....	....	....
Blaine	916	1,154	74	10	2	997	1,056	111	18	....	....	....
Boise	907	794	102	36	15	601	981	125	9	....	....	....
Canyon	2,671	1,412	302	191	34	2,146	2,750	251	180	1	....	....
Cassia	1,032	468	55	4	7	1,478	1,164	159	26	....	....	....
Custer	399	575	25	3	1	294	743	39	4	....	....	....
Elmore	452	584	56	10	4	404	754	124	7	....	....	....
Fremont	3,932	1,111	314	8	8	4,841	1,223	596	22	....	1	....
Idaho	2,195	1,925	242	27	16	1,750	1,760	188	27	....	....	....
Kootenai	3,555	1,776	555	122	12	2,917	2,858	686	108	....	....	....
Latah	2,616	1,620	205	162	13	2,596	1,268	252	194	....	....	....
Lemhi	690	689	21	5	10	655	787	15	4	....	....	....
Lincoln	644	342	26	2	....	691	764	156	5	....	....	....
Nez Perces	3,099	2,714	379	155	8	2,953	2,097	430	135	....	....	....
Oneida	2,276	830	73	....	....	2,892	385	79	15	....	....	1
Owyhee	536	558	77	6	5	356	665	82	3	....	....	....
Shoshone	2,987	2,048	443	26	4	1,997	2,162	445	16	....	....	....
Washington	1,535	1,301	206	36	5	906	1,922	233	19	....	....	....
Total	41,878	24,252	4,000	990	179	38,386	29,496	4,650	1,037	1	1	1

Abstract of votes cast for State senators and representatives at the general election held November 8, 1904.

ADA COUNTY.

Senators:
- John W. Walker, Republican — 4,100
- Samuel H. Hays, Democrat — 1,821
- Robert L. Creek, Socialist — 285

Representatives:
- Orren V. Allen, Republican — 4,054
- Harvey B. Powers, Republican — 4,077
- James H. Richards, Republican — 4,112
- Erwin W. Johnson, Republican — 3,890
- Marion S. Parker, Democrat — 2,017
- John B. Wilburn, Democrat — 1,813
- Theodore E. Laing, Democrat — 1,874
- William T. Booth, Democrat — 1,915
- Robert E. Knapp, Socialist — 267
- George F. Carter, Socialist — 275
- Fletcher F. Lovejoy, Socialist — 265
- Robert L. Pennell, Socialist — 270

BANNOCK COUNTY.

Senators:
- John J. Hull, Republican — 2,443
- Thomas H. Grassford, Democrat — 1,341
- William Liddell, Socialist — 195

Representatives:
- Norman Belcher, Republican — 2,371
- John Schutt, Republican — 2,388
- J. Frank Hunt, Republican — 2,327
- William A. Holzheimer, Democrat — 1,487
- Charles W. Fryar, Democrat — 1,384
- Benjamin W. Henderson, Democrat — 1,434
- Frank D. Brown, Socialist — 200
- J. E. Trimmings, Socialist — 205
- Frank Gibson, Socialist — 210

BEAR LAKE COUNTY.

Senators:
- William L. Rich, Republican — 1,311
- Joseph C. Rich, Democrat — 1,035

Representatives:
- Grove C. Gray, Republican — 1,365
- Wilford W. Richards, Republican — 1,415
- George C. Hillier, Democrat — 980
- Christian Wallantine, Democrat — 876

BINGHAM COUNTY.

Senators:
- James E. Steele, Republican — 2,762
- George Chapin, Democrat — 1,277
- A. K. Brundage, Socialist — 337

Representatives:
- Fred H. Turner, Republican — 3,070
- L. J. Porter, Republican — 3,010
- Alfred Chistensen, Republican — 2,946
- J. G. Hinkle, Democrat — 976
- A. A. Dewey, Democrat — 955
- L. M. Capps, Democrat — 1,006
- F. S. Fry, Socialist — 336
- Bingham Matthews, Socialist — 356
- Henry H. Trowbridge, Socialist — 344

BLAINE COUNTY.

Senators:
- Fred W. Hastings, Republican — 1,119
- George A. Williams, Democrat — 968

Representatives:
- Sidney C. Fuld, Republican — 1,149
- Daniel D. Bush, Republican — 1,138
- Archibald Billingsley, Democrat — 928
- Charles H. Porter, Democrat — 1,014

BOISE COUNTY.

Senators:
- Walter F. Hiatt, Republican — 1,027
- John O. Barbon, Democrat — 725

Representatives:
- Frederick S. Logan, Republican — 955
- Augustus F. Walters, Democrat — 789

CANYON COUNTY.

Senators:
- William M. Wayman, Republican — 2,731
- W. W. Snell, Democrat — 1,480
- Alvah J. Hand, Socialist — 304
- R. E. Haynes, Independent — 1

Representatives:
- Daniel W. Ainey, Republican — 2,806
- Gilbert T. Hamill, Republican — 2,860
- Arthur A. Richards, Republican — 2,860
- C. W. Whiffin, Democrat — 1,424
- W. A. Sample, Democrat — 1,362
- E. W. Patison, Democrat — 1,390
- Henry Reimes, Socialist — 301
- Willie E. Snodgrass, Socialist — 301
- John V. Wheeler, jr., Socialist — 301

CASSIA COUNTY.

Senators:
- George A. Day, Republican — 933
- Dan T. Albee, Democrat — 603

Representatives:
- Louis H. Sweetser, Republican — 1,001
- Richard K. Lessey, Democrat — 513

CUSTER COUNTY.

Senators:
- Charles F. Baker, Republican — 453
- Ravenel Macbeth, Democrat — 516

Representatives:
- George L. Morgan, Republican — 506
- Joshua D. Woods, Democrat — 424

ELMORE COUNTY.

Senators:
- John P. Clays, Republican — 511
- William A. Russell, Democrat — 539

Representatives:
- Thomas W. Rickford, Republican — 505
- Robert D. Gorby, Democrat — 559

FREMONT COUNTY.

Senators:
- John W. Hart, Republican — 3,652
- Alma C. Hess, Democrat — 1,411
- Charles H. Cammans, Socialist — 304

Representatives:
- Charles C. Moore, Republican — 3,672
- William N. Stephens, Republican — 3,496
- Olney D. Bell, Republican — 3,461
- James O. Webster, Republican — 3,515
- George E. Hill, jr., Democrat — 1,447
- Joseph L. Larsen, Democrat — 1,590
- A. D. Miller, jr., Democrat — 1,634
- T. B. Ellsworth, Democrat — 1,546
- H. B. Adams, Socialist — 293
- L. Roseborough, Socialist — 292
- J. W. Kooch, Socialist — 285
- J. F. Shoemaker, Socialist — 1

IDAHO COUNTY.

Senators:
- Charles H. Nugent, Republican — 2,394
- Martin L. Butler, Democrat — 1,714
- Wesley Chapman, Socialist — 48

Representatives:
- Gustavus J. Wright, Republican — 2,425
- William D. Timm, Republican — 2,469
- J. Loyal Atkinson, Republican — 2,392
- Benjamin D. Knorr, Democrat — 1,827
- George L. Hedges, Democrat — 1,657
- Matt Fuchs, Democrat — 1,651
- Henry T. Smith, Socialist — 38
- William V. Manring, Socialist — 41
- Henry Lyons, Socialist — 1

KOOTENAI COUNTY.

Senators:
- Herman H. Taylor, Republican — 3,535
- Simon P. Donnelly, Democrat — 1,810
- James C. Schurlock, Socialist — 555
- Thomas Turnbull, Independent — 1

Representatives:
- William Ashley, jr., Republican — 3,504
- A. A. Sage, Republican — 3,442
- J. H. Spaulding, Republican — 3,215
- Charles O. Callahan, Democrat — 1,800
- S. H. Watkins, Democrat — 1,775
- A. A. Darknell, Democrat — 2,064
- J. Rand Sanborn, Socialist — 586
- Amos C. Smith, Socialist — 557
- David E. Biglow, Socialist — 555

LATAH COUNTY.

Senators:
- Maris E. Lewis, Republican — 2,773
- William H. Harris, Democrat — 1,412
- Adge M. Hoidale, Socialist — 228

Representatives:
- James J. Mulalley, Republican — 2,876
- James S. Nelson, Republican — 2,614
- Samuel M. Smith, Republican — 2,723
- Henry H. Bangs, Democrat — 1,357
- William M. Thompson, Democrat — 1,648
- Frank E. Mix, Democrat — 1,404
- Almarine A. Anderson, Socialist — 228
- Tennis E. Miller, Socialist — 231
- Melvin C. Davis, Socialist — 227

LEMHI COUNTY.

Senators:	
Robert W. McBride, Republican	711
William T. Stethem, Democrat	691
Representatives:	
Lorenzo Falls, Republican	669
Orin E. Kirkpatrick, Democrat	721

LINCOLN COUNTY.

Senators:	
Joseph S. Darrah, Republican	640
James P. Stevenson, Democrat	353
Representatives:	
Samuel J. Donaldson, Republican	658
John H. Condit, Democrat	326

NEZ PERCES COUNTY.

Senators:	
George E. Crum, Republican	3,509
William S. Rice, Democrat	2,054
Representatives:	
Charles D. Thomas, Republican	3,376
Len McGill, Republican	3,383
Jacob L. Goodnight, Republican	3,462
Wyckliffe R. Smith, Republican	3,312
Eben Mounce, Democrat	2,248
Frank E. Fogg, Democrat	2,183
J. Shannon Hogue, Democrat	2,081
Daniel Green, Democrat	2,197
Kiney G. Osterhout, Socialist	397
Victor H. Fitzgerald, Socialist	392
William H. Buncy, Socialist	392
Joseph N. Hanks, Prohibitionist	158
Edward Dowling, Prohibitionist	162
Alveny Rickle,* Prohibitionist	156
Clarence Talbott, Prohibitionist	161
Ira P. Holcomb, Independent	4

ONEIDA COUNTY.

Senators:	
Henry Jones, Republican	1,794
David L. Evans, Democrat	1,435
Representatives:	
Wilford Bennion, Republican	1,828
Denmark Jensen, Republican	1,811
George Foster, Republican	1,807
Lewis Williams, Democrat	1,425
Stephen Collan, Democrat	1,438
John A. Kofoed, Democrat	1,342

OWYHEE COUNTY.

Senators:	
John Lamb, Republican	620
Redmond J. Hanlon, Democrat	524
Representatives:	
Harry Avery, Republican	574
Milton E. Reynolds, Democrat	544

SHOSHONE COUNTY.

Senators:	
Alfred Page, Republican	2,582
Charles Heim, Democrat	2,295
John W. Vincent, Socialist	496
Representatives:	
Rufus J. Anderson, Republican	2,778
Hugh France, Republican	2,659
Adam Aulbach, Republican	2,858
Alexander D. McKinlay, Republican	2,665
Leon O. Whitsell, Democrat	2,228
Andrew M. Roberts, Democrat	2,217
Moses S. Sommons, Democrat	2,048
Admon R. Oxley, Democrat	2,093
John M. Hughs, Socialist	463
Emil Krause, Socialist	457
Theodore Krugman, Socialist	450
Ludwig Kampf, Socialist	446

WASHINGTON COUNTY.

Senators:	
Leander W. Smith, Republican	1,599
Thomas C. Galloway, Democrat	1,247
Fred A. Wilkie, Socialist	217
Representatives:	
Lester P. Smith, Republican	1,603
William McBratney, Republican	1,603
Archibald Hudelson, Democrat	1,211
C. Howard Denison, Democrat	1,233
Festus Foster, Socialist	211
Milam R. Morris, Socialist	204

Abstract of votes cast for State senators and representatives at the general election held November 6, 1906.

ADA COUNTY.

Senators:	
John McMillan, Republican	3,264
Fletcher H. Lovejoy, Socialist	332
Erwin W. Johnson, Citizen	1,188
Homer G. Patterson, Prohibition	343
FRED DUBOIS, Independent	3
W. E. Borah, Independent	1
Jonas Brown, Independent	1
Milton Sebern, Independent	1
Representatives:	
Chas. C. Cavanah, Republican	3,322
Frank T. Wyman, Republican	3,395
D. D. Shaw, Republican	3,297
Arch Cunningham, Republican	3,372
Willard White, Republican	3,323
I. Wilson Wright, Socialist	334
Chas. M. Abbott, Socialist	335
Clemson Underwood, Socialist	344
Robert L. Creek, Socialist	335
E. Francis Atwater, Socialist	332
Roland H. Robb, Prohibitionist	291
William A. Lawrence, Prohibitionist	287
Horatio A. Swartz, Prohibitionist	282
Samuel B. Taylor, Prohibitionist	289
James A. Casebeer, Prohibitionist	300
Representatives—Continued.	
Ralph P. Quarles, Citizen	1,387
William R. Butler, Citizen	1,262
Marion S. Parker, Citizen	1,376
John H. Ross, Citizen	1,264
E. B. Matthews, Citizen	1,220
John Daly, sr., Independent	1

BANNOCK COUNTY.

Senators:	
E. E. Jacobs, Republican	2,461
D. Worth Clark, Democrat	1,282
William Liddell, Socialist	140
Representatives:	
J. Frank Hunt, Republican	2,368
W. H. Lovesy, Republican	2,407
W. A. Staley, Republican	2,429
Joseph B. Bistline, Democrat	1,376
Timothy M. Farrell, Democrat	1,331
Charles W. Fryar, Democrat	1,287
Claud C. Smith, Socialist	145
Dennis J. O'Mahoney, Socialist	143
Robert George, Socialist	145

BEAR LAKE COUNTY.

Senators:	
William L. Rich, Republican	1,348
E. F. Guyon, Democrat	81
William H. Ridd, Socialist	1
Joseph O. McCart, Prohibitionist	1
Joseph C. Rich, Citizen	778
FRED T. DUBOIS, Independent	1
Representatives:	
James Redman, Republican	1,411
John H. Grimmett, Republican	1,407
Joseph McCart, Democrat	83
B. F. Fitzpatric, Democrat	83
Christian Wallantine, Citizen	667
Fred L. Crinkshank, Citizen	704
E. F. Guyon, Independent	1
—— McMillen, Independent	1

BINGHAM COUNTY.

Senators:	
Otis E. McCutcheon, Republican	2,626
S. J. Rich, Democrat	744
Frank E. Wierman, Socialist	259
John G. Brown, American	1,049
D. Worth Clark, Independent	1
Representatives:	
Peter G. Johnston, Republican	2,686
Robert M. McCracken, Republican	2,677
Christian Anderson, Republican	2,628
Ed. Holden, Democrat	700
W. W. Adamson, Democrat	723
John C. Rushton, Democrat	744
Joseph Vance, Socialist	260
C. W. Nelson, Socialist	270
John A. Modin, Socialist	294
Andrew Burkman, American	1,044
John W. Jones, American	1,074
Ralph Edmunds, American	874

BLAINE COUNTY.

Senators:	
Reginald F. Buller, Republican	1,092
James W. Ballantine, Democrat	974
Representatives:	
Thomas C. Stanford, Republican	1,012
James L. Baxter, Republican	921
Charles H. Porter, Democrat	1,004
George A. McLeod, Democrat	1,193

BOISE COUNTY.

Senators:	
F. V. Tinker, Republican	716
L. R. Walters, Democrat	888
Representatives:	
F. S. Logue, Republican	771
G. W. Barry, Democrat	832

CANYON COUNTY.

Senators:	
Arthur A. Richards, Republican	2,424
G. W. Lamson, Democrat	2,271
Frank Fouch, Socialist	284
James H. Egbert, Prohibitionist	157
Representatives:	
George F. Zimmerman, Republican	2,362
Samuel Ballantyne, Republican	2,397
L. V. Patch, Republican	2,348
C. W. Whitman, Democrat	2,418
Eugene J. Deane, Democrat	2,377
J. L. Sewell, Democrat	2,461
Daniel D. Besse, Socialist	266
Gustave Schaifhausen, Socialist	266
Robert D. McKee, Socialist	268
J. D. Bird, Prohibitionist	130

CASSIA COUNTY.

Senators:	
Geo. A. Day, Republican	1,489
John Janney, Democrat	1,125
Sam T. Shell, Socialist	164
Representatives:	
Harry T. West, Republican	1,583
Orville L. Beecher, Democrat	1,016
J. E. Barnhurst, Socialist	168

CUSTER COUNTY.

Senators:	
Chas. F. Baker, Republican	361
Ravenel Macbeth, Democrat	724
Representatives:	
Leslie E. Dillingham, Republican	347
Nathan H. Clark, Democrat	719

ELMORE COUNTY.

Senators:	
Henry O. Manz, Republican	588
Robert D. Gorby, Democrat	525
Ralph W. Simpkins, Socialist	145
Representatives:	
William Pickrell, Republican	493
L. J. Weaver, Democrat	579
Henry Crab, Socialist	166

FREMONT COUNTY.

Senators:	
John W. Hart, Republican	5,014
C. H. Moon, American	401
A. M. Slatery, Socialist	633
Geo. S. Young, Citizen	3
Fred T. Dubois, Independent	3
Representatives:	
James E. Fogg, Republican	4,897
Eli M. Harris, Republican	4,777
John D. Killpack, jr., Republican	4,880
James W. Webster, Republican	4,802
Wesley Gibson, Citizen	336
Jesse M. Baker, Citizen	424
Joseph Kroker, Socialist	598
E. S. Mathias, Socialist	653
C. H. Cammons, Socialist	582
L. J. Maurer, Socialist	25
A. C. Langley, American	482
O. H. Olive,* American	459
N. N. Burggraf, American	456
G. Reimann, American	466
——— Hoggan, Independent	1
W. L. Flint, Independent	8
——— Goody, Independent	1
Alfred Ricks, Independent	6
Geo. Hjort, Independent	1
William Pettit, Independent	1
Henry Fisher, Independent	1

IDAHO COUNTY.

Senators:	
Chas. H. Nugent, Republican	1,788
Geo. Simon, Democrat	1,734
Representatives:	
Enoch W. Whitcomb, Republican	1,712
Fred G. Painter, Republican	1,679
William A. Jones, Republican	1,500
William S. M. Williams, Democrat	1,858
James Surridge, Democrat	1,884
John A. Cassell, Democrat	1,894

KOOTENAI COUNTY.

Senators:	
Ignatz Weil, Republican	2,889
J. S. McClear, Democrat	2,941
William S. Sommers, Socialist	657
Representatives:	
J. P. Fallon, Republican	2,967
* William L. Gleason, Republican	2,931
Jacob C. Finstad, Republican	2,929
S. D. Taylor, Republican	2,964
W. B. Hagar, Democrat	2,815
Arthur A. Darknell, Democrat	2,835
Earl S. Prindle, Democrat	2,814
Chas. E. Riggs, Democrat	2,809
Amos C. Smith, Socialist	673
Jay Rand Sanborn, Socialist	677
David E. Bigelow, Socialist	670
Harry Atwater, Socialist	670

LATAH COUNTY.

Senators:	
Warren Truitt, Republican	2,128
Tennis E. Miller, Socialist	218
J. C. Carrick, Prohibitionist	196
Jerome J. Day, Citizen	1,737
Representatives:	
James J. Mulalley, Republican	2,293
Martin J. Wessels, Republican	2,296
Benjamin J. Jones, Republican	2,161
John Anderson, Socialist	219
Nathew Miller, Socialist	216
Robert I. Hutchison, Socialist	215
William M. Duthie, Prohibitionist	219
Colden B. Sanders, Prohibitionist	196
Henry A. Morgan, Prohibitionist	224
John Lorang, Citizen	1,565
Samuel Knepper, Citizen	1,466
Thos. H. Christie, Citizen	1,495

LEMHI COUNTY.

Senators:	
M. M. McPherson, Republican	728
William C. Whitwell, Democrat	739
Representatives:	
Alexander D. Guy, Republican	679
James L. Kirtley, jr., Democrat	767

LINCOLN COUNTY.

Senators:	
William Van Iorns, Republican	810
Henry A. Seccor, Democrat	592
B. R. Shimp, Socialist	169
Representatives:	
Asa A. Abbott, Republican	727
Hardy Sears, Democrat	662
R. L. Cheney, Socialist	173

NEZ PERCES COUNTY.

Senators:	
Elmer Waldrip, Republican	2,614
Marner D. Mills, Democrat	2,318
John T. Lough, Socialist	434
Edwin F. Beaudreau, Prohibitionist	152
Representatives:	
L. G. Bradley, Republican	2,597
Wickliffe R. Smith, Republican	2,605
Charles C. Miles, Republican	2,615
Seneber S. Brooks, Republican	2,624
Ole A. Anderson, Republican	2,646
Eben Mounce, Democrat	2,284
Ernest L. Parker, Democrat	2,257
John J. Wood, Democrat	2,295
Frank Gaffney, Democrat	2,233
Nathaniel G. Looney, Democrat	2,186
Nichalaous Jacobs, Socialist	460
Alfred White, Socialist	452
Kinney Ousterhout, Socialist	456
Representatives—Continued.	
John J. Senter, Socialist	451
Thomas M. Marek, Socialist	452
Clarence E. Talbott, Prohibitionist	145
James L. Pearson, Prohibitionist	153
Emory Smith, Prohibitionist	139
John C. Carlson, Prohibitionist	142
Joseph M. Hawks, Prohibitionist	142

ONEIDA COUNTY.

Senators:	
Denmark Jensen, Republican	2,004
Otto Gassman, Independent	1,254
Phillip J. Evens, Socialist	99
William W. Evens, Independent	24
Representatives:	
Wilfred Bennion, Republican	1,845
L. D. Jones, Republican	1,965
Lewis Williams, Democrat	1,404
Hugh S. Geddis, Democrat	1,215
David O. Wilcox, Socialist	72
S. L. Pierson, Socialist	70
W. T. Oliver, Independent	25
James S. Frew, Independent	24

OWYHEE COUNTY.

Senators:	
Edwin Herrington, Republican	476
Arthur Pence, Democrat	516
Robert E. Morrow, Socialist	99
Representatives:	
John E. Keith, Republican	505
Michael Downs, Democrat	487
Nathanial G. Massey, Socialist	88

SHOSHONE COUNTY.

Senators:	
Ewen McIntosh, Republican	2,076
Edward H. Moffitt, Democrat	1,805
David C. Caites, Socialist	612
Representatives:	
Albert H. Conner, Republican	2,219
Thos. R. Jones, Republican	2,219
Hernam J. Rossi, Republican	2,012
Abner G. Kerns, Democrat	1,879
Hans M. Thostenson, Democrat	1,788
Chas. Heim, Democrat	1,864
Peter O. Swanson, Socialist	524
Danl. C. Hudson, Socialist	515
Geo. L. Cloud, Socialist	506

WASHINGTON COUNTY.

Senators:	
Lot L. Feltham, Republican	1,177
Edward A. Van Sicklin, Democrat	1,630
J. H. Morrison, Socialist	235
Representatives:	
F. E. Brown, Republican	1,264
P. H. Miller, Republican	1,135
Albert L. Freehafer, Democrat	1,718
Archibald B. Hudelson, Democrat	1,518
S. A. Keithley, Socialist	212
H. H. Cossitt, Socialist	216

The Socialist vote would have elected the member in Canyon County. There were two Democratic members elected out of four in Canyon County. It went twelve hundred Republican two years ago, and, as I say, it is the place where Governor Steunenberg lived and died. They elected half of the Democratic legislative ticket there, and they beat the district judge who was sitting in this case.

There is nothing in the law-and-order case, except that a self-confessed murderer named Orchard testified, I think, that he stood with his rifle leveled on ex-Governor Steunenberg as he sat by his window, surrounded by his family, during the Christmas holidays. He did not shoot, because he feared the pane of glass might deflect the ball. He waited, and put dynamite between the gateposts, knowing the habits of ex-Governor Steunenberg, and as the ex-governor was going to his home at Christmas time, in the dusk of evening, he struck the string, the bomb exploded, and tore him to pieces. The man who testified to this says that three members of a great organization employed him to do it.

The Idaho authorities had these men arrested in Colorado and taken to Idaho. Friends of these men endeavored to get them out on a writ of habeas corpus. The courts of Idaho passed on the case, there being on the bench, among others, our candidate for governor, Chief Justice Stockslager. They denied the writ of habeas corpus. It came here to the Supreme Court of the United States. It was pending during our election. It was decided only a few days ago in accordance with the decision

of the courts of Idaho. And out of that they tried to make the President of the United States and others believe that there was a law-and-order issue in Idaho, as if any citizen of Idaho does not want to see the murderers of ex-Governor Steunenberg executed—Orchard or the other men or anybody else. It was not mentioned in the campaign by anyone, unless it was by Governor Gooding, and then in a way designed not to alarm the labor vote.

I will read a letter from Mr. Buchman, who was thrown into jail at Rexburg. It is from St. Anthony, Fremont County, Idaho, a Gentile town:

Senator FRED T. DUBOIS,
Washington, D. C.

* * * * * * *

Immediately after election a number of prominent Mormons, among them Mr. James Fogg, the bishop of this ward, called on the merchants of this place and demanded from them that I be dismissed from office as chief of police because I went to Rexburg and challenged voters.

The majority of the merchants refused to take this action against me. Mr. ———, the leading merchant here—

Mr. Buchman gives his name, but I will not mention it, because the Mormons would drive him out of town. They would boycott this merchant if I read his name. So I will not give his name:

Mr. ———, the leading merchant here (and one of them whom the bishop had been to see demanding my discharge), came to me and offered to pay my salary to the end of my term in office, or six months, amounting to $450 cash, in full if I would hand in my resignation to the city council. Mr. ——— remarked that it was strictly a matter of business with him, as they (the Mormons) had threatened to boycott his store unless he used his efforts with other merchants to gain my discharge.

I am a Republican, yet I have been appointed chief of police by two Democratic as well as two Republican mayors, and I received the largest vote of any candidate on any ticket in my own precinct for sheriff this last election on the American ticket.

Respectfully, H. A. BUCHMAN.

Mr. Sam Rich, a leading Mormon of my county, who was running for the State senate, went into the Mormon counties and appealed to them to boycott everyone who was supporting the American ticket. They said they would do it. Those are the conditions which confront our American citizens in that section of the country, and the governor proclaims to men who cast votes 175 to nothing, as they did in many precincts, to see that they are not intimidated by a challenger; that if a challenger comes along to arrest him.

You naturally wonder why we do not seek redress in the courts. You can not get it in southeastern Idaho any more than you can get it in Utah. There is not a beneficiary of the Mormon political power that will not make some excuse and some apology for this state of affairs, but not one of them will stand for effective legislation.

In Utah there is a Republican-Mormon party and a Democratic-Mormon party, both equally controlled by the Mormon hierarchy. The American party in Utah is composed of Gentiles, both Republicans and Democrats, who are battling there, under the very shadow of this tremendous ecclesiastical power, for American citizenship, for the separation of church and state, and against the degradation of womanhood and home. It is a noble, magnificent contest they are making.

They have abandoned all hope of political preferment and suffer financially in their unequal struggle for American principles. President Roosevelt throws the weight of his mighty influence against the Americans and for the Republican-Mormons in Utah led by President Smith and Senator SMOOT. He demands in Utah an indorsement of Smith and SMOOT.

The Mutual Improvement Era is the organ of the Mutual Improvement Association of the Mormon Church, and these associations comprise practically all membership of the church ranging between the years of 16 and 35. Joseph F. Smith is the editor. Anything emanating from him in his capacity as editor is considered to be the word of the Lord to the Mormons. His instruction through the Mutual Improvement Era is assumed by him and by all the zealots in his following to be the commandment from the Most High. While he does not name the Republican ticket and the Republican organization as being the special objects of his regard, such specific designation in words is unnecessary, because his following is so tutored as to understand what he means, and every Republican priest who desired to do so could utilize this article and place the intended interpretation upon it. Furthermore, it was ample notice to every Democratic priest to waive his partisanship and assist the Republican cause.

I will read an article of November 2, 1906, just before election, signed by Joseph F. Smith:

[Improvement Era, November, 1906.]

At no time have the leaders of this people counseled evil, and it is true that where individuals have heeded the counsels of the church such persons have in the end succeeded best and have recognized the wisdom and justice of their counsels. The contrary course has universally ended in failure, often in spiritual death and moral degradation, while the fruits of obedience through their counsels are prosperity, spiritual life, moral purity, advancement, contentment, and joy.

Now, these are facts. These have been the fruits of "Mormonism" and the results of following the counsels of the church authority. Why, then, should any young man, or old either, when malicious falsehood is hurled recklessly at the devoted leaders, doubt their integrity or disregard their advice? Has not history proved the servants of the Lord to be honest, just, secure in the right, and their counsels safe guides through the way, ending in ultimate blessing?

Just now there is a tendency among some of the thoughtless young men to join in or sympathize with the fight against the church authority waged by the assassins of virtue, the supporters of vice and riot, and wine and lewd women, gambling, robbery, and general corruption. It is a senseless tendency, and they who follow it will do so to their own destruction.

At the present time we are about to make a choice of some political leaders. It is scarcely necessary to say that a man who has the interest of himself and his people at heart will choose his friends. Who are our friends? Men who have kept informed on the trend of affairs in the nation for the past two years or more may easily surmise. To vote any other way would be ungracious, against our own best interests, and would show a spirit of ungratefulness such as this people do not naturally possess. "Wherefore, by their fruits ye shall know them."

JOSEPH F. SMITH.

Here is a letter from one Musser. It is written by A. Milton Musser, a lifelong devotee of the hierarchy, a polygamist, an employee in the Church Historian office. He would not have dared to commit one sentence of this communication to the public print except by permission of the chief hierarch. Musser claims to be a Democrat and is appealing to Mormon Democrats.

PLAIN FACTS ABOUT THE TWO GREAT POLITICAL PARTIES.

To whom it most concerns:

President Theodore Roosevelt and his Administration are fair to "Mormons" in common with all other citizens. Federal appointments in this State were made in the face of violent opposition from anti-"Mormon" parties, the anti-"Mormon" party. The appointments made by the President show that in such matters he listens exclusively to the Congressional delegation from the State.

The proposition to put in its platform a plank reflecting adversely on the "Mormons" was rejected emphatically by the last Republican national convention—that of 1904, at Chicago—while the same proposition was accepted by the last Democratic national convention—that of 1904, at St. Louis—the anti-"Mormon" plank as presented by FRED T. DUBOIS at that time being incorporated into the Democratic national platform.

The Republican leaders in Congress, on the recommendation of Senator REED SMOOT, struck out of the Arizona-New Mexico statehood law the amendment of Democratic Senator DUBOIS, which was intended to disfranchise the "Mormons" in that State.

The Republican leaders in Congress, on the recommendation of Senator GEORGE SUTHERLAND, struck out of the new immigration law the clause placed there at the instigation of Democratic Senator DUBOIS, by which "Mormon" immigrants were to be excluded from the United States on the ground of belief in polygamy.

The Republican party leaders prevented the consideration and passage by Congress this year—1906—of an amendment to the National Constitution framed by Democratic Senator DUBOIS and intendeed to disfranchise the "Mormons" in the United States.

The minority report of the Senate Committee on Privileges and Elections, which report is a complete vindication of the "Mormon" people on the issues raised in the SMOOT case, is signed exclusively by Republicans, the signers being among the strongest, brainiest, and most influential members of the United States Senate. The majority report of the Senate Committee on Privileges and Elections in the REED SMOOT case, which report is an assault upon the citizenship of all "Mormons," is signed by every Democratic member of that committee. This case became practically a party question, with the real force and strength of the Democratic party nationally lined up on the side of depriving "Mormons" of their rights as citizens, while the real force and strength of the Republican party nationally is lined up on the side of maintaining the rights of "Mormons" as citizens. Democratic success in Utah means the strengthening of the Democratic line-up against "Mormons," and the weakening—possibly the breaking up—of the Republican line-up in defense of the rights of "Mormons" as citizens.

The Republican party, having control in the nation, having the National Administration, the United States Senate, and the House of Representatives, has the power (and the inclination and courage to use it) to protect "Mormons" in their rights as citizens, which power, if alienated or directed into other channels as advocated by Democratic leaders, would prove most disastrous to the "Mormon" people.

The Democratic party in Idaho, being an integral part of the national Democratic party and therefore of necessity in accord with its general party policy, is openly and actively contending for the disfranchisement of the "Mormon" people, while the Republican party, and therefore of necessity in accord with its general party policy, is openly and actively contending for equal rights to "Mormon" citizens in the face of an extensive anti-"Mormon" prejudice. The most prominent feature of the present political campaign in Idaho is the warfare which the Democratic party is waging against the "Mormon" people and the fight which the Republican party is putting up there on behalf of "Mormons" being protected in their rights as citizens.

The Democratic party organ in Utah—the Salt Lake Herald—has declared in favor of the election of the Democratic State ticket and Democratic Senator DUBOIS in Idaho; these are all pledged to the disfranchisement of the "Mormon" people. This is not surprising, since the party organ must be with the general party policy, and the protest of any small section of that party that it does not agree with such policy is not only futile, but is misleading.

The Republican party in Utah, at its last State convention, gave a decided rebuke to efforts to inject into the State platform a criticism of "Mormons" exercising full political privileges, while the Democratic party in Utah, at its last State convention, committed itself to the virtual disfranchisement of a portion of the "Mormon" people, by declaring against "Mormons" who may hold church positions exercising their constitutional rights to the full privileges of citizenship. The Democratic State platform there adopted applies a religious test to "Mormons" for office in violation of the National Constitution and gives direct encouragement to the fight of the Democracy in Idaho for the disfranchisement of "Mormons."

So far as it has been able the Republican party nationally, by its control of legislation in Congress, by its Chicago platform, and by the voice and action of all its strong Representatives on the United States Committee on Privileges and Elections, has declared in favor of the "Mormon" people retaining and exercising the full rights of citizens in common with other people in this nation; the Republican party in Idaho, being an integral part of the national Republican party, is in accord therewith, and is now leading the fight for preserving the rights of the "Mormon" people; the Republican party is in harmony therewith, and is outspoken in upholding the rights of "Mormons" in common with those of all other citizens. On the other hand, so far as it has been able, the Democratic party nationally, by its St. Louis convention platform, by the unanimous vote of its Senators on the Senate Committee on Privileges and Elections, and by the efforts of its leaders in Congress to disfranchise the "Mormons" in Arizona and New Mexico and to exclude "Mormons" from entering the United States as immigrants, has declared against the "Mormon" people; the Democracy in Idaho, being a part of the national Democratic party and in accord therewith, is leading the fight against the "Mormon" people; the Democracy in Utah, an inseparable part of the national Democratic party and in harmony therewith, so far as it has ventured to express itself, has not dared to utter a word in protest against the attack of the Democratic party elsewhere on the rights of the "Mormon" people, but so far as its utterances have gone these are in line of encouraging and abetting that attack on the "Mormons."

Will any "Mormon" who heretofore has voted the Democratic ticket do so again in the face of these stubborn facts, which are so plain and positive that no sane man can be blind thereto? Can any "Mormon" who heretofore has supported the Republican ticket be cajoled, threatened, or beguiled into voting the Democratic ticket or any part thereof at this time, in view of the hostile attitude of the Democratic party toward the "Mormon" people?

It is an incontrovertible fact, already demonstrated well beyond the possibility of doubt—no matter how much boasting, sputtering, protesting, and deception may be engaged in to the contrary—that so far as the "Mormon" people are concerned the Democratic party has abandoned whatever high principles it once had and has become the party of intolerant, selfish, cruel, relentless religious persecution, and is a violator of the National Constitution in so far as that great charter of human liberty guarantees freedom to worship God to all citizens, "Mormons" or otherwise, and to exercise the full rights of citizenship now enjoyed. And, further, the policy now being followed by the Democratic party toward the "Mormon" people is a rank and inexcusable betrayal of every trust reposed in the party by any "Mormon" who ever voted a Democratic ticket. By its treachery to the "Mormon" voters, who have honored and trusted it so oft, the Democratic party merits the enmity and execration of every "Mormon" and of every lover of human liberty, political or religious.

Summed up, the facts show conclusively that the Republican party throughout the whole nation is united in defending the rights of the Mormon people as citizens. On the other hand, they also show that the Democratic party throughout the whole nation, with perhaps the exception of the Democrats in Utah, is antagonistic to and arrayed against the Mormon people. In fact, there is no difference in that respect between the so-called "American" party and the Democratic party. Even in Utah, while the Democratic party has not declared for the wholesale disfranchisement of the Mormon people, it has declared practically for the disfranchisement of a certain class of Mormons.

It can be shown conclusively that not only is the Republican party stronger in this State than the Democratic party, but it is also stronger in Salt Lake County, and consequently all good citizens, irrespective of party, should vote the Republican ticket to overthrow the "American" party.

Conservative Democrats readily admit that there are very few of their class left in the Democratic ranks; they also admit that there are now more Gentiles in the Republican party than in the Democratic party.

In the last city election R. P. Morris, the Democratic nominee for mayor, ran considerably ahead of the ticket, and received a large number of Republican votes. The Democratic councilmanic ticket was ahead of the Republican only about 412 votes. This year it is a county election. About one-third of the vote is outside of Salt Lake City. In the last county election, with the "American" ticket in the field, Congressman HOWELL had 1,616 votes in excess of O. W. Powers. It is conceded that the article appearing in the Deseret News the night before election drove Gentile Republicans into the "American" ranks and "Mormon" Republicans into voting the Democratic ticket. The last election returns show that the Republican party, while in the county outside of the city, it is over 1,600 votes ahead.

I have been a life-long Democrat, but for the foregoing reasons I will not give further support to the political party which has shown so much unjust discrimination and bitter enmity toward an unoffending and patriotic people.

A. MILTON MUSER.

This is signed by A. Milton Muser, and published in the Intermountain Republican, a paper which is understood at any rate to be the official organ of the senior Senator from Utah, and it would not have been published, as I have stated, unless with the advice and consent of Joseph F. Smith.

The following resolution, referred to by Mr. Muser, was presented to the Republican State convention September 21, 1906:

Be it further resolved, That the Republican party of the State of Utah hereby declares and affirms that it is opposed to the union of church and state, and that it is unalterably opposed to any high ecclesiast of any denomination whatsoever seeking and asking for political preferment and benefit of civil office, or unduly interfering with politics while he is holding any high ecclesiastical or church position, and for the future, and in order to promote tranquillity, perfect equality, and the best possible progress of the State, the Republican party will use its endeavors to enforce and maintain this principle.

That was offered by a young Mormon, and they immediately asked him when he had apostacized; how long he had been out of the church. They did not even give the poor young Mormon the privilege of allowing the resolution to be voted on. They simply smothered it out with ridicule.

That was the situation of affairs in Utah and in Idaho, as I have tried to convey it.

In Idaho the Republican party is allied with the Mormons. The vote of the State is divided about as follows:

Republicans	28,000
Mormons	17,000
Democrats	18,000
Socialists	5,000
Prohibitionists	2,000
Total	70,000

The Democratic party is making its fight in Idaho against the domination of the polygamous Mormon hierarchy in the politics of the State.

In southeastern Idaho, where the Mormons are in absolute control, there are American county tickets, the same as in Utah, composed of Republican and Democratic Gentiles. It is an unequal fight. The Mormons absolutely dominate the Republican party and elect its ticket. President Roosevelt sent Secretary of War Taft to Idaho to aid the Mormon nominee for governor and to say to the Gentile Republicans of Idaho that the Administration desires the election of the Republican-Mormon ticket.

ASSOCIATED PRESS ACCOUNT OF TAFT GOING WEST.

WASHINGTON, D. C., *October 22, 1906.*

It was announced to-day that Secretary Taft would speak in Representative WACHTER'S district in Baltimore next Friday night, and that according to a programme arranged jointly by Representative SHERMAN, of the Congressional committee, Senator DICK, of Ohio State committee, and Representative BURTON, of Cleveland, he will speak at Cleveland Saturday, in Mr. BURTON'S district, and at Lancaster and Logan, Ohio, on Monday next.

It has not yet been determined whether he will deliver an address in Speaker CANNON'S district or at Omaha, but he will speak in Idaho in the interest of Governor Gooding on the subject of "law and order."

* * * * * * *

This was October 22, 1906, and I immediately wired the President the following:

Press dispatches say you are sending Secretary Taft to Boise, Idaho, to speak for Governor Gooding, in behalf of law and order, and on account of the character of the campaign being made against him. If this is true, you are entirely misinformed. No law and order campaign is being waged in Idaho.

The sole issue is against the domination of the Mormon Church in our politics.

I assure you that you have been misinformed and that it will be understood that Secretary Taft will be sent here to speak in behalf of Mormonism, as that is the sole issue in the Idaho campaign.

The announcement that Secretary Taft was to come brought joy to the hearts of every polygamist in Utah and Idaho. It may not make any difference to the President of the United States, but it does to me, that every minister in Idaho, without exception—Methodist, Presbyterian, Catholic, Episcopalian—supported our contention. Republican ministers everywhere appeared on the platform and introduced me to the audiences. They are familiar with the conditions there, they know what they are, and every Christian minister—I defy them to name a single exception in Idaho—supported the Democratic party in their last campaign. It may not appeal to President Roosevelt, but for me I would sooner have their support and that of the good women of this land in this fight for principle than to have the support of this polygamous hierarchy.

One million and more petitions came here to this Senate asking that the apostle Senator from Utah be denied his seat. Do you think those good women did not know what they were doing? Who pass for you your child-labor laws, your juvenile-court laws? Who look after your hospitals? Who keep pure the home, the foundation on which this Republic can rest only with security? Were it not for the good women of this land we would wander far from the right. It is through their exertions that all this legislation which makes us an enlightened nation comes to pass. They knew what they were doing. They have their missionaries in Utah and Idaho and Wyoming and that part of the country all the time. They get reports from them every month. They know what are the conditions there, and they appeal to you to help the womanhood of the country and the childhood of the country.

It may make no difference to President Roosevelt that he has lost the respect and support of these great women organizations. He may not care, because he has this great political asset which can return six Senators and soon can return ten to this body. I received this letter, which I will read, signed by high officers of these great women organizations of the country:

DEAR SIR: The women of the country recognize the right to religious liberty, which is a fundamental principle of our Government, but they are fully justified in their claim that the Mormon hierarchy is a polygamous, commercial, and political organization that, because of its cloak of religion, received protection for its unlawful acts.

The desire to secure the solid vote of the Mormons, which Joseph F. Smith can promise to whom he will, has caused the investigation into REED SMOOT'S right to a seat in the Senate to drag on for three years, because in that time Presidential and Congressional elections have been held. It has been a bitter sorrow and disappointment to the women to learn that the terrible conditions revealed in Utah and adjoining States sink into insignificance when a political party needs the Mormon vote. Has the time come when the great Republican party,

the party of moral issues, the party formed to free the country of polygamy and the union of church and state, will condone these offenses and support those who are responsible for them?

The investigation has proved to any unbiased individual that to-day in Utah, Idaho, and other States there exists in intensified degree a condition of polygamy and union of church and state which, when Utah was a Territory, caused the President and the Congress to confiscate the property of the Mormon Church and deprive them of the franchise.

Leaders of the women's national organizations have traveled extensively through Utah, Idaho, Oregon, and Washington during the last year, and have heard the claim of the Mormon leaders that President Roosevelt is their friend. And in the last election in Utah a letter was written by Elder A. Milton Musser, historian of the Mormon Church, printed and distributed to every Mormon voter, citing instances to prove the friendship and support of the Republican party for the Mormons and ordering them to vote the Republican ticket; also the inclosed advice from President Joseph F. Smith as to how Mormons should vote.

Last May representatives of women's organizations, numbering in their constituency 10,000,000 women, met at the New Willard, in Washington, and unanimously adopted resolutions urging the Senate Committee on Privileges and Elections to report on the Smoot case before the closing of the session. They also called on the President at the White House and placed in his hands a copy of the resolution, assuring him that the women of the country, realizing his interest in the sanctity of the home, believed he would aid in destroying this enemy of the home, the wife, and the mother.

Women in Utah and in Idaho who were standing for the protection of their homes, for the protection of their children, and for the freedom from the weight and thraldom of this un-American power, were, with the women of the nation, dismayed when, by the order of the Chief Executive, Secretary Taft visited Idaho just previous to the election in support of the Republican party, which is dominated in these States by the Mormon hierarchy.

The majority of the women enlisted in this battle for the honor of womanhood, for the legitimacy of childhood, and for freedom, purity, and honor, have been lifelong Republicans, and it is with the grief and shame that a mother feels when a loved child goes wrong that the women of the nation note the attitude of those from whom they had expected help and guidance, but who have wandered far from the principles of Lincoln and Grant in condoning the crimes of the Mormon hierarchy and upholding one of its highest officials as a Senator of the United States.

All honor to the brave men who have placed principle above party, and who by either vote or influence have refused to perpetuate the greatest crime of the century.

To them and to God the people must look for relief from the terrible wrongs to womanhood, to childhood, and to the moral tone of the whole community, which would fill volumes if they were printed.

EXECUTIVE BOARD,
League of Women's National Organizations.
Mrs. FREDERIC SCHOOF, *Chairman.*
Mrs. MARGARET DYE ELLIS, *Secretary.*

PHILADELPHIA, PA., *December 10, 1906.*

I appeal to you, brother Senators, as representatives of American States, to aid us in the continuation of the struggle for American institutions in these States of the American Union. The burden, the hardship, falls on us who live amidst these conditions, as it always has and always must. We ask you not to allow the apostle Senator from Utah to retain a seat in this great body of lawmakers for an enlightened nation. Should you do so and thus vote your approval of Mormonism and your condemnation of our efforts, you will make the fight the harder for us and for them. We think we are entitled to your earnest support. If you will not give this, we demand as our right that the President of the United States cease allowing the power of his great name and office to be invoked and made use of against our efforts.

Mormon domination and American Commonwealths can not exist together under our system of government. One or the other must be destroyed. The American States will survive in our mountain country, and no President or party, however, great or powerful, can make them long continue subservient to priestly rule.

In closing, I warn the Republican party not to reenact the darkest page of its history when they undertook to place the negro in control in the South. It has resulted in a solid white South against you. If you attempt to put in control of the American citizenship of the Rocky Mountain States this Mormon hierarchy you will find your support narrowed in the future to the followers of the Mormon hierarchy. [Manifestations of applause in the galleries.]

EMPLOYERS' LIABILITY BILL.

During the delivery of Mr. DUBOIS's speech,

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. It is so ordered. The Senator from Idaho will proceed.

After the conclusion of Mr. DUBOIS's speech,

KONGO FREE STATE.

Mr. LODGE. I ask that the pamphlet which I send to the desk may be printed as a Senate document. It is the report of the debate in the Belgian House of Representatives in regard to the Kongo, and contains a great many very interesting matters.

The VICE-PRESIDENT. Does the Senator from Massachusetts desire to have it referred?

Mr. LODGE. Oh, no; I desire merely to have it printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned, the adjournment being until Monday, December 17, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 13, 1906.

SECRETARY OF THE TREASURY.

George B. Cortelyou, of New York, now Postmaster-General, to be Secretary of the Treasury, to take effect March 4, 1907, vice Leslie M. Shaw.

SECRETARY OF THE INTERIOR.

James Rudolph Garfield, of Ohio, now Commissioner of Corporations in the Department of Commerce and Labor, to be Secretary of the Interior, to take effect March 4, 1907, vice Ethan A. Hitchcock.

POSTMASTER-GENERAL.

George v. L. Meyer, of Massachusetts, now ambassador extraordinary and plenipotentiary to Russia, to be Postmaster-General, to take effect March 4, 1907, vice George B. Cortelyou, nominated to be Secretary of the Treasury.

SURVEYOR OF CUSTOMS.

Benjamin H. Barrows, of Nebraska, to be surveyor of customs for the port of Omaha, in the State of Nebraska. (Reappointment.)

UNITED STATES ATTORNEY.

Lock McDaniel, of Texas, to be United States attorney for the southern district of Texas, commencing January 16, 1907, in the place of Marcus C. McLemore, resigned, to take effect at the close of January 15, 1907.

CIRCUIT COURT JUDGE.

John T. De Bolt, of Hawaii, to be first judge of the circuit court of the first circuit of the Territory of Hawaii. A reappointment, his term expiring January 13, 1907.

UNITED STATES DISTRICT JUDGE.

Thomas Ives Chatfield, of New York, to be United States district judge for the eastern district of New York, commencing January 1, 1907, in the place of Edward B. Thomas, whose resignation will take effect at the close of December 31, 1906.

MEMBERS MISSISSIPPI RIVER COMMISSION.

Lieut. Col. William T. Rossell, Corps of Engineers, United States Army, for appointment as member of the Mississippi River Commission, provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters," to which office he was appointed during the last recess of the Senate, vice Lieut. Col. James. L. Lusk, Corps of Engineers, United States Army, relieved.

Maj. James G. Warren, Corps of Engineers, United States Army, for appointment as member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters," to which office he was appointed during the last recess of the Senate, vice Maj. Thomas L. Casey, Corps of Engineers, United States Army, relieved.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be first lieutenants.

Second Lieut. Roger D. Black, Corps of Engineers, from September 17, 1906, vice Wigmore, promoted.

Second Lieut. Theodore H. Dillon, Corps of Engineers, from September 26, 1906, vice Putnam, promoted.

ORDNANCE DEPARTMENT.

To be colonel.

Lieut. Col. Daniel M. Taylor, Ordnance Department, from November 12, 1906, vice Pitman, retired from active service.

To be lieutenant-colonel.

Maj. Charles H. Clark, Ordnance Department, from November 12, 1906, vice Taylor, promoted.

To be major.

Capt. Kenneth Morton, Ordnance Department, from November 12, 1906, vice Clark, promoted.

CAVALRY ARM.

To be majors.

Capt. Guy Carleton, Thirteenth Cavalry, from October 2, 1906, vice Edwards, Fourth Cavalry, promoted.

Capt. Thomas B. Dugan, Twelfth Cavalry, from October 28, 1906, vice Willcox, Fourth Cavalry, retired from active service.

ARTILLERY CORPS.

To be captain.

First Lieut. Louis S. Chappelear, Artillery Corps, from November 26, 1906, vice Farrar, detailed as quartermaster.

To be first lieutenant.

Second Lieut. William E. Murray, Artillery Corps, from November 26, 1906, vice Chappelear, promoted.

INFANTRY ARM.

To be colonel.

Lieut. Col. Edwin B. Bolton, Tenth Infantry, from December 2, 1906, vice Macklin, Fourth Infantry, retired from active service.

To be lieutenant-colonel.

Maj. Henry B. Moon, Tenth Infantry, from December 2, 1906, vice Bolton, Tenth Infantry, promoted.

To be majors.

Capt. Benjamin W. Atkinson, Sixth Infantry, from October 20, 1906, vice Rogers, Fourth Infantry, promoted.

Capt. Benjamin M. Purssell, detailed paymaster, from October 30, 1906, vice Young, Eighteenth Infantry, promoted.

Capt. Fielder M. M. Beall, Third Infantry, from October 31, 1906, vice Bullard, Twenty-eighth Infantry, promoted.

Capt. Maury Nichols, Third Infantry, from December 2, 1906, vice Moon, Tenth Infantry, promoted.

To be captains.

First Lieut. Robert E. Frith, Twenty-ninth Infantry, from July 28, 1906, vice Davis, Seventeenth Infantry, detailed as quartermaster.

First Lieut. Samuel T. Ansell, Eleventh Infantry, from August 7, 1906, vice Walker, Eighth Infantry, retired from active service.

First Lieut. Robert H. Peck, Twenty-fourth Infantry, from August 7, 1906, vice Perkins, Eighth Infantry, promoted.

First Lieut. Halsey E. Yates, Fifth Infantry, from August 15, 1906, vice Ely, Twenty-ninth Infantry, detailed as paymaster.

First Lieut. Clement A. Trott, Fifth Infantry, from August 20, 1906, vice Burnham, Ninth Infantry, promoted.

First Lieut. Wilson B. Burtt, Fifth Infantry, from September 11, 1906, vice Arrasmith, Eighteenth Infantry, promoted.

First Lieut. Walter S. Brown, Tenth Infantry, from September 12, 1906, vice Glidden, Twenty-fifth Infantry, resigned.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. James E. Macklin, United States Army, retired, to be placed on the retired list of the Army, with the rank of brigadier-general from December 2, 1906.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. George P. Borden, Twenty-fourth Infantry, to be placed on the retired list of the Army, with the rank of brigadier-general from the date on which he shall be retired from active service.

I nominate the following-named officers on the retired list of the Navy to be advanced from the 29th day of June, 1906, to the rank and retired pay of one grade above that actually held by them at the time of their retirement, as indicated, in accordance with a provision contained in the naval appropriation act approved June 29, 1906.

Assistant engineers with the rank of lieutenant (junior grade) to be passed assistant engineers with the rank of lieutenant (junior grade) on the retired list.

Henry D. Sellman,
Alexander H. Price,
Joseph S. Greene,
Daniel A. Sawyer,
James W. Patterson,
James G. Littig,
William G. McEwan,
William H. Platt, and
George C. Drinen.

Col. Robert L. Meade, of the Marine Corps, to be a brigadier-general on the retired list of officers of the Marine Corps, from the 29th day of June, 1906, in accordance with a provision contained in the naval appropriation act approved on that date.

PROMOTION IN THE NAVY.

Midshipman Francis J. Cleary to be an ensign in the Navy from the 3d day of February, 1905, in accordance with the provisions of an act of Congress approved June 30, 1906.

POSTMASTERS.

CALIFORNIA.

John W. Magee to be postmaster at Chico, in the county of Butte and State of California, in place of John W. Magee. Incumbent's commission expired May 19, 1906.

Stanley Morehead to be postmaster at San Rafael, in the county of Marin and State of California, in place of William N. Anderson. Incumbent's commission expired March 18, 1906.

Walter Mundell to be postmaster at Sawtelle, in the county of Los Angeles and State of California, in place of Walter H. Metcalf, resigned.

COLORADO.

R. Lincoln Pence to be postmaster at Ault, in the county of Weld and State of Colorado. Office became Presidential October 1, 1906.

INDIANA.

John Sharp to be postmaster at Frankton, in the county of Madison and State of Indiana, in place of Howard C. Daugherty. Incumbent's commission expires December 20, 1906.

IOWA.

Le Roy E. Cox to be postmaster at Belle Plaine, in the county of Benton and State of Iowa, in place of Le Roy E. Cox. Incumbent's commission expired December 9, 1906.

Gustavus F. Peek to be postmaster at Algona, in the county of Kussuth and State of Iowa, in place of Gustavus F. Peek. Incumbent's commission expired December 9, 1906.

Charles H. Smith to be postmaster at Marshalltown, in the county of Marshall and State of Iowa, in place of John Q. Saint. Incumbent's commission expired June 30, 1906.

KANSAS.

Jennie R. Reed to be postmaster at Almena, in the county of Norton and State of Kansas. Office became Presidential October 1, 1906.

MAINE.

Joshua W. Black to be postmaster at Searsport, in the county of Waldo and State of Maine. Office became Presidential October 1, 1906.

Lewis C. Flagg to be postmaster at Berwick, in the county of York and State of Maine, in place of Lewis C. Flagg. Incumbent's commission expires December 15, 1906.

MICHIGAN.

Everett N. Clark to be postmaster at Wyandotte, in the county of Wayne and State of Michigan, in place of Everett N. Clark. Incumbent's commission expires December 15, 1906.

Orrin T. Hoover to be postmaster at Chelsea, in the county of Washtenaw and State of Michigan, in place of Orrin T. Hoover. Incumbent's commission expires December 15, 1906.

Milo N. Johnson to be postmaster at Northville, in the county of Wayne and State of Michigan, in place of Milo N. Johnson. Incumbent's commission expired December 10, 1906.

Charles H. Pulver to be postmaster at Dundee, in the county of Monroe and State of Michigan, in place of Charles H. Pulver. Incumbent's commission expired December 10, 1906.

NEBRASKA.

O. K. Paddock to be postmaster at South Omaha, in the county of Douglas and State of Nebraska, in place of Frederick J. Etter, deceased.

Alfred H. Thomas to be postmaster at Trenton, in the county of Hitchcock and State of Nebraska. Office became Presidential October 1, 1906.

NEW YORK.

Frank B. Barnard to be postmaster at Dunkirk, in the county of Chautauqua and State of New York, in place of Frank B. Barnard. Incumbent's commission expired December 9, 1906.

Adolph Bluestone to be postmaster at Canaseraga, in the county of Allegany and State of New York, in place of Adolph Bluestone. Incumbent's commission expired December 9, 1906.

Samuel R. Riley to be postmaster at Bronxville, in the county of Westchester and State of New York, in place of Anna V. T. Smith, resigned.

Frederick R. Smith to be postmaster at Norwood, in the county of St. Lawrence and State of New York, in place of Frederick R. Smith. Incumbent's commission expires December 20, 1906.

Selah H. Van Duzer to be postmaster at Horseheads, in the county of Chemung and State of New York, in place of Selah H. Van Duzer. Incumbent's commission expires December 20, 1906.

Edward Williams to be postmaster at Granville, in the county of Washington and State of New York, in place of John G. Williams. Incumbent's commission expires February 16, 1907.

PENNSYLVANIA.

J. Wersler Thomson to be postmaster at Phoenixville, in the county of Chester and State of Pennsylvania, in place of J. Wersler Thomson. Incumbent's commission expires December 17, 1906.

RHODE ISLAND.

Jonathan Bateman to be postmaster at Manville, in the county of Providence and State of Rhode Island, in place of Jonathan Bateman. Incumbent's commission expired December 10, 1906.

Arthur W. Stedman to be postmaster at Wakefield, in the county of Washington and State of Rhode Island, in place of Arthur W. Stedman. Incumbent's commission expired December 9, 1906.

VERMONT.

Georgia E. Lewis to be postmaster at North Troy, in the county of Orleans and State of Vermont. Office became Presidential October 1, 1906.

WASHINGTON.

Alexander Jolley to be postmaster at Elma, in the county of Chehalis and State of Washington, in place of Alexander Jolley. Incumbent's commission expires December 20, 1906.

WYOMING.

William Rogers to be postmaster at Green River, in the county of Sweetwater and State of Wyoming, in place of Willis F. Hoadley, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 13, 1906.

CIVIL SERVICE COMMISSIONER.

John Avery McIlhenny, of Louisiana, to be a Civil Service Commissioner.

COMPTROLLER OF THE CURRENCY.

William B. Ridgely, of Illinois, to be Comptroller of the Currency.

INTERSTATE COMMERCE COMMISSIONERS.

Edgar E. Clark, of Iowa, to be an Interstate Commerce Commissioner for the term ending December 31, 1912.

Judson C. Clements, of Georgia, to be an Interstate Commerce Commissioner for the term of seven years from January 1, 1907.

James S. Harlan, of Illinois, to be an Interstate Commerce Commissioner for the term ending December 31, 1911.

MARSHAL.

Eugene L. Lewis, of Ohio, who was appointed during the last recess of the Senate, to be United States marshal for the southern district of Ohio.

ASSISTANT APPRAISER OF MERCHANDISE.

Charles R. Skinner, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York.

CONSULS.

Hilary S. Brunot, of Pennsylvania, lately consul of class 8 at St. Etienne, to be consul of the United States of class 8 at Jeres de la Frontera, Spain.

William H. Hunt, of New York, lately consul of class 8 at Tamatave, to be consul of the United States of class 8 at St. Etienne, France.

Felix S. S. Johnson, of New Jersey, lately consul of class 8 at Puerto Cortes, to be consul of the United States of class 8 at Bergen, Norway.

Augustus G. Seyfert, of Pennsylvania, lately consul of class 8 at Matamoros, to be consul of the United States of class 8 at Collingwood, Ontario, Canada.

ASSISTANT COLLECTOR OF CUSTOMS.

Frank F. Patterson, of New Jersey, to be assistant collector of customs for the port of Camden, N. J., in the district of Philadelphia, in the State of Pennsylvania.

ASSISTANT TREASURER OF THE UNITED STATES.

Clarence C. Pusey, of Maryland, to be assistant treasurer of the United States at Baltimore, Md.

DEPUTY AUDITOR FOR THE INTERIOR DEPARTMENT.

James B. Belt, of Maryland, to be Deputy Auditor for the Interior Department.

CHIEF OF BUREAU OF YARDS AND DOCKS.

Civil Engineer Harry H. Rousseau, United States Navy, to be Chief of the Bureau of Yards and Docks, in the Department of the Navy, with the rank of rear-admiral, from the 5th day of January, 1907.

REGISTERS OF LAND OFFICES.

James J. Donovan, of Michigan, to be register of the land office at Marquette, Mich.

Henry S. Chubb, of Florida, to be register of the land office at Gainesville, Fla., by transfer from receiver of public moneys at Gainesville.

APPOINTMENT IN THE NAVY.

John H. Knapp, a citizen of Missouri, to be an assistant paymaster in the Navy from the 5th day of December, 1906 (subject to the physical examination required by law).

PROMOTIONS IN THE NAVY.

Capt. Franklin J. Drake, on the active list of the Navy, to be a rear-admiral on the retired list of the Navy from the 10th day of December, 1906, in accordance with a provision contained in the naval appropriation act approved June 29, 1906.

Lieut. Commander John A. Dougherty to be a commander in the Navy from the 11th day of December, 1906.

Lieut. Commander John B. Bernadou, an additional number in grade, to be a commander in the Navy from the 11th day of December, 1906, with Lieut. Commander John A. Dougherty, promoted.

Lieut. Walter S. Crosley, an additional number in grade, to be a lieutenant-commander in the Navy from the 11th day of December, 1906, with Lieut. Edward H. Campbell, promoted.

Surg. George P. Lumsden to be a medical inspector in the Navy from the 6th day of September, 1906.

Commander Albert Mertz to be a captain in the Navy from the 2d day of November, 1906.

Lieut. James F. Carter to be a lieutenant-commander in the Navy from the 2d day of June, 1906.

Lieut. David Van H. Allen to be a lieutenant-commander in the Navy from the 10th day of October, 1906.

Asst. Surg. Winfield S. Pugh to be a passed assistant surgeon in the Navy from the 23d day of September, 1906, upon the completion of three years' service in his present grade.

The following-named assistant surgeons to be passed assistant surgeons in the Navy from the 12th day of October, 1906, upon the completion of three years' service in their present grade:

Elwin C. Taylor.
Franklin E. Campbell.
James E. Gill.
Isaac S. K. Reeves.

PROMOTIONS IN THE MARINE CORPS.

The following-named officers on the retired list of the Marine Corps to be advanced from the 29th day of June, 1906, to the rank and retired pay of one grade above that actually held by them at the time of their retirement, as indicated, in accordance with a provision contained in the naval appropriation act approved June 29, 1906:

Col. William S. Muse, United States Marine Corps, to be a brigadier-general on the retired list of the Marine Corps.

Majs. Augustus S. Nicholson and Erastus R. Robinson, United States Marine Corps, to be lieutenant-colonels on the retired list of the Marine Corps.

Capts. Frederick H. Corrie, Frank D. Webster, and Archibald S. Taylor, United States Marine Corps, to be majors on the retired list of the Marine Corps.

Second Lieut. Edward R. Miller, United States Marine Corps, to be a first lieutenant on the retired list of the Marine Corps.

POSTMASTERS.

ARKANSAS.

Edward Hall to be postmaster at Stuttgart, in the county of Arkansas and State of Arkansas.

COLORADO.

Wesley A. Martin to be postmaster at Mancos, in the county of Montezuma and State of Colorado.

Daniel W. Stone to be postmaster at Trinidad, in the county of Las Animas and State of Colorado.

CONNECTICUT.

Frank M. Buckland to be postmaster at West Hartford, in the county of Hartford and State of Connecticut.

James Graham to be postmaster at Taftville, in the county of New London and State of Connecticut.

Bradley S. Keith to be postmaster at Norwalk, in the county of Fairfield and State of Connecticut.

Charles W. Munsinger to be postmaster at Coscob, in the county of Fairfield and State of Connecticut.

FLORIDA.

Louis C. Lynch to be postmaster at Gainesville, in the county of Alachua and State of Florida.

IDAHO.

Julia Conners to be postmaster at Mullan, in the county of Shoshone and State of Idaho.

Fred Evans to be postmaster at Burke, in the county of Shoshone and State of Idaho.

W. H. Greenhow to be postmaster at Twin Falls, in the county of Cassia and State of Idaho.

ILLINOIS.

James O. Burton to be postmaster at Dahlgren, in the county of Hamilton and State of Illinois.

James S. Courtright to be postmaster at Normal, in the county of McLean and State of Illinois.

Charles S. Randolph to be postmaster at Ipava, in the county of Fulton and State of Illinois.

INDIANA.

John C. Fudge to be postmaster at Dunkirk, in the county of Jay and State of Indiana.

William H. Gostlin to be postmaster at Hammond, in the county of Lake and State of Indiana.

Omer Guyton to be postmaster at Cambridge City, in the county of Wayne and State of Indiana.

Winfield S. Keith to be postmaster at Bicknell, in the county of Knox and State of Indiana.

Andrew Morrissey to be postmaster at Notre Dame, in the county of St. Joseph and State of Indiana.

William E. Netherton to be postmaster at Winamac, in the county of Pulaski and State of Indiana.

INDIAN TERRITORY.

W. H. Harrison to be postmaster at Poteau, District 14, Ind. T.

IOWA.

John W. Burns to be postmaster at Keosauqua, in the county of Van Buren and State of Iowa.

James C. Dinwiddie to be postmaster at Marengo, in the county of Iowa and State of Iowa.

S. G. Goldthwaite to be postmaster at Boone, in the county of Boone and State of Iowa.

Walter F. Hall to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa.

C. E. Haverly to be postmaster at Ames, in the county of Story and State of Iowa.

A. F. Morse to be postmaster at Newell, in the county of Buena Vista and State of Iowa.

Sherman F. Myers to be postmaster at Anita, in the county of Cass and State of Iowa.

Robert B. Oldham to be postmaster at Greenfield, in the county of Adair and State of Iowa.

Malcolm Peterson to be postmaster at Pomeroy, in the county of Calhoun and State of Iowa.

Minnie A. Phoenix to be postmaster at Ruthven, in the county of Palo Alto and State of Iowa.

William G. Ray to be postmaster at Grinnell, in the county of Poweshiek and State of Iowa.

Adelbert J. Weeks to be postmaster at Correctionville, in the county of Woodbury and State of Iowa.

KANSAS.

Jacob B. Callen to be postmaster at Junction City, in the county of Geary and State of Kansas.

Herbert Caveness to be postmaster at Chanute, in the county of Neosho and State of Kansas.

MAINE.

Edward Brown to be postmaster at Thomaston, in the county of Knox and State of Maine.

Samuel F. Davis to be postmaster at South Paris, in the county of Oxford and State of Maine.

Frank L. Field to be postmaster at Belfast, in the county of Waldo and State of Maine.

William M. Stuart to be postmaster at Newport, in the county of Penobscot and State of Maine.

Abraham L. Wallace to be postmaster at Millbridge, in the county of Washington and State of Maine.

MASSACHUSETTS.

Althamer E. Chamberlain to be postmaster at Holliston, in the county of Middlesex and State of Massachusetts.

Elbridge Nash to be postmaster at South Weymouth, in the county of Norfolk and State of Massachusetts.

David D. Streeter to be postmaster at Mount Hermon, in the county of Franklin and State of Massachusetts.

MICHIGAN.

James W. Bedell to be postmaster at Wakefield, in the county of Gogebic and State of Michigan.

Margaret Duncan to be postmaster at Au Sable, in the county of Iosco and State of Michigan.

Josephus C. Mustard to be postmaster at Scottville, in the county of Mason and State of Michigan.

C. Guy Perry to be postmaster at Lowell, in the county of Kent and State of Michigan.

Leonard M. Sellers to be postmaster at Cedar Springs, in the county of Kent and State of Michigan.

MINNESOTA.

William D. Hale to be postmaster at Minneapolis, in the county of Hennepin and State of Minnesota.

Frank H. Kratka to be postmaster at Thief River Falls, in the county of Red Lake and State of Minnesota.

A. O. Lea to be postmaster at New Richland, in the county of Waseca and State of Minnesota.

MISSOURI.

Andrew J. Seibert to be postmaster at Ste. Genevieve, in the county of Ste. Genevieve and State of Missouri.

NEBRASKA.

Frank McCartney to be postmaster at Nebraska City, in the county of Otoe and State of Nebraska.

William A. Price to be postmaster at Laurel, in the county of Cedar and State of Nebraska.

Edward B. Richardson to be postmaster at Ulysses, in the county of Butler and State of Nebraska.

NEW YORK.

George D. Genung to be postmaster at Waverly, in the county of Tioga and State of New York.

James M. Pitkin to be postmaster at Newark, in the county of Wayne and State of New York.

Minnie N. Slaight to be postmaster at Tottenville, in the county of Richmond and State of New York.

Eugene Vreeland to be postmaster at Dundee, in the county of Yates and State of New York.

NORTH DAKOTA.

Chris Fuoter to be postmaster at Ray, in the county of Williams and State of North Dakota.

OKLAHOMA.

George Y. Walbright to be postmaster at Stroud, in the county of Lincoln and Territory of Oklahoma.

PENNSYLVANIA.

James C. Jacobs to be postmaster at Burnham, in the county of Mifflin and State of Pennsylvania.

George W. McCauslin to be postmaster at Narberth, in the county of Montgomery and State of Pennsylvania.

Nora L. Pickering to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania.

VIRGINIA.

Annie G. Davenport to be postmaster at Gordonsville, in the county of Orange and State of Virginia.

WEST VIRGINIA.

George E. Work to be postmaster at Sistersville, in the county of Tyler and State of West Virginia.

RECIPROCAL PROTECTION OF PATENTS WITH GUATEMALA.

The injunction of secrecy was removed December 13, 1906, from a convention between the United States and the Republic of Guatemala for the reciprocal protection of patents, signed at Guatemala city on November 10, 1906.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 13, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

HON. ERNEST M. POLLARD.

Mr. POLLARD. Mr. Speaker, I desire to offer a privileged resolution.

The SPEAKER. The gentleman from Nebraska offers the following resolution as a matter of privilege. The Clerk will report the same.

The Clerk read as follows:

Whereas on July 18, 1905, ERNEST M. POLLARD was elected to fill the vacancy in the Fifty-ninth Congress caused by the resignation of Hon. E. J. BURKETT; and

Whereas the Sergeant-at-Arms of the House of Representatives paid

ERNEST M. POLLARD for the period intervening between March 4, 1905, the beginning of the Fifty-ninth Congress, and July 18, 1905, the date of his election thereto; and

Whereas Mr. POLLARD's legal right to receive pay for this period has been questioned and his action in accepting it has been severely criticised by certain parties; and

Whereas section 51 of the Revised Statutes of the United States, under which payment was made, has never been construed by the courts in a case exactly like this: Therefore, be it

Resolved by the House of Representatives, That this whole matter be referred to the Judiciary Committee of the House with instructions to investigate the legal questions involved and report its conclusions to this House before the termination of the present Congress.

Mr. POLLARD. Mr. Speaker, I move the adoption of the resolution.

The question was taken; and the resolution was agreed to.

INVESTIGATION OF PRICES OF LUMBER.

Mr. MILLER. Mr. Speaker, I desire to call up resolution No. 652, and ask unanimous consent for that privilege.

The SPEAKER. The gentleman from Kansas asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

Resolution No. 652.

Resolved, That the Secretary of Commerce and Labor be, and is hereby, requested to investigate the cause of the high prices of lumber in the various stages of manufacture, and the said investigation shall be conducted with the particular object of ascertaining whether or not these high prices have resulted in whole or in part from any contract, agreement, or combination in the form of trust or otherwise, or conspiracy in restraint of commerce among the several States and Territories or with foreign countries; also whether the said prices have been manipulated in whole or in part by any corporation, joint stock company, or corporate combination engaged in commerce among the several States or with foreign nations, and if so, to investigate the organization, capitalization, profits, conduct and management of the business of such corporations, companies, or corporate combinations, and make early report of his findings according to law.

To carry out and give effect to the provisions of the resolution the Secretary shall have power to issue subpœnas, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officers in any State in the United States.

The SPEAKER. The Chair understands this is a request to discharge the Committee on the Judiciary from the further consideration of the resolution and to consider it in the House at this time. Is there objection?

Mr. DE ARMOND. What resolution is that?

The SPEAKER. The resolution which has just been read. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question? I do not object to the consideration of the resolution.

The SPEAKER. The Chair understands there is no objection to the consideration. Does the gentleman yield for a question?

Mr. MILLER. I do.

Mr. BARTLETT. I desire to know what provision is made in the resolution to pay the expenses of this investigation, or whether there is a fund provided by law for the Secretary of Commerce and Labor to pay the expense of having this investigation made? In other words, it would be useless to pass a resolution directing the investigation to be made, witnesses to be summoned, and testimony taken if money is not provided for it. I did not hear read any provision in the resolution providing money for the investigation.

Mr. MILLER. Mr. Speaker, in answer to the gentleman's question, if I get it correctly, there is no question about the fund to carry out this investigation, and the House, I think, is exceedingly anxious that an investigation of this kind should be made, at least the country is, and we are exceedingly anxious to get it passed just as soon as possible so that this investigation may be commenced.

Mr. BARTLETT. If the gentleman will permit me to say, I do not object to it. I am as much in favor of an investigation as anyone, and I hope the resolution will be passed. The gentleman misunderstands me. He thinks I am opposing the resolution and I am not. I am merely suggesting to the gentleman that in undertaking to provide for the investigation there ought to be means provided for the purpose of doing it completely. You remember the President returned a like resolution in respect to the oil investigation and the coal investigation to the House with the suggestion they had not provided funds for the purpose of carrying on the investigation, and if this resolution needs such an amendment providing for a fund I think the gentleman ought to provide for it, and for one I will vote for it.

Mr. MILLER. As far as the question of money for the purpose of carrying out the investigation is concerned, if they have not a sufficient fund on hand it will be immediately provided for by an appropriation, and I think the gentleman will agree heartily with me, as far as the subject-matter is concerned, that it ought to be passed, and I ask for its immediate consideration.

Mr. HENRY of Texas. I would like to ask the gentleman a question. As I caught the reading of the resolution it applies only to manufacturers of lumber. Now, I think it should read so as to cover the wholesale and retail dealers also, and if in the first case it does not include them it should be amended so as to include wholesale and retail dealers as well as manufacturers.

Mr. MILLER. In my judgment, Mr. Speaker, the whole field will be covered by the language of this resolution.

Mr. HENRY of Texas. I would like to have the resolution read again.

Mr. MILLER. It is the question of the high price of lumber through all the stages of its production, and it is sufficiently broad to cover that entire question.

Mr. HENRY of Texas. I do not believe that the language is broad enough to cover the wholesalers and retailers.

Mr. MILLER. I want to say to the gentleman that this resolution was referred by the Judiciary Committee to the Department of Commerce and Labor for its views upon the subject, and they have reported back to that committee.

Mr. HENRY of Texas. Has the gentleman any objection to amending the resolution?

Mr. MILLER. I would have no objection to that; no. But I think it is sufficiently broad to include all dealers in lumber.

Mr. HENRY of Texas. I ask that for this reason, that many of the mill owners state that the price of lumber has not been raised by them, but that it has been raised entirely by the wholesale dealer and the retail dealer. If they are the guilty ones, we ought to amend the resolution. I ask that the resolution be read again.

Mr. MONDELL. Will the gentleman from Kansas [Mr. MILLER] yield for an inquiry?

Mr. MILLER. Yes.

Mr. MONDELL. Will the gentleman have any objection to amending his resolution so as to ascertain whether or no the present high price of lumber is due in any degree to the present very high prices that the Government is demanding for stumpage of its timber on the forest reserves?

Mr. MILLER. I will answer that question, Mr. Speaker, and I will say again that in my judgment the resolution is broad enough to cover that whole question.

Mr. GILBERT and Mr. HEPBURN rose.

The SPEAKER. To whom does the gentleman from Kansas [Mr. MILLER] yield?

Mr. MILLER. To the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I want to call the attention of the gentleman to the fact that his resolution only refers to the manufacture of lumber in its various stages; that it will have no application whatever to the dealer, either wholesale or retail, after it leaves the manufacturer's hands, and it is the contention on the part of dealers, at least, that the high price of lumber is owing to combinations among the manufacturers, while they in turn say that it results from these combinations among the dealers. Now, it seems to me the resolution ought to be modified. This resolution was sent to the Committee on the Judiciary. I suppose that they failed to report it because they recognized the fact that it was not a subject properly before them. If it had been sent to the proper committee, it would have been reported upon long ago and in proper shape.

Mr. MILLER. Mr. Speaker, in answer to the gentleman from Iowa I desire to state that the Committee on the Judiciary has not reported this resolution for the reason that they have not been able to hold a meeting of that committee for the purpose of considering this question, and I am informed now by a member of that committee, the chairman of it, that the probabilities are they will not have another meeting until after the holidays. That is why I asked this morning for unanimous consent to call up this resolution.

Mr. HENRY of Texas. Mr. Speaker, I ask that the resolution be read.

Mr. MILLER. Will the Clerk read the resolution?

The SPEAKER. Does the gentleman from Kansas [Mr. MILLER] wish the resolution to be read in his time?

Mr. PAYNE. I hope the gentleman from Kansas will let the resolution be read in his time.

Mr. MILLER. I would like to have the resolution read.

The SPEAKER. The Clerk will report the resolution the second time.

The resolution was again read.

Mr. HENRY of Texas. Now, if the gentleman will yield a minute, I want to suggest that we add, after the words "various stages of manufacture," the words "purchase and sale," and then you will cover the points which have been raised.

Mr. MILLER. I am willing to accept that amendment—that,

after the word "manufacture," in line 3, page 1, the words "and sale" be inserted.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 3, after the word "manufacture," insert the words "and sale."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. MILLER. Mr. Speaker, I move to amend by striking out lines 3, 4, 5, 6, and 7, on page 2, as I find upon examination of the law on the subject that they are not necessary. The Secretary now has ample power under the law as it exists.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2 strike out all of lines 3, 4, 5, 6, and 7.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Has unanimous consent been given for present consideration?

The SPEAKER. It has.

Mr. MANN. Then I would like a moment's time.

Mr. MILLER. I will yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I simply wish to call the attention of the House to these resolutions for this reason: A resolution somewhat similar to this one went through the House a year or two ago, introduced by the gentleman from South Dakota [Mr. MARTIN], and, as a result of it, it was held by the Federal courts that the beef trust, so called, could not be prosecuted. No one knows just how far an inquiry of this sort might go, and while I have no objection to a proper resolution upon subjects of this kind, it is a very poor legislative method to pass a resolution involving so much without the consideration of the proper committee of the House.

The Judiciary Committee may have given consideration to this subject, but we have no reports from that committee before the House. If the Secretary of Commerce and Labor should desire in his inquiry, or any of his subordinates without desire, should call upon these people to testify under subpœna, all prosecution of them would be ended. The very purpose of resolutions of this kind should be not to excuse the persons who are guilty, but to punish the persons who are guilty. We already have under the railroad-rate law that was passed at the last session of Congress—under a little amendment which was put in from the best of motives—the probability that the Standard Oil Company and its agents will escape conviction, because of the little harmless amendment inserted in that bill from the best of motives. I think that these matters ought to receive consideration by the committee.

Mr. MILLER. Mr. Speaker, I will yield to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN. Mr. Speaker, the fears of the gentleman from Illinois [Mr. MANN] as to any immunity resulting from this investigation or others like it are not well founded. Of course the courts of the United States have been at variance on the interpretation of similar investigations, but at the last session of Congress we passed a law interpreting all of our statutes relating to such investigations, making it impossible in the future to grant immunity to parties examined in these investigations, and making it apply only to cases where parties are called and compelled to testify against their interest in courts. So far as an investigation of the meat trust is concerned, there was no necessity for getting into the position of that investigation of granting immunity to anyone, because it was not necessary to call officers of the suspected corporations upon subjects of that character. Of course, lawyers, I think, agree all over the country that the interpretation placed on the law by Judge Humphrey, as the result of that investigation, was, perhaps, a stretch of the law and not warranted. At all events, subsequent legislation has settled that question so that we can with propriety direct as a House, as well as the Senate can direct as a separate body, investigations in this class of cases. I think we can with propriety direct investigations of this character without the fear suggested by the gentleman from Illinois.

Mr. MANN. If the gentleman will pardon me——

Mr. MILLER. I will yield to the gentleman from Illinois.

Mr. MANN. If I remember, the gentleman was of the same impression about his own resolution. He and I discussed it several times before I consented that the House should take it up by unanimous consent. He was equally confident that his resolution could under no circumstances permit the people engage in the claimed conspiracy of the beef trust to get out, while I had suspicion that it might have that result.

Mr. MARTIN. Mr. Speaker, I will call the attention of the gentleman from Illinois to the fact that all subsequent investigations of the Standard Oil, the coal trust, and other combinations have been made under resolutions following precisely the language of the one referred to, and the Department has steered clear of the complications which I think they unwittingly allowed themselves to be drawn into in the beef-trust investigation, which was the first of the kind.

Mr. MANN. It remains to be determined whether they have or not. They have not tried those cases in court yet.

Mr. MARTIN. Very well; but I think we have covered the whole subject now by legislation, so that I think there will be no danger in the future.

Mr. MANN. But I do not think we have.

Mr. MARTIN. At all events, there is nothing in that suggestion that would, I think, make it reasonable that this House should hesitate in its effort to arrive at the facts regarding any of these great combinations which are oppressing the country. Certainly the administrative officers of the Government have had their eyes sufficiently opened now to proceed with due caution in their investigations, and I have no doubt they will do so.

Mr. MANN. If the gentleman will pardon me, Mr. Speaker, in the last session of Congress, as I stated before, in the railroad rate bill, there was a provision put in the law stating that although there was a repeal of conflicting statutes, that repeal should not affect prosecutions then pending in court, and it was assumed in the House that that would cover all cases of violation of the law previous to that date. Now, the Standard Oil people have been indicted for violations of section 1 of the Elkins law, which it is assumed has been repealed by the interstate-commerce law, and this little harmless provision of law providing that the repeal should not affect prosecutions pending in court is now said itself to that extent to repeal the general provision of the statute providing that a repeal shall not affect any prosecution, and to exempt the Standard Oil people from prosecution for offenses where they were not pending in court at the time of the passage of the railroad rate act, leaving them out from prosecution for all offenses previous to the time of the passage of the railroad rate act. It is just such harmless things that creep into legislation without proper consideration by a committee which defeat the ends of justice and prevent the prosecution of these men engaged in these combinations; and it seems to me a violent presumption to think that a resolution brought in here without consideration by a committee is equally guarded with one considered by the great Committee on the Judiciary.

Mr. MILLER. Mr. Speaker, I yield one minute to the gentleman from South Dakota.

Mr. MARTIN. Mr. Speaker, I think the remarks of the gentleman from Illinois [Mr. MANN] upon the subject of the repeal clause in the railroad rate bill hardly germane to the present discussion. Here is a resolution that now comes in proper form before this House for consideration. It is upon a matter of vital importance. The investigation ought to be had. Anyone familiar with the subject knows that the great advances in lumber over the country during the past five years have been so enormous as to properly attract the attention of the legislative branch of this Government and to demand an investigation. I think the resolution is in the form that we have adopted time and again in substance, and I think we can safely proceed to its passage at this time.

Mr. MILLER. I yield one minute to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, this resolution, whether carefully digested by its author or not—and I take it that it has been—does not cover what might be called the "log trust." It provides for the high prices of lumber in the various stages of manufacture. It seems to me that it may be made a broader and a better resolution if it would apply also to timber and logs and lumber, etc. I suggest something of that sort.

Mr. BANNON. Is not a log in process of manufacture as soon as it is cut from the tree?

Mr. GAINES of Tennessee. I am coming to that. Suppose these great concerns have bought in bulk, as they have done, great counties of trees fit for lumber, and they hold that timber there and put it on the market when they choose, and put up the price when they choose, when it is in the tree, and when it is in the log, and before it is manufactured into lumber—before it is lumber at all. I think if this matter be referred to the Judiciary Committee or to the Committee on Commerce, with directions to report a bill back here in three or four days, we can get a better resolution than this, though I shall vote for this.

Mr. MILLER. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, in view of the remarks of the

gentleman from Illinois [Mr. MANN], I think perhaps I owe the House an explanation. I would like to call the attention of the gentleman from Illinois to the fact that this resolution was introduced into the House on the 10th of this month. Immediately upon its being received by the Committee on the Judiciary I sent a copy of the resolution to the Department of Commerce and Labor, with a letter. I have not yet had a reply to that communication, but just a few moments ago the gentleman from Kansas [Mr. MILLER] submitted to me a letter addressed to myself from the Department of Commerce and Labor with reference to this subject. Now, the gentleman will see from my statement that it has been absolutely impossible for the Committee on the Judiciary to consider this resolution. We did not feel like taking it up until we had heard from the Department of Commerce and Labor. I will now ask the Clerk to read in my time the letter from the Department of Commerce and Labor which was handed to me by the gentleman from Kansas and which I send to the desk.

The Clerk read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF CORPORATIONS,
Washington, December 13, 1906.

Hon. JOHN J. JENKINS,
Chairman Judiciary Committee, House of Representatives,
Washington, D. C.

DEAR SIR: By telephone conversation with Congressman MILLER yesterday I understand that both he and you desire expression of opinion from this Bureau upon House resolution No. 652, December 10, 1906, requesting investigation of the lumber industry by the Secretary of Commerce and Labor.

In reply thereto allow me to make a suggestion that lines 3, 4, 5, 6, and 7, on page 2, beginning with the words "to carry out" and ending with the words "United States," be stricken out entirely, for the reason that the organic act of this Department now gives the Commissioner of Corporations power to issue such subpœnas, administer oaths, etc., as set forth in the said five lines. There is, therefore, no need to give this power in the said resolution. Furthermore, the said powers in the organic act and the results of the exercise thereof have been carefully defined by "the act defining immunity of witnesses," etc., approved June 30, 1906, with the purpose of clearly determining all questions of immunity which might arise under the powers given the Commissioner.

Should the said lines referred to remain in the said resolution it is obvious that further questions might arise on this question of immunity.

Very respectfully,

HERBERT KNOX SMITH,
Deputy Commissioner.

Mr. MILLER. Mr. Speaker, I call for a vote on the resolution.

The SPEAKER. The question is on the amendment offered by the gentleman from Kansas.

The question was taken; and the amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. MILLER, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

TEMPORARY WITHDRAWAL OF CERTAIN COAL LANDS.

Mr. MONDELL. Mr. Speaker, I present for consideration a privileged resolution.

The Clerk read as follows:

Resolution No. 643.

Resolved, That the Secretary of the Interior be, and he is hereby, requested to transmit to the House of Representatives a full and complete description of all public lands which have been withdrawn or reserved from entry, filing, or selection since the 1st day of July, 1906, together with a report as to the reasons for the said withdrawals and reservations, and as to the character of the same, and the present status of the lands relative to entry, filing, and selection under the land laws; also a tabulated statement of the areas withdrawn for various purposes in each public-land State and the total areas withdrawn in each State and in all of the public-land States.

The amendments recommended by the committee were read, as follows:

After the word "State," where it first appears in line 11, insert the words "and Territory;" in line 11 strike out the words "in each State and;" and at the end of the bill add the words "and Territories," and as amended that it do pass.

Mr. MONDELL. I ask that the amendments be agreed to.

The question was taken; and the amendments were agreed to.

The resolution as amended was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21574, being the bill providing for the legislative, executive, and judicial expenses of the Government.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill H. R. 21574.

Mr. LITTAUER. Mr. Speaker, pending the motion of the gentleman from Pennsylvania, I ask unanimous consent that an amendment or amendments be considered and be in order to the bill making appropriations for the legislative, executive, and judicial expenses of the Government (H. R. 21574) in the Committee of the Whole, increasing the compensation of the Speaker, Members, and Delegates of the House of Representatives, the Vice-President and Senators, and members of the Cabinet.

The SPEAKER. The Clerk will report the request.

The Clerk read as follows:

I ask unanimous consent that an amendment or amendments may be considered and be in order to the bill making appropriations for the legislative, executive, and judicial expenses of the Government (H. R. 21574) in the Committee of the Whole, increasing the compensation of the Speaker, Members, and Delegates of the House of Representatives, the Vice-President, Senators, and members of the Cabinet.

The SPEAKER. Is there objection?

Mr. GILBERT. Would it be in order to add to that resolution "and clerks in the Departments?" If that is in order, I move that as an amendment.

Mr. LITTAUER. I could not now accept such an amendment. It is an entirely different field of service and has very broad bearings, differing widely from those concerned in this request for unanimous consent.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I object.

Mr. LITTAUER. I trust the gentleman from Alabama will withhold his objection to this request for unanimous consent in order that it may be considered in Committee of the Whole, so that we may get an expression of the Committee of the Whole on the subject. The request for unanimous consent will preclude a point of order being made in the committee against the consideration of a subject which has received general approval outside of Congress as well as in it.

Mr. UNDERWOOD. That is my very proposition. If this was a proposition that it should be considered in the House, it would be another matter. If the gentleman will ask unanimous consent to consider the proposition in the House and the House wishes to consider it, while I am against the proposition, I would not object to that.

Mr. LITTAUER. This is an appropriation and would necessarily have to go to the Committee of the Whole.

Mr. UNDERWOOD. No; I do not look upon it as a proposition to appropriate money; I look upon it as a change of existing law, so far as that is concerned.

Mr. LITTAUER. Which, in effect, requires an appropriation of money.

Mr. MANN. Would not the gentleman agree to an amendment giving consideration in the House, and if the amendment should be adopted to the bill, that that amendment would be considered separately in the House?

Mr. LITTAUER. I not only agree to that, but——

The SPEAKER. The Chair will suggest to the gentleman from New York that it is quite competent for the House by unanimous consent, if it desires so to do, after this bill is reported from the Committee of the Whole House, to agree at this time that the matter about which the gentleman asks unanimous consent shall be considered in the House as an amendment to the bill, if it be reported from the Committee of the Whole House.

Mr. UNDERWOOD. Now, Mr. Speaker, I will say to the gentleman from New York that so far as I am concerned, if he desires to make his request that this matter may be considered, while I am opposed to the matter and intend to vote against it, I am perfectly willing that the House should consider it in the House; and if he will make his request that this matter shall be considered in the House after the House comes out of the Committee of the Whole on this bill, and will state that he will allow a reasonable time for debate on the question, I shall not object.

The SPEAKER. The gentleman modifies his objection.

Mr. LITTAUER. I modify my request to include the condition stated by the gentleman from Alabama.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was then taken on the motion to go into Committee of the Whole.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21574.

The Clerk read as follows:

For compensation to the following in the office of the President of the United States: Secretary, $5,000; two assistant secretaries, at $3,000 each; executive clerk, $2,500; executive clerk and disbursing officer, $2,000; seven clerks, at $2,000 each; one clerk of class 4, who shall be a telegrapher; four clerks of class 3; two clerks of class 2; steward, $1,800; chief doorkeeper, $1,800; eight doorkeepers, at $1,200 each; four messengers, at $1,200 each; five messengers, at $900 each; watchman, $900; one fireman; laborer, $720; laborer, $600; in all, $67,740: *Provided,* That employees of the Executive Departments and other establishments of the executive branch of the Government may

be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary.

Mr. MANN. Mr. Chairman, I reserve the point of order upon the paragraph, and wish to ask the gentleman in charge of the bill a question. I would like to ask the gentleman in charge of the bill whether there is any record as to the number of employees who are temporarily transferred from the different Departments to the office of the President?

Mr. BINGHAM. If the gentleman will refer to the bill, from line 14 to and including line 18, page 35, that is in existing law.

Mr. MANN. I understand it is in existing law, but that does not authorize it here. I have no objection to the item, but I would like——

Mr. BINGHAM. The view the committee took was that the existing law seemed to be acceptable, and no proposition to change having been submitted, your committee as a rule continues current law.

Mr. MANN. I do not understand that to be the rule.

Mr. LITTAUER. There was no information brought to our committee, at least, as to how much advantage was taken of the privilege.

Mr. MANN. Are any of these people permanently employed up there, do you know?

Mr. LITTAUER. None; of that I am quite confident.

Mr. BINGHAM. There was no statement submitted whatever.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

Rural carrier examining board: For one chief of division, $2,000; one clerk of class 3; two clerks of class 2; three clerks of class 1; three clerks, at $1,000 each; ten clerks, at $900 each, and one assistant messenger; in all, $22,720: *Provided*, That no detail of clerks or other employees from the Executive Departments or other Government establishments in Washington, D. C., to the Civil Service Commission, for the performance of duty in the District of Columbia, shall be made for or during the fiscal year 1908. The Civil Service Commission shall, however, have power to transfer or detail any of its employees herein provided for to or from its office force, field force, or rural carrier examining board.

Mr. MANN. Mr. Chairman, I reserve the point of order on lines 14 to 17, page 37.

Mr. BINGHAM. I will state to the gentleman that is current law.

Mr. MANN. If it is law it does not need to go in here, and if it is not law it is not entitled to go in here.

Mr. LITTAUER. It is current law, and I will give you an explanation of it. The Civil Service Commission has, year after year, asked us to amalgamate three forces together—the office force, the field force, and the rural carrier examining board. We have, however, declared we will not accept these lumpings of clerical assistance, but we want to know what each one has to do. Consequently we divided the force into three branches, and yet there are times when the clerks from one branch—for instance, the rural carrier examining board—must help out the field force or the office force, and in order to give them the privilege of utilizing services not required in one branch in another branch we have added that provision, which obtains in every Department.

Mr. MANN. I beg the gentleman's pardon; I do not think it is a provision that obtains in every Department, and I see no special reason why the Civil Service Commission should be the first to violate the law.

Mr. LITTAUER. I think you are wrong. I think every Department has a right to transfer clerks from one bureau of the Department to another bureau, and it has the express statutory privilege. Here is a small bureau, or department you can call it, with three branches. We specify the force for each one of the three and then say if you have at any time an emergency in any one of those three branches take your additional assistants required from one of the other branches.

Mr. MANN. If you say "in case of an emergency" they can do this, I have no objection; but the fact is, you divide the force into three branches and then provided that they could use the men in any branch for the work in another branch and not pay any attention whatever to the division.

Mr. LITTAUER. But they do pay attention to the division, and come here every year asking us to wipe out the three divisions. They did it this year.

Mr. MANN. I understand that; but I understand also that in effect they do wipe out these divisions which you insist upon preserving and thus permit them to escape from. They do make an escape. If you say in case of an emergency they can make the transfer, very well.

Mr. LITTAUER. There would be no harm at all in saying that. If the gentleman desires to offer an amendment, I surely will not object to it.

Mr. MANN. Will the gentleman offer it?

Mr. BINGHAM. They will determine what is the emergency.

Mr. MANN. They pay no attention to it practically at all, I am told——

Mr. LITTAUER. Would the gentleman suppose the use of the word "emergency" would make any difference?

Mr. MANN. Oh, yes; it would make a difference.

Mr. LITTAUER. I have no objection, if it will result in better administration. That is the purpose of your committee in submitting this.

Mr. MANN. How would it do to insert "have power in case of emergency to transfer or detail?"

Mr. BINGHAM. There is no objection.

Mr. MANN. I withdraw the point of order, Mr. Chairman, and offer an amendment, to insert, after the word "power," in line 14, the words "in case of emergency."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 37, line 14, after the word "power," insert "in case of emergency."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

The Secretary of the Treasury shall each year prepare and submit in his annual report to Congress estimates of the public revenue and the public expenditures for the fiscal year current, and also for the fiscal year next ensuing at the time said report is submitted, together with a statement of the receipts and expenditures of the Government for the preceding completed fiscal year.

Mr. MANN. Mr. Chairman, I reserve the point of order upon that paragraph.

Mr. BINGHAM. What does the gentleman wish?

Mr. MANN. I would like to know why it should go in the bill.

Mr. BUTLER of Pennsylvania. Is this new?

Mr. BINGHAM. The chairman of the committee has had some correspondence in connection with this suggested amendment to the current law, and he will explain the character of the information that he desires.

Mr. TAWNEY. Mr. Chairman, I will state for the information of the gentleman from Illinois [Mr. MANN], and for the information of the committee, the reason for this provision. Until last year it was the custom of the Secretary of the Treasury, in his annual report, to include not only statements of expenditures, but also an estimate of the amount of revenue the Secretary of the Treasury has reason to believe the Government will receive during the next fiscal year. It is upon this estimate that the amount of the budgets or appropriation bills are largely based. For the fiscal year 1906 the Secretary of the Treasury omitted this estimate from his annual report. In submitting to the House, at the close of the last session, a statement of the aggregate appropriations the chairman of the Committee on Appropriations was unable to obtain from the Treasury Department an estimate of the revenues for the fiscal year 1907 for which Congress made the appropriations.

I personally addressed a letter to the Secretary for the purpose of obtaining an estimate. I did not care to bring it into the House or have the statement go to the country that we had appropriated about $880,000,000 for the fiscal year 1907 without being able to show that the Government was reasonably certain of having sufficient revenue during the year to meet these appropriations. Thereupon I wrote a letter to the Secretary and asked him to give me an estimate of the probable revenue for that year, calling his attention to the fact that his annual report did not, as usual, contain this estimate. The Secretary declined, saying that it would be only a guess, and that he did not care to make a guess on the subject. There is no department of the Government so well equipped to estimate with reasonable certainty the revenues for the coming fiscal year as the Treasury Department. It has therefore been the custom for Congress to rely upon these estimates in preparing the appropriations. In view of the necessity for this information and the fact that it was refused, your committee felt justified in proposing this provision for that purpose. Without this estimate Congress has nothing to guide it in determining whether the aggregate of appropriations will exceed the revenues or not.

Mr. MANN. Has this matter been brought to the attention of the Secretary of the Treasury?

Mr. TAWNEY. This provision?

Mr. MANN. Yes.

Mr. TAWNEY. It has not. It was brought to his attention by me as chairman of the Committee on Appropriations before the close of last session, when in a letter I requested the Secretary to give the committee an estimate of the revenue and he declined.

Mr. MANN. And in response he stated it was impossible.

Thereupon you propose by law to compel him to do that which he says is impossible.

Mr. TAWNEY. It has not been impossible in the past. It has been the uniform custom for a great many years for the Secretary of the Treasury to submit an estimate of revenue for the coming fiscal year, and the present Secretary himself submitted an estimate in the annual report preceding his annual report for the fiscal year 1906.

Mr. MANN. He says now that those estimates are valueless.

Mr. TAWNEY. They have served as a guide, and it is very important to the general public and to Congress to know whether or not——

Mr. MANN. I would not dispute the word of the eminent chairman of the Committee on Appropriations, although I have never noticed that Congress paid much attention to that estimate in making appropriations.

Mr. TAWNEY. The gentleman from Illinois can not cite us to an instance when Congress deliberately appropriated beyond the estimated revenue. The gentleman must also know that in the preparation of appropriation bills Congress must necessarily have information as to the probable revenues of the Government for the fiscal year for which it makes appropriations.

Now, to what Department of the Government can Congress look for that information if not to the Treasury Department? That Department controls all the machinery for the collection of revenue. It is in touch with the revenues of the Government and is charged with the execution of the revenue laws. Certainly if it is not possible for the Treasury Department to give it, it would be impossible for any other Department to furnish it. The estimate submitted at the last session is an estimate that the chairman himself made, showing a surplus of $40,000,000, and is the only official estimate of revenue for this fiscal year Congress or the country has had. There is no foreign government that does not submit to the legislative department its estimate of the revenues, and upon these estimates the appropriations are based.

Mr. BUTLER of Pennsylvania. Why does the Secretary of the Treasury decline to give this information?

Mr. TAWNEY. Well, the only answer we received was that it would be a mere guess. That is the language, as I now recall.

Mr. BUTLER of Pennsylvania. Does the gentleman disagree with the Secretary of the Treasury upon the matter?

Mr. TAWNEY. I do.

Mr. BUTLER of Pennsylvania. Will this impose additional labor on the Government?

Mr. TAWNEY. Not at all.

Mr. BUTLER of Pennsylvania. Will it cost the Government anything at all?

Mr. TAWNEY. Nothing at all.

Mr. MANN. That is what I want to know about.

Mr. TAWNEY. The Secretary is guessing upon the revenues of the current year from day to day. We are now told by the Treasury Department that the surplus during this fiscal year will amount to in the neighborhood of $55,000,000 or $60,000,000.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I ask unanimous consent for five minutes more.

There was no objection.

Mr. MANN. What the gentleman says is so patent, apparently, that it seems to me that before enacting legislation along these lines to compel a public servant to do this thing which he has been doing in the past, but which he now refuses to do, that we ought to know from him why he has refused.

Mr. TAWNEY. I did say why he has refused.

Mr. MANN. Would the gentleman tell us why?

Mr. TAWNEY. I said he refused because he considered his estimate a mere guess.

Mr. MANN. He refused to give the gentleman the information in response to a private letter?

Mr. TAWNEY. No; it was not a private letter, it was an official letter.

Mr. MANN. The gentleman stated he addressed it.

Mr. TAWNEY. I addressed him as chairman of the Committee on Appropriations.

Mr. MANN. He was not required by law or custom to do so.

Mr. TAWNEY. He was required by custom to submit estimates of the revenues, and I maintain that a fair construction of his duties as defined by law requires him to do so. As to why it was not done this year I do not know. I do not say this or propose this provision in any spirit of criticism or as any reflection upon the Secretary.

Mr. MANN. I do not care whether you are making a reflection or not.

Mr. TAWNEY. I have no doubt that the Secretary will comply, and all Secretaries will comply with this provision hereafter to the best of their ability, and that is all we expect. I do not think Congress ought to be put in the position of being left to depend upon the whim of any future Secretary of the Treasury as to whether he shall give information as to what the revenues of the Government will be for the next fiscal year. Certain it is he can give a reasonably accurate estimate with the information the Treasury Department has at its hand and its facilities for obtaining information.

Mr. MANN. The gentleman assumes here is a matter of interesting information that must be obtained from the Secretary of the Treasury, information that the Secretary has heretofore afforded, and that the Secretary has now refused to give that information, and thereupon the gentleman stops.

Mr. TAWNEY. No, I do not.

Mr. MANN. We ought to know from the Secretary of the Treasury why he has declined to give this information.

Mr. TAWNEY. There is nothing further to do in respect to obtaining that information but to put a provision in here requiring the Treasury Department, as a matter of law, to submit it.

Mr. MANN. I think the gentleman ought to ask the Secretary of the Treasury why he declined to give the information.

Mr. BRICK. He did.

Mr. TAWNEY. I can submit the letter to the gentleman from Illinois.

Mr. MANN. I take the gentleman's word for it.

Mr. BRICK. The gentleman stated that the Secretary did not give the information because it would be a mere guess.

Mr. BUTLER of Pennsylvania. Who disputes his explanation?

Mr. MANN. If that be the truth, that this is a mere guess, then it ought not to be enacted into law.

Mr. BONYNGE. The chairman does not agree with him that this is a mere guess.

Mr. TAWNEY. It is not necessarily a mere guess. It has not been so in the past, and I do not think it will be so in the future.

Mr. MANN. Does the chairman think this is necessary?

Mr. TAWNEY. I do.

The CHAIRMAN. The Clerk will read.

Mr. MANN. The Clerk will not read until we dispose of the point of order.

The CHAIRMAN. The Chair did not understand the gentleman had made any point of order.

Mr. MANN. I reserved it, but I now withdraw the point.

The Clerk read as follows:

Office of assistant treasurer at Chicago: For assistant treasurer, $5,000; cashier, $3,000; vault clerk, $1,800; paying teller, $1,800; assorting teller, $1,800; silver and redemption teller, and change teller, at $1,800 each; receiving teller, $1,700; clerk, $1,600; bookkeeper, $1,800; two bookkeepers, at $1,500 each; assistant paying teller, $1,500; four coin, coupon, and currency clerks, at $1,500 each; twenty-six clerks, at $1,200 each; one detective and hall man, $1,100; messenger, $840; stenographer, $900; janitor, $600; and three watchmen, at $720 each; in all, $69,400.

Mr. MANN. I move to strike out the last word. I have called the attention of the committee upon several occasions to the discrepancy in the salaries paid in the offices of the assistant treasurers. Chicago, which does the largest business in volume outside of New York City—and possibly in the number of transactions almost as large a business as New York City, because Chicago has an immense field from the Post-Office Department, which makes daily remittances, much larger than New York City—Chicago is discriminated against even in this bill.

In Boston there are four employees in the subtreasury receiving salaries of $2,000 and upward. In Philadelphia there are three, in St. Louis there are two, in New Orleans there are three, in San Francisco there are six; while in Chicago there is but one.

In addition to that fact, the responsibility which some of these tellers assume is very great. During the last year or two in Chicago, when a new assistant treasurer was appointed, one or two of the tellers, who had taken in money theretofore passed and accepted by the Government in the form in which it was, under the rules and regulations of the Treasury Department, had coin thrown back upon them to the extent of several hundred dollars each. These gentlemen receive the munificent salary of seventeen or eighteen hundred dollars a year. Now, I wish to ask the gentleman if he is not willing to make some increases in this office? If there ever was a time when we could make an increase, it is now. If there ever was a time when it was needed, it is now. With the exception of the one increase that is proposed in the bill and two increases which were made two or three years ago, there has been no increase in the salaries of these employees for many, many years.

Mr. BINGHAM. I submit to the gentleman that there has been no intentional discrimination against Chicago.

Mr. MANN. No; I understand that.

Mr. BINGHAM. So far as the Chicago office is concerned, I have no doubt the gentleman approves of the increase of $500 which we have given. There is no doubt that Chicago is the second subtreasury—next to New York; but during the past ten years there has been a large increase in the force of the Chicago office; perhaps larger than in any other subtreasury in the country.

Mr. MANN. An increase in the force and in the business, but not in the compensation of individuals.

Mr. BINGHAM. An occasional increase in compensation and a large increase in the force, and there has never been, if I remember, what might be called a serious complaint. All the subtreasurers asked increases, and there was no special insistence with regard to this subtreasury; and your committee felt that as the force was ample for the work and that they have been receiving a reasonable compensation, with the one exception which we increased and which we called an exception, it was fair to continue the office under its present ratings and allowances.

Mr. MANN. If the gentleman will pardon me, he says there has been no insistence before the committee. The subtreasurer in Chicago is forbidden, and the officials of the subtreasury there are forbidden, to appear before your committee, and they are forbidden to appeal to Members of Congress.

Mr. BINGHAM. That is true.

Mr. MANN. They are forbidden to do anything, and there is nothing that can be done except a recommendation through the Department. I take it that that recommendation was made to your committee.

Mr. BINGHAM. In a general way, yes, just as the Department makes many recommendations, but your committee reached the conclusion, after hearing Mr. Keep, who went into the matter with considerable detail, as the gentleman knows if he has read the hearings——

Mr. MANN. I have never seen the hearings on that subject, so I do not know. But I know this, if I may say so to the gentleman—I know there has been a most insistent demand on the part of the retiring assistant treasurer and upon the part of the one who has recently been appointed that these salaries be increased, this recommendation having been made after investigation, and I know they have not been able to obtain and retain good employees in some of these places. There have been a number of changes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I move to strike out the last two words.

Mr. BINGHAM. I have made all the explanation that it is possible to make. I think it is a fair explanation. The work is being done well. There may be some reasonable criticism as to the compensations, but your committee reached the conclusion that the conditions at the independent treasuries might remain as they were, with the little change made in Chicago, without any injury to the public service.

Mr. MANN. I assure the gentleman that it is injuring the public service in Chicago. They have a row on now, growing out of having these very clerks held responsible for the acceptance of this coin. There has been a row between the Treasury Department and the retiring subtreasurer in reference to that.

Mr. BINGHAM. That is in litigation.

Mr. MANN. Oh, no, it is not, and we will never submit to its going that far; but the Government is requiring a very unjust thing on the part of the subtreasurer, for the reason that these employees were not able out of their salaries to replace the coin which they had on hand, but which the Government would not accept as current funds.

Mr. BINGHAM. The gentleman sees that that would open up a question of which we could not take cognizance, unless the gentleman sees proper to offer independent legislation as to the responsibility whenever in the operation of any financial institution such a question as this should arise.

Mr. MANN. If we hold a clerk responsible for such things, after the coin has once been accepted by the Government, I want to see the clerk paid salary enough so that we may properly hold him responsible. But why should the teller in Chicago receive a salary of $1,800, and tellers in Boston, Philadelphia, St. Louis, and San Francisco, doing not one-tenth of the business, receive salaries of $2,000, $2,200, or $2,500?

Mr. BINGHAM. Oh, yes; they do more than the gentleman says, because Philadelphia comes next to Chicago in the amount of business.

Mr. MANN. I do not mean to say that all of these places do not do one-tenth of the business.

Mr. BINGHAM. The committee have endeavored to do substantial justice.

Mr. MANN. Mr. Chairman, I suppose there is no arguing with the gentleman, but I move to amend by striking out, in line 11, page 65, the words "one thousand eight hundred" and inserting in lieu thereof the words "two thousand."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, line 11, strike out "one thousand eight hundred" and insert "two thousand."

Mr. BINGHAM. I make the point of order against that.

The CHAIRMAN. What is the point of order?

Mr. BINGHAM. I make the point of order that it changes existing law. The authorization of the law is $1,800.

The CHAIRMAN. Has the gentleman the statute before him—the present law?

Mr. BINGHAM. The present appropriation law governs the proposition.

The CHAIRMAN. Can the gentleman from Illinois state whether the statute fixes the salary at $2,000? Will the gentleman from Illinois cite the statute, if such a statute exists?

Mr. MANN. Mr. Chairman, there is no statute fixing the salary of any of these officers, except the current appropriation act.

The CHAIRMAN. Then the Chair would ask the gentleman what was the amount carried in the last appropriation bill?

Mr. MANN. I have no doubt the gentleman is correct. As I understand, the gentleman from Pennsylvania states that it was the same amount that is in this bill—$1,800.

The CHAIRMAN. Then the point of order is sustained.

Mr. MANN. Mr. Chairman, before the Chair finally rules, may I call the attention of the Chair to the fact that under the ruling of the Chair last year the whole item is probably subject to a point of order, because, as I understand, the ruling of the Chair last year was that where there was no authority of law for an office the item was subject to a point of order. If the item in the original instance in this case was subject to a point of order, changing the amount is not subject to a point of order.

The CHAIRMAN. The Chair understands that this item was appropriated for in the identical language of the last appropriation bill. If that is so, then the point of order is sustained.

Mr. MANN. The ruling last year by the gentleman in the chair at that time was, that although the current appropriation act appropriated for certain clerks at a certain salary, that did not warrant the same item being included in the bill then pending unless it was authorized by statute. That was the ruling last year, resulting in the throwing out of a great number of these officers, clerks, and salaries, to such an extent that the committee were compelled to appeal to the Committee on Rules, which brought in a special rule giving the right to the consideration of these items in the bill. If that ruling was right last year, this item in the original instance was subject to a point of order. I know there has been a lot of holding, and I think the Chair can find authority to hold any way the Chair desires on this matter.

The CHAIRMAN. In view of that suggestion, the Chair will adhere to his ruling. [Laughter.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHERMAN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6855. An act to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

WAR DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of War, $8,000; Assistant Secretary, $4,500; chief clerk, $3,000; private secretary to the Secretary, $2,500; clerk to the Secretary, $2,000; stenographer to the Secretary, $1,800; clerk to the Assistant Secretary, $2,100; clerk to the chief clerk, $2,100; disbursing clerk, $2,500; appointment clerk, $2,000; four chiefs of division, at $2,000 each; superintendent of buildings outside of State, War, and Navy Department building, in addition to compensation as chief of division, $250; chief telegrapher, $1,800; four clerks of class 4; four clerks of class 3; fourteen clerks of class 2; eighteen clerks of class 1; five clerks, at $1,000 each; one clerk, $900; one clerk, at $720; one foreman, $1,200; carpenter, $1,000; chief messenger, $1,000; two carpenters, at $900 each; six messengers; seven assistant messengers; one telephone switchboard operator; one assistant telephone switchboard operator; two messenger boys, at $360 each; engineer, $900; assistant engineer, $720; one fireman; four watchmen; five watchmen, at $660 each;

eight laborers; two laborers, at $470 each; hostler, $600; two hostlers and one watchman, at $540 each; one telephone operator, $480; two elevator conductors, one at $600 and one at $470; four charwomen; in all, $138,620.

Mr. BINGHAM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 81, line 3, strike out the words "six hundred and twenty" and insert in lieu thereof "five hundred and sixty."

The amendment was agreed to.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR.

Office of the Secretary: For compensation of the Secretary of the Interior, $8,000; First Assistant Secretary, $4,500, and for additional compensation while the office is held by the present incumbent, $1,500; Assistant Secretary, $4,500; chief clerk, $2,500, and $500 additional as superintendent of the Patent Office building and other buildings of the Department of the Interior; additional to one member of Board of Pension Appeals, acting as chief of the board, $500; twelve members of a Board of Pension Appeals, to be appointed by the Secretary of the Interior, at $2,000 each, including three members to be selected by the Secretary of the Interior from the sixteen additional members of the Board of Pension Appeals appropriated for and employed during the fiscal year 1907; three additional members of said Board of Pension Appeals, to be appointed by the Secretary of the Interior and to be selected from the force of the Pension Office, at $2,000 each; special land inspector, connected with the administration of the public-land service, to be appointed by the Secretary of the Interior and to be subject to his direction, $2,500; five special inspectors, Department of the Interior, to be appointed by the Secretary of the Interior and to be subject to his direction, at $2,500 each; clerk in charge of documents, $2,100; custodian, who shall give bond in such sum as the Secretary of the Interior may determine, $2,100; seven clerks, chiefs of division, at $2,250 each, one of whom shall be disbursing clerk; four clerks, at $2,000 each; private secretary to the Secretary of the Interior, $2,500; sixteen clerks of class 4; sixteen clerks of class 3; twenty-five clerks of class 2; thirty-six clerks of class 1, two of whom shall be stenographers or typewriters; returns office clerk, $1,200; female clerk, to be designated by the President, to sign land patents, $1,200; six clerks, at $1,000 each; one clerk, $900; twelve copyists; two copyists or typewriters, at $900 each; switchboard telephone operator; nine messengers; seven assistant messengers; eighteen laborers; two skilled mechanics, one at $900 and one at $720; two carpenters, at $900 each; plumber, $900; electrician, $1,000; one laborer, $600; six laborers, at $480 each; one packer, $660; two conductors of elevator, at $720 each; four charwomen; captain of the watch, $1,200; forty watchmen; additional to two watchmen acting as lieutenants of watchmen, at $120 each; engineer, $1,200; assistant engineer, $1,000; seven firemen; one clerk, to be appointed by the Secretary of the Interior, to sign, under the direction of the Secretary, in his name and for him, his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, $1,200; in all, $327,690.

Mr. SHERMAN. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Strike out after the word "each," in line 9, page 106 of the bill, the following:

"Including three members to be selected by the Secretary of the Interior from the sixteen additional members of the Board of Pension Appeals, appropriated for and employed during the fiscal year 1907; three additional members of said Board of Pension Appeals to be appointed by the Secretary of the Interior and to be selected from the force of the Pension Office, at $2,000 each," and insert in lieu thereof the following:

"Sixteen additional members of the Board of Pension Appeals, to be selected and appointed by the Secretary of the Interior from persons not now employed in the Pension Office, and without compliance with the conditions prescribed by the act entitled 'An act to regulate and improve the civil service,' approved January 16, 1883, for the fiscal year 1908, at $2,000 each; and vacancies occurring in this force of sixteen additional members of the Board of Pension Appeals during the fiscal year 1908 shall not be filled."

Mr. BINGHAM. Mr. Chairman, I raise the point of order that the proposed amendment is a change of existing law.

Mr. SHERMAN. Mr. Chairman, the amendment which I have submitted is identical, with the exception of one word, with the current appropriation bill. It is a continuance of the board as created three or four years ago and as carried year after year in the appropriation bill. The only change is of a single word, which is this: In the present appropriation bill it provides that vacancies occurring during the fiscal year of 1907 shall not be refilled. This amendment provides that vacancies occurring in the year 1908 shall not be filled. The provisions are identical, except the word "eight" instead of the word "seven."

Mr. BINGHAM. Yes; and that is the radical change in the law.

Mr. DALZELL. No; it is the purpose to continue the law.

Mr. BINGHAM. In other words, you continue the board which the law says shall expire.

Mr. SHERMAN. No; the law says vacancies occurring during the year shall not be filled, and I say that vacancies occurring during the coming year shall not be filled. We do not ask any other change.

Mr. LITTAUER. The law also adds that at the end of 1907 said employment shall cease.

Mr. BINGHAM. In other words, you continue the current law another year. The current law distinctly sets forth that it shall conclude at the end of 1907. Gentlemen understand how reluctantly I do this, because I am a soldier myself.

Mr. CRUMPACKER. Mr. Chairman, the situation is that the law originally provided for the appointment of what is called the "permanent board of appeals," consisting of twelve members. Later on there was legislation increasing that membership by authorizing twenty temporaries, and that provision was carried on from year to year, and last year the current appropriation bill provided for sixteen members only of the temporary members of the board, and provided that at the end of the fiscal year their employment should cease. Now, the committee has reported an appropriation for three of that sixteen, and that is a part of the bill, and no point of order was made against it, so that it is in the bill, but it is new legislation. The committee now reports an appropriation for three members of a temporary board of appeals for which there is no law. The effect of the proposed amendment is to increase the number from three to sixteen. I assume that where the committee brings in legislation that is subject to a point of order, if no point be made the provision is amendable.

Mr. BINGHAM. That original provision was subject to a point of order.

Mr. SHERMAN. Yes; and it is amendable.

Mr. CRUMPACKER. If an amendment is in order to increase the number to four, it certainly is in order to increase it to sixteen. That is the situation of this question as it is now presented.

Mr. LITTAUER. Will the gentleman allow me to ask him a question?

Mr. CRUMPACKER. Yes.

Mr. LITTAUER. If it be in order to increase the number from three to sixteen, is it in order to increase it to sixteen with the various additions added to the amendment?

Mr. CRUMPACKER. Those provisions are pure limitations. We may increase the force with limitations, providing how the additional members shall be paid and how they shall be appointed. I think those provisions are proper limitations. Now, I insist, since the committee has made provision for three for which there is no authority in law, it opens the door for any sort of a germane amendment. It is a new subject, and we may increase the number from three to sixteen and may fix terms and limitations that are germane. It is a new subject of legislation.

Mr. SHERMAN. Mr. Chairman, I do not care to discuss the point of order further than to emphasize what the gentleman from Indiana [Mr. CRUMPACKER] has said, that it has always been held that where a provision is brought in which is subject to a point of order and no point of order is raised against it, an amendment perfecting that provision is in order.

Mr. KEIFER. Mr. Chairman, I do not care to occupy the time of the committee, except to emphasize what the gentleman from Indiana has said.

The CHAIRMAN. It is the other side that the Chair desires to hear from.

Mr. LITTAUER. Mr. Chairman, the amendment offered by my colleague from New York [Mr. SHERMAN] did not, as I understand it, attempt to amend that part of the paragraph where provision is made for the additional three members to the permanent force, but did seek to reinstate the language of the present current law, wherein a provision was added that "at the end of which year such employment shall cease." I can not appreciate the point made by the gentleman from Indiana [Mr. CRUMPACKER] that in the method in which this amendment is presented it does not contravene the rule against new legislation. It appears to me to be an entirely different set of pension-appeal examiners, one temporary and the other permanent.

Mr. GARDNER of Michigan. Mr. Chairman, I want to call the attention of the Chair to this fact, that if the committee can add three it can add six or nine or sixteen. If three are in order, the whole sixteen are in order.

Mr. BINGHAM. All of which would be subject to a point of order.

Mr. GARDNER of Michigan. Would have been, yes.

Mr. BINGHAM. Yes; would have been.

The CHAIRMAN. If a point of order had been made against the text of the bill the Chair would have sustained that point of order, but no such point of order was made. That being so, it is clear to the Chair that any amendment that is germane to that matter is competent for the committee to consider. The point of order is therefore overruled. The question is on the amendment offered by the gentleman from New York.

Mr. LITTAUER. Mr. Chairman, before that question is taken it seems to me that the Committee of the Whole should at least be placed in possession of the facts in connection with this tem-

porary board of pension appeals. The committee will remember that a board of nine members was originally established and was then increased to twelve and then, I believe some three years ago, an additional force of twenty temporary appointees was placed there at a time when the number of appeals accumulated in the office of the Secretary of the Interior numbered about 20,000. The work had gone on, I believe, for two or three years when last year we were confronted with the fact that the number of these appeals had been reduced from 20,000 to about 3,000. We then amended the law, or the provision for the law, so that vacancies that then existed could not be filled, and that no further vacancies could be filled during the current year. Moreover, we added the provision that the force itself should be entirely discontinued at the end of the current year—that is, the temporary force. The original nine, with the added three, are there under a permanent order. This is one of the temporary forces added to clean up work in a great Department, to do justice to the old soldier in order that his claims of every kind and character might have final and proper consideration before a great board of pension appeals. Unfortunately the only way to get such a board is to give temporary employment. The employment was given, of course, without civil service examination, and the result is that, as far as my experience has gone, whenever you get such a force in you can never get it out, and the only way to do is to amalgamate it with the regular force.

Now, the facts in the case are that we have had about twenty-eight of these pension-appeal examiners, and they passed upon one case of appeal a day, just one appeal during the seven or seven and a half hours' work which we have here, and bear in mind that these appeals come to them after having passed through, I believe, three or four prior examinations in the Pension Office. The appeals come all briefed, and they include some appeals in reference to pension attorneys' fees, perhaps not a great number, but quite a good number of them.

Mr. KEIFER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. LITTAUER. I do.

Mr. KEIFER. I understood the gentleman to say these members of the pension-appeal board dispose of but one appeal a day.

Mr. LITTAUER. Just one.

Mr. KEIFER. Just one. The record shows that twenty-eight members have disposed of an average of 824 per month.

Mr. LITTAUER. No; 867.

Mr. KEIFER. Well, I am speaking of an average for a particular five months. How do you make that out?

Mr. LITTAUER. During the last seven months, commencing February, 1906, during that period 6,059 cases have been disposed of, averaging 867 each month. Divide the twenty-eight into the 867 and you get—well, one is not exactly right, because there are only twenty-six working days, but in twenty-six working days thirty-one of these appeal cases are disposed of by each examiner.

Mr. OVERSTREET. How many appeals are now pending? How nearly up is this board?

Mr. SHERMAN. Seventeen hundred and twelve.

Mr. LITTAUER. I will get to that. A year ago we were advised that there were 3,000 cases yet undetermined and that at that time the force was catching up at quite a rapid rate, so we attempted last year to eliminate this board, but in order to give ample force to continue the work all places which were filled at that time were continued to the number——

Mr. TAWNEY. Will my colleague permit an interruption?

Mr. LITTAUER. Yes.

Mr. TAWNEY. Is it not a fact the limitation upon the life of the board carried in the current law was placed there upon the recommendation of the Secretary of the Interior?

Mr. LITTAUER. On the express recommendation of the Secretary of the Interior, reenforced by the recommendation of the at that time Commissioner of Pensions. All of them advised us that board could well cease and end at the end of the current fiscal year.

Mr. KEIFER. I would like to interrupt the gentleman again.

The CHAIRMAN. Does the gentleman from New York yield?

Mr. LITTAUER. I do.

Mr. KEIFER. I understand that both the chairman of the Committee on Appropriations and the gentleman on the floor say that this reduction was made at the instance of the Secretary of the Interior last year. I beg leave to say that the Secretary of the Interior qualified all that original recommendation both before the Committee on Appropriations and in the House and Senate, and stated if there was an increase in the appeals it would not be sufficient.

Mr. LITTAUER. When was that qualification made?

Mr. KEIFER. Made in the RECORD. The chairman read it the other day.

Mr. LITTAUER. Now, the RECORD shows that during the years this pension board has been at work, the fiscal year ending June 30, 1903, 13,719 cases were disposed of. The next year, with the same force, 10,496 cases received final attention. The next year it jumped up again to 13,715, and the last year, ending June 30 last, when this board had the full number of thirty-two members, there were 10,173 cases disposed of, a reduction of 3,542 from the previous year.

Mr. CAMPBELL of Kansas. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kansas?

Mr. LITTAUER. Yes.

Mr. CAMPBELL of Kansas. What number of cases are now pending for consideration by the board of appeals?

Mr. LITTAUER. We are advised here, October 1, 1906, 1,712 cases. That is about two months' work, and your committee, considering all the circumstances of this——

Mr. CAMPBELL of Kansas. Does that make provision for cases subsequently appealed to the board?

Mr. LITTAUER. I have given you simply a statement of the number of cases before the board on that day—that is, October the 1st. The cases appealed during the month of September were of course in that.

Mr. CAMPBELL of Kansas. Has the gentleman from New York any information as to the number of cases that were pending before the commission a year ago?

Mr. LITTAUER. A year ago there were 3,000—just about 3,050, if my memory serves me right.

Mr. CAMPBELL of Kansas. At that ratio it would take a full year, at least, to catch up with the work?

Mr. LITTAUER. It depends altogether, of course, on the number of new cases that come along. It used to take two or three years to have one of these appeals attended to. It now takes less than two or three months. I maintain that if the appeals were doubled up from what they are to-day the old soldier's interest would be promptly attended to. I believe the last advice I had was that 7 per cent of these appeals are reversed.

Mr. KEIFER. Nine.

Mr. LITTAUER. My last information, from a very reliable source, was that it was 7, although I must admit that the Secretary of the Interior in here says that he thinks it was 15; latterly we got information that it was 9. But whether it be 9 or 7, those are the only individuals who can in any way suffer any harm from this appeal of two or three months.

Mr. CAMPBELL of Kansas. But if the gentleman will permit me, when a man makes an appeal it is important to him that he have a decision on it one way or the other.

Mr. LITTAUER. That is unquestionably so, and the decision he no doubt would like to have that very minute, but most of the appeals take more than two months to be disposed of.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of Michigan. Mr. Chairman, it seems to me this question resolves itself into whether or not this temporary force shall be continued a sufficient length of time to bring the work up current. The board is now over 1,400 cases behind. On the statement of Assistant Secretary Wilson the appeals run from 800 to 900 a month. This board with the present force will take care of just about that number. It has been reduced by resignations and otherwise by four members. When it had the full number it took care of about 1,000 cases a month. Now it takes care of between 800 and 900. The appeals have constantly increased since appellants find they can get a comparatively early decision from the court. There is no reason to think that that condition of things will not obtain in the future; that the number of appeals will at least remain where it is now. That being the case, it is necessary to have the full number if you would give a prompt decision to these men, to many of whom delay means death before the decision is made. I say to you, gentlemen, that we can well afford to give the veterans the benefit of any doubt for twelve months more. That is the limitation put upon the membership of the court by the pending amendment.

Put these trained men at work twelve months more and give them an opportunity, at least, to bring the appeals down current with the applications made. What harm can come of it? Suppose you do not do it? Then, on the statement of the Assistant Secretary of the Interior, your appeals will continue to increase month by month until sooner or later you will have to go over

this same course of procedure and employ not a trained body of experts, but a new body of men, to take up the work where these men leave off. The time has come when we can not afford to dally with interests vital to many of these men for the pittance involved in this amendment. Let us pass it, and let these men who now take their appeal be responded to promptly, as they responded promptly when the nation appealed to them to save its life. [Applause.]

Mr. CRUMPACKER. Will the gentleman allow a question before he takes his seat?

The CHAIRMAN. Does the gentleman from Michigan [Mr. GARDNER] yield to the gentleman from Indiana [Mr. CRUMPACKER]?

Mr. GARDNER of Michigan. Certainly.

Mr. CRUMPACKER. I have statistics, obtained from some source, and I want to know if they were submitted to the committee. They show that last year, 1905, for five months from July 1, there were 2,658 appeals, at the rate of 531 per month. The same month this year, beginning July 1 last, there were 4,120 appeals taken, at the rate of 824 a month.

Mr. GARDNER of Michigan. That is substantially in the hearings.

Mr. CRUMPACKER. That was in the hearings?

Mr. GARDNER of Michigan. Substantially.

Mr. CRUMPACKER. And on the basis of the statistics last year this recommendation contained in the current bill was incorporated, providing that the tenure ceased on the 1st of July; and the increased number of appeals, I understand, is one of the chief reasons why the gentleman insists upon keeping the whole board in operation.

Mr. GARDNER of Michigan. If the gentleman will allow me to read. Mr. Wilson, Assistant Secretary of the Interior, says:

But the appeals are coming in between 800 and 900 a month now.

The gentleman will find that on page 227.

Mr. CRUMPACKER. Does he recommend the retention of the entire board this year?

Mr. KEIFER. He says they could only dispose of a thousand cases when they had four more members than they have now. He says repeatedly, in substance, that they can not dispose of the appeals if you reduce the board, because of the accumulation of appeals, and he urges the retention of the full board.

Mr. SHERMAN. Mr. Chairman, my honored colleague makes the suggestion that the only people who would be harmed by the provisions of the bill in doing away with this special board are the appellants. I know so well, Mr. Chairman, that my honored colleague is desirous of serving in every legitimate way the old soldiers that I do not believe he wants that statement to remain unqualified, especially when we remember that there is no body of men in this country that Congress is more desirous of serving than this same body; there is nobody that they are more desirous to save from any harm whatever.

Now, my colleague suggests that last year the Secretary said that this board could be done away with. He substantially said that upon the recommendation of the Secretary a year ago they inserted the provision that the board should cease to exist at the end of this fiscal year. In other words, the position of the committee then was to take its stand upon the recommendation of the Secretary; whereas this year, when the Secretary, the Assistant Secretary, and the Commissioner all unite in recommending that this board be continued, they propose not to follow that recommendation. It is very easy, when the recommendations of the Secretary are in accordance with our ideas to appeal to the recommendation to sustain our position, but when it is adverse, why we override it.

My colleague says, and says erroneously, that there is but one appeal decided a day. It is not quite correct, but the average is less than two. But, Mr. Chairman, do we wish to have these appeals hurriedly passed upon, without doing justice to the appellant and to the Government. The report and the hearings before the committee, and the statement of the Secretary, show that varied and numerous legal questions, as well as questions of fact, arise in these cases—questions relating to the marriage laws of the various States, etc. Certainly it is not the desire of Congress, in the work of passing upon these appeals, to be so hurried as to do injustice either to the appellant or the Government of the United States.

Now, before this board was created there were 16,000 cases unheard, and it took more than two years for an appeal to be heard, and I am making that statement from the hearings before the Committee on Appropriations. Two years ago there were 3,000 cases pending at the end of the year, and the board was continued for another year. On the 1st of October last there were 1,700 cases pending, and taking an average from this report from the hearing before the committee there will come in, as has been stated, an increase from month to month, but taking the average last given here there will be 9,606 new cases to be disposed of, and there were 1,712 pending on the 1st day of October; so that there will be 11,318 cases to dispose of during the next fiscal year, and the present board disposed of 10,173. So that if the average of new appeals is not increased, there will still be at the end of the next fiscal year cases pending that the board will not have been able to consider even if it is maintained at its present number.

Mr. Chairman, where the interests of the old soldier and the interests of the Government are so vital as they are in this case it does seem to me that in justice to the Government and in justice to them that we ought to continue this board, in accordance with the recommendation of all the people who know about it and make report and appear before the committee and make statements of fact. We ought to continue this board for at least one more year. [Loud applause.]

Mr. BURLESON. Mr. Chairman, if I know myself, I have not the slightest disposition to do an injustice to the old soldier; but how any intelligent man can vote for this amendment, after the clear and comprehensive statement made by the gentleman from New York [Mr. LITTAUER], I can not understand. From the remarks that have been made in support of this amendment one might conclude that there was a disposition here on the part of somebody not to serve the old soldier, but, on the contrary, to do an act of injustice to the old soldier. Is this true? As a matter of fact, and every man here knows it, on the statute books are found the most liberal, yes, the most generous, pension laws that have ever been enacted by any country during the history of the civilized world. We have a horde of clerks in the Pension Bureau—all of whom are favorable to the old soldier—to construe these pension laws when he files his application under them. After these generous laws have been construed by clerks who are, as I have said, biased in favor of the old soldier, if perchance their action is adverse to the claim of the old soldier he has the right to appeal to a Board of Review, and on that Board there is not one single individual hostile to the old soldier. If, again, this Board's decision is again adverse to the old soldier, he has the further right to appeal to the Board of Rereview, as it is termed; and if here the decision is adverse he can carry his case to the Commissioner of Pensions, and from the Commissioner of Pensions he can finally appeal to the Secretary of the Interior. At each of these points you afford him, if he can show an act of injustice has been done, the opportunity to have it righted. And, yet, Mr. Chairman, we are importuned to be cautious for fear that an injustice will be done the old soldier.

There is no necessity for this Board of Appeals now, and, as for that matter, there was no need for it at the time, a few years ago, when the original item was embodied in the appropriation bill. It never should have been in here, and if now stricken out the only ones hurt by it will be certain favorites who are now holding the places. You may be sure no injustice will be done any soldier by unnecessarily delaying action on his claim for pension or increase of pension.

Mr. Chairman, I charge—and there may be some men on this floor who will deny it, but I assert it as a fact, and no man on the Appropriations Committee will deny it—originally the places created by this item was rank patronage, nothing but patronage, intended to serve Members of Congress rather than to serve the old soldier. And now, when the recommendation has been made to discontinue this in the interests of economy, a motion is made here to embody it in the permanent law. And, as a matter of fact, gentlemen, I know full well that this amendment will be voted up. You will adopt it; and as a matter of fact it would have been adopted just as easily if the gentleman from New York [Mr. SHERMAN] had moved to put in thirty-two instead of sixteen persons on this board.

Mr. GARDNER of Michigan. I am sure the gentleman from Texas does not wish to make a misstatement.

Mr. BURLESON. No; I never do if I know myself.

Mr. GARDNER of Michigan. I say I am sure of it. Hence the gentleman will allow me to correct him when he says the purpose of this amendment is to enact this additional force into permanent law. It is simply for one year, to enable the work to be brought up.

Mr. BURLESON. And the gentleman, who has been upon the Committee on Appropriations for many years, knows—yes, out of the storehouse of his experience there can be had a certain knowledge—that when once an item finds place in an appropriation bill it is nearly impossible to get the item out.

But, Mr. Chairman, I want to address myself for one moment to the necessity for this Board. There are 1,700 cases now pending on appeal and about 800 new appeals every month. The information that comes to us is that this Board disposes of about 800 cases a month. No wonder they do not bring the business

abreast of current work. Here we have the sixteen members of this Board, each disposing of about one case a day, or, to be perfectly accurate, one and five twenty-sixths, or one and two-thirteenths cases each day. Of course it is not to their interest to work themselves out of a fat job. Yet, Mr. Chairman, every lawyer of intelligence here knows that these cases come to this Board thoroughly briefed, and the most complicated of them ought to be easily disposed of in one hour's time. It would be curious, Mr. Chairman, if we could ascertain just where the various men who hold these places and who are to be appointed come from. I doubt not a flood of light would be turned upon this discussion, and really we could then understand matters just as they are.

I stand here to confirm every word that has been uttered by the gentleman from New York [Mr. LITTAUER], and I stand here to assert that there is absolutely no necessity for the continuation of this Board one day longer, much less convert it into a permanent Board by adopting this amendment. They could all be abolished without any fear of doing the old soldiers an act of injustice.

Mr. KEIFER. Mr. Chairman, the gentleman who has just taken his seat says that he stands here to confirm every word uttered by the gentleman from New York [Mr. LITTAUER]. That gentleman says that the records show that the board, continued as is proposed by the committee, would amply dispose of the pension-appeal cases. I beg to say that that statement can not be confirmed, and I want to say, in the hearing of the gentleman from New York, that he received from the Interior Department a letter, which he never presented to the committee and never referred to here, which shows that that statement is absolutely untrue. Does the gentleman dispute that?

Mr. LITTAUER. If the gentleman will permit me——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from New York?

Mr. KEIFER. Yes. Do you dispute that? I have the letter here.

Mr. LITTAUER. If the gentleman will permit me, the question as to the correctness of the statement that the Board as composed would amply dispose of the pension-appeal cases is simply an inference. The letter was a personal letter, reenforcing somewhat the testimony which the Assistant Secretary gave as printed in the hearings. It was not an official communication. In my rehearsal of the facts in connection with this matter before the full committee I read to the committee every single figure that was in that letter, and the gentleman from Ohio sat there, perhaps listening and perhaps not.

Mr. KEIFER. Mr. Chairman, I beg to say that the letter was never read there, or the gentleman would not have made the statement just made. That letter shows that for the months of July, August, September, October, and November, 1906, the appeals filed were 4,120, and the appeals disposed of were 3,984, less by about 200 than the appeals filed, without going to the old cases in arrears at all. Does that justify the statement that a board that would dispose of three-fifths as many as have been disposed of in the past five months could keep up promptly?

Mr. LITTAUER. I should like to ask the gentleman a question. Can he explain to me why this same Board in the year ending June 30, 1906, disposed of 10,173 cases, while in the previous year, with the same number of men on the Board, it disposed of 13,715?

Mr. KEIFER. The question contains an error. The same Board did not exist before this fiscal year by a great way. The Board before this time you refer to consisted of thirty-two instead of twenty-eight, added to by two men detailed from the Attorney-General's office and a man from the Land Office to help them, thus adding three more to the efficiency of the Board.

Mr. LITTAUER. The gentleman wants to state the facts correctly?

Mr. KEIFER. The facts I gave in my speech a few days ago. You had an opportunity to show by the statement of the Assistant Secretary of the Interior that it would not be possible for you to cut the Board down as is proposed and ever get in sight of clearing up the pension appeals. We would run behind in one year about 4,000 at least. We had also on the 1st day of December arrears, according to this letter of December 6 to the gentleman from New York, of 1,776 appeals. Now, somebody says the appealed cases come briefed. Surely that is a very nice statement. If you are asking for a case to come briefed against the old soldier who appeals, and then ask the person who is reviewing to decide it on the brief that is made up to reject his claim, well and good. But it has to be rebriefed by some member of the Board and then taken to another portion of the twenty-eight, and finally be reviewed before the whole Board. It is not one man sitting as an appeal board, but you have to rebrief it, and the larger the record the greater the labor. That is the way justice is often done to these old soldiers. Now, there is nothing anywhere in the record that justifies the statement that the Board continued as last year, with twelve permanent and sixteen additional members, will be able to keep up with the filed appealed cases when thirteen of the members are dropped, and we will certainly make no mistake if we leave it as it was the last year.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Pension Office: For the Commissioner of Pensions, $5,000; First Deputy Commissioner, $3,600; Second Deputy Commissioner, $3,600; chief clerk, $2,250; assistant chief clerk, $2,000; medical referee, $3,000; assistant medical referee, $2,250; 2 qualified surgeons who shall be experts in their profession, at $2,000 each; 35 medical examiners who shall be surgeons of education, skill, and experience in their profession, at $1,800 each; 9 chiefs of division, at $2,000 each; law clerk, $2,250; chief of board of review, $2,250; 55 principal examiners, at $2,000 each; private secretary, to be selected and appointed by the Commissioner of Pensions, $2,000; 18 assistant chiefs of division, at $1,800 each; 3 stenographers, at $1,600 each; 69 clerks of class 4; 85 clerks of class 3; 265 clerks of class 2; 335 clerks of class 1; 200 clerks, at $1,000 each; 94 copyists; superintendent of building, $1,400; 2 engineers, at $1,200 each; 3 firemen; 27 messengers; 12 assistant messengers; 20 messenger boys, at $400 each; 43 laborers; 10 female laborers, at $400 each; 15 charwomen; 1 painter, skilled in his trade, $900; 1 cabinetmaker, skilled in his trade, $900; captain of the watch, $840; 3 sergeants of the watch, at $750 each; 20 watchmen; in all, $1,678,750.

Mr. BINGHAM. Mr. Chairman, I desire to offer the following committee amendment.

The Clerk read as follows:

On page 114, line 23, strike out the words "two hundred and sixty-five" and insert in lieu thereof the words "three hundred;" in line 24 strike out the words "three hundred and thirty-five" and insert in lieu thereof the words "three hundred and seventy;" in line 25 strike out the words "two hundred" and insert the words "one hundred and sixty-five." On page 115, line 1, strike out the word "ninety-four" and insert the word "sixty-nine;" and in lines 12 and 13 strike out the words "six hundred and seventy-eight thousand seven hundred and fifty" and insert the words "seven hundred and three thousand two hundred and fifty."

Mr. BINGHAM. Mr. Chairman, the bill provides for thirty-five men of class 1 and thirty-five men of class 2——

Mr. LITTAUER. If I may be allowed, the Commissioner advised us that we could reduce the number of clerks in the service, and this is in the line of his recommendation.

Mr. MANN. I thought this was an increase.

Mr. BINGHAM. No; it is a decrease.

Mr. LITTAUER. It is the elimination of seventy clerks. The committee reported to eliminate thirty-five at $1,400 and thirty-five at $1,200. The purpose of the amendment is to eliminate thirty-five out of the $1,000 class and thirty-five out of the $900 class instead of as at first proposed.

The amendment was considered and agreed to.

The Clerk read as follows:

No vacancy now existing in the clerical or other classified service of the Pension Office, or which may occur after March 1, 1907, and prior to July 1, 1908, shall be filled by original appointment or by transfer from any other office or bureau of the Department of the Interior. Nor shall any transfers from said Pension Office existing March 1, 1907, be returned to said Office.

Mr. BINGHAM. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In line 14, on page 115, strike out the words "or other classified," and in line 17 strike out the word "eight" and insert in lieu thereof the word "seven."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Patent Office: For the Commissioner of Patents, $5,000; Assistant Commissioner, who shall perform such duties pertaining to the office of Commissioner as may be assigned to him by the Commissioner, $3,000; chief clerk, $2,500; 2 law clerks, at $2,500 each; 3 examiners in chief, at $3,000 each; examiner of interferences, $2,500; examiner of trade-marks and designs, $2,500; 41 principal examiners, at $2,500 each; 53 first assistant examiners, at $1,800 each; 63 second assistant examiners, at $1,600 each; 73 third assistant examiners, at $1,400 each; 83 fourth assistant examiners, at $1,200 each; financial clerk, who shall give bonds in such amount as the Secretary of the Interior may determine, $2,250; librarian, $2,000; 6 chiefs of division, at $2,000 each; additional to 1 chief of division in charge of the Official Gazette, $250; 3 assistant chiefs of division, at $1,800 each; 7 clerks of class 4, one of whom shall act as application clerk; machinist, $1,600; 7 clerks of class 3, one of whom shall be translator of languages; 15 clerks of class 2; 70 clerks of class 1; skilled laborer, $1,200; 3 skilled draftsmen, at $1,200 each; 4 draftsmen, at $1,000 each; 57 permanent clerks, at $1,000 each; messenger and property clerk, $1,000; 107 copyists, seven of whom may be copyists of drawings; 31 copyists, at $720 each; 3 messengers; 25 assistant messengers; 51 laborers, at $600 each; 50 laborers, at $480 each; 39 messenger boys, at $360 each; in all, $956,880.

Mr. BINGHAM. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 118, in lines 2 and 3, strike out "machinist, $1,600;" in line 8 strike out "fifty-seven" and insert "sixty-two," and after the word "clerk" insert "including five heretofore designated model attendants;" in line 10 strike out "one hundred and seven" and insert "one hundred and six;" in line 11, after the word "drawings," insert "ten clerks heretofore designated model attendants, at $800 each," and strike out "thirty-one" and insert "thirty;" in line 14 strike out "fifty" and insert "forty-eight;" and in lines 16 and 17 strike out "fifty-six thousand eight hundred and eighty" and insert in lieu thereof "sixty-five thousand seven hundred."

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Pennsylvania.

The question was taken; and the amendments were agreed to.

The Clerk read as follows:

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary: For compensation of the Secretary of Commerce and Labor, $8,000; Assistant Secretary, $5,000; private secretary to the Secretary, $2,500; confidential clerk to the Secretary, $1,600; private secretary to the Assistant Secretary, $1,800; chief clerk and superintendent, $3,000; disbursing clerk, $2,750; chief of appointment division, $2,250; two chiefs of division, at $2,000 each; ten clerks of class 4 (including one census clerk); ten clerks of class 3; twelve clerks of class 2; ten clerks of class 1; ten clerks, at $1,000 each; five clerks, at $900 each; two telegraph operators, at $1,200 each; five messengers; nine assistant messengers; seven messenger boys, at $480 each; one engineer, $1,000; one skilled laborer, $840; two conductors of elevators, at $720 each; two firemen, at $660 each; nine laborers; one packer, $840; one driver and foreman of stables, $840; six hostlers, at $660 each; one cabinetmaker, $1,000; one carpenter, $900; captain of the watch, $1,200; six watchmen; fifteen charwomen; in all, $151,840.

Mr. LIVINGSTON. Mr. Chairman, I offer the following amendment, which I send to the desk, and ask to have read.

The Clerk read as follows:

After line 15, on page 143, insert:

"For compensation of not more than $10 per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $50,000, not more than $20,000 of which shall be used in the investigation of the markets for cotton products, and the results of such investigation shall be reported to Congress."

Mr. LIVINGSTON. Unless objection is made, I shall ask for a vote on that amendment.

Mr. SULLIVAN. Mr. Chairman, I wish to offer an amendment in the nature of a substitute to the amendment offered by the gentleman from Georgia, which I send to the desk, and ask to have read.

The Clerk read as follows:

For compensation at not more than $10 per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $750,000, not more than $25,000 of which shall be used in the investigation of the markets for any one of the following articles:

Cotton and manufactures thereof, wool and manufactures thereof, leather and manufactures thereof, boots and shoes, wood and manufactures thereof, glass and manufactures thereof, iron and manufactures thereof, flax and manufactures thereof, steel and manufactures thereof, copper and manufactures thereof, automobiles, sewing machines, typewriters, firearms, hardware, cutlery, agricultural implements, corn, hay, wheat, potatoes, barley, tobacco, sugar, rice, cattle, eggs, swine, beets, onions; and the reports of such special agents shall be published by Congress.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Massachusetts.

Mr. SULLIVAN. Mr. Chairman, a parliamentary inquiry. Is the debate upon the substitute amendment first?

The CHAIRMAN. Yes.

Mr. SULLIVAN. Mr. Chairman, I desire to be heard briefly in favor of that amendment. The usual appropriation was left out by the committee this year, of some $50,000——

Mr. BARTLETT. Mr. Chairman, I desire to raise the point of order on the substitute.

Several MEMBERS. That is too late.

The CHAIRMAN. The Chair thinks it is too late, debate having been passed.

Mr. SULLIVAN. In the last bill $50,000 was appropriated for the investigation of foreign markets, with a view of increasing the commerce of the United States. In the previous bill $30,000 was carried, so that $80,000 has been authorized and probably spent for the investigation of these markets. In order that the House may not think that all this has been without fruit, I hold up for your inspection all of the reports which have been made so far, and which represent the $80,000 which has been expended. Here is the $80,000 worth. I offer that as an exhibit, in order to indicate to the House how many more reports we might get, excellently written and in much greater bulk, if we should appropriate what I ask for, namely, $750,000. And to show that there is an absolute need of appropriating this money, I wish to call the attention of the Members to the statement made by Mr. Carson, of the Department of Commerce and Labor. He speaks of the great and dense ignorance of the American manufacturer concerning the conditions of trade in Europe and the rest of the world.

That is illustrated by this remark:

It is to exploit those facts and to inform our people as to the wants and requirements of foreign markets that our efforts are being directed. When made acquainted with these conditions our manufacturers and merchants will not send skates to the Tropics and fur goods to Jamaica.

Now, I suppose there are some merchants and manufacturers in the United States who know what the temperature of the Tropics is, but they never had a realizing sense of the facts until they were incorporated in an official statement. We all know that unofficial statements concerning trade conditions, such as are gathered by merchants and their agents, are of absolutely no value to men who have goods to sell, and that the only fact worth considering is the fact that is stated in a solemn document prepared under the auspices of one of the officials of the United States. So that hereafter as one result of the publication of these reports, which have cost $80,000 already, we will understand officially that there is no ice in the Tropics upon which people of that country may skate and there is no necessity for fur cloaks and boas. [Laughter.]

Mr. MANN. Is it necessary to have ice always in order to skate?

Mr. SULLIVAN. I do not know what the conditions in the Tropics are, but I assure the gentleman it is not necessary in Chicago.

Mr. MANN. We know that.

Mr. SULLIVAN. It is a worthy purpose, Mr. Chairman, and if the money of the country is going to be spent, as I think it will be, there is no better way than to develop the foreign commerce of this country. For a great many years, under the influence of protective tariffs, the attention of our producers, of our farmers, and manufacturers was concentrated almost exclusively upon the home market. Now, having control of the home market in such manner as to call for such investigations as have been propounded here to-day—for instance, the investigation of the lumber trust—it now becomes necessary to turn our eyes away from local conditions and see what we may sell in the rest of the world. It is a subject that will take a long time to investigate, as the answer of Mr. Carson shows. He was asked by Mr. LITTAUER, of the committee:

How many years will it take to complete this investigation?

Mr. CARSON. You will find in these reports [handing to members of the committee printed reports] the kind of work we are doing.

Then Mr. LITTAUER proceeded:

Mr. Carson, here you have special agents whose object is the extension of the foreign commerce of the United States. Of course the field is almost unlimited, is it not?

Mr. CARSON. Yes; it is without limit.

So we have the assurance that if this beneficent work is continued in a manner befitting the dignity and glory of this great American nation that it will last for all time and consume a considerable portion of the public revenues. I for one should much prefer to see the money of the country spent in the development of our foreign commerce than spent in building a great navy or maintaining a great standing army. I should prefer to see much of it spent in the development of our rivers and harbors, and in the same line of reasoning considerable money could be well spent in the development of our foreign commerce.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN. Mr. Chairman, I ask unanimous consent for five minutes longer.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that his time be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SULLIVAN. Now, I know that some Member who objects to the expenditure of such a large sum as three-quarters of a million dollars for this excellent purpose may say that these special agents are not of any value to the country. The contradiction is found here. Here are the reports. They speak for themselves. They are excellently written, some of them by skilled newspaper men, who have found a great deal of material worth reporting and who have compiled it in a most excellent fashion. I know that some men will say these men ought to be experts in particular lines, and no others should be appointed, but if you have experts in the manufacture of cotton and other articles you will not have such beautiful and finished literary productions as you will when you send newspaper men abroad to do this work, and that is something which should merit the consideration of the House.

I know that some men will object still further and say that much of the information gathered by these special agents, for which I trust we will appropriate $750,000 more, is material that could be just as well collected by the members of our con-

sular service, and they will argue that the consular service has recently been improved, or is about to be improved, as a result of the excellent legislation of last year. I grant that. I believe it is a fact, accepted by all, that when special agents do go abroad the first thing they do is to consult the resident consul in the particular district which they are exploring and get from him all the information he has upon the subject. But the fact still remains that these consuls can not make reports of such literary excellence as our special agents, and for that reason I think this work ought to be continued.

Now, then, I do not believe that cotton should be singled out for the expenditure of a large sum of money, and I have extended the list so that it includes thirty articles, all of them produced in the United States and equally entitled to the protection of the American flag and to an appropriation. No one can say upon this floor with any degree of confidence that we ought to spend the money of the country for the development of the market for cotton or boots and shoes exclusively. A Member has suggested, after hearing my list read, that I showed a great lack of local pride in failing to insert in my list the item of Boston baked beans. [Laughter.] He said that that was an article which should be sent abroad, and which undoubtedly would improve conditions in the world generally outside of the United States and in the city of Boston in particular. But in order that I might not be accused of any selfish local pride, I omitted that important article from my list and devoted my attention to some things equally meritorious.

Mr. GAINES of Tennessee. Will the gentleman tell the committee how much money the Government of the United States has been spending in this magnificent work?

Mr. SULLIVAN. Thirty thousand dollars in the bill the year before last and $50,000 last year.

Mr. GAINES of Tennessee. What would you call this agent that you speak of? A drummer?

Mr. SULLIVAN. I would call him the "advance agent of prosperity." [Laughter.] He is sent abroad in order to ascertain conditions——

Mr. GAINES of Tennessee. All the drummers are that. I never saw a drummer in my life that did not think that prosperity was ahead of him or just behind him.

Mr. LIVINGSTON. They are called "special agents" in the bill.

Mr. GAINES of Tennessee. Special agents of whom? Some private firm?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN. Mr. Chairman, I would like five minutes more.

The CHAIRMAN. The gentleman from Massachusetts [Mr. SULLIVAN] asks for five minutes more. Is there objection.

There was no objection.

Mr. GAINES of Tennessee rose.

Mr. SULLIVAN. I yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Does this gentleman represent the Government of the United States as such or some private firm?

Mr. SULLIVAN. The gentleman represents the Government of the United States in general and the Treasury of the United States in particular. The information which he collects is, of course, published to the world, and our manufacturers get the benefit of it. I have not observed, as a result of these investigations, that our commerce has increased materially; but the work is still young. It is still only an infant industry, and it ought to get proper encouragement. In process of time it will unquestionably show the merits of the enterprise.

Now, I have asked twenty-five thousand for boots and shoes, which are articles of great importance all the world over. The people of the world are entitled to know the merits of American-made boots and shoes. And so on through wood and its manufactures, and sewing machines, typewriters, firearms, hardware, cutlery, and also a great many products of the farm. I find, for example, that corn leads the list in the last year's production. Corn is an article of even greater value in the domestic economy of the United States than cotton. I find that the production of corn is twelve hundred and sixteen millions according to the last report. Then, too, hay is ahead of cotton, the value being six hundred and five millions. Cotton comes third, with five hundred and seventy-five millions, and wheat follows a close fourth, with five hundred and twenty-five millions, and oats, two hundred and eighty-two millions, and so on. I have put all of these worthy and deserving articles in the list because I believe they are entitled to consideration equally with cotton. I would not neglect other articles. Take the American hog, for example. He is finding it extremely difficult to enter the markets of Europe, particularly of Germany. All sorts of discriminating laws are made against him. What could be better than to have expert agents of the United States go to Germany and find out how conditions might be improved, so as to facilitate the entrance—I might say, grease the passage—of the American hog, so that the sale of hog products might be greater in Germany than it is to-day. [Laughter.] Then there are other articles of the farm. Take beets, for example. Why should not the American beet be extolled abroad by our agents?

Mr. LIVINGSTON. They are paying three millions now to send it abroad.

Mr. SULLIVAN. Let us pay more. If it is a good thing, we can not have too much of it. Then take the onion. There is a patient and humble American vegetable just as much entitled, in my judgment, to the protection of the flag and as much entitled to an appropriation as is cotton. What patriot is there who can not feel the rush of blood to his face and moisture to his eyes when he speaks of the American onion? [Laughter.] Would it not sweeten Europe, Asia, and other parts of the world in its passage around the globe? What more patriotic mission could there be than to send a special agent abroad with the American flag in his right hand and the American onion in his left hand? [Laughter.]

Mr. STANLEY. What about the hen?

Mr. SULLIVAN. Yes; what about the hen? I thank the gentleman for his suggestion. I find that the Secretary of Agriculture has stated in a solemn document that "the farmer's hen has become a worthy companion to his cow. The annual production of eggs is now a score of billions." There is the egg industry. See that we send an agent abroad to find a market for our eggs, and even for our decayed eggs. Why, it was rumored not long ago that they were treated with formaldehyde, put in barrels, and sent to China.

I remember some years ago an American actor, speaking of eyewater, said that he could buy it at 50 cents a barrel and sell it in China at a dollar a bottle, and that there were "millions in it." There are millions in this also. So our decayed-egg industry should be fostered. Why not find a legitimate outlet for the decayed eggs, instead of allowing them to remain a sort of fluid criticism upon American dramatic art? [Laughter.] Who can not see the picture of the Orient waiting with outstretched arms and, perhaps, bowed head, calling for the introduction of the decayed eggs of the United States? I might extend the list indefinitely, but I assure gentlemen this amendment ought to pass, in the interest of American industries. There is not one of these articles which could be called unpatriotic; not one of them but which is entitled to an appropriation as much as cotton and other articles which are specifically enumerated. Let these agents be appointed; let the appropriation go on, and after a while, under the civilizing influence of our beets, our onions, and our decayed eggs, we will not find it necessary longer to appropriate for great navies; we will have conquered the world with our products; and therefore I beg a respectful consideration by this House for this amendment. [Laughter and applause.]

Mr. LIVINGSTON. I think, Mr. Chairman, from first to last, the remarks of my colleague on the committee have been quite unkind, in attempting to ridicule this amendment of mine off the floor of the House. Ridicule is not argument. It may be in harmony with his practice before petty juries in the court-room, but is not worth anything on the floor of this House.

Mr. Chairman, over half of the articles he mentions are already exploited abroad by special appropriations. Beef, mutton, butter, corn and corn bread, hen and hen fruit, and all that, have been cared for by the Secretary of Agriculture to a very great extent, and a product of this country which for the last five years—three out of five—has paid the balance in export trade against the United States is cotton. It has been settled by cotton, and the money furnished to prevent a financial panic in the United States, yet he compares that product to the juice from rotten eggs [laughter]—another Massachusetts product [laughter]—and Boston beans.

Mr. SULLIVAN. I would share its benefit with the whole world; I was not so selfish as the gentleman.

Mr. LIVINGSTON. Now, Mr. Chairman, the committee, in the preparation of this bill, saw proper to put in an appropriation for, or recommendation for, $30,000 this year. Now, the gentleman can still, if the limit is put back in the bill and the amendment prevails, can still go to the Secretary of Commerce and Labor with this list and have them all attended to.

Mr. SULLIVAN. There would not be enough money.

Mr. LIVINGSTON. This law was $30,000 last year; the current appropriation is $50,000. But $20,000 was added by an amendment in the Senate covering cotton products; and I am going to show you who are interested in cotton products, and you ought to take care of it. All I have asked is a reinstatement of the current law in the bill. Now, why should that

amendment of mine be attacked as if it was a scheme, if you wish to call it a scheme, as the gentleman from Boston seems to think it is. It is not giving a fair chance to the tax payer of the United States as to whether it is proper to be expended in this way or not. The gentleman holds up in his hand a great body of reports of the special agents, and does not show how the expenditure of $80,000 has benefited this country.

I say that if you will read these reports you will see that our special agents, sent abroad to enlarge and broaden the trade of this country, have been very efficient and useful.

Mr. LITTAUER. Will the gentleman particularize?

Mr. LIVINGSTON. Another Boston man. [Laughter.] Now, Mr. Chairman and gentlemen, if I had more than ten or fifteen minutes I would take these reports and particularize, but the gentleman from New York knew that no man could do it under the five-minute rule when he put the proposition up to me. I say this appropriation ought to be continued, so as to give this scheme, if you call it a scheme, a fair deal. I stand in my place on the floor of this House and declare that these reports sustain the argument I am making, without particularizing, and I leave it with the gentleman from New York, if he can get the time, to particularize.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIVINGSTON. I ask unanimous consent for ten minutes in order to make me even up with the Boston party.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended ten minutes. Is there objection?

There was no objection.

Mr. LIVINGSTON. Now, let us see about the necessity. I shall have to be brief about it. We produce 70 per cent of the raw cotton of the world. England produces 64 per cent of the cotton fabrics of the world. I have not the time to dwell on that. Let me repeat it, and you take it home with you. We produce in the United States 70 per cent of all the raw cotton of the world. England produces 64 per cent of all the cotton goods of the world. England exports annually $447,657,600 of cotton fabrics. The United States, that produces 70 per cent of the raw cotton, sends abroad $55,189,700 in cotton goods; $55,000,000 against $447,000,000. Is it not about time that Asia and Africa knew that we have cotton and cotton mills in this country, and can manufacture and sell cotton goods cheaper than England? That is the object of this amendment.

Listen! In 1905 England sold to Asia $202,212,600 worth of cotton goods. The United States sold in Asia only $36,988,200 worth of manufactured cotton. There were $36,000,000 of our cotton fabrics going to Asia against $202,000,000 of English goods going to Asia. How did they get that trade? By doing just what I propose in this amendment. That is how they got it, they went after it like the nigger went after the Christmas turkey. He got it because he went after it.

Again, Africa took from England last year $29,456,100 in cotton goods, and she took from us $428,200. There is a difference of $29,000,000 that Africa took from England more than she took from us. South America, right at our doors, took from England last year $32,002,800, and took from us $3,476,500, a difference of $28,000,000 that England sold right at our doors more than we sold of manufactured cotton goods. Canada and Mexico took from England five times as much cotton goods as they took from the United States in 1905. Think of it. Mexico on our south Canada on our north, and both on our borders, took five times as much manufactured cotton from England as from the United States. Let any man look at these figures, which are all official, and he will see that when we have one crop worth from five to six hundred million dollars, and only a small per cent of it manufactured within the limits of the United States and 64 per cent of it manufactured in England—if any man looking at this fact will tell me that it is not time for the United States to get a part of that trade or all of it, then I am mistaken in the man. He must be from Boston. [Laughter.]

Mr. Chairman, when I offered that amendment I intended to insert three words between "cotton" and the word "products," and those words were "and cotton-seed;" but knowing the amendments the gentlemen had to propose, and knowing them to be outside of the current law, I refrained, because it would open the gates to the gentleman from Boston, and to every other gentleman, to put into the current law foolish, ridiculous amendments such as my friend from Boston has proposed here to-day. I ask for nothing except the current law.

Mr. THOMAS of North Carolina. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from North Carolina?

Mr. LIVINGSTON. I do.

Mr. THOMAS of North Carolina. Does not your amendment provide specifically for the investigation of trade conditions and the extension of the trade of the United States in other products besides cotton and its manufactures?

Mr. LIVINGSTON. I want to say that there is $30,000 that absolutely covers the very articles mentioned by the gentleman from Massachusetts.

Mr. THOMAS of North Carolina. That is the point, and only $20,000 of the $50,000 goes for the investigation and extension of the cotton trade in foreign markets.

Mr. RICHARDSON of Alabama. Mr. Chairman, I desire in the time allowed me to give my hearty indorsement to the motion of the gentleman from Georgia [Mr. LIVINGSTON]. The effort, Mr. Chairman, that the gentleman from Massachusetts [Mr. SULLIVAN] makes in regard to this question in opposition to the desired appropriation is to use the shaft of ridicule. That always reacts against a man who attempts to use it on a subject as grave and of such magnitude as this. The gentleman from Massachusetts certainly does not know, and if he does know he can not appreciate it, that for this one product, for this one staple of cotton, Europe pays us annually more than all the gold developed and mined annually in the world. It is true that this enormous amount for one staple goes into the lap of the South.

And yet the gentleman from Massachusetts [Mr. SULLIVAN] stands here in the presence of this House and facetiously and flippantly compares this gigantic article of the world's commerce with "rotten eggs" and "onions." Does he know, Mr. Chairman, when he talks in this spirit of idle ridicule, that every day, including Sundays and holidays, Great Britain for our raw cotton is paying the cotton producer of the United States more than $1,000,000? And yet his purpose, in an effort to display his native wit, is to underestimate and belittle, if you please, this great southern product that is destined in the development of the South to clothe the people of all the world who wear clothes and are civilized. I have thought, among Democrats and Republicans, regardless of place of residence, the sentiment prevailed that we should expand and extend our trade with foreign countries.

No man on the floor of this House is more in favor of such a policy than I am. Why not prepare to meet the inevitable demands of the world for cotton cloth? We are bound to have an outlet for this great and valuable crop. The Eastern States as well as the Southern States are alike interested in the manufacture of cotton. It is true the South produces quite 80 per cent of the raw cotton that supplies the world, and the South, to the amazement of the world, is now manufacturing about one-half of the cloth manufactured in the United States. Great sections of the world await the new exportation and the extension of our cotton-fabric trade.

There stands China, with more than 450,000,000 of people, awaiting to-day the cotton cloth and clothing which is the joint product of the mills of the South and East. We see that Great Britain buys from us raw cotton, manufacturing it, and by tactful methods in foreign countries governs that great trade throughout the world that the United States ought to-day to control and will control in the near future if we will be broad enough to give our cotton a fair chance. There stands Japan, a great, growing, and aspiring country that has recently entered on the stage of the great nations of the world, with 45,000,000 of people who can use our cotton. Great Britain is extending the tentacles of her trade greed and will soon have in her grasp the cotton-cloth interests and demands of that people. It is the proper time for us to seek this developing trade in Japan. If we lose it, the completion of the Panama Canal will lose many of its commercial advantages for the South. Let us understand the proposition submitted to us and then apply the wit and humor in the remarks made by the gentleman from Massachusetts. It is this: The gentleman from Georgia [Mr. LIVINGSTON] moves to reinsert in the bill the provision that calls for an appropriation of $50,000 "to investigate trade conditions abroad," to promote our foreign commerce, but only $20,000 of this amount shall be used to investigate foreign markets in the interest of cotton products. It appears that the $30,000 appropriation ought to be sufficient to investigate foreign markets in the interest of "rotten eggs and onions."

Why, Mr. Chairman, there can be no comparison with any one single product that is made in the United States to this great one of the product of cotton and its manufacture. I insist, Mr. Chairman, not in any spirit of sectionalism, not in any spirit except that which is broad and patriotic, that we ought to investigate matters of this kind, for such investigations will add to the commercial growth of our Republic. We ought to send skilled and trained men to these markets that we can develop—men who can tell us what the existing conditions are, what the customs are, and what kind and character of cotton

cloths we ought to send to that country and what kind would suit the tastes of those people, so that it will increase and advance our trade there. I insist that the provision offered by the gentleman from Georgia should be reinserted in this bill. [Applause.]

Mr. BURLESON. Mr. Chairman, of course the amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN] will be voted down, because it was offered for the purpose of being voted down. But I do sincerely hope the members of this committee will not treat the amendment offered by the gentleman from Georgia [Mr. LIVINGSTON] with ridicule. It is entitled to serious consideration, and when you come to vote upon it, and you will do so, if you vote down a substitute which will later be offered by the gentleman from New York [Mr. LITTAUER] it is my purpose to offer an amendment to the amendment, adding after the words "cotton products" the words "and cotton-seed products."

The amendment as amended would then read as follows:

For compensation, at not more than $10 per day and actual necessary traveling expenses, of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $50,000, not more than $20,000 of which shall be used in the investigation of markets for cotton products and cotton-seed products, and the results of such investigation shall be reported to Congress.

I can give reasons why I think the amendment as amended should go into this bill, and these reasons are not at all inconsistent with the views expressed by the gentleman from Massachusetts. I concur generally in the propositions laid down by the gentleman from Massachusetts [Mr. SULLIVAN] that it is the duty of the consular officers to develop the trade of the United States. I recognize that the service of each of our consular officers, regardless of the State from which he is appointed, belongs alike to all the States, but at the same time I submit in all fairness that each section should be given a just and fair proportion of these appointments, in order that we may have those in our consular service who are thoroughly familiar with the resources and industries of the various sections of our country.

I also contend that these consular officers from the different sections should be stationed in those countries with which the citizens of the particular section have established trade relations or where there is a hope of developing or extending their trade. 'Tis true a consular officer is a commercial agent whose duty it is to advance the commercial interests of the country he represents and of the individual citizen of the country he represents, but to do so we all will admit he must have a particular knowledge of the industry which he endeavors to promote, and it is for that very reason that I urge upon the committee to put this item in this bill. Now, why?

Mr. MANN. Mr. Chairman, will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BURLESON. Yes.

Mr. MANN. Agreeing with the gentleman as to the appropriation, I would like to ask him this question: How is it possible for the special agents appointed to differentiate between the work they do for cotton, cotton seed, and cotton fabrics and the work they do for other items, each one being engaged in a country by itself, observing the trade relations of that country, and making a general report upon the trade of that country?

Mr. BURLESON. I suppose agents will be appointed who are thoroughly familiar with the cotton-seed oil industry and who know something about where additional markets for the same could probably be found. It is to secure such services, which can not be rendered by our present consular officers, that I contend for the continuance of this appropriation. Mr. Chairman, that is the very reason why this item ought to go into this bill.

Mr. LIVINGSTON. I will just state to the gentleman from Illinois [Mr. MANN] that there were two men specially appointed for cotton, and they did not mix up with anything else.

Mr. BURLESON. I do not want my time consumed by further interruption, because my time is limited and I have several suggestions which I desire to offer this committee in support of this item. As a matter of fact—and I do not say this now in a partisan sense; I desire to emphasize the assurance that I am not stating what I now propose to state in a partisan sense—as a matter of fact, there is not to-day a consular officer in the service of the United States who knows anything whatever about the manufacture of cotton-seed products, who is located where there is even a remote chance to widen a market for same or aid in extending its uses or assist in increasing a demand for same. The truth is we have for the entire eleven Southern States, the cotton and cotton-seed oil producing States, only fourteen consular officers—fourteen for that entire section, while Massachusetts alone has nineteen.

And, Mr. Chairman, the fourteen consular officers who have been selected from the cotton States have been sent to obscure points in Central or South America, or Bergen, Norway, or some other point with which the great agricultural South has no trade relations. I will admit that it is the duty of our consular officer who hails from Massachusetts (many of whom are stationed in Europe, where the cotton and cotton-seed oil interests are important) to further the commercial interest of the South and the commercial interests of the individual citizens of that section; but, Mr. Chairman, this they can not properly do. They might, as far as cotton products are concerned, but I assert they can not so do with reference to cotton-seed products, for they are wanting in knowledge of the industry.

I do not mean to reflect upon our consular officers. Of course they represent all parts and all interests of the United States. I believe they are the best in the world, but those in Europe, where this great interest is involved, have no knowledge of cotton-seed products, and consequently can not represent its merits. New York can oppose this, but it is not becoming in her Representatives to do so, because New York has thirty-seven of her citizens abroad as consular officers to represent the commercial interests of that State, to exploit the manufactured wares of that great Commonwealth, and they do it, and do it well, and I am glad of it; but why should she now oppose this item which affects the great staple crop of the South?

Mr. Chairman, can I be excused if I take one moment to speak of the value of the great staple to be affected by this amendment? It is undoubtedly true that cotton is the most important crop grown in all this great country. But for this crop, instead of being one of the leading, if not the leading, creditor countries of the world, we would, when the balance of the world's trade is struck, find ourselves each year on the wrong side of the ledger. This great crop furnishes full 90 per cent of the balance of trade in our favor. The hoard of gold now piled high in the vaults of our Treasury bears silent witness to the service rendered by cotton in bringing this precious metal from foreign shores.

Mr. Chairman, millions of dollars are appropriated each year for the support of our consular service, and, as I have shown, of the 300 consular officers all the South has only 14, and these are located where they can be of but little service, and now, when the gentleman from Georgia [Mr. LIVINGSTON] by this amendment asks for the pitiful sum of $20,000 to exploit a by-product of its great crop, of which no consular officer, located where its interests are affected, now in the service of the United States knows one single thing, he is met with ridicule—with ridicule by a gentleman who hails from Massachusetts, a State that has in our consular service five more representatives than are to be found in the entire eleven States interested in this product.

Mr. NORRIS. Will the gentleman yield to a question?

Mr. BURLESON. Certainly. I have no objection, if my time can be extended to enable me to conclude what I desire to say on this subject.

Mr. NORRIS. I want to ask the gentleman if these officials coming from Massachusetts and New York, or any of them, were appointed to represent any particular industry?

Mr. BURLESON. Not at all. On the contrary, I disclaimed that they were there to represent particularly the wares of New York, but at the same time, being from New York, I say that they are thoroughly familiar with the wares of New York and thus splendidly equipped to promote her commercial interests.

Mr. NORRIS. Then why should we appoint anyone to represent any particular industry, cotton or any other?

Mr. BURLESON. I have not so contended, as a general proposition, and if the gentleman had given attention to what I have stated he would not have consumed my time by asking such a question or interjecting such a statement. I have clearly announced that it is the duty of our consular officers to represent every section, and every interest of every section, of the United States, and I have also said they were doing it as well as they could. But, Mr. Chairman, our consuls located in Europe do not have a proper knowledge of this industry because of conditions I have described, and for that reason we are asking that $20,000 be set apart to exploit this particular industry, and we found our contention upon the broad basis of right. We have a right to ask it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. I ask unanimous consent that I may be permitted to proceed for a few moments longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, this is a peculiar industry—the cotton-seed-oil industry. No consular officer living be-

yond the limits of the South can possibly have that knowledge of it which will enable him to properly represent its merits. It has heretofore found its principal, if not its sole, market in Europe, or rather, I should say, in certain countries in Europe—England, France, Germany, Italy, and Austria-Hungary. We have no consular officer there with even fair knowledge of it. This is one reason why I contend that this item should go into this bill.

This industry now has $73,000,000 invested in it and 715 different plants engaged in its manufacture. Last year the product was excluded from Austria by a prohibitive tax. It has been practically excluded from Germany, and now France threatens to exclude it. Recent cablegrams from Paris clearly indicate a purpose on the part of the customs committee of the Chamber of Deputies to increase the tariff charge on cotton seed and cotton-seed oil to so high a figure that it would amount to exclusion. So imminent is this danger that the ambassador from this country to France, Mr. McCormick, has made strong representations against the proposed increase.

Mr. Chairman, as is well known to us all, a very advantageous reciprocity treaty which had been negotiated with France by Mr. Kasson, under the provisions of the Dingley Act, was pigeonholed at the other end of the Capitol. That treaty, it is believed, would have proven especially advantageous to the cotton producer. In fact, it is claimed that it would have been worth millions of dollars to those interested in that great staple. But, Mr. Chairman, we did not get it, and we all know we will not get a reciprocity treaty with France. The particular treaty was sidetracked, so it is said, because it happened to affect very slightly certain knitted goods manufactured in Massachusetts. Such being the case, regardless of the enormous benefit to be conferred on the millions who produce cotton and cotton seed, a distinguished Senator from Massachusetts saw that the treaty was not ratified.

I am not making any complaint about it. That matter is passed, but I do believe it my duty to insist that because the interests of this product are being sidetracked in this way that we are entitled to ask of the Congress the pittance carried in the amendment offered by the gentleman from Georgia.

It is now our only hope of accomplishing anything for this industry, for not only have we failed in the past to secure relief through reciprocity, but there is no hope of doing anything along that line in the future.

The reciprocity bureau of the State Department has been abandoned, and evidently there is no purpose to attempt anything further in that direction.

I submit in this connection a part of the hearings on this bill before your Appropriation Committee and you can determine for yourself the chances for action from that quarter. I read from the statement made by the honorable Secretary of State:

LACK OF EXPERT ASSISTANCE.

Secretary ROOT. There is particularly a lack of force in what we call the bureau of trade relations. You will remember that there was a reciprocity bureau, and that when I talked with you a year ago we talked about the expenses of the reciprocity bureau, of which Mr. Kasson had been the head, and of which Mr. Coleman was secretary and practical chief under Mr. Kasson. That is gone now. That expense had been paid out of an emergency fund, and we abandoned that in the process of reforming our salaries, with general consent.

There is a great amount of work to be done—work that we have got to have done in the State Department. It is part of a pretty wide subject, and I do not know that I ought to take up your time with it, but it may be worth while for me to say a few words. We are very lame and very undeveloped in our governmental organization in respect to expert assistance. We have just sent over to Germany, for the purpose of reaching an understanding upon facts and an understanding of the relative ideas of the two countries on the subject of the tariff, three experts, and I had to go around and pick them up and get them as a matter of special favor from the Treasury Department and the Department of Commerce, and we have added a consul-general—Mr. Mason—who has gone over to Berlin from Paris to give them the benefit of his assistance. They met in Berlin a force of nine experts connected with the foreign office, whose entire and continuous business is to keep the Government of Germany up to date all the time upon every commercial question.

Mr. LITTAUER. You have not a like force in your Department?

Secretary ROOT. There is no such force here.

Mr. BURLESON. Is there any necessity for such a force? Germany is constantly engaged in negotiating reciprocity treaties with various countries. That is the very character of business they are engaged in. They are the experts about whom Secretary Root speaks.

Secretary ROOT. We are exporting $1,750,000,000 worth of goods, and all of those except those going to Great Britain herself are going to countries that have tariffs imposed upon our goods, and there is no country in the world that so much needs intelligent and expert knowledge on all tariff questions as this country now, at this very time.

Mr. LITTAUER. Tariff questions from the standpoint of those countries we are dealing with?

Secretary ROOT. Yes.

Mr. BURLESON. To do what, Mr. Secretary?

Secretary ROOT. To enable us, in the first place, to make the necessary representations to those countries which will prevent their imposing disadvantages upon our trade——

Mr. LIVINGSTON. And crippling it?

Secretary ROOT. Yes; crippling our trade. Changes are being proposed all the time all over—changes in France, changes in Germany, changes in Brazil, changes everywhere in the tariff. Our commercial competitors are trying to get changes made that will help them and hurt us all the time. We have got to look out for it every day in the week, and somebody has got to know something about the subject.

Mr. TAWNEY. To what extent, if at all, has the Treasury Department performed this service in the past?

Secretary ROOT. I do not suppose to any considerable extent. It has been left to the State Department, which did not have any experts who were familiar with the subject. I have only answered a single question about trying to prevent injury. Another thing is to try to get changes made in their tariffs that will benefit us.

We have just got, incidental to a little cultivation of kindly feeling with South America, a reduction of the Brazilian duties on our flour. They gave us a 20 per cent differential, a rate 20 per cent lower to us on our flour than on the flour imported from other countries.

Mr. BURLESON. Can we obtain favors of that character without granting similar concessions?

Secretary ROOT. We have just done it.

Mr. BURLESON. What character of favor?

Secretary ROOT. A reduction of 20 per cent in the duty on flour with Brazil.

Mr. BURLESON. Without granting any concessions ourselves?

Secretary ROOT. Yes.

Mr. TAWNEY. Is it not fair to say that coffee, the chief and almost sole importation of that country, Brazil, comes to this country free? That is the reason we are able to make negotiations of that kind.

Secretary ROOT. Of course. But an understanding of that situation—that is a simple situation—an understanding of it is necessary on our part if we are to have such a concession on their part. We have now, under the third section of the Dingley Act, authority to reduce the duties on distilled spirits, argols, and wines coming from foreign countries, for a consideration, and propositions for that are always on the tapis here. We are making such arrangements from time to time. We have got to know. Other countries are making proposals to us for reciprocity treaties, just as Germany has a proposal pending now. We can not throw a proposition of that kind out of the window.

Mr. BURLESON. I will admit the crying necessity of these experts if you are going to engage in that policy.

Secretary ROOT. Whatever the policy may be, we have got to engage in the policy of treating foreign countries with consideration and courtesy, and when they come to us and say, "We want to make a reciprocity treaty" and "The tariff arrangements with us are not fair," we have got to listen to them and discuss the subject with them, and we have got to have somebody who knows something about it.

Mr. BURLESON. It does not take any expert knowledge to give them a polite answer and to say that it is not the policy of the United States to do that. Is not that the situation?

Secretary ROOT. It is not a situation that the Secretary of State is entitled to announce. We have got to deal with each situation by itself as it occurs.

Mr. Chairman, I have had many requests from those interested in this industry for legislation of the character proposed in this amendment. I believe that it is not alone to the interest of those engaged in the manufacture of cotton-seed oil, many of whom reside in my district, but I am sure it is in the interest of every man who grows cotton.

For a number of years the cotton planter has not received what I would regard as a fair price per ton for his cotton seed. It has been thought that this might have been brought about by a common understanding or secret agreement entered into by the cotton-seed oil people, but it may be the fact that markets abroad are being closed against the cotton-seed oil that has made it impossible for the manufacturer of cotton-seed oil to pay a higher price for his raw material. If this be true, and by this small sum relief can be afforded, undoubtedly it should be allowed.

Twenty thousand dollars is all that is asked. I have tried to show you why we should have these special agents. I do not believe that our consular agents can properly serve those interested in this industry, and when I say that I do not mean it in any sense as a criticism of them. I say it in the face of the condition that confronts us, and every man here knows that it confronts us. I will not now discuss why we have not more consular agents from the South or the reasons why they are assigned to duty at obscure places. That is neither here nor there. I am not making any complaint about that at this time, but I do say if you want to do right, and accord even-handed justice, you will not deny this $20,000 when millions are carried in the diplomatic and consular appropriation bill for the support of consular officers who look after the trade in other sections of the country. [Applause.]

Mr. THOMAS of North Carolina. Mr. Chairman, I will detain the House only a short time. I shall not make any extended remarks, but I simply want to say that I agree most heartily with what the gentleman from Texas has said, that this effort to widen the markets of the United States for the sale of cotton goods is not a proper subject of ridicule on the part of the gentleman from the great Commonwealth of Massachusetts or any other Member. We to-day in the South are competing with Massachusetts and New England in the manufacture of cotton goods. The cotton growers of the South have also become cotton spinners.

North Carolina ranks as the third State of the Union in the manufacture of cotton goods. Massachusetts comes first, South Carolina second, and the great State of North Carolina, which I have the honor in part to represent, comes third in the manufac-

ture of cotton goods. The climate, water power, and labor in my State all unite to make the State a great manufacturing State. This amendment simply proposes, gentlemen of the House, to investigate trade conditions generally as to every article of manufacture and every product of this country sold in foreign markets. It proposes that there shall be an investigation as to trade conditions in cotton manufactures with a view to widening the markets of the United States for cotton and cotton manufactures. It appropriates $50,000 for the employment of special agents to do this work, of which sum $20,000 only is to be expended with a view of widening our foreign markets for cotton manufactures. I believe that would be money wisely expended, and differ wholly with the gentleman from Massachusetts.

Is this sum not insignificant compared with the value of this great product of the South; this great money crop of the South? And as the gentleman from Texas has well said, there is linked with cotton and cotton manufactures also the great cotton-seed oil industry, which has grown, as I have shown in my former speech in the House, from a few hundred thousand dollars in value and investment to millions of dollars in value. We want to devise some means to get new and wider foreign markets for that great industry of the South. What was once a waste product which brought no money to the South has grown into a great industry with millions of dollars invested.

Mr. LITTAUER. Will the gentleman permit a question?

Mr. THOMAS of North Carolina. Certainly.

Mr. LITTAUER. Was this waste product turned into millions of dollars of profit to the people of the South by any sort of reports of this character obtained through this appropriation?

Mr. THOMAS of North Carolina. No. It was due to the energy of the people of the South and the fact that they possessed this raw product; but of course they get suggestions from reports and investigations as to the best markets and means of increasing the price and widening the markets for the product. I will say to the gentleman from New York as the gentleman from Texas has well said, and as I have shown in my former speeches, inasmuch as we have been unable to get reciprocity treaties we want at least to have some method or means by which we can widen the markets of the South and the United States for this cotton-seed oil product as well as our cotton manufactures. It means much to that great section of our reunited country—the Southland.

Mr. LITTAUER. Can you point to any single item in the reports already made from the expenditure of the $30,000 for the year ending the 30th of July last or the supplemental $50,000 that is now being expended the promotion of which is in any way attributable to that appropriation?

Mr. THOMAS of North Carolina. Well, I am not familiar with the reports, but, in a general way, I should say that the expenditure of this money—the sending of special agents abroad for the purpose of investigating trade conditions to extend the markets of the United States for all its manufactures and products, especially for cotton manufactures, throwing all possible light upon the subject—must necessarily tend to promote the widening of our markets, enabling us to know where and how to carry on our trade to the best advantage. We have been told one advantage of holding the Philippines is that they may be a base for our trade in cotton manufactures in the Orient.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMAS of North Carolina. Mr. Chairman, I desire to put in the RECORD resolutions adopted by the Southern States Commissioners of Agriculture and Agricultural Workers sent me to-day by Doctor Kilgore, of the North Carolina department of agriculture. I am heartily in favor of the amendment of the gentleman from Georgia.

The CHAIRMAN. The gentleman from North Carolina desires to print in the RECORD the matter to which he has referred. Is there objection? [After a pause.] The Chair hears none.

The matter above referred to is as follows:

RESOLUTION.

Whereas cotton is the principal money crop of the South; that this will continue to be so for years to come is a matter about which there can be no difference of opinion. We note with a degree of great satisfaction that the United States Congress at its last session appropriated a small sum to be used in the commendable work of extending the market in foreign fields: Therefore, be it

Resolved, That we, the Southern States Commissioners of Agriculture and Agricultural Workers, in eighth annual session convened in the city of Jacksonville, Fla., take advantage of this, the first opportunity, to express our appreciation of the recognition given our greatest crop, and heartily commend the good work undertaken for the benefit of the cotton planter and the manufacturer, and urge our southern Congressmen and Senators to use every effort to secure adequate appropriations for the active continuation of this work.

Respectfully submitted.

H. E. BLAKESLEE, *Commissioner for Mississippi,*
T. H. HUDSON, *Commissioner for Georgia,*
TAITE BUTLER, *Veterinarian for North Carolina,*
Committee.

Adopted at adjourned session held at Tampa, Fla., Wednesday, November 21, 1906.

E. J. WATSON, *President.*

Attest:
B. W. KILGORE,
Secretary-Treasurer.

Mr. BARTLETT. Mr. Chairman, my colleague [Mr. LIVINGSTON] has offered the following amendment:

For compensation, at not more than $10 per day and actual necessary traveling expenses, of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $50,000, not more than $20,000 of which shall be used in the investigation of markets for cotton products; and the results of such investigation shall be reported to Congress.

I had prepared to offer the same amendment, and it is in the language of the current law as contained in the appropriation bill for the present fiscal year. It has been of great benefit and valuable results have been obtained from it, and I hope it will be continued.

Under this appropriation investigations have been made by experts abroad, especially in China and other foreign countries, whose people use, to a great extent, cotton goods for clothing and other domestic purposes, and the results are contained and have been made known to us by the Chief of the Bureau of Manufactures, and they are, and will continue to be, of great benefit to our people, especially to the producers of cotton and its products. The sum proposed is so insignificant in comparison with the benefits that have been received, and will continue to be received, that it is surprising that anyone should oppose it.

The Chief of the Bureau of Manufactures, in his report, says:

WORK OF SPECIAL AGENTS.

Under the legislative, executive, and judicial appropriation act for the year 1906 the sum of $30,000 was appropriated for an investigation of trade conditions abroad. Under this authority four special agents were appointed, one of whom was assigned to Canada, Mexico, and Cuba; one to Central and South America, and two to China and Japan. These officers not only furnished the country with valuable reports describing fully trade conditions and pointing out opportunities that invited American competition, but supplied other information of a practical character conveying object lessons to manufacturers, especially those of cotton goods, that has been productive of good results, and which has received the highest commendation from many of those whose interests were thus served. Under the appropriation act for the year 1907 the sum of $50,000 is appropriated for continuing the investigation of trade conditions abroad, of which sum $20,000 is provided for an inquiry into the markets for cotton products. Under this general authority investigation of foreign markets is being continued. Two experts in the manufacture of cotton goods, who were recommended very generally by manufacturers of such goods throughout the country, were appointed and have been engaged in that special work since July 1, 1906. Investigation by men trained in particular fields of activity, whose mental equipment has been supplemented by practical application, possessing in addition to these basic qualifications zeal to prosecute and ability to describe results of their investigations, can not fail to be highly valuable to the country and advantageous to the special interests that are served. Numerous letters have reached the Bureau from representative men in a number of the leading industries urging that investigation be made of markets for the promotion of their products through the agency of experts, as in the case of manufactures of cotton. It is recommended that the attention of the Congress be invited to this matter, and that provision be made for extending investigations abroad in special fields.

Referring to the markets for cotton products, he says:

EXTENT OF VALUE OF COTTON-CLOTH MARKETS.

The cotton piece-goods trade of China is one of large extent and is constantly growing. For the year 1905 the value of such cloths exported to China and Hongkong by Great Britain was $49,625,000, a large proportion of which was composed of printed goods. For the year ended June 30, 1905, the value of cotton piece goods exported to China from the United States was $27,761,000, out of a total exportation for the year of $41,320,000, and for the fiscal year 1906 we sold to China $29,641,200 of cotton cloths out of a total for the year of $43,182,000. It will be observed that the exports of cotton cloths from Great Britain to China alone for 1905 were greater than those of the United States to all countries for that period. The figures of the cotton trade of Great Britain and the United States with South America show a much greater disparity than the figures for China. The entire value of shipments of cotton piece goods from the United States to South America for the year ended June 30, 1906, was $3,246,567, while the shipments of Great Britain for the six months ended June 30, 1906, were valued at nearly $18,000,000 and for the ten months ended October, 1906, at nearly $32,000,000. To Argentine alone Great Britain in the six months ended with June, 1906, sold about $7,000,000 worth of cotton piece goods, or twice as much as the United States sold for the entire fiscal year ended June 30, 1906, to all the countries of South America.

There seems to be no reason why the United States should not dispose of a large quantity of cotton printed goods and increase the sale of plain goods in the Orient, and reports of all observers agree that this can be done if our manufacturers will consult the conditions of the market, the requirements of the trade, the methods of doing business, and the tastes and desires of the people, and adjust their business to those conditions. The samples of printed goods sent by the special agents of the Department from China, accompanied by elaborate descriptions and explanations, were a revelation to our manufacturers and clearly established that these goods can be produced in the United States and sold in China in successful competition with those of European manufacturers.

The special agents of the Department of Commerce and Labor appointed to carry out the provisions of the present law, for which this appropriation was made by Congress, in a report which has been published, and which I have, show that there

is a growing demand for cotton and cotton goods in both north and south China, and that the American manufacturer can find an increasing market there, provided he can be informed in a well-defined way of the needs of the market. Not only is the foreign trade in cotton and cotton manufactures of great importance, but the cotton-seed industry and the products of cotton seed, most of which in former years was thrown away, have become one of the greatest industries in the country, especially in the South, where cotton is raised, until now products of the value of $100,000,000 a year are produced from cotton seed, of which thirty million and odd dollars was exported this year, increasing from $13,000,000 in 1897 to $31,000,000 and over in 1906.

It may well be said that the cotton industry—the production of raw cotton and the manufactured products from the raw material and other by-products—is not only the greatest and most valuable industry in the United States, but in the world. This statement can not be answered by ridicule or comparison of the great staple product of the South, which produces this great wealth for the country and the world, with other insignificant products of the United States, as the gentleman from Massachusetts [Mr. SULLIVAN] has undertaken to do. Two-thirds of the raw material of cotton raised by the Southern States, which is the cotton-producing country of the world, is exported, to be converted by England, Germany, France, and other nations, into manufactured goods for the clothing of the world. But more than that, this great staple crop of the South has brought into the United States untold millions of foreign gold, and through it has not only made the South prosperous, but the entire country. In 1905 the value of raw cotton exported and the by-products of cotton, other than goods manufactured from cotton, brought into the United States $380,000,000 of the $400,000,000 of excess of exports over imports for that year. This great staple agricultural product of the South produces annually all of this excess except about $20,000,000. In five years the cotton crop and its by-products from seed amounted in value to $2,974,000,000, which was $400,000,000 more than the entire output of gold and silver of the world for those years. So that this small sum asked for by this amendment is to be expended not simply to aid the farmers and manufacturers of the South, but to aid the entire United States, which but for this great staple product of our farms would not to-day enjoy the prosperity that it does.

Mr. Chairman, I hold in my hand the reports, not those made by one of our consular agents, but of the special agents appointed under the appropriation made last year to make these investigations, and I hold in my hand the summarized report of the Chief of the Bureau of Manufactures upon that subject, from which I have quoted. We are informed of the competition we are to meet and how we are to meet it. These investigations have been made both in northern and southern China and India and South America. The people of the South who are engaged in producing this great wealth of our country have outstripped our brethren of the North in the manufacture of cotton goods, because, from manufacturing only a small portion thirty years ago, we now manufacture more raw cotton in the South than in the Northern or Eastern States. And for this great staple product of ours, which is turned into cloth for the clothing of the world, we simply ask that the small sum of $20,000 shall be appropriated in order that we may be informed where this trade can best be found and the conditions existing, so we can compete with the world.

The gentleman from New York [Mr. LITTAUER] asked the gentleman from North Carolina [Mr. THOMAS] if there was any proof or any statement that these investigations had been of any benefit. I have in my possession a telegram signed by many manufacturers of cotton-seed oil in my district, and they have appealed to me asking me to see that this appropriation shall be had, because it has been of inestimable benefit to them and to the manufacturers of cotton-seed oil. I make this statement on information furnished by gentlemen who are engaged in the manufacture of at least $100,000,000 worth of this product a year.

Mr. Chairman, this product, the cotton of the South, not only brings wealth to the South, as it has done, but it has brought wealth to the entire people of the United States. For more than three or four years the value of the product has increased from $540,000,000 until the product this year will amount to $650,000,000 and more, not for the manufactured product, but for the raw material. No other product of this country can compare with it except the great corn crop.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I would like just a minute more.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent to continue his remarks for one minute. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I started to say this great crop of ours is greater in value than all of the other crops of the country except corn, and the most remarkable thing is that with that crop, amounting to $650,000,000 a year, the raw material is not consumed at home like that other great agricultural product which exceeds it in value, but two-thirds of it is shipped and brings into this country every year hundreds of millions of dollars of foreign gold to create and increase our prosperity, not simply of its producers, but of the entire country. [Applause.]

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Massachusetts [Mr. SULLIVAN].

The question was taken; and the substitute was rejected.

Mr. LITTAUER. Mr. Chairman, I offer the following substitute to the amendment offered by the gentleman from Georgia [Mr. LIVINGSTON].

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] offers a substitute, which the Clerk will report.

The Clerk read as follows:

For compensation and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting foreign commerce of the United States, $30,000, and the results of such investigation shall be reported to Congress.

The CHAIRMAN. The question is on agreeing to the substitute.

Mr. LITTAUER. Mr. Chairman, the difference between the provision I have offered and the provision offered by the gentleman from Georgia [Mr. LIVINGSTON] is that, in the first place, it eliminates the specific compensation to be paid to a special agent. I believe the gentleman's provision calls for compensation at the rate of $10 a day, and, secondly, my substitute omits the words "twenty thousand dollars" as the specified sum to be used in the investigation of markets for cotton products, and, further, I propose to reduce the total amount appropriated from $50,000 to $30,000. I am in complete sympathy with the end that is sought to be attained with this appropriation.

Mr. LIVINGSTON. Then, Mr. Chairman, why does the gentleman cut out cotton, when he knows——

Mr. LITTAUER. If the gentleman will give me but two minutes I will try and explain my position. I want to develop the commerce of the United States in every possible way. I am a manufacturer, even a manufacturer of cotton goods. I have read these reports one after the other, for I have been on the Appropriation Committee which has suggested to the House this legislation from its origin. We submitted it originally through the urgent appeals of the Secretary of Commerce and Labor, to the effect that if he could but have a sum so as to send agents into one country and another, he could report to Congress facts that would enable our manufacturers to extend their trade in a very large way. The result of that first $30,000 of expenditure was that a professor of the faculty of the University of California was appointed one of the agents. He visited the countries of South and Central America with two other agents. One of them, I believe, was assistant commissioner at the Paris Exposition, and I believe the other one a newspaper writer, who visited various countries, and sent us back these reports, which gentlemen can obtain and read.

Now, gentlemen, you can not develop the trade of the United States by statistics; you can not develop the trade of the United States by having a newspaper writer send you an attractive description of various conditions of any particular trade in a country, neither can you do it by gathering from guidebooks and trade journals certain peculiarities of trade. If you want to develop the trade of the United States in any particular way, send some competent manufacturer abroad; keep him abroad long enough that he can go into the details of production and distribution that will enable the home manufacturer to understand in detail what he must do to compete with his competitors in that market. I do not believe that the expenditure of the $80,000 already appropriated will ever bring back $80,000 to the United States. We are all intensely interested in the cotton industry and hope to see it extended year after year, as it has in the last half dozen years begun to be extended in the South, until it conquers a large part of the trade of manufactured cotton goods throughout the world. But you can not do it in this way; you can not do it by attractive reports of newspaper men sent around the world. Nor can you aid the cotton-seed people to find a market in this way. If the cotton-seed oil industry, trust or otherwise, wants to extend its trade, it has competent men, who thoroughly

understand the details of that business; and if this country does not furnish a large enough market for their oil they will send men throughout the world and use every shrewd business method to extend their trade, and they will get results that will inure to their profit.

Now, the appropriation last year as it passed the House was amended by an addition of $20,000 to be specially devoted to cotton. I know nothing about whether it has resulted in any good or not. This year we have been appealed to by various manufacturers, by manufacturers of machines and machine tools, by boot and shoe manufacturers, and by many other trades to extend specifically appropriation to cover their particular articles. By the way, there is a report on the boot and shoe trade in England. I do not believe that report is worth—I was going to say 10 cents. I do not believe there is a fact in it—and I personally deal with leather and leather goods, so that I know something about it—that will ever enable an extra pair of shoes to be sent out of the country or keep a man in this country a day longer at work. I believe that this entire appropriation will lead to no good result. There is a great deal of sentiment connected with the question, and a great deal of sentiment connected with the $20,000 with respect to cotton goods. When the United States will no longer provide the best, most profitable, and most ample market for our manufactures, the energetic, enterprising manufacturers of our country will themselves find the way to extend their trade and conquer the markets of the world.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the substitute amendment of the gentleman from New York.

The question was taken; and the chairman announced that he was in doubt.

The committee divided; and there were—ayes 88, noes 70.

Mr. HEFLIN. Tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] and the gentleman from Georgia [Mr. LIVINGSTON] will take their places as tellers.

The committee again divided; and tellers reported—ayes 86, noes 77.

So the substitute amendment was agreed to.

The CHAIRMAN. The question now is upon agreeing to the amendment as amended.

The question was taken; and the amendment as amended was agreed to.

Mr. BINGHAM. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker, having resumed the chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21574, and had come to no resolution thereon.

STANDARD OF ORTHOGRAPHY.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following House resolution, and I ask that the report be printed in the RECORD.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the following House resolution, and also that the report thereon be printed in the RECORD.

The Clerk read as follows:

HOUSE RESOLUTION 663.

Resolved That it is the sense of the House of Representatives that hereafter, in printing reports, documents, or other publications authorized by law, ordered by Congress or either branch thereof, or emanating from the Executive Departments, their bureaus or branches, and independent offices of the Government, the Government Printing Office should observe and adhere to the standard of orthography prescribed in generally accepted dictionaries of the English language.

The report is as follows:

In reporting favorably the accompanying resolution the Committee on Printing has been governed by the following considerations:

In the various reprints of the Constitution of the United States adherence to the original spelling is found in the majority of instances.

The spelling in the original statutes reflects the forms of spelling in vogue at the time of their enactment.

The various codifications of the statutes reflect the spelling in vogue at the time of the adoption of such codifications.

The last codification adopted was in 1878. The Statutes at Large now number fourteen volumes, covering a period of twenty-eight years. Each volume reflects the spelling in vogue at the time of the enactment of the statutes embraced therein.

A new codification is about to be presented to Congress. Until Congress shall see fit to order the printing of this proposed codification of the statutes, embracing all the enactments of the law-making power of the Government now in force, in some form of spelling other than that generally accepted by the people, it would appear to be the part of wisdom for the Government in all its branches, in the interest of simplicity and economy, to adhere to a uniform system of spelling, and this system should be the one already most generally recognized and accepted by the people.

If Congress shall adhere to the form of spelling already in vogue as applied to the statutes, it would appear anomalous to employ some other form as applied to all of the preliminary stages of legislation, including the proceedings of Congress, up to the point where these proceedings are crystallized into law, and at this point order a change in the spelling of the perfected legislation to preserve harmony in the orthography of the national statutes.

The Executive order under which many public documents have already been printed was issued on the 27th day of August, 1906, and has now been in force for more than three months. It has been extensively exploited, and the public has had ample opportunity to digest the arguments presented in its favor.

Without taking issue as to the relative merits of any form of spelling, it is evident that public sentiment as reflected in the newspapers, magazines, and other publications has not been favorable to the proposed innovation embraced in the Executive order of August 27.

It is, therefore, a condition and not a theory with which Congress has to deal. It is not believed that the attitude of the general public would be materially changed if the Government in all its branches were to adopt the form of spelling prescribed in the Executive order referred to, and only confusion and expense would result without any commensurate advantage, even if the new form of spelling were deemed preferable. Moreover, Congress has no assurance, even if it should leave present conditions undisturbed, that the next succeeding Administration would not revoke the present order. Much of the matter embraced in the publications of the Government is preserved in the form of stereotyped or electrotyped plates, representing enormous values to the Government in the saving of labor and other expense. All of these plates would be rendered worthless in a moment by an order in a succeeding Administration revoking the Executive order of August 27 last.

The sentiment in Congress is such that it must be taken without question that in the printing done for Congress the standard dictionaries will continue to be the accepted authority. If some other form of spelling is to apply to the Executive Departments, it means a dual form of spelling in the Government printing.

Much of the printing that is done for Congress is reproduced in executive documents. Much of the printing that is done for the Executive Departments is reproduced in Congressional publications. If the Government is to have two forms of spelling, this will necessarily mean double composition, double stereotyping and electrotyping, double proof reading, and other incidental expense. It will mean a double force of proof readers, for it is inconceivable that a proof reader could be required to adapt himself to more than one system of spelling with the expectation of rendering efficient service.

In justice to Government officials, it may be said, an order which dictates a particular form of orthography, involving a departure from the recognized standard in popular use, imposes upon the head of an Executive Department, as well as upon all of his subordinates, a policy that may well be considered in many instances offensive.

In the opinion of the committee, any departure from the recognized standards of orthography can not with safety, satisfaction, or economy be taken until Congress and the Executive shall agree upon the adoption of other orthographic methods.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

Mr. GILLETT. Will the gentleman yield to me a minute?

Mr. CHARLES B. LANDIS. I will.

Mr. GILLETT. I want to say one word, because if this resolution goes through by unanimous consent without explanation it might look as if everybody who believed in the simplified spelling had changed his mind overnight. While I am perfectly content with this resolution, it is not because I have in the slightest changed my opinion; but I recognized yesterday that this House prefers the spelling now approved by the standard dictionaries. I believe it is very proper and economical that all Government documents should follow the same system of spelling. I do not believe some of us should have our speeches printed in one system and others in another, or that the Executive documents should be printed in one form and the documents of the House of Representatives in another. I should prefer that all documents should be printed with the new spelling, but inasmuch as they should all be uniform, and I am obviously in the minority, I bow to the will of the majority and approve the adoption of this resolution.

Mr. GROSVENOR. Mr. Speaker, on yesterday I referred to the origin of the law identifying or pointing out the English language as the language of England, from which, as I claim, we inherit the language that we have in this country.

I now ask unanimous consent to extend these remarks in the RECORD, to the extent of publishing the law under which the official language of the people of England was changed from the Norman-French to the English of to-day.

The SPEAKER. Is there objection to the request of the gentleman from Ohio to extend his remarks?

There was no objection.

Mr. GROSVENOR. The statute in question was passed in 1362, in the reign of King Edward III, and is as follows:

CAP. XV.—Pleas shall be pleaded in the English tongue, and inrolled in Latin.

Item, because it is often showed to the King by the prelates, dukes, earls, barons, and all the commonalty of the great mischiefs which have happened to divers of the realm, because the laws, customs, and statutes of this realm be not commonly holden and kept in the same realm, for that they be pleaded, shewed, and judged in the French tongue, which is much unknown in the said realm, so that the people which do implead, or be impleaded, in the King's court, and in the courts of other, have no knowledge nor understanding of that which is said for them or against them by their serjeants and other pleaders; (2) and that

reasonably the said laws and customs the rather shall be perceived and known, and better understood in the tongue used in the said realm, and by so much every man of the said realm may the better govern himself without offending of the law, and the better keep, save, and defend his heritage and possessions; (3) and in divers regions and countries, where the King, the nobles, and other of the said realm have been, good governance and full right is done to every person, because that their laws and customs be learned and used in the tongue of the country; (4) the King, desiring the good governance and tranquillity of his people, and to put out and eschew the harms and mischiefs which do or may happen in this behalf by the occasions aforesaid, hath ordained and established by the assent aforesaid, that all pleas which shall be pleaded in any courts whatsoever, before any of his justices whatsoever, or in his other places, or before any of his other ministers whatsoever, or in the courts and places of any other lords whatsoever within the realm, shall be pleaded, shewed, defended, answered, debated, and judged in the English tongue and that they be entered and inrolled in Latin; (5) and that the laws and customs of the same realm, terms, and processes, be holden and kept as they be and have been before this time; (6) and that by the ancient terms and forms of the declarations no man be prejudiced, so that the matter of the action be fully shewed in the declaration and in the writ. (7) And it is accorded by the assent aforesaid that this ordinance and statute of pleading begin and hold place at the fifteenth of St. Hillary next coming.

Thus it will be seen that the English language became ours first, by the statute itself here cited, and second, by our inheritance. While it may be true that we do not in terms in the United States adopt the common law of England in all our matters of legislation, it is equally true that the pioneers who came to Jamestown believed that they brought with them the common law of England as their guide, and for all these years since the reign of Edward III, more than five hundred years, the English language as specified in the dictionaries of the language has been the true language of the English speaking people. It would seem, therefore, that the standards which have built up the language are the proper guides to the present condition, and that the changes must come more gradually, as they have been coming, and which will no doubt in the long run continue to modify the orthography of the language to a full and satisfactory result.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE TO EXTEND REMARKS.

Mr. BARTLETT. Mr. Speaker, I desire the privilege of extending my remarks on the amendment to the appropriation bill.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD.

Mr. BURLESON. Mr. Speaker, I also ask the same privilege.

The SPEAKER. The gentleman from Texas makes the same request. Is there objection to either request?

Mr. THOMAS of North Carolina. I also make the same request.

The SPEAKER. The gentleman from North Carolina [Mr. THOMAS] also makes the same request. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6855. An act to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"—to the Committee on the Merchant Marine and Fisheries.

RESIGNATION OF REPRESENTATIVE PATTERSON, OF TENNESSEE.

The SPEAKER laid before the House the following communication:

COMMITTEE ON INSULAR AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 13, 1906.

To the SPEAKER:

I herewith tender my resignation as a Member of the Fifty-ninth Congress, to take effect on the 15th day of January, 1907.

I have the honor to inclose a copy of a letter addressed to the Hon. John I. Cox, governor of Tennessee, notifying him of my said resignation.

I have the honor to be, respectfully,

M. R. PATTERSON,
Member of Congress, Tenth District Tennessee.

DECEMBER 13, 1906.

His Excellency JOHN I. COX,
Governor of Tennessee.

SIR: I have the honor to notify you that I have this day tendered my resignation as a Member of the Fifty-ninth Congress to the Speaker of the House of Representatives, said resignation to take effect January 15, 1907.

A copy of said resignation is herein inclosed.

I have the honor to be, respectfully,

M. R. PATTERSON,
Member of Congress, Tenth District Tennessee.

The SPEAKER. If there be no objection, this communication will lie on the table.

ADJOURNMENT.

Mr. BINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a copy of a memorial of the Chickasaw legislature in reference to sale of coal and asphalt lands—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for dredging and piers at Jamestown Exposition—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, requesting attention to the accumulation of useless papers in his Department—to the Joint Committee on Disposition of Useless Papers, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Assistant Secretary of Commerce and Labor, submitting an estimate of appropriation for a site for a house and an outbuilding at Duluth (Minn.) range light station—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriations for rent of additional quarters for the Auditor for the Navy Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, recommending legislation to regulate the compensation of the superintendent of the national cemetery at Arlington—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting a detailed statement of the expenses of the Revenue-Cutter Service for the fiscal year ended June 30, 1906—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for construction and maintenance of military and post roads, bridges, and trails in Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of urgent appropriation for pay of the Military Academy—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of State submitting an estimate of appropriation for expenses of the International Water Boundary Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for expenses of hearings on land entries and of depositing public moneys—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a report of disbursements for the fiscal year ended June 30, 1906, for colleges of agriculture and mechanic arts in the several States and Territories—to the Committee on Expenditures in the Interior Department, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a copy of a memorial of the Chickasaw legislature relative to public highways in the nation—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a memorial of the Chickasaw legislature protesting against the enrollment of certain children, and transmitting an opinion of the Assistant Attorney-General in the case of Ethel Pierson—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, submitting papers relating to the claim of Gutierrez Hermanos—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Navy, transmitting, in accordance with the act of June 29, 1906, certain documents pertaining to the construction of a new vessel for the Navy—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for contingent expenses of the Territorial legislature of New Mexico—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9250) granting an increase of pension to Obediah B. Nation, reported the same with amendment, accompanied by a report (No. 5423); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14862) granting an increase of pension to Ann E. White, reported the same with amendment, accompanied by a report (No. 5424); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16249) granting an increase of pension to Thomas Miller, reported the same with amendment, accompanied by a report (No. 5425); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16389) granting a pension to Jefferson Wilcox, reported the same with amendment, accompanied by a report (No. 5426); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16488) granting an increase of pension to Charles Hopkins, reported the same with amendment, accompanied by a report (No. 5427); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16546) granting an increase of pension to Louis F. Beeler, reported the same with amendment, accompanied by a report (No. 5428); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18608) granting an increase of pension to Mary E. Strickland, reported the same with amendment, accompanied by a report (No. 5429); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18677) granting a pension to Martin A. Luther, reported the same with amendment, accompanied by a report (No. 5430); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18758) granting an increase of pension to Mary A. Daniel, reported the same with amendment, accompanied by a report (No. 5431); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18791) granting a pension to Michael Bocoskey, reported the same with amendment, accompanied by a report (No. 5432); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19363) granting an increase of pension to Theodore Bland, reported the same with amendment, accompanied by a report (No. 5433); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19510) granting an increase of pension to Richard B. West, reported the same without amendment, accompanied by a report (No. 5434); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19577) granting an increase of pension to Mary L. Patton, reported the same with amendment, accompanied by a report (No. 5435); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19579) granting an increase of pension to Robert Mayfield, reported the same with amendment, accompanied by a report (No. 5436); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19648) granting an increase of pension to Sarah A. Wilson, reported the same with amendment, accompanied by a report (No. 5437); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19713) granting an increase of pension to Mary B. Mason, reported the same with amendment, accompanied by a report (No. 5438); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19715) granting an increase of pension to Susan M. Brunsonn, reported the same with amendment, accompanied by a report (No. 5439); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19716) granting an increase of pension to Mary F. Johnson, reported the same with amendment, accompanied by a report (No. 5440); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19722) granting an increase of pension to William H. Burns, reported the same with amendment, accompanied by a report (No. 5441); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19818) granting an increase of pension to William F. Clinkscale, reported the same with amendment, accompanied by a report (No. 5442); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19907) granting an increase of pension to James Butler, reported the same with amendment, accompanied by a report (No. 5443); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19923) granting an increase of pension to Bettie Ferguson, reported the same without amendment, accompanied by a report (No. 5444); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19998) granting an increase of pension to Eunice Cook, reported the same with amendment, accompanied by a report (No. 5445); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20087) granting an increase of pension to Cassia C. Tyler, reported the same with amendment, accompanied by a report (No. 5446); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20088) granting an increase of pension to Mary J. Thurmond, reported the same with amendment, accompanied by a report (No. 5447); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20146) granting an increase of pension to Harriet C. Kenney, reported the same with amendment, accompanied by a report (No. 5448); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20166) granting an increase of pension to Sarah Salmon, reported the same with amendment, accompanied by a report (No. 5449); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20198) granting an increase of pension to Mary E. Maddox, reported the same with amendment, accompanied by a report (No. 5450); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20219) granting an increase of pension to Ellen Downing, reported the same with amendment, accompanied by a report (No. 5451); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20250) granting an increase of pension to Thomas McBride, reported the same with amendment, accompanied by a report (No. 5452); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20269) granting an increase of pension to Sarah A. Galloway, reported the same with amendment, accompanied by a report (No. 5453); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20357) granting an increase of pension to Jane Auldridge, reported the same with amendment, accompanied by a report (No. 5454); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20363) granting an increase of pension to Otis E. Rush, reported the same with amendment, accompanied by a report (No. 5455); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20391) granting an increase of pension to Mary Jane Meldrim, reported the same with amendment, accompanied by a report (No. 5456); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20424) granting an increase of pension to George W. Wheeler, reported the same with amendment, accompanied by a report (No. 5457); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21142) granting an increase of pension to Joseph Rose, reported the same with amendment, accompanied by a report (No. 5458); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21216) granting an increase of pension to Eliza J. McCardel, reported the same with amendment, accompanied by a report (No. 5459); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21578) granting an increase of pension to A. J. Gashey, reported the same with amendment, accompanied by a report (No. 5460); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7211) granting a pension to James C. Southerland, reported the same with amendment, accompanied by a report (No. 5461); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18582) granting a pension to Josephine Hoffman, reported the same with amendment, accompanied by a report (No. 5462); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GARNER: A bill (H. R. 22332) to construct a canal from Rio Grande to Mississippi River—to the Committee on Rivers and Harbors.

By Mr. DRESSER: A bill (H. R. 22333) to provide for the erection of a public building at Bradford, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. LEVER: A bill (H. R. 22334) to amend an act to regulate the sitting of the United States courts within the district of South Carolina—to the Committee on the Judiciary.

By Mr. POLLARD: A bill (H. R. 22335) to amend section 2 of the act of June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor and providing for pensions to widows, minor children, and dependent parents"—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 22336) for the better protection of depositors and creditors of national banks—to the Committee on Banking and Currency.

By Mr. GRONNA: A bill (H. R. 22337) to increase the compensation of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RANSDELL of Louisiana: A bill (H. R. 22338) to bridge Bayou Bartholomew, in Louisiana—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 22339) appropriating $250,000 to eradicate the Texas fever tick—to the Committee on Agriculture.

By Mr. WATKINS: A bill (H. R. 22340) to provide for a survey of Sabine River, in Louisiana and Texas—to the Committee on Rivers and Harbors.

By Mr. SULLOWAY: A bill (H. R. 22341) making an appropriation toward the construction of a dry dock at the Portsmouth Navy-Yard—to the Committee on Naval Affairs.

By Mr. STANLEY: A bill (H. R. 22342) for the erection of a public building at Hopkinsville, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 22343) to provide for the erection of a District of Columbia building and an appropriate exhibit therein at the Jamestown Ter-Centennial Exposition, and for other purposes—to the Committee on the District of Columbia.

By Mr. WEBB: A bill (H. R. 22344) to provide for the erection of a public building at Hickory, N. C.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22345) to provide for the erection of a public building at Gastonia, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. BURNETT: A bill (H. R. 22346) to authorize the Secretary of the Interior to sell the lands in Mays Gulf of Little River, Alabama—to the Committee on the Public Lands.

By Mr. BROOKS of Colorado: A bill (H. R. 22347) to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, approved April 26, 1906"—to the Committee on Indian Affairs.

By Mr. PAGE: A bill (H. R. 22348) authorizing a public building at Monroe, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. HOUSTON: A bill (H. R. 22349) to increase the amount fixed as the limit of cost of site and building at Murfreesboro, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. HULL: A bill (H. R. 22350) to authorize the recorder of deeds of the District of Columbia to recopy old records in his office, and for other purposes—to the Committee on the District of Columbia.

By Mr. DIXON of Montana: A bill (H. R. 22351) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement—to the Committee on Indian Affairs.

By Mr. KLINE: A bill (H. R. 22352) to amend sections 2 and 3 of an act approved May 9, 1900, in amendment of sections 2 and 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 22353) establishing a minimum rate of pensions for soldiers of the civil war—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 22354) to provide for the improvement of Broad Creek River, Delaware—to the Committee on Rivers and Harbors.

By Mr. RIVES: A bill (H. R. 22355) to provide for the erection of a public building at Litchfield, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 22356) to remove restrictions on the sale of certain lands in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. BIRDSALL: A joint resolution (H. J. Res. 204) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico—to the Committee on the Territories.

By Mr. HAYES: A resolution (H. Res. 660) requesting certain information of the Secretary of War concerning the Chinese and Japanese coolies now employed on the Panama Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. WACHTER: A resolution (H. Res. 661) authorizing the chairman of the Committee on Enrolled Bills to appoint an additional clerk—to the Committee on Accounts.

By Mr. SHERMAN: A resolution (H. Res. 662) concerning the pay of employees of the folding room—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 22357) granting an increase of pension to Silas Chase—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22358) granting an increase of pension to Oliver D. Pearson—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 22359) grant-

ing an increase of pension to Louisa L. Wood—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 22360) granting an increase of pension to Benjamin F. Bean—to the Committee on Invalid Pensions.

Mr. BRICK: A bill (H. R. 22361) granting an increase of pension to George W. Favorite—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 22362) making an appropriation to pay Esther Rousseau for horses killed upon the Cheyenne Indian Reservation, in the State of South Dakota—to the Committee on Indian Affairs.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 22363) granting an honorable discharge to Alfred L. Dutton—to the Committee on Military Affairs.

By Mr. CAMPBELL of Kansas: A bill (H. R. 22364) granting a pension to James F. Humphrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22365) granting a pension to Charles B. Fessenden, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22366) for the relief of Adam R. Hartzell—to the Committee on Military Affairs.

Also, a bill (H. R. 22367) for the relief of Patrick Conlin—to the Committee on Military Affairs.

Also, a bill (H. R. 22368) for the relief of Alonzo Rich—to the Committee on Military Affairs.

Also, a bill (H. R. 22369) for the relief of James B. Callison—to the Committee on Military Affairs.

Also, a bill (H. R. 22370) for the relief of Daniel Sands—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 22371) granting an increase of pension to Samuel Hickman—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 22372) granting an increase of pension to James C. Corder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22373) granting an increase of pension to Willis Hargrave—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22374) granting an increase of pension to Calvin Elam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22375) granting an increase of pension to Jeremiah Halcomb—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 22376) granting a pension to William M. Colby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22377) granting a pension to Robert R. Montgomery—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 22378) granting an increase of pension to Lidia A. Patterson—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 22379) to remove the charge of desertion from the military record of George F. Harter—to the Committee on Military Affairs.

By Mr. CURRIER: A bill (H. R. 22380) granting a pension to Sylvester S. Ingals—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22381) granting a pension to William H. Belknap—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22382) granting a pension to Josie I. Blair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22383) granting an increase of pension to Frederick R. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22384) granting an increase of pension to William S. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22385) granting an increase of pension to James S. Brackett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22386) granting an increase of pension to William H. Tripp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22387) granting an increase of pension to William Warren—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22388) granting an increase of pension to Daniel A. Peabody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22389) granting an increase of pension to Harriett M. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22390) granting an increase of pension to Helen R. Worcester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22391) granting an increase of pension to David Y. Kenion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22392) granting an increase of pension to Eugene W. Rolfe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22393) granting an increase of pension to Charles F. Wentworth—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 22394) granting an increase of pension to M. V. Easterday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22395) granting a pension to Edward Miller—to the Committee on Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 22396) granting an increase of pension to William L. Alyea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22397) granting an increase of pension to Francis B. C. Rall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22398) granting an increase of pension to Rebecca J. Forry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22399) granting an increase of pension to William Sauvain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22400) granting an increase of pension to Benjamin S. Lester—to the Committee on Invalid Pensions.

By Mr. DIXON of Montana: A bill (H. R. 22401) to provide compensation to Daniel Yancey for buildings constructed by him in the Yellowstone National Park—to the Committee on the Public Lands.

By Mr. EDWARDS: A bill (H. R. 22402) granting an honorable discharge to Alfred Childers—to the Committee on Military Affairs.

By Mr. FLOYD: A bill (H. R. 22403) granting a pension to Pleasant H. Farmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22404) granting a pension to William Lay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22405) granting an increase of pension to Horatio M. McGoughey—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 22406) granting an increase of pension to Ignatious Lentenbacher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22407) granting an increase of pension to Henry Peacock—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 22408) granting an increase of pension to Aaron Preston—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 22409) granting an increase of pension to Margaret A. McAdoo—to the Committee on Pensions.

By Mr. GILHAMS: A bill (H. R. 22410) granting an increase of pension to Charles F. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22411) granting an increase of pension to Andrew J. Yeakey—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 22412) granting an increase of pension to Hugh Hubbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22413) to remove the charge of desertion against Samuel S. Caldwell—to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 22414) granting an increase of pension to Buckhardt Schoenstein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22415) granting an increase of pension to T. W. David—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 22416) granting an increase of pension to Barbara E. Schwab—to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 22417) granting an increase of pension to David B. Willard—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 22418) granting an increase of pension to Timothy Ford—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 22419) granting a pension to Elizur F. Reed—to the Committee on Invalid Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 22420) granting an increase of pension to Edward Wesley Ward—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 22421) granting an increase of pension to D. H. Moredick—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 22422) granting an increase of pension to William J. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 22423) granting an increase of pension to Louis Miller—to the Committee on Pensions.

By Mr. HUNT: A bill (H. R. 22424) granting an increase of pension to William Faulkner—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 22425) granting an increase of pension to Thomas Sires—to the Committee on Pensions.

By Mr. LEE: A bill (H. R. 22426) granting an increase of pension to Louisa A. Robertson—to the Committee on Invalid Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 22427) granting an increase of pension to Edwin W. Braman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22428) granting a pension to Dora T. Bristol—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 22429) granting a pension to George H. Woodruff—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 22430) granting an increase of pension to Alonzo C. Horton—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 22431) granting an increase of pension to Alden Youngman—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 22432) granting an increase of pension to Charles F. Matteson—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 22433) granting an increase of pension to Andrew J. Moore—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 22434) granting an increase of pension to Peter McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22435) granting an increase of pension to Knud R. Syveraid—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 22436) granting an increase of pension to Franklin Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22437) granting an increase of pension to Louis A. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22438) granting an increase of pension to Joseph H. Beck—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 22439) granting an increase of pension to Martin N. Briggs—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 22440) granting an increase of pension to Daniel Mose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22441) granting an increase of pension to Jacob Mose—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 22442) granting an increase of pension to John Clark—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 22443) granting an increase of pension to Lyman S. Strickland—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 22444) granting an increase of pension to W. O. Anderson—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 22445) granting a pension to Adaline T. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22446) granting a pension to William F. Myers—to the Committee on Pensions.

Also, a bill (H. R. 22447) granting an increase of pension to Frank Schadler—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 22448) granting a pension to F. Medora Johnson—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 22449) granting a pension to Charles L. Wood—to the Committee on Invalid Pensions.

By Mr. SMITH of Pennsylvania: A bill (H. R. 22450) granting an increase of pension to Samuel W. Brewer—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 22451) granting an increase of pension to John McCaslin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22452) granting an increase of pension to William A. Narrin—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 22453) granting an increase of pension to William Swendeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22454) granting an increase of pension to Henry R. Darst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22455) granting a pension to Louisa Filley—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 22456) granting a pension to Ella Fall—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 22457) granting an increase of pension to Julia Churchill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22458) granting an increase of pension to Lewis Redding—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 22459) granting an increase of pension to James Tetlow—to the Committee on Pensions.

Also, a bill (H. R. 22460) granting an increase of pension to Jacob Bower—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22461) granting a pension to George A. De Voe—to the Committee on Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 22462) granting an increase of pension to Aaron Chamberlain—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 22463) granting a pension to Virgil H. Parks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22464) granting a pension to Berthina Cold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22465) granting an increase of pension to George Hoffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22466) granting an increase of pension to Walter Florida—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 22467) granting an increase of pension to Thomas A. Bailey—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 22468) granting an increase of pension to William Kelso—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22469) granting an increase of pension to William S. Mooney—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 22470) granting an increase of pension to Flavius J. Ruley—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 14098) for the relief of John Shuffelbarger—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 21701) for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 22073) granting an increase of pension to Eliza M. Scott—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22084) granting an increase of pension to Joseph W. Jenkins—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22095) granting an increase of pension to William C. Montgomery—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Lodge No. 178 of the Bakery and Confectionery Workers of America and other labor organizations, favoring the Merchant Marine Commission shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. AIKEN: Petition of Greenwood Council, No. 19, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Eliza O. Calvard—to the Committee on Pensions.

By Mr. ALEXANDER: Petition of C. Tussing, of Tonawanda, N. Y., against section 1, subsection 9, of the copyright bill, relative to the feature against mechanical musical instruments—to the Committee on Patents.

By Mr. BARCHFELD: Papers to accompany bills for relief of John Hand, Isaac N. Bliss, and William J. Turpin—to the Committee on Invalid Pensions.

Also, petition of the Spanish-American Memorial Association, for an appropriation to erect at Washington, D. C., an appropriate memorial of the Spanish war—to the Committee on the Library.

By Mr. BARTHOLDT: Petition of national committee of the Spanish War Veterans, for restoration of the Army canteen at military posts—to the Committee on Military Affairs.

By Mr. BARTLETT: Petition of Macon Council, No. 9, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BELL of Georgia: Paper to accompany bill for relief of William O. Phillips—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Benjamin James—to the Committee on Pensions.

By Mr. BENNET of New York: Paper to accompany bill for relief of Louisa L. Wood—to the Committee on Invalid Pensions.

By Mr. BOUTELL: Resolutions of sundry labor organizations, favoring postal savings banks, as follows: Kalamazoo (Mich.) Cigar Makers' Union, No. 208; Muskegon (Mich.) Cigar Makers' Union, No. 24; Sault Ste. Marie (Mich.) Cigar Makers' Union, No. 19; Detroit (Mich.) Brotherhood of Painters, Decorators, and Paper Hangers; Biddeford (Me.) Cigar Makers' Union, No. 40; Paterson (N. J.) Cigar Makers' Union, No. 3; Binghamton (N. Y.) Cigar Makers' Unions, Nos. 218 and 16; New York City Cigar Makers' Union, No. 141; Gloversville (N. Y.) Cigar Makers' Union, No. 483; Philadelphia (Pa.) Bakers' Local Union No. 6; Davenport (Iowa) Cigar Makers' Union, No. 172; Muscatine (Iowa) Cigar Makers' Union, No. 120; Marysville (Kans.) Cigar Makers' Union, No. 163; Louisville (Ky.) Cigar Makers' Union, No. 32; St. Louis (Mo.) Cigar Makers' Union, No. 44; Minneapolis (Minn.) Cigar Makers' Union, No. 77; Memphis (Tenn.) Cigar Makers' Union, No. 266; Norfolk (Va.) Cigar Makers' Union, No. 240; Aberdeen (Wash.) Cigar Makers' Union, No. 109; Canton (Ill.) Cigar Makers' Union, No. 297; Elgin (Ill.) Cigar Makers' Union, No. 71; Monmouth (Ill.) Cigar Makers' Union, No. 305; Peoria (Ill.) Cigar Makers' Union, No. 118; Cincinnati (Ohio) Steam Fitters and Helpers' Union, No. 53; Cincinnati (Ohio) Central Labor Council; Cincinnati (Ohio) Boot and Shoe Workers' Union, No. 15; Cincinnati (Ohio) Boot and Shoe Workers' Union, No. 222; Canton (Ohio) Cigar Makers' Union, No. 115; Columbus (Ohio) Protective Union, No. 75; Springfield (Ohio) Cigar Makers' Union, No. 45; Eau Claire (Wis.) Cigar Makers' Union, No. 85; Manitowoc (Wis.) Cigar Makers' Union, No. 477; Milwaukee (Wis.) Glass Bottle Blowers' Association, No. 15; Watertown (Wis.) Cigar Makers' Union, No. 381; also the following, all of Chicago: Amalgamated Sheet Metal Workers' Union; Amalgamated Association of Street and Electric Railway Employees; Amalgamated Association of Street and Electric Railway Employees, No. 260; Amalgamated Glassworkers' International Association, Local No. 1; Amalgamated Woodworkers' Local Union No. 5; Amalgamated Woodworkers' Local Union No. 7; Amalgamated Woodworkers' Local Union No. 44; Amalgamated Woodworkers' Local Union No. 75; Amalgamated Woodworkers' Local Union No. 17; Amalgamated Association of Street Railway Employees, No. 266; Horse Nail Makers' Union No. 7180; International Association of Bridge and Structural Ironworkers, No. 1; International Association of Machinists, Progressive Lodge, No. 126; International Association of Machinists, Tool and Die Makers, Lodge No. 510; International Association of Machinists, Unity Lodge, No. 134; International Association of Machinists, Reliable Lodge, No. 253; International Association of Machinists, Brassworkers' Lodge, No. 766; International Association of Steam, Hot Water, and Power Pipe Fitters, No. 54; International Brotherhood of Blacksmiths and Helpers, No. 324; International Union of Steam Engineers, No. 115; Independent Wood Carvers' Association of North America; International Brotherhood of Teamsters, No. 12; International Brotherhood of Teamsters, No. 721; International Longshoremen, Marine and Transportation Workers, No. 361; International Union of Elevator Constructors, No. 2; Journeymen Horseshoers' Local Union No. 4; Journeymen Tailors' Union No. 5; Metal Polishers, Buffers, and Platers' Union No. 6; Lithographers' International Protective and Benevolent Association, Local Union No. 70; National Stonecutters' Society of the United States; Plasterers' Local Union No. 5; Plumbers' Union No. 189; Photo-Engravers' Union No. 5; Sprinkler Fitters' Union No. 281; Shipwrights, Joiners, and Caulkers' International Union, No. 17; Switchmen's Union, Chicago Lodge, No. 199; Sheet Metal Workers' International Alliance, No. 115; Amalgamated Sheet Metal Workers' Union; Amalgamated Association of Street and Electric Railway Employees; Amalgamated Association of Street and Electric Railway Employees, No. 260; Amalgamated Glassworkers' International Association, Local No. 1; Amalgamated Woodworkers' Local Union No. 5; Amalgamated Woodworkers' Local Union No. 7; Amalgamated Woodworkers' Local Union No. 44; Amalgamated Woodworkers' Local Union No. 75; Amalgamated Woodworkers' Local Union No. 17; Amalgamated Association of Street Railway Employees, Division No. 266; Bakery and Confectionery Workers' International Union No. 62; Brotherhood of Carpenters and Joiners, No. 1; Brotherhood of Carpenters and Joiners, No. 141; Brotherhood of Carpenters and Joiners, No. 181; Brotherhood of Locomotive Engineers, Chicago Division, No. 96; Brotherhood of Locomotive Engineers, Mount Pleasant Division, No. 429; Brotherhood of Locomotive Engineers, John Player Division, No. 458; Butchers and Grocery Clerks' Association, No. 3; Boiler Makers and Iron Ship Builders and Helpers, No. 39; Brotherhood of Engravers, No. 1; Chicago Trades Union Label League; Cigar Packers' International Union, Local No. 227; Coopers' International Union, No. 1; Carriage and Cab Drivers' Union No. 17; Elevated Railway Employees' Union, Division No. 308; Glove Workers' Union, No. 18—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKETT: Paper to accompany bill for relief of John Clark—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: Papers to accompany bills for relief of Patrick Conlin, James F. Humphries, and Charles B. Fessenden—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Alonzo Rich and Daniel Sands—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Adam R. Hartzell—to the Committee on Military Affairs.

By Mr. BRADLEY: Petition of the Newburgh News Publishing Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DALZELL: Petitions of Hazel Glen Council, No. 208, and Laurel Council, No. 126, Junior Order United American Machanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. DAWSON: Petition of Union No. 299, Amalgamated Sheet Metal Workers' International Alliance, of Davenport, Iowa for the subsidy shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. DOVENER: Paper to accompany bill for relief of Will P. Hall—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: Petition of Central City Council, No. 52, Junior Order United American Mechanics, of Syracuse, N. Y., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. EDWARDS: Paper to accompany bill for relief of Alfred Childress—to the Committee on Military Affairs.

Also, petitions of Lincoln Council, No. 14, and McKinley Council, No. 81, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FLETCHER: Petition of Coopers' Machine Operators, No. 75, of Minneapolis, Minn., for the subsidy shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FLOYD: Paper to accompany bill for relief of John W. Hudson—to the Committee on Invalid Pensions.

Also, petition of citizens of Arkansas, for an appropriation to make the waters of White River available for electric-power purposes—to the Commiftee on Rivers and Harbors.

Also, paper to accompany bill for relief of William Pearson—to the Committee on Military Affairs.

By Mr. FORDNEY: Petition of Saginaw Reading Club, for free-art legislation, as per bill H. R. 15268—to the Committee on Ways and Means.

By Mr. GARRETT: Paper to accompany bill for relief of Margaret A. McAdoo—to the Committee on Pensions.

By Mr. GOEBEL: Petitions of Bethlehem Council, No. 79, of Cincinnati, Ohio; Queen City Council, and Victory Council, No. 180, Junior Order United American Mechanics; Phœnix Council, No. 58, and Concord Council, No. 134, Daughters of America, favoring restriction of immigration (S. 4403) to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of Vesuvius Council, No. 116, Junior Order United American Mechanics, of Sharpsburg, Pa., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, papers to accompany bills for relief of William W. Tyson and Edward Hadfield—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of Lady Unity Council, No. 51, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HILL of Connecticut: Petition of Pride of Bridgeport Council, No. 3, Daughters of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HOLLIDAY: Petitions of Old Glory Council, No. 18, Daughters of America, of Terre Haute, Ind., and Lipord Council, No. 70, and Lincoln Council, No. 56, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HUFF: Petitions of Bolivar Council, No. 570, and Paintersville Council, No. 211, Junior Order United American Mechanics, of New Stanton, Pa., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill

for relief of Charles E. Pratt—to the Committee on Invalid Pensions.

By Mr. KNAPP: Resolutions of Pomona Grange, Jefferson County, N. Y., for reduction of duties on Philippine products—to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of the Fruit Growers' Association of Adams County, Pa., for legislation to secure admission of American fruit to German markets at minimum duties—to the Committee on Foreign Affairs.

Also, petition of the Federation of Trades Unions of York, Pa., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of Andrew Rickrods—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Ella K. Wolf—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Annie K. Slothower—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Louis N. Brady—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John Roth—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: Petition of the Telegram, Holyoke, Mass., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LEE: Petition of Mary E. Rainey, heir of Thomas R. Couche, deceased, praying for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. LILLEY of Connecticut: Paper to accompany bill for relief of Edwin W. Brayman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Dora T. Bristol—to the Committee on Invalid Pensions.

Also, petition of William Marvin et al., for an appropriation to open, widen, and deepen the channel of Eightmile River, in Lyme, Conn.—to the Committee on Rivers and Harbors.

By Mr. LITTAUER: Paper to accompany bill for relief of Mary S. Houghtaling—to the Committee on Invalid Pensions.

By Mr. McKINNEY: Petition of the Business Men's Association and the city council of Rock Island, Ill., for an appropriation to improve the upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Andrew J. Moore, of Hamilton County, Tenn.—to the Committee on Pensions.

By Mr. OLMSTED: Petitions of Annville Council, No. 954; Swatara (Middletown, Pa.) Council, No. 858, and Steelton Council, No. 162, Junior Order United American Mechanics; Silver Star Council (Harrisburg, Pa.), No. 130, and Lincoln Council (Carlisle, Pa.), No. 117, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. OTJEN: Petition of Milwaukee Division, No. 46, Railway Conductors of America, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. RANSDELL of Louisiana: Papers to accompany bills for relief of heirs of Aurela Robillard, and of H. P. Morancy, administrator of estate of Zachary White—to the Committee on War Claims.

By Mr. RIXEY: Papers to accompany bills for relief of heirs of Philip Houser and heirs of Daniel Ruggles—to the Committee on War Claims.

Also, paper to accompany bill for relief of Frank Schadler—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William F. Myers—to the Committee on Pensions.

By Mr. STEPHENS of Texas: Petition of the Cattle Raisers' Association, praying Congress to require the railways to furnish sufficient cars to ship live stock to market—to the Committee on Interstate and Foreign Commerce.

By Mr. STERLING: Paper to accompany bill for relief of Isaac L. Stine—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of John S. Bray, Joseph W. King, James D. Cox, and Richard H. Jones—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: Paper to accompany bill for relief of Maria Cross—to the Committee on Invalid Pensions.

By Mr. WACHTER: Paper to accompany bill for relief of William Kelso—to the Committee on Invalid Pensions.

By Mr. WALLACE: Petition of J. H. Parkhurst et al., for an appropriation to reimburse said petitioners for over daily hours of work on Georgetown pumping station from May 1, 1871, to December, 1890—to the Committee on Claims.

By Mr. WANGER: Petition of Lansdale Council, No. 111, Daughters of Liberty, of Lansdale, Pa., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. WEBB: Papers to accompany bills for relief of Mary C. Jones, Mary Ann Cody, Margaret L. James, Susan Baker, Mary Levina Williams, and Isabel Manney—to the Committee on Pensions.

By Mr. WOOD: Petition of the Somerset (N. J.) Democrat, against tariff on linotype machines—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 14, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

WITHDRAWAL OF PAPERS.

Mr. SPERRY, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of William C. Manning (H. R. 1857, Fifty-eighth Congress), no adverse report having been made thereon.

PENSION DAY.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order to-day shall be in order to-morrow immediately after the approval of the Journal.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills on the Private Calendar in order to-day shall be in order to-morrow immediately after the approval of the Journal. Is there objection? [After a pause.] The Chair hears none.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21574, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HEPBURN in the chair.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 2. The pay of telephone switchboard operators, assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this act, except those employed in mints and assay offices, unless otherwise specially stated, shall be as follows: For telephone switchboard operators, assistant messengers, firemen, and watchmen, at the rate of $720 per annum each; for laborers, at the rate of $660 per annum each; assistant telephone switchboard operators, at the rate of $600 each, and for charwomen, at the rate of $240 per annum each.

Mr. MANN. Mr. Chairman, I reserve the point of order to section 2 in order to make an inquiry. Does this section increase or decrease the compensation of these employees, or simply classify them?

Mr. BINGHAM. It does not in any way increase or decrease the compensation, but it is for the purpose of preventing the continual repetition throughout the bill.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

SEC. 4. Only such books, periodicals, and pamphlets shall be purchased out of any appropriation made in this or any other act for the use of any library or office or officer as are strictly essential to the technical and professional work of the particular Department, Bureau, office, or officer authorized to use such library or collection of books; and all books, periodicals, and pamphlets which now form a part of or belong to any library or office collection of books and which are not strictly essential to the technical and professional work of the particular Department, Bureau, or office shall be transferred on or before January 1, 1908, to the Library of Congress, except that books of fiction and belles lettres shall be transferred to the Free Public Library of the District of Columbia, and all expenses of making this transfer, not otherwise sufficiently provided for, shall be paid from appropriations made for contingent expenses of the several Executive Departments or other Government establishments to which this section shall apply.

Mr. MANN. Mr. Chairman, I reserve a point of order upon this section.

Mr. BINGHAM. Mr. Chairman, I wish to offer an amendment to that section.

Mr. MANN. Mr. Chairman, I will reserve the point of order until an explanation can be made.

Mr. TAWNEY. Mr. Chairman, in the preparation of the appropriation bill the fact appeared that there is in every Department of the Government and in some of the bureaus of some of the Departments miscellaneous libraries, libraries of fiction

and belles-lettres, libraries wholly and entirely foreign to the administration or technical work of these Departments. These several Departments receive appropriations annually for the purchase of books without reference to the kind of books they are authorized to purchase, the theory of Congress being that certain books were essential in connection with the work of these Departments and that only such books were being purchased. But the fact is, Mr. Chairman, that these appropriations have been expended in the purchase of novels and other books of a literary and miscellaneous character, until some of these libraries have become extensive circulating libraries.

The Keep Commission some time ago appointed a subcommittee to investigate the extent and character of the libraries in the different Departments, to ascertain the character of the books, and also whether or not the maintenance of these libraries to the extent they now exist and are being maintained were essential to the public service and the administration of the Departments.

The chairman of the subcommittee when before the Committee on Appropriations gave our committee the information upon which this recommendation is based, and informed us that this provision is in line with the recommendation of the subcommittee made to the Keep Commission on this subject, and that the Keep Commission would later embody this recommendation in its final report to the President. It appears from the testimony of this committee that in the Interior Department the fiction and belles-lettres library alone occupies room in that Department three times the size of the largest room occupied by the Committee on Appropriations here in the Capitol. No man would pretend to say that standard or current novels, or any work of fiction, is necessary in the work of the Department. That being so, why should we maintain them? Why should we not vacate this room and make it available for the legitimate work of the Department. Every Department of the Government is crowded because of the want of space. Congress is constantly asked to appropriate money for the rent of new buildings, or to appropriate money for the erection of new buildings to accommodate the Departments. So urgent has this demand for space become that the Committee on Appropriations last session presented to the House, and the House adopted, a resolution directing the Secretary of the Treasury to ascertain the number of square feet of space occupied by old files in different Departments, files that have become useless or are no longer of service in the work of the Department, with a view to ascertaining how much space can be obtained for the use of the Department by removing these files and thus increase the available space for legitimate purposes. The Treasury Department is now making that investigation.

This provision is for the double purpose of securing additional space and of putting a stop to the purchase of books that do not pertain to or are of no essential use in the Departments and the bureaus in the transaction of their legitimate business. Some of these libraries are circulating libraries solely for the use of the Department clerks. I am unable to see how any Member of Congress can justify the maintenance of a circulating library in the workshops of the several Departments of the Government in Washington or anywhere else.

Mr. CRUMPACKER. Will the gentleman yield for a suggestion?

Mr. TAWNEY. Just one word more. In addition to that, we are maintaining a free circulating library of sufficient size to accommodate the people of this city, independent of these Departmental libraries.

Mr. CRUMPACKER. No, Mr. Chairman, I am in full sympathy with the purpose of this section, if it is accurately explained by the gentleman from Minnesota [Mr. TAWNEY], and I have no doubt that it has been. The criticism that I desire to make of the provision is that it is altogether too strict. It prohibits the purchase by any office or officer under this or any other act, so that it applies to all Departments of the Government, of books, periodicals, etc., except such as are strictly essential. That means such as can not be dispensed with. There are a good many publications that may contain valuable information, valuable suggestions respecting methods of reform, of improvement, that I believe it would be proper for the departmental officers to purchase and have access to, but this provision shuts that out. It seems to me that if you would strike that clause out, "are strictly essential," and insert something like this, "such books as have relation to the technical work of a Department."

Mr. TAWNEY. Mr. Chairman, I wish to say to the gentleman from Indiana that the gentleman in charge of the bill [Mr. BINGHAM] has sent to the Clerk's desk the amendment which the gentleman from Indiana proposes.

Mr. CRUMPACKER. That is all right.

Mr. BINGHAM. We have included the words "administrative, and scientific," following "technical and professional work."

Mr. CRUMPACKER. This would practically prevent the purchase of any books that bear on the professional work of the Departments.

Mr. TAWNEY. This was prepared, I may say, by the librarian in charge of the Supreme Court library, who is chairman of the subcommittee of the Keep Commission that made the investigation I have referred to, and after further consideration he suggested the amendment which the gentleman in charge of the bill will now propose. I trust that the gentleman from Illinois [Mr. MANN] will not insist on his point of order, because I think this provision is absolutely in the interest of good administration as well as economy. There is another phase to this question, to which I will refer briefly. It is the opportunity the presence of these libraries afford for the failure to give that attention to their duties which the Government has a right to expect from the clerks. It may not be true, and I do not state it as a fact, but members of the committee have it upon reliable authority that the convenience of these libraries in the Departments and the facility with which the clerks can in the morning go to the library and get a book, take it to their desks, prompts them occasionally, if the book is more interesting than their work, to engage in reading the book rather than in the discharge of their duty. This information influenced the committee to some extent in thus trying to put a stop to this practice, which we are informed obtains to some extent in certain Departments. The adoption of this provision will also release a large amount of space in the Department buildings and relieve the Government from the expense of caring for these libraries, these extensive miscellaneous and fiction libraries, now being maintained therein.

Mr. JOHNSON. Mr. Chairman, I agree fully with the gentleman from Minnesota [Mr. TAWNEY] in regard to this abuse that has grown up in the bureaus and Departments of the Government, and, in addition to the facts that he so clearly stated, I desire to call the attention of the House to the fact that out of one appropriation one of the Departments of this Government expended $10,000 for novels, and that appropriation was made for the construction of battle ships. How it ever passed the auditor, under what sort of a name or what sort of a purchase, I do not know.

Mr. TAWNEY. That is a fact.

Mr. BINGHAM. I would state to the gentleman that that appropriation to which he refers was called to the attention of the committee in Congress some six or eight years ago, and there was a prohibition inserted in the succeeding bill. There has been no use of the fund to which he refers—the increase of the Navy—from that time to this for that purpose.

Mr. BURLESON. Mr. Chairman, I do sincerely hope that the point of order will not be insisted on as against this item. There is no question but that a great abuse has arisen in nearly every Department of this Government in connection with these so-called "libraries." They are filled with novels, works of current fiction, books which have no relation whatever to the particular work being done. In fact, the practice of establishing libraries has grown to such an extent that now a library is being conducted in connection with every one of the high schools in this city. To show the gentleman from Illinois to what extent this abuse has grown, I direct attention to the fact that in some, if not all, of the high school libraries last year there was expended many dollars for the purchase of magazines and periodicals—hundreds of dollars for current magazines and periodicals—for the alleged use of the pupils of these schools. I will further give him a sample of the character of books ordered by those in authority for these high schools.

Mr. MANN. Will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. MANN. Do I understand the gentleman thinks, under that expressed provision of law, there would be any authority to purchase periodicals or magazines——

Mr. BURLESON. Unless they related to the work of the particular Departments, I do not think they would have authority to purchase them.

Mr. MANN. Technical periodicals are one thing, but Scribner's and Harper's are not technical magazines. Now, would there be any authority on the part of any Government official under this to purchase a magazine or newspaper which was not technical or scientific?

Mr. BURLESON. If there was an article in a particular magazine that related to the work being done by a particular department—technical work—they could purchase it; otherwise they could not and ought not to be permitted to purchase

it. Now, I want to call the attention of the committee to the character of books bought for these libraries, and the same abuse has been practiced in the departments that obtains in the high schools. What do you think of the authorities purchasing Little Boy Blue for a library that is conducted in connection with the high school and which it is claimed is needed as a reference library? The Fairies' Lullaby, Pudd'nhead Wilson, Four Feet, Two Feet, and No Feet, The Swallows' Flight; in fact, some ridiculous publications are purchased to be placed in these high school libraries. And there are more ridiculous purchases made in connection with libraries that are now being maintained in the various departments. Thousands of volumes of modern fiction bought with public money and carried in these libraries. The truth is many of these libraries have become mere circulating libraries, and there can be and ought not to be any attempted justification of their continuance.

The CHAIRMAN. Does the gentleman make the point of order? The Chair is ready to rule upon this proposition if the point of order is made.

Mr. MANN. I understand, but having reserved the point of order I think I ought to say a word in defense of myself. I shall at the proper time insist upon the point of order. The provision in the bill is not well considered, although it has been considered by very able gentlemen. It is contradictory to the bill itself. The bill authorizes an appropriation, for instance, for the purchase of books and periodicals in the State Department, which can make no use of technical or professional works. It authorizes the purchase of books and periodicals in various Departments which make no use of so-called "technical" or "scientific" works. I do not know whether Webster's Dictionary would be considered a technical work for the special and professional work of a particular Department, and perhaps the gentleman thinks that since we have had a new order of orthography it is not necessary to have dictionaries. I do not agree with him.

Mr. TAWNEY. We have not now the new order of orthography.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Minnesota?

Mr. MANN. I yield to the gentleman.

Mr. TAWNEY. Mr. Chairman, I would state to the gentleman from Illinois that this provision does not limit the Department necessarily to scientific works pertaining to the Department. The gentleman refers to the State Department. There is a great deal of literature published, historical and current literature, bearing upon questions pertaining to our foreign relations——

Mr. MANN. Which they ought to have.

Mr. TAWNEY. Which they ought to have and which under this provision——

Mr. MANN. And which they could not buy unless they violate the law.

Mr. TAWNEY. They could buy it.

Mr. MANN. Here is the reading of the language of the proposed amendment, "Only such books, etc., shall be purchased, etc., as are strictly essential"——

Mr. TAWNEY. Wait a moment——

Mr. MANN. I am reading the provisions of the bill, if the gentleman will pardon me, "strictly essential to the technical and professional work of the particular Department." Why, under that provision you could not buy a directory for the use of the Congress of the United States.

Mr. TAWNEY. Now, if the gentleman will permit me, and I think he wants to be fair on this proposition——

Mr. MANN. The gentleman knows that.

Mr. TAWNEY. Before the gentleman reserved the point of order, the gentleman in charge of the bill sent to the Clerk's desk a committee amendment so that it would read "administrative, scientific, professional, and technical." Now, that would admit of the purchase of books essential to the administration of the Department and prevent the maintenance of large circulating libraries in these various Departments. That is the object of this provision. It is not proposed to curtail the Department in the purchase of anything which is essential to the administration of the Department itself.

Mr. MANN. Mr. Chairman, the amendment proposed now by the committee, which I have heard for the first time, and which the members of this committee have heard for the first time——

Mr. TAWNEY. It is the second time, because I stated it to the gentleman from Indiana [Mr. CRUMPACKER] a few moments ago when answering his inquiry.

Mr. MANN. But I have not heard it.

Mr. BINGHAM. The gentleman's point of order cut me off.

Mr. MANN. Certainly, "the gentleman from Illinois" is wise enough not to permit the gentleman to offer an amendment which would absolutely cut out the point of order.

Mr. BINGHAM. It was not for that purpose.

Mr. MANN. It would have that effect, whatever the purpose was. The amendment now proposed shows that when the committee offered the original proposition they had not duly considered it. They now propose to change, admitting that the original proposition is wrong. It may be that the committee has given due consideration to the subject now, but it is evident they had not given it due consideration before. As for myself I have not been able to give due consideration to the subject since, just now for the first time hearing the amendment read, and before this goes into a law I want the opportunity to duly consider it, and I therefore insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk concluded the reading of the bill.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to return to line 9, on page 19, and to line 2, on page 12, for the purpose of offering an amendment.

Mr. BINGHAM. We have no objection.

Mr. SHERMAN. Those are two about which I talked to the chairman of the subcommittee.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] asks unanimous consent to return to line 9, on page 19, and to line 2, on page 12. Is there objection?

Mr. MANN. Reserving the right to object, I would like to have the amendment reported for information.

Mr. SHERMAN. Mr. Speaker, I send to the Clerk's desk the amendment that I propose to offer if the request is granted.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

On page 19, line 9, strike out "two" and insert "four."

Mr. SHERMAN. I will explain to the gentleman, if I may be permitted, Mr. Chairman, that this is the only one of the employees especially provided for that has not been increased to $1,400, and it affects the doorkeeper at this door, Mr. Jennison, who has been here for sixteen years, and this amendment puts him on an equality with the others.

Mr. MADDEN. Mr. Chairman, I desire to introduce an amendment, which I send to the Clerk's desk.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. SHERMAN]?

Mr. MANN. There is only one amendment, as I understand, that has been explained so far, and he will offer two or three.

The CHAIRMAN. What is the second amendment?

Mr. SHERMAN. The gentleman from Illinois [Mr. MADDEN] will offer the other amendment.

The CHAIRMAN. The Clerk will report the amendment.

Mr. MADDEN. I would ask the Clerk to report the amendment which I have just handed up.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 2, after the words "Journal clerk," strike out "and" and insert "four thousand dollars."

Mr. MADDEN. Mr. Chairman, this amendment provides that the Journal clerk's salary shall be raised from $3,600 to $4,000, and is only in keeping with the services which, I believe, that official renders.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is upon agreeing to the amendment offered by the gentleman from New York, which the Clerk will now report.

The Clerk read as follows:

Line 9, page 19, strike out "two" and insert "four."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 12, line 2, after the words "journal clerk," strike out the word "and" and insert "four thousand dollars."

The question was taken; and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent to return to page 23 for the purpose of moving to strike out the provision which was inserted day before yesterday in respect to spelling, or the orthography used in printing public documents. The action of the House yesterday, just before adjournment, in adopting the resolution presented by the gentleman from Indiana [Mr. CHARLES B. LANDIS], and as the papers announced this morning it is the purpose of the President to to-day issue an order revoking his former order issued some time ago with respect to simplified spelling, leaving the matter

of the orthography in which public documents shall be printed under authority of law to remain just as it has been in the past, it is entirely unnecessary that this limitation should remain in the bill.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 23 for the purpose of giving him an opportunity to move to strike out line 20 and the following lines of the page. Is there objection. [After a pause.] The Chair hears none.

Mr. TAWNEY. I now move to strike out the words indicated by the Chair—the limitation.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the paragraph stricken out insert:

"No money appropriated in this act shall be used in connection with printing documents authorized by law or ordered by Congress or either branch thereof unless the same shall conform to the orthography recognized and used by generally accepted dictionaries of the English language."

The CHAIRMAN. The gentleman asks unanimous consent for the consideration of the amendment, on a motion to strike out the language just read. Is there objection?

There was no objection.

The question was taken; and the motion to strike out was agreed to.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to correct the totals in the bill where there are errors from the action of the committee in the last few moments.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the Clerk may correct any erroneous totals in the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. BINGHAM. I now move, Mr. Chairman, that the bill with amendments be reported to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21574) and had directed him to report the bill to the House with sundry amendments, with the recommendation that the amendments be adopted, and that the bill as amended do pass.

Mr. BINGHAM. I now move the previous question on the amendments to the bill.

The motion was agreed to.

The SPEAKER. Is a separate vote asked on any of the amendments? If not, the vote will be taken in gross.

No separate vote was demanded.

The question was taken; and the amendments were agreed to in gross.

Mr. LITTAUER. Mr. Speaker, in accordance with the unanimous consent granted yesterday, I now offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On and after the 4th of March, 1907, the compensation of the Speaker of the House of Representatives and Vice-President shall be at the rate of $12,000 per annum.

Mr. LITTAUER. Mr. Speaker, I do not believe——

Mr. UNDERWOOD. Before the gentleman starts into a discussion of the question, can we agree on a division of the time?

Mr. LITTAUER. I have no disposition to limit debate.

Mr. UNDERWOOD. Then the gentleman will agree that the opponents of the amendment shall be recognized before he moves the previous question?

Mr. LITTAUER. So far as I am concerned.

Mr. Speaker, I have no comment whatever to make on the amendment I have offered. Everyone recognizes the dignity of the position of Speaker of this House, recognizes that the duties are arduous, and that the pay is altogether unequal to the position. No Speaker can live and pay his expenses out of the $8,000 now appropriated. As far back as fifty years ago, in 1856, Congress appropriated twice the amount of salary to the Speaker as to Members of this House. It appears to me that this amendment, at least, ought to be adopted unanimously.

Mr. BURLESON. Will the gentleman yield to a question?

Mr. LITTAUER. Certainly.

Mr. BURLESON. Can the gentleman give the House information as to what compensation is allowed the speaker of the House of Commons?

Mr. LITTAUER. The Speaker of the House of Commons is allowed a salary of $25,000 a year and a magnificent gothic residence. At the end of his term of service he is usually made a peer and given a further pension of $20,000 a year. The speaker of the French Chamber of Deputies, again, is given a palace to live in, $15,000 a year, and a regiment of soldiers [laughter], and the drum corps plays every time he takes his seat. [Renewed laughter.]

Mr. UNDERWOOD. Mr. Speaker, I am opposed to any further increase of salaries for legislative and executive officers. I do believe that the salaries of some of the minor clerks in the Government must necessarily be increased on account of the increased cost of living, but this does not apply to the higher governmental officer. I am opposed and have always been opposed to increasing the salaries of Members of the House or Senators.

Mr. GAINES of Tennessee. Will the gentleman yield to an inquiry?

Mr. UNDERWOOD. Yes.

Mr. GAINES of Tennessee. Did not the gentleman favor the proposition and speak in favor of the raising of the salaries of the Federal judges here not long ago?

Mr. UNDERWOOD. I do not know that I did.

Mr. GAINES of Tennessee. I know you did, for I heard you. [Laughter.]

Mr. UNDERWOOD. I was in favor of paying the Federal judges additional salary, but that is a very different proposition from paying a legislative salary.

Mr. GAINES of Tennessee. You also voted to pay for the offices they used. I pay for my own office and you pay for yours. We are Members of Congress. Are the judges any better than we are?

Mr. UNDERWOOD. Yes; I think they are.

Mr. GAINES of Tennessee. Well, I never saw a judge who I thought was any better than you or myself. [Laughter and applause.] We are all equals under the law and under the Stars and Stripes, and I want to keep it that way.

Mr. UNDERWOOD. Mr. Chairman, when I said that probably some of the judges were better than ourselves I was referring to myself and the average Member of Congress, but of course not to my friend from Tennessee.

Mr. Speaker, there is a reason why a judge should receive a greater salary that a Member of Congress, or a member of the legislative branch of the Government. The Federal judges are appointed for life. Eminent lawyers are able to earn very large incomes in their private law practice, and if you want the strongest and ablest men on the bench you have got to pay them commensurate salaries. But that is not true as to the man who occupies a legislative position.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. UNDERWOOD. Not until I finish what I have to say.

The SPEAKER. The gentleman declines to yield.

Mr. UNDERWOOD. There is no legislative body in the world that pays its members as much as the Members of the Congress of the United States are paid. It is looked on as an honor for a man to represent his government in its legislative branch, and it is not expected that he should represent the people for the monetary consideration. It is expected in all legislative bodies that he should represent them for the honor that he receives, not as a permanent avocation in life, but as a temporary proposition, and it is so in the American Congress. I do not believe that the average Member of Congress serves as much as two terms. He does not come here to make his living, as the judge goes to the Federal bench, to stay there for a lifetime and support himself from his salary and lay aside something for his family. It is true there are some few men in this body and in the Senate whose constituents have honored them by keeping them here for nearly a lifetime, but that is the exception to the rule. The average man comes here for only a short time. He does not come here to make money, and he should not come here to make money. He can not make money out of the salary that is paid, and he should not make money in his legislative capacity by using his office for that purpose. Now, I claim that the only reason for giving a salary at all to a member of a legislative body is that a poor man may come here and represent his constituents, whether he has independent means or not, and I do not think any man can deny the proposition that any man in the United States, no matter how poor he is, can come here with his family and live comfortably on the salary that is paid to a Member of Congress. I do not contend that he can live here and keep pace with the modern society of Washington. And if we should make the salary $7,500, he could not live here with his whole family at the best hotel and keep carriages, horses, and automobiles, and keep pace with modern society in Washington, and that is not expected.

Mr. HUGHES. Will the gentleman permit a question?

Mr. UNDERWOOD. Yes.

Mr. HUGHES. Will the gentleman state to us what his monthly expenses are during the time he is here in Washington?

Mr. UNDERWOOD. Well, I am willing to state that. I can not state accurately, but when I am in Washington it takes about all my salary to live. It does not take all of my salary to support me when I am at home. If the gentleman wants a candid answer, I have given it to him.

Mr. LITTAUER. I have no desire to limit any debate in connection with the amendments I shall offer. But I think it is a wrong precedent. If we start out by increasing salaries now—and I am discussing this question from this standpoint because I believe if this resolution goes to the Senate it will not be limited to the Speaker of the House and the President of the Senate and the Cabinet officers as it is when presented here today; but when it goes to the Senate it will be amended in the Senate and cover the salaries of the members of the Senate and of the House and will come back here in that shape, and if it comes back here in that shape it will come in a conference report, where it will be impossible for this House to meet the question singly and alone. Therefore I think we might as well consider it from this point now.

As to gentlemen who think they are not getting enough salary and think that the salary ought to be increased and are willing to take the responsibility to vote themselves more salary, I have no personal criticism to make. But I want to say to the House that, so far as I am concerned and my constituency is concerned, I do not believe that the constituency that I represent would uphold me in putting into my pocket now or for the future an increased salary, and therefore I intend to vote against this proposition when it comes before the House.

The gentleman from Alabama understands that this amendment only applies to the Speaker of the House and the Vice-President?

Mr. UNDERWOOD. Yes, I understand; but when it comes back from the Senate it will come back with Members of the House and the Senate included.

Mr. LITTAUER. Well, it is only fair to say to the gentleman that I will offer other amendments later, one covering the salary of the Members of the House of Representatives.

Mr. UNDERWOOD. Well, I anticipated what I knew would ultimately come. But I wanted to present now this question to the House.

Mr. FITZGERALD. Mr. Speaker, I would be glad to vote for even a larger salary for the Vice-President and Speaker of the House.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from New York?

Mr. FITZGERALD. I understood the gentleman from Alabama had closed.

The SPEAKER. The Chair desires to ascertain about the time, and whether the gentleman from Alabama yielded the floor.

Mr. UNDERWOOD. Mr. Speaker, I yield the floor so that the gentleman can be recognized in his own right.

The SPEAKER. The gentleman from New York is recognized in his own right.

Mr. FITZGERALD. Mr. Speaker, I said that I should be glad to vote a much larger salary to the Vice-President and to the Speaker of the House. The proposed $12,000 salaries are not, in my judgment, sufficiently large for the offices. For the information of the House, I desire to call attention to the fact that five officials, other than judicial officers, in the city of New York, receive salaries larger than those proposed here, while a number of others receive compensation equal to the sum named in the pending amendment. The mayor of the city of New York receives a salary of $15,000 a year; the comptroller, the city's chief financial officer, $15,000, and the corporation counsel, the chief law officer of the city, $15,000. The sheriff of New York County receives $12,000 and one-half of the fees of his office, which aggregate a considerable sum, and the sheriff of the county of Kings receives $15,000. Both counties are within the city. The district attorney of New York is paid $12,000; three members of a water-supply commission, $12,000 each, and the city chamberlain, $12,500.

I can not believe, Mr. Speaker, that there is a single Member of this House who does not realize that the Vice-President of the United States and the Speaker of this House occupy positions of greater dignity, larger responsibility, and greater importance to the people than any of those mentioned. The compensation of these two officials should be such as to enable them to live in that style or manner befitting the dignity of their honorable places. This country is rich and can well afford to pay such salaries to its officials as will enable them to meet the requirements in their mode of living universally demanded by the people.

In my opinion, the amount proposed for their compensation is not sufficient. It is with much reluctance that I refrain from testing the sense of the House upon the question of fixing these salaries at a sum at least equal to the chief officials of one of the municipalities of the country. I withhold the amendment merely because, after consultation with those Members who have had the pending amendment under consideration for some time, it is deemed best to ask only for the amount proposed.

I understand that there will be presented other amendments increasing the compensation of members of the Cabinet from $8,000 to $12,000 and the compensation of Members of Congress from $5,000 to $7,500 a year. I shall vote for both amendments.

The compensation of Members of this House should be such as would enable them to maintain themselves and their families while in Washington in a mode of life as comfortable as that to which they are accustomed at their homes. I do not mean in the style of men of great or even large wealth. I refer to those men of limited means who live neither extravagantly nor luxuriously, but only in a manner that is respectable and at the same time befitting their positions as Members of this House. They can not do so upon the salary of $5,000 a year without practicing economies that they should not be compelled to practice.

In the large cities of the country it is undoubtedly true that the cost of living is much greater than in other sections, and the demands upon the purse of Members are somewhat more burdensome. Knowing the conditions that a Representative from a large city has to meet, I know that the increase in salaries about to be proposed is reasonable and proper. I have hastily prepared a list of more than 150 officials of the city of New York, which I shall insert in the RECORD, who receive salaries of $5,000 or more a year. The list by no means exhausts the number. Familiar as I am, after eight years' service in this House, with the responsibilities and duties of a Representative; knowing as I do the duties and responsibilities of many of the officials whom I shall enumerate, I assert with conviction that the salaries paid to Members of Congress are not at all commensurate with their duties, responsibilities, and the burdens which their official positions impose upon them. Convinced that the salaries should be increased, I shall support the amendment when offered. I am ready to vote what I believe to be a fair, proper, and decent compensation to those serving in the executive, judicial, and in the legislative departments of the Government. I shall vote for the amendments gladly and willingly, and I should do so even if I knew that the price of such a vote would be the termination of my career in this House. [Applause.]

SALARIES OF SOME OFFICIALS OF THE CITY OF NEW YORK RECEIVING $5,000 A YEAR OR MORE.

Mayor, $15,000; mayor's secretary, $5,000; president of the borough of Manhattan $7,500, secretary to president Manhattan borough $5,000; president borough of Brooklyn $7,500, secretary $4,000; president borough of Queens, $5,000; president borough of Richmond, $5,000; president board of aldermen, $5,000; city clerk, $7,000; first deputy, $5,000; chief clerk, $5,000; four coroners in the borough of Manhattan, each $6,000; two coroners, borough of Bronx, each, $6,000; two coroners, borough of Brooklyn, each $6,000; comptroller $15,000, two deputy comptrollers, each $7,000, assistant deputy $5,000; chief auditor, $5,000; receiver of taxes, $5,000; city paymaster, $5,000; city chamberlain $12,500, deputy chamberlain $7,500; commissioner of public works borough of Manhattan $6,000, assistant commissioner $5,000; commissioner in Bronx, $5,000; commissioner in Brooklyn, $6,000; commissioner in Richmond, $5,000; superintendent of highways Manhattan $5,000, chief engineer $6,000, superintendent in the Bronx $4,000, in Brooklyn $5,000; superintendent of sewers Manhattan $5,000, chief engineer $6,000, superintendent in the Bronx $4,000, in Brooklyn $5,000; superintendent of public buildings Manhattan $5,000, in Brooklyn $5,000; commissioner of water supply, gas, and electricity $7,500, deputy $6,000; commissioner of bridges $7,500, deputy $4,500; commissioner of street cleaning $7,500, deputy $5,000; commissioner of tenement-house department, $7,500; commissioner of police $7,500, deputy $5,000; commissioner of health $7,500, secretary $5,000, sanitary chief $5,000; corporation counsel $15,000, two assistants at $10,000, a number of assistants (at least fifteen) with salaries of more than $5,000; chief bureau of recovery of penalties, $5,000; fire commissioner $7,500, deputy $5,000; three park commissioners, at $5,000 each; superintendent of buildings, $5,000; president

of department of taxes $8,000, six commissioners of taxes $7,000 each; commissioner of charities $7,500, deputy $5,000; commissioner of corrections, $7,500; commissioner of docks and ferries $6,000, deputy $4,500; commissioner of jurors, $6,000; two commissioners of accounts, $5,000 each; president civil-service commission $6,000, two commissioners $5,000 each; public administrator $10,000, assistant $5,000; superintendent of buildings in board of education, $8,000; three commissioners of water supply $12,000 each, secretary $6,000; superintendent city record, $5,000; four aqueduct commissioners $5,000, chief engineer $12,000; county clerk New York County $15,000, deputy $6,000; clerk of Kings County $8,000, deputy $5,000; sheriff of New York $12,000 and one-half the fees, undersheriff $5,000; sheriff in Kings County $15,000, undersheriff $6,000; register New York County $12,000, deputy $5,000; register Kings County $8,000, deputy $5,000; sheriff Richmond County, $6,000; commissioner of records, Brooklyn, $5,000; recorder, city judge, and three judges of general sessions, $12,000; six justices of special sessions, $9,000 each; fourteen city magistrates, at $7,000 each; district attorney New York County $12,000, eight assistants at $7,500 each; district attorney Kings County $10,000, one assistant $7,000, two assistants $6,000 each; in New York County about twenty justices of the supreme court, $17,500 each; seven judges of the city court of New York, $10,000; two surrogates, $12,000; two county judges Kings County, $12,500 each; surrogate, $10,000; fifteen justices of supreme court in second judicial district, almost entirely within city of New York, $17,500 each.

Mr. MACON. Mr. Speaker, I certainly have no personal objection to increasing the salaries of the members of the Cabinet, the Vice-President, the Speaker, or the other Members of the Senate and House, and sir, if there were not other interests of the country that are much more in need of national aid than the distinguished officials that I have just enumerated, and the condition of the Treasury justified it, I am free to say that by reason of the growing demands that are being made upon them because of the great increase of the cost of living I would vote for these amendments that are now being offered to this bill to increase their salaries. But, sir, that condition does not exist, and hence I am unalterably opposed to the increase of the salary of anyone that is now in the employ of the National Government in any capacity, with the single exception, perhaps, of the poorly paid rural mail carriers. The people of this country are clamoring for river and harbor improvement from one end of it to the other, and yet when they ask Congress to appropriate money for that purpose they are politely informed that the Treasury is in such a depleted condition that their projects, no matter how pressing and worthy, must wait until we get more money. They have had that old story poured into their ears for years, and they have believed that it was perhaps true, but right in the face of that pauperized answer to their requests we are met with a proposition to increase our own salaries 50 per cent. The river and harbor interests of the country have suffered for many long years, and the result of our neglect of them has caused the people of the country to be fairly robbed of millions of dollars per year because our waterways were not in a condition to furnish them with a water rate that would force the railroads to be reasonable and just in their charges. As long as that condition exists, as long as our finances are so low that we can not afford to appropriate sufficient funds to carry out the worthy river and harbor projects of the country so as to give the toiling masses better and cheaper transportation facilities, we ought to blush to even think of increasing our own pay. I mention the river and harbor interests specifically, because, with me, the improvement of our rivers and harbors and the construction of proper and necessary canals is the great economic question of our time and should not be longer delayed. Sir, I will not vote one cent for the increase of salaries of public officials at this time, but I will gladly vote for an appropriation of $100,000,000 for river and harbor improvement at any moment of this session of Congress.

Mr. Speaker, there are many other interests in our country that are much more in need of national aid than are our public officials, but the short time allotted to me in this discussion will not permit me to enumerate them. I will, therefore, content myself by asserting that they exist, and that any man of sense and justice can find them if he will try just a little. I know that each and every Member of this House can do so if he will take a trip over his district.

Ah, Mr. Speaker, the greatest evil connected with the legislation of our day and generation is to be found in the fact that our legislators are too prone to legislate "to give to him that hath and to take from him that hath not even that which he hath."

I deplore the inhuman spirit that prompts it and condemn the acts of all who practice it.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 214, noes 51.

Mr. UNDERWOOD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Alabama demands the yeas and nays. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Twenty-two gentlemen have arisen, not a sufficient number, and the yeas and nays are refused.

So the amendment was agreed to.

Mr. LITTAUER. Mr. Speaker, I offer the following additional amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

New section to stand as section 7:

"On and after March 4, 1907, the compensation of heads of Executive Departments, who are members of the President's Cabinet, shall be at the rate of $12,000 per annum."

Mr. LITTAUER. Mr. Speaker, I have no desire to make any extended comment on the submission of this amendment. The members of the President's Cabinet for nearly fifty years have received a compensation of $8,000 per year. A dollar does not go as far to-day in the city of Washington as it did when this compensation was established. The requirements in official life, and in social life, warrant us at least in increasing this salary to $12,000. Even this increase is not an attempt to make the salary adequate to services rendered, for no moderate salary would make such compensation. It has been suggested to me that while money does not go as far to-day in the city of Washington as it did fifty years ago it goes somewhat faster. Just to add a little bit to the interest of the question, I desire to call the attention of the House to the fact that in the Philadelphia Enquirer of Friday morning, December 14, is the picture of the president of the American Baseball League, and a notice to the effect that his salary has just been increased from $10,000 to $15,000 per year. [Laughter and applause.]

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. LITTAUER. Certainly.

Mr. MANN. I suppose the gentleman is aware that there is no place in the statutes where there is any recognition of the President's Cabinet. The gentleman in his amendment provides for an increase of salary for the heads of Departments who constitute the President's Cabinet. There is no definition in law as to what constitutes the President's Cabinet. Would it not be wiser to designate the nine secretaries—the heads of the various Departments—who, in fact, constitute the Cabinet?

Mr. LITTAUER. The language of the amendment carries that out—heads of Departments who are members of the President's Cabinet.

Mr. MANN. For instance, there is the head of the Department of Labor. So far as the law is concerned, there is nothing in the statutes to indicate whether he is a member of the Cabinet or not, because the statute does not recognize the Cabinet. The law has been invariably to fix the salary of the Secretary of State, or the Secretary of the Treasury, etc., at such an amount.

Mr. LITTAUER. I have no pride in this language, but if the gentleman will permit me to suggest, the head of the Department of Labor, as he designates him, should be called the head of the Bureau of Labor.

Mr. MANN. Well, I beg the gentleman's pardon; the law says that there shall be a Department of Labor with a Commissioner at the head of it. The Bureau of Commerce and Labor calls it a bureau, but that is in violation of the statute.

Mr. LITTAUER. I am quite willing to accept any amendment which will carry out this intent, which is that the compensation of heads of Executive Departments, who are members of the President's Cabinet, shall be compensated at this salary. I do not believe such designation can ever be misunderstood.

Mr. DALZELL. Why have any doubt about it?

Mr. LITTAUER. There is none, to my mind.

Mr. MANN. Why not designate the nine Secretaries who are now members of the so-called "Cabinet?"

Mr. DRISCOLL. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to his colleague?

Mr. LITTAUER. I do.

Mr. DRISCOLL. I would like to ask my colleague from New York whether or not he has any more resolutions?

Mr. LITTAUER. I decidedly have, and one that deals with salaries of Members of Congress and Senators. [Applause.]

Mr. DRISCOLL. Is that the only additional one?

Mr. LITTAUER. That will be the only additional one it is my present purpose to offer, and the only one that unanimous consent, under which we are now acting, authorizes.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. UNDERWOOD. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 204, noes 60.

Mr. UNDERWOOD. Mr. Speaker, I ask for the yeas and nays.

The question was again taken; and 33 gentlemen arising in favor thereof, not a sufficient number, the yeas and nays were refused. [Applause.]

So the amendment was agreed to.

Mr. LITTAUER. Mr. Speaker, I offer a final amendment. [Laughter and applause.]

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

The compensation of Senators, Representatives in Congress, and Delegates from Territories shall be at the rate of $7,500 per annum, which compensation shall be in lieu of all other pay and allowance except actual individual traveling expenses from their homes to the seat of Government and return, by the most direct route of usual travel, once for each session of the House to which such Senator, Member, or Delegate belongs, to be certified to under his hand to the disbursing officer and filed as a voucher.

Mr. LITTAUER. Mr. Speaker, first a word of explanation as to the amendment.

Mr. KEIFER rose.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. LITTAUER. Certainly.

Mr. KEIFER. I desire, Mr. Speaker, to ask the gentleman whether the purpose of this amendment is to take away, in case the salary is increased to $7,500, all pay for clerks as well?

Mr. LITTAUER. Decidedly not. I was about to state that the purpose of this amendment is to raise the salary of Senators, Representatives, and Delegates from $5,000 a year to $7,500 a year and not to interfere with the clerical service allowed nor the stationery allowance made, but only to wipe out the present provision in reference to mileage and in place thereof to pay actual expenses in traveling to and from each session of Congress.

Mr. KEIFER. Mr. Speaker, the statement of the gentleman from New York is quite clear as to his purpose. I would like to have the amendment read so that we may pass upon the effect of it ourselves, as there seems to be some doubt among the Members.

The SPEAKER. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. KEIFER and Mr. LIVINGSTON rose.

The SPEAKER. Does the gentleman yield further to the gentleman from Ohio?

Mr. LITTAUER. I yield to the gentleman from Ohio.

Mr. KEIFER. I do not want to be captious, but as I understand the language as read I think the purpose of the mover is made different from that which he states he intends, and I think where there is so much doubt it would be better to put it in shape so that we will not misunderstand the matter.

Mr. LITTAUER. I think that I can correct any misapprehension there may be here by submitting an amendment in a new form rather than in the one read from the desk.

I would offer a new amendment to read, "Which compensation shall be in lieu of all mileage," thereby taking out of the amendment other pay and allowance.

Mr. LACEY. I would like to ask the gentleman another question. I call his attention to the fact that this is merely not an appropriation, but the enactment of a law. The gentleman does not fix the date when this goes into operation. Consequently he would change the law as to compensation from the date of the approval of this act, which might be next week. Consequently he changes the compensation and strikes out the mileage of the present Congress.

Mr. LITTAUER. It was my purpose to call the attention of the House to that very matter, and my purpose to leave the time in which this shall become effective to be determined by the House.

Mr. LACEY. If this amendment was adopted in its present form, it would be immediately operative.

Mr. LITTAUER. I believe as a part of the legislative, executive, and judicial bill it would not be operative until the 1st of July next.

Mr. LACEY. This is not a part of the legislative bill. It becomes a law. The appropriation would not be operative, but any law we put in this bill is immediately operative as soon as approved.

Mr. LITTAUER. I think the gentleman from Iowa [Mr. LACEY] is correct.

Mr. KEIFER. Mr. Speaker, I ask that the gentleman have the right to withdraw under the rules the amendment he offered, and submit the other one.

Mr. LITTAUER. Mr. Speaker, I ask permission to withdraw the amendment and offer the following.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The compensation of Senators, Representatives in Congress, and Delegates from Territores shall be at the rate of $7,500 per annum, which compensation shall be in lieu of all mileage except actual individual traveling expenses from their homes to the seat of government and return by the most direct route of usual travel, once for each session of the House to which such Senator, Member, or Delegate belongs, to be certified to under his hand to the disbursing officer and filed as a voucher.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I desire to offer an amendment to the amendment offered by the gentleman from New York.

The SPEAKER. The gentleman from Pennsylvania [Mr. BUTLER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That the compensation named in this amendment shall not be paid each Senator and Member prior to March 4, 1909.

Mr. PAYNE. I want to suggest to the gentleman from Pennsylvania [Mr. BUTLER] that the amendment would be better if it came in at the beginning—that "on and after March 4, 1909," the compensation shall be as follows, and so forth.

Mr. BUTLER of Pennsylvania. I have no pride in my amendment, except——

Mr. PAYNE. I suggest that to the gentleman.

Mr. BUTLER of Pennsylvania. I have no pride whatever in the form of the amendment. I am perfectly willing that the gentleman from New York [Mr. PAYNE] shall phrase it as he sees fit, provided its purpose is not altered.

Mr. PAYNE. I suggest to the gentleman, then, that he insert, after the word "that," at the commencement of the amendment offered by the gentleman, "on and after the 4th of March."

Mr. BUTLER of Pennsylvania. On and after March 4, 1909.

Mr. MUDD rose.

Mr. LITTAUER. Mr. Speaker, I yield to the gentleman from Maryland.

Mr. MUDD. Mr. Speaker, I do not want to be captious as to language.

The SPEAKER. The amendment, as the Chair understands, is now being modified, and will be reported as soon as modified. Therefore the Chair would ask that the gentleman from Maryland [Mr. MUDD] suspend a moment until the amendment as modified is reported. The Clerk will read.

The Clerk read as follows:

On and after March 4, 1909, the compensation of Senators, Representatives in Congress, and Delegates from Territories shall be at the rate of $7,500 per annum, which compensation shall be in lieu of all mileage except actual individual traveling expenses from their homes to the seat of government and return by the most direct route of usual travel, once for each session of the House to which such Senator, Member, or Delegate belongs, to be certified to under his hand to the disbursing officer and filed as a voucher.

Mr. MUDD. Mr. Speaker, just a word. I do not wish to be captious as to language, but if you use the language "on and after," you will pay the increased salary for the February of the Sixtieth Congress. It would seem to be a small matter, but it makes some difference. If we say "on and after" the 4th day of March, 1909, we will make the increase apply to a part of the Sixtieth Congress, which it is not the purpose of those of us who favor this postponement of the operation of the law to do.

Mr. TAWNEY. Does the gentleman mean to say that the Sixtieth Congress will expire on the 4th of March, 1909? It expires on the 3d of March.

Mr. MUDD. If that be conceded, the language as it now stands will be correct. I only want to make sure that we do not provide that the increase of salary shall take effect during the Sixtieth Congress.

Mr. LITTAUER. Mr. Speaker——

Mr. UNDERWOOD. Mr. Speaker, I ask recognition.

Mr. LITTAUER. I yield to a question; I do not care to yield the floor.

Mr. UNDERWOOD. I wanted to address myself to this resolution.

Mr. LITTAUER. I yield such time as the gentleman may desire.

Mr. UNDERWOOD. I only care to take five minutes.

Mr. LITTAUER. I yield to the gentleman.

Mr. UNDERWOOD. Mr. Speaker, I have heretofore stated my objection to this resolution, my objection to increasing the salary of the membership of this House, and I have nothing more to say in regard to that question, except to reply to the remarks of the gentleman from New York [Mr. FITZGERALD], wherein he cited the salaries of certain officials in New York City to evidence the reason why our salary should be increased. The cost of living varies in different parts of the United States. The cost of renting a small home in New York City would be as much as the cost of renting a very handsome house in my town. The cost of provisions, the cost of clothing, the cost of everything in a big city like New York is much greater than it would be in a large portion of this country. It is very much greater than in the city of Washington. And there is no comparison of salary which is just and fair along those lines. The gentleman may as well compare the salary of the officers in Alabama or some other State in the Union. The governor of Alabama only receives $5,000 a year; the judges of the supreme court only $4,000 a year; the circuit judges $3,000 a year, and, I believe, the secretary of State only $2,500 a year. It is not a question of comparison. I think the people of the United States are willing to pay their Representatives in Congress a fair and reasonable salary to compensate for their coming to Washington, but it is not expected that a salary should be paid that a man can make money on or get rich on. I do not think there is anyone who can deny the fact that a man who lives within reasonable lines can live on the salary now paid Members of Congress, and, so far as I am concerned, I do not believe my constituency would justify me in voting for more.

Mr. LITTAUER. I yield five minutes to the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL. Mr. Speaker, I am opposed to this proposition to increase the compensation of Members and Senators from five to seven thousand five hundred dollars, but at the same time I was very glad to vote to increase the compensation of the Speaker, the Vice-President, and members of the Cabinet. I think, however, that upon reflection we will see that their position presents a case entirely different from that of the Members of this House. The public duties of these officials, to say nothing of the social demands made upon the Speaker, the Vice-President, and members of the Cabinet, are such as to entitle them to an increase of compensation. With the Members of Congress, however, it seems to me that the case is entirely different. If we were to attempt to make the compensation of the Members of this House adequate to the income which many of them renounced in coming here, the amount should be much larger than $7,500. If those who favor this proposed increase do so as an effort to make the pay of Members at all adequate to the earning capacity of Members, it seems to me they are looking at membership in this House from an entirely wrong point of view. This House, Mr. Speaker, considering the character of the relations which Members of it bear to the people, and in view of the power and influence of this Republic, is easily the greatest legislative body that ever assembled. Membership in this House is the greatest honor ever conferred upon a man by a free electorate. The compensation, therefore, such as it is, should be regarded almost in full, if not entirely as an honorarium. I am opposed to the increase in the pay of the secretaries of Members provided for in this bill, for there are many employees of the Government now receiving inadequate pay, such as the post-office clerks, who, I think, are entitled to the first consideration, and I am opposed to this increase in the pay of Members on the theory of making it equal to the income which even the average Members of this House renounced in coming here.

My view of the matter is this: That by any attempt to make membership of this House desirable on account of the money reward you thereby diminish the honor of service in this eminent body. By increasing the pay you lessen the distinction. I feel sure as I look around me here that there are many Members in this great body who at large personal sacrifice to themselves would make an effort to come here even if there were no compensation at all. I see before me business and professional men, many of whom I know personally, have renounced incomes several times the sum of $7,500 for the privilege and the honor of serving their constituencies as Members of this body.

Mr. SIMS. Will the gentleman permit me to ask him a question?

Mr. BOUTELL. I have only a few moments, but I yield with pleasure for a question.

Mr. SIMS. In order to increase the honor, suppose you knock all the salary out?

Mr. BOUTELL. I am free to say, in reply to the gentleman from Tennessee, that while it is as hard for me to get along on the $5,000 as it is for most of the Members, even if the present compensation were taken away, I should make a desperate effort by pinching and skimping and greater economy to still retain my membership in this House, so great do I regard the honor. [Applause.]

But, as I look upon it, you diminish the honor by attempting to make the money payment any adequate or full compensation for the Members of this House. And so, regarding the question in this light, while I was very glad to give my assent to the other increases, I am not willing to join in an effort to make the pecuniary compensation of Members equal to the earning capacity of the average Members of this House.

I like to feel that the money payment to the Members is still, in the larger sense, an honorarium, and that membership in this House is to be regarded more as an honor than as a means of deriving an income. Therefore I shall vote against this proposition. [Applause.]

Mr. DUNWELL. Will the gentleman permit a question?

Mr. BOUTELL. I regret that my time is up.

The SPEAKER. The gentleman's time has expired.

Mr. LITTAUER. I yield to the gentleman from Florida [Mr. CLARK]. How much time does the gentleman desire?

Mr. CLARK of Florida. About five minutes.

Mr. LITTAUER. I yield to the gentleman five minutes.

Mr. CLARK of Florida. Mr. Speaker, I desire to refer to this question from the standpoint of a poor Member of Congress. Poverty is not a crime, nor ought it be a deterrent to official place under the Government. The time has come, Mr. Speaker, when men are leaving the service of their country, retiring to private life, solely because the salary which they receive in their official positions is inadequate to maintain them, and they see in the future years ahead poverty for their children and want in their old age. I believe in dealing with this question from the standpoint of right. Are the salaries inadequate? Are they commensurate with the station and the duty to be performed? If they are not, then they ought to be increased, no matter if others would come here from our districts and gladly accept the position for less pay.

I want to say, Mr. Speaker, that I come from a district that I know will stand by me in this increase of salary. My people are in favor of decent pay for these positions. While it is true, as the gentleman from Illinois has said, that it is a high and honorable place, the Government of the United States ought not to require the services of any citizen without pay commensurate to the services performed. And, Mr. Speaker, I believe there are not ten men on this floor who, in private conversation, will not say, "The salary is inadequate, the increase is right," but, some say, "I can not afford to vote for it." [Applause.] If the time ever comes while I am a Member of this House that I look upon any proposition as being right, and yet I am afraid to vote for it, I will tender my resignation and go home. [Applause.] I intend, as long as I am here, to vote my convictions as my limited ability will give me the light. And you all know that it is utterly impossible to maintain a family in the city of Washington, with all of your other expenses, on the present salary. Mr. Speaker, some gentlemen leave their families at home because they are not able to bring them here. I would not come here for a Senatorship if I had to remain for six or seven months separated from the wife of my bosom and the children of my loins. [Applause.] The Government does not require it. The newspapers of the country, representing public sentiment, are demanding this increase, and they are branding us with not having the courage to vote for it. If it is right Mr. Speaker, that this increase should take effect in the Congress to begin on March 4, 1909, it is right that it should take effect in the Congress to begin on March 4, 1907. [Applause.] And I intend, if this amendment of the gentleman from Pennsylvania [Mr. BUTLER] is voted down, to offer an amendment fixing the taking effect of this law at the beginning of the next session of Congress. [Applause.] That is the time when it ought to take effect, and the sentiment "I can not vote for it because I am increasing my own salary" is a mere subterfuge, by which you can not deceive the American people. They know that the vast majority of the Members of this House consider that the salary is inadequate and that it ought to be increased. You can not fool them. They know that you want it, and they know that some gentlemen here will vote against it, while at the selfsame moment their hearts are silently sending up prayers to the good Lord that it may pass. [Laughter.]

In my State, Mr. Speaker, we have a constitution adopted in 1885. That constitution provides for biennial sessions of the legislature. It provides that members of the legislature shall not receive more than $6 per day, and 10 cents a mile in going and returning from the capital. During the twenty-one years

that that constitution has been in force—and every session fixes its own pay—propositions have been offered at $3 a day, $4 a day, $5 a day, and not a single legislature has ever met that they did not wind up by fixing it at the maximum—$6 a day and 10 cents a mile. We increased last year the salary of the governor from $3,500 to $5,000, and built a mansion for him to live in. We have increased the salaries of the judges and the State attorneys, and all down the line, because our people recognize the great increase in the cost of living that has been brought about by this era of marvelous prosperity.

Mr. LIVINGSTON. Will the gentleman yield?

Mr. CLARK of Florida. Certainly.

Mr. LIVINGSTON. With $7,500 and the mileage taken out and the actual expenses given for 386 Members of the House, will that be practically any more expense to the Government in the way of a tax than the present salary of $5,000?

Mr. CLARK of Florida. I have no doubt that it will not be.

Mr. LIVINGSTON. That is so, for I have figured it out.

Mr. CLARK of Florida. Mr. Speaker, it is true that a seat in this great legislative body is a great and distinguished honor, well worthy the ambition of any citizen of the Republic; but if you fix the compensation so low that a man of moderate means can not, in justice to his family, remain here, you absolutely close the "door of hope" to every poor man in all the land, and you deliver the law-making power into the hands of the rich and powerful. So great is the honor of being a Member of this House that men have, in the past, sacrificed their personal interests to remain here; they are sacrificing their personal interests to-day, and as long as the laudable ambition to serve one's country finds lodgment in the breast of the American citizen, sacrifices to reach here and to remain will continue to be made. But, Mr. Speaker, all this is no argument against an increase of salary for the membership of this body. I represent upon this floor as enlightened, intelligent, and progressive a constituency as exists anywhere throughout the broad domain of this great Republic, and I am quite sure that my people do not wish me to pursue a course that would close the door to a seat in the Congress in the face of the poorest man who lives within the borders of the great district which I have the distinguished honor at the present time to represent. While I may be criticised from certain quarters for the position I am now taking—and, indeed, I expect it—yet I am happy in the assurance, Mr. Speaker, that the reign of the demagogue is at an end in the State of Florida, and our people can no longer be misled by the senseless ranting of the "sand-lot" orator. Florida has her face set toward the morning of this new day of progress and is endeavoring to keep step with the music of our wonderful national prosperity. The gentleman from Illinois [Mr. BOUTELL], for whose opinions I have the very highest respect, suggests that the matter of compensation should not be considered, and that even if there was no salary at all gentlemen would make a desperate effort to retain their seats in this body. Mr. Speaker, none but the wealthy could afford to do that, and if such provision of law should obtain you would soon witness in this free Republic a House of Representatives composed entirely of very rich individuals, some of whom may have made their fortunes by their own activities, some of whom may have inherited it, and some of whom may have married it, but every one of them, in all probability, far removed from the common people of our land.

Mr. Speaker, I am opposed absolutely to the payment of salaries of Members by indirection. For God's sake let us answer the great daily papers, who are challenging our courage. You know that the salary is inadequate; you say it is inadequate; you say that this is not wrong. Then I appeal to you to go upon the record by your votes before all the country. [Applause.]

I will print as a part of my remarks the following clippings:

[Washington Times, December 8, 1906.]

INCREASING SALARIES.

It will be a wonder if the Congressional movement for a reasonable increase in Government salaries doesn't somewhere go down on a rock of bigotry or demagoguery. Salaries are notoriously inadequate in Government service. But it will be surprising if Congress proves it has courage enough to do the right thing and increase them.

It would be better if salaries of Congressmen and Senators had not been brought in for consideration at the same session with other salaries. Congress could have granted, for instance, increases of pay in the Army and Navy without fear. Then, later on, Congressmen and Senators could have been given their due. As it is, additions to other salaries will look like a sop to distract attention from the 50 per cent addition to Congressional salaries.

There is no objection to the $7,500 salary for Congressmen and Senators. They ought to have it. But they ought to have the courage to vote it to themselves because it is right. They ought not to sneak it in under the shelter of a general salary-increasing movement. Things have changed since the time when, a generation ago, Congress increased its own salaries, and there was a chorus of protest which culminated in the retirement to private life on that one issue of most of the Members of the lower House and a number of Senators.

The country is now rich instead of poor; it has grown away from the notion that personal debts are an essential preliminary to high thinking.

[The Washington Post, Wednesday, December 12, 1906.]

LET SALARIES BE RAISED.

The House of Representatives has an excellent opportunity at this time to prove its courage and candor. It believes that the salaries of Representatives and Senators should be increased to $7,500, to keep pace with the increased cost of living. But there may be some members who are afraid to act, and there may be others who, in the hope of currying favor at home as economists, will make a point of order against the increase.

If the amendment is ruled out on a point of order, the House should have the courage to pass a bill making the increase of salary. Its course would be commended by the people. There is no question of the inadequacy of Congressional pay. There may be question, however, of the frankness and courage of Representatives if they falter and dodge on this subject. The whole world despises a man who is afraid to stand up for his own rights.

While the House is raising the pay of its own Members, it should, of course, take cognizance of the underpaid Government clerks whose only hope of relief is from Congress. The Congressmen can help themselves, and if they increase their pay 50 per cent there will be no complaint. But if they ignore other Government employees while helping themselves, their action may be adversely criticised.

The time has come when salaries should be increased. Can not Congress attack this subject with breadth of view and candor and courage?

[The Washington Post, Sunday, December 9, 1906.]

INCREASE OF SALARIES.

The House of Representatives feels the sting of prosperity. Like all other salaried people, the Members of the House discover that it is difficult to make both ends meet with the price of living steadily increasing. It is accordingly proposed that an amendment shall be offered to the legislative appropriation bill increasing the salaries of Representatives to $7,500 a year. This is a reasonable readjustment, which will meet with the approval of the country. If the House agrees to the amendment, it is presumed that the Senate will insert a similar amendment, increasing the salary of Senators to the same figure.

While Congress is considering the salary question what a splendid opportunity is offered to do justice to clerks of the Government. The employees in the Executive Departments are in the same position as the poor Congressmen. They, too, are stretched on the rack of low salaries and high prices. Their salaries have not been adjusted for many years, during which time the cost of living has enormously increased. They were recently required to do extra work every day at the same old pay, but beyond this trifling attention no notice has been bestowed upon them by Congress. Working for a pittance, as most of them are, a little relief would be far more important to them than to Congressmen. The people of the country are not unjust taskmasters. If they could express themselves upon this subject, it is certain that they would direct Congress to readjust the pay of Government employees to conform to conditions created by prosperity.

The Members of Congress propose to increase their pay 50 per cent. It is not too much. But can they do it with a clear conscience if at the same time they refuse to increase the pay of Government clerks, who are infinitely worse off and to whom an increase of even 10 per cent would be a Godsend? There is no necessity for labored investigations upon which to base such action. The clerks are in classes, and a brief paragraph would be sufficient to cover the matter. The salaries of clerks, in other words, can be increased as easily as the salaries of Congressmen.

Now is the time, gentlemen of Congress, to recognize the fact that prosperity brings its obligations.

[Philadelphia Inquirer, December 8, 1906.]

MORE PAY FOR CONGRESSMEN.

This is the time for Members of Congress to vote themselves a respectable compensation for their services. Already several bills have been introduced looking to the payment of $7,500 a year, while the salaries of the Speaker and the Vice-President are proportionately advanced. There is no sense in evading the necessities of the case any longer, and it is evidently much better for Congress to take action now rather than after the already elected body meets for the Sixtieth Congress.

The bill ought to be entitled "A bill to permit a poor man to run for Congress." The present sum of $5,000 a year would be reasonable enough if it meant that the Member had that amount to devote to his personal expenses. The fact is that most of the Members are called upon to pay large election expenses. They can not escape them, and probably in all contested districts one year's compensation actually goes for those expenses which the law recognizes as proper. This is only a part of the cost of representing a district.

In Washington the cost of living is high enough—so high that Senator Hoar, one of the best men who ever sat at Washington, lived for almost forty years in a boarding house. He was fortunate in representing a constituency which did not require a great deal of patting on the head. But there are few Members to-day who do not have to go down in their pockets almost daily to pay the fares of constituents or to help out those who are in trouble and are stranded in Washington.

In 1874 Congress raised the salary to $7,500, but committed the mistake of making it retroactive. The present Congress can give the coming Members of the next Congress the added compensation with the assurance that the people will gladly submit. They want to have a law that will not make it essential to select men of accumulated fortune. We desire good men and we wish them to be as independent as possible.

Mr. LITTAUER. Mr. Speaker, I now yield five minutes to the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. SULLIVAN. Mr. Speaker, the gentleman from Illinois addressed an argument to the House which appeals with great force to many of its Members. I believe that some Members will vote in the belief that his argument is decisive; and yet I venture to assert that it is based upon a wrong premise.

One has only to look at the statute which created the salary of Members in the beginning to realize that it was fixed upon the idea of the value of service and not as an honorarium;

that it was fixed to enable Members to live decently in Washington and enjoy the ordinary comforts of life. Otherwise such a salary as $5,000 a year would not have been fixed in 1866, when $5,000 was more than $10,000 is to-day.

Therefore it seems to me that the idea of service being rendered for an honorarium must be dismissed from the case, and we must act on the idea of service being rewarded with adequate compensation.

Now, if we proceed upon the theory propounded by the gentleman from Illinois, to be logical we should abolish all salaries, for then the patriotism and honor of the service would not be diminished by a single dollar. Then we would serve, as members of the British Parliament do, without any compensation whatever. And yet, what do we find as the result of that system across the water? You might take the case of the Irish members of Parliament. There are about 100 Nationalists in that house, and they receive no salary; but men of their blood upon this side of the Atlantic are constantly called upon to contribute money to enable these Nationalist members to live. They are the very flower of the Irish race; they give up professions and other splendid careers to serve their country in a Parliament where questions of patriotism are more frequently raised than in the American Congress. These men sacrifice splendid careers for patriotism pure and simple. They are interested in one question only, and that is home rule for the land of their birth. And yet men of their own country and men of their blood in other lands realize that this is a material, bread and butter world after all, and that if you wish to possess a soul you must link it with a body, the body must be fed, the body must be clothed, and the body must be housed. So it becomes a practical question, the very identical question which was presented to the men of 1866 when $5,000 was fixed as a salary proper to be paid to the Members of Congress.

The same question arises to-day. What is adequate compensation for the Members of Congress? Will anyone contend that $5,000 to-day is sufficient to pay the expenses of living and all the other expenses which a man must incur as soon as he accepts this office? No reasonable man who has lived in this city will make that assertion to-day. What, then, is the duty of the House? To raise the salary to such a level as will afford a decent living to its Members and attract the best and the ablest men to its service. There are two classes of men who will vote on this proposition. One class will vote upon the line of reasoning laid down by the gentleman from Illinois [Mr. BOUTELL], namely, that this service is so honorable that it ought not to be diminished by an increase of salary. But there is another class of men, I venture to say, who, from the instinct of self-preservation, will vote against this increase. Mediocrity, Mr. Speaker, has always found its greatest defense in small compensation. So long as salaries are low mediocrity is safe, and a certain number of gentlemen in this House, in order to preserve their places, will not vote to raise salaries, because they know that an increase of salary will invite to competition with themselves men better qualified to serve in the Congress of the United States. [Laughter and applause.] There are lawyers whose only means of living is found in the fact that bar associations have not framed rules and statutes have not been enacted which fix uniform rates for the trial of cases in court. Suppose a statute were to pass giving to attorneys $500 for the trial of each case. There are gentlemen who would never try another case in the course of their lives. The cases would then be tried by the ablest members at the bar. The protection of these poor members is found in the small compensation for which they are ready to serve. I believe that will be a potent argument when addressed to some Members of this House; and right in that connection let me say that everyone knows now that the greatest advantage which a district can have is found not always in the natural ability of its Member, but in the experience which that Member acquires. Even after the space of two terms one finds that he can accomplish with great facility what he would find it extremely difficult, if not impossible, to accomplish in his first term.

He acquires the means of knowing the various channels and avenues of legislation. He knows whether it is going to be legislative economy or legislative waste for him to attempt a certain line of work, and his district gets the value of that experience. But by the time the Member has acquired that experience his family has increased in number, his expenses have increased in proportion, and then he meets a practical problem—"Can I afford to stay here any longer?" Every instinct demands that he should stay. There are Members of this House who are going out now because they can not afford to stay any longer. If they could afford to stay and provide bread and clothing and decent housing for their families, they would stay here and become useful Members—useful alike to their country and to their districts. But the great value of the experience which they would acquire is entirely lost by reason of the inadequacy of the compensation, which results in forcing them out. Now, the gentleman from Illinois [Mr. BOUTELL] has said that we can not afford to inaugurate a scheme based upon the capacity of Members. Of course not. Capacity is different according to the Members. There are no two men in the whole world absolutely equal in point of capacity. There are Members of this House who, if paid the actual value of their services, would receive not five, but twenty-five thousand dollars a year. There are other Members of this House who, if paid by the same standard of measurement, would not receive, in my judgment, more than $1,000 a year. [Laughter and applause.] But we can not frame a law based upon the capacity of individual Members. We must make the law hard and inelastic, and therefore the only thing to do is to raise the salary to that reasonable level which will allow all men at least an opportunity to exist, and thus give to some of our ablest, though needy, Members a means of keeping the wolf from the door. Then their natural ambition and patriotism will compel them to stay here and sacrifice the larger pecuniary rewards which unquestionably they could reap in private service.

Now, take the condition of city districts, and I urge that particularly upon the attention of the House. I say, Mr. Speaker, that unless salaries are raised you will have in a few years but two classes of men coming from the great cities of this great country to represent their people in the Congress of the United States. One will be the rich and leisure class. The other will be the professional politician who has worked his devious way up from ward heeler to councilman, from councilman to alderman, from alderman to local representative, and thence to Congressman of the United States. Yet you will find that such a man very frequently has no visible means of support, and is a creature who lives by his wits and by his wits alone. Nevertheless if the compensation is not increased the great cities of this country will be represented by those two classes, and those two classes exclusively. Is that an inviting prospect for the Members of this House? Will you have your great cities represented by the idle rich who came here—most of them for mere pastime, some of them I grant to give the country the benefit of their splendid talents and their leisure—but some of whom also come here in order to be relieved of the ennui which inflicts itself upon them every day of their lives. Will you be pleased with the prospect of having your great cities represented by the idle rich and by the cheap professional politician? The middleman by this standard of compensation will be excluded because he must provide decently for himself and for his family. His first duty, I insist, is to his family. Unless this compensation can be raised that middle class must be excluded from the privilege of occupying a place in the Congress of the United States.

I address these remarks to the House in the hope that the Members will be governed by practical considerations—by the same considerations which would influence the proprietor of a factory or the manager of a railroad who sought to provide decent service for the public. If these considerations are given effect, I am confident that the proposition of the gentleman from New York will be passed here by an overwhelming vote. [Loud applause.]

Mr. LITTAUER. How much time have I remaining?

The SPEAKER. Twenty minutes.

Mr. LITTAUER. I yield five minutes to the gentleman from Florida [Mr. LAMAR].

Mr. LAMAR. Mr. Speaker, I shall vote against the proposed increase of the salaries of Members of this House either for the Sixtieth Congress or for the Sixty-first Congress. If it were to go into effect for the Sixtieth Congress it would be Members of this House practically voting upon raising their own salaries, for many Members of this House are Members of the Sixtieth Congress. I shall debate it squarely upon the proposition of raising the salary at all. Mr. Speaker, I have no objection to any man upon the floor of this House entertaining a very large or a very small estimate of his own abilities. I neither belong to the rich class, nor do I know anything of the conditions of ward politics so accurately set out by the distinguished gentleman from Massachusetts [Mr. SULLIVAN]. I come from an agricultural district, where, although I am a lawyer by profession and have been honored with the high office in my State of attorney-general, I could not make exceeding $5,000 in the little town in which I live by my profession. This House is constituted practically of three classes of membership—one very rich, who do not need any raise of salaries at all; another

class, who represent railway and other corporations in addition to being Members of this House, and do not need any raise of salary at all; and the other class are those who can not make more than $5,000 a year in the communities in which they live. The people in my district, I do not believe, would tolerate my voting for any increase of the salaries of Members of Congress. To-day the lumber men, the vegetable men, tobacco men, fruit men, and farmers generally in the district I represent are pressed and injured by extortionate railway rates and charges. And this House of Representatives, neither Democrats nor Republicans, has not passed an adequate law to protect the interests of the people who sent me here, and I will not cast a vote to raise either my own salary or the salary of Members of this House collectively when this House has declined to pass a fair, just, and adequate statute that will protect the interests of which I speak.

Mr. Speaker, some of the railways in my district are capitalized at two, three, and four times their value. Every article shipped out of my county, every article shipped out of my district, every article shipped into my county, every article shipped into my district, is unjustly taxed by the gross, fraudulent device of overcapitalization of the railroads. Whether $7,500 per annum be an adequate compensation for Members or not, I place one serious objection to it upon the ground that this House, without regard to party, did not, when it had an opportunity to do so, pass a fair, just, and adequate law that will protect the people whom I have the honor here to represent. Whether $5,000 per annum be adequate or not, let me state what a distinguished Member of this House said to me once. Several Members were standing around and talking about the sacrifices men had to make to come to Congress and speaking of the inadequacy of the pay of Congressmen.

"Well," said this gentleman, "LAMAR, do you believe these Pickwickian stories?" I said, "Well, I do not know. I am inclined to doubt some of them." Said he, "I do not believe a word. I do not know how it is with other men, but this is the softest snap I have ever struck in my life."

Mr. Speaker, I would not minimize this question by either reflecting upon the motives of the man who wanted to vote for it or upon the motives of the man who wanted to vote against it. I place my vote squarely upon the ground that the Third Congressional district in my State will not tolerate a vote raising my salary, or the salaries of other Members, when to this time I have not succeeded in getting legislation out of this House that will protect them against extortionate, overcapitalized, fraudulent railroad rates. [Applause.]

Mr. LITTAUER. Mr. Speaker, the amendment now pending is the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER] to the amendment I offered. With the consent of the gentleman from Pennsylvania I would withdraw the amendment and offer this substitute with a perfection of language to carry out the intention.

The SPEAKER. Is there objection?

Mr. SIMS. Mr. Speaker, I wish to offer a substitute for his substitute.

The SPEAKER. The gentleman from New York proposes to modify his amendment, as the Chair understands it.

Mr. HULL. Let it be reported, so we will understand it.

The SPEAKER. The gentleman from Pennsylvania [Mr. BUTLER] desires to withdraw his amendment.

Mr. BUTLER. I do, because I have seen the amendment of the gentleman from New York [Mr. LITTAUER].

The SPEAKER. The gentleman from Pennsylvania [Mr. BUTLER] having withdrawn his amendment, the gentleman from New York withdraws his amendment and offers the following, which the Clerk will report.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry. Is the amendment, the one which has now been offered, open to amendment?

The SPEAKER. It will be after it is read. The Clerk will read.

The Clerk read as follows:

Insert a new section, to stand as section 8, and to read as follows: "On and after March 4, 1909, the compensation of Senators, Representatives in Congress, Delegates from Territories, and Resident Commissioner from Porto Rico shall be at the rate of $7,500 per annum, and in lieu of mileage now authorized by law, they shall each be allowed and paid actual individual traveling expenses from their homes to the seat of government and return, by the most direct route of usual travel, once for each session of the House to which such Senator, Representative, Delegate, or Resident Commissioner belongs, to be certified to under his hand to the disbursing officer and filed as a voucher."

Mr. SIMS. Mr. Speaker, I offer an amendment to the amendment, to strike out the figure "9" and put "7" in it, so as to read "1907" instead of "1909."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "1909" and insert "1907;" so that it will read: "On and after March 4, 1907, the compensation of Senators, Representatives in Congress, and Delegates from Territories, and Resident Commissioner from Porto Rico, shall be at the rate of $7,500 per annum, and in lieu of mileage now authorized by law they shall each be allowed and paid actual individual traveling expenses from their homes to the seat of government and return, by the most direct route of usual travel, once for each session of the House to which such Senator, Representative, Delegate, or Resident Commissioner belongs, to be certified to under his hand to the disbursing officer, and filed as a voucher."

Mr. SIMS. Mr. Speaker, I want five minutes.

Mr. LITTAUER. I yield to the gentleman two minutes. There is a general desire to get to a vote.

Mr. SIMS. Only two minutes on such a good amendment as this?

Mr. LITTAUER. Five minutes, then.

Mr. SIMS. Mr. Speaker, I have offered this amendment for this reason: There is no justification for increase of salary to commence two years ahead that does not now exist, and if the conditions now existing are such as to justify increasing salaries to commence more than two years from now, they certainly do justify an increase to commence with the beginning of the next Congress. [Applause.] And the people will not be fooled. When a man who votes for this increase to be made in 1909 runs for the Sixty-first Congress he will be met with some man who will be in favor of repealing it, and if he says that he is in favor of repeal—I mean the man who votes for it now—he will be in a hole anyway. [Laughter.] And if he is in favor of repealing it he does it alone upon the ground that conditions then existing justify it. If the expense of living has so increased, as has been stated here, to justify an increase of salary, it certainly ought to be made logically, and that is, to relieve the conditions that demand this legislation.

Why, some of my Republican friends say that in 1909 the Democrats may be in power, that there will be a panic, and that prices will have gone down; then, of course, we would no longer need the increase, as the cost of living would be a great deal less. In reply to that I will say that in 1909, when we have all the trusts busted, the prices will have gone down, and then we will not need it. Why not say what we want instead of expecting the Senate to do what we have not the courage to do. If I were a Senator, and this amendment goes through this way, you should keep it, because it is an expression of this House, and it is either just and proper now to adopt this amendment or not. You can not know what the conditions will be in 1909.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. SIMS. Certainly.

Mr. MANN. As I understand, the gentleman justifies his proposition on the statement that if it is needed at all it is needed now.

Mr. SIMS. In the next Congress.

Mr. MANN. Does the gentleman think it ought to apply from now, the present Congress?

Mr. SIMS. No; to the Sixtieth Congress. My amendment only applies to that.

Mr. MANN. The Sixtieth Congress will not take its seat for a year.

Mr. SIMS. But the 4th of March will take its seat before that. [Great laughter.]

Mr. BURLESON. Will the gentleman allow me to ask him a question?

Mr. SIMS. Certainly.

Mr. BURLESON. We were elected to the Sixtieth Congress at a salary of $5,000 a year. The salary was fixed at that amount. Now, does the gentleman think it right to vote to increase the salary when we have already been elected?

Mr. SIMS. Does the gentleman think it is right to stickle over increasing his salary for next Congress when he expects to make the Senator vote for $7,500 a year for an unexpired portion of his term? If the proposition of the gentleman is right, Senators can not vote for the proposition to increase for 1909, as he has been elected. What will your Senator have to do whose time does not expire until after 1909? If you want to make it so it will not apply to one who is in office, you will have to make it apply six years from now. Yet a few minutes ago we voted to make the Speaker's increased salary begin on the 4th day of March, 1907. He certainly is a Member of this House, and that vote was right.

Mr. MANN. But the gentleman understands that the Speaker has not been elected.

Mr. SIMS. That is the hugest joke I ever heard. [Great laughter.] Where is the Republican on that side of the House who is going to vote for anybody but JOSEPH G. CANNON for

Speaker? [Laughter and applause.] That is one of the meritorious reasons for the increase [renewed applause.], because you know who you are going to get, and the country knows it. [Renewed applause.] Now, I have no doubt that there are men in this House of large fortune or men who can go out and get $100 or $150 a day lecturing. Maybe they do not need it, but they ought not to crowd out from this House those who can not live here without an increase. They ought to think of those who need this increase.

Mr. GAINES of Tennessee. Will the gentleman yield to me for a minute?

Mr. SIMS. Certainly.

Mr. GAINES of Tennessee. Yesterday Senator TILLMAN said to me: "If I remained in Congress and had to live on my salary and could not lecture, I would starve. I could not take care of my family."

Mr. SIMS. Who would do anything to cause Senator TILLMAN to starve? [Great laughter.] If this increase does not apply to the Sixtieth Congress, I shall vote against it, as I can not possibly know what conditions will prevail in 1909.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that the time of the gentleman from New York may be extended twenty minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTAUER. I yield two minutes to the gentleman from Michigan [Mr. GARDNER].

Mr. GARDNER of Michigan. Mr. Speaker, I hope the amendment offered by the gentleman from Tennessee will not prevail. It seems to me there is a marked difference between voting for the amendment as proposed by him and voting for the amendment as offered by the gentleman from New York. Every Member here who was elected to the Sixtieth Congress is under an implied contract with his constituents at home to serve for two years for the stipulated salary now in the law. He made his canvass, he asked for their votes, he received their indorsement on the supposition that they as taxpayers would remunerate him at the stipulated salary then understood by all parties. To vote to increase the salary for a Congress for which we made that canvass and were indorsed on that proposition does not seem entirely fair to the people we represent. After the next Congress expires, the man who votes for the amendment of the gentleman from New York or votes against it, as he sees fit, goes back to the people who sent him here for their indorsement. But to vote for that increase now would be to take advantage of our position here to increase the salary for a term to which most of us were elected, but have not yet entered upon.

Mr. GAINES of Tennessee. Will the gentleman allow me to make an inquiry?

Mr. GARDNER of Michigan. Certainly.

Mr. GAINES of Tennessee. I fully appreciate the point the gentleman makes, but suppose, now, that we send this proposition to the Senate. Two-thirds of that body are always members, one-third going out every two years, so that the two-thirds that remain will be obliged to vote on the question of raising or fixing their own salaries, regardless of the date which we fix for the taking effect of this amendment, unless you put it a number of years ahead. Then among the members of the Senate now a large number will be reelected to the Senate, just as you and I are reelected to the House.

Mr. GARDNER of Michigan. I will answer the gentleman by saying that we are only responsible for our own acts.

Mr. GAINES of Tennessee. Oh, I appreciate that.

Mr. GARDNER of Michigan. And not for those of the Senate. Conditions are different there from what they are here. If there were like conditions existing here, the objections I now make might not lie, because they could not be made with corresponding force.

Mr. LITTAUER. I yield to the gentleman from Iowa five minutes.

Mr. LACEY. Mr. Speaker, this amendment as offered by the gentleman from New York does not take effect until the terms of all the present Members of this Congress will expire, so that each Member is in a position to vote upon this proposition upon precisely the same footing, whether he is a Member of the Sixtieth Congress or not. I believe that the compensation for this office should largely be the honor that is in it. The salary ought to be sufficient to pay living expenses, but no man should be put in the position of seeking a seat in Congress merely for the salary, and any attempt to make this compensation desirable merely because of its amount will depreciate the character of the membership of this House. When the Members of this House were paid $1,500 a year, and also when they were paid $8 a day for the time actually spent by them in this body, the House certainly had a membership as high in character and ability as it has ever had since. By increasing the compensation, as stated by the gentleman from Massachusetts [Mr. SULLIVAN], you make it attractive to the very class of men that he says ought to be excluded from Congress. The ward heeler, the professional politician, who he says now often gets into Congress, would in fact seek a seat here for the money that is in it. At present the compensation is adequate to support any Member in a decent way, not in affluence, not in luxury, but in a fairly decent manner. He has to spend about six months each year in this city. The other six months he spends in his private affairs or spends partly in his campaign, as the case may be. But a Member of this body, as a rule, keeps in touch with affairs at home. He must do so, because the salary is not sufficient to justify him in abandoning wholly his home affairs.

Now, to provide a salary such as will induce men to seek the office for the salary that is in it, and to wholly abandon their own business at home, giving themselves up entirely to a Congressional career for the compensation involved, will depreciate the character of its membership. Look at the men we have had in this body in the past—men who have come here at the sacrifice of money, but who feel that they have been compensated by the honor of the position to which their people elected them. I for one believe that we had better keep the salary where it is. The French deputies get $3,000 a year. The members of the English Parliament receive no compensation whatever. The Members of this body receive barely a sufficient amount to support them while serving in the duties of the office. To keep it at that would retain the membership of this body at its present standard, which I believe to be a high standard. [Applause.]

Mr. LITTAUER. Mr. Speaker, I yield one minute to the gentleman from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. Speaker, I agree with the gentleman from Iowa [Mr. LACEY]. For one I am opposed to the increase of salary for the Members of this or the other House. I am, however, amused to see how popular this question is. I am glad to see that for once members of the two great political parties of the nation can get together. It must be a very meritorious measure in order to appeal to so many of the Members with all the patriotism which they have. It is evident that it will pass, but I want to say to you that for one I shall vote against it. As a farmer, coming from the West, I know that we can live much cheaper than the people who come from the great cities of the East.

But remember, during our term of two years we are here only about ten months and receive a salary of $10,000. I believe that the salary is sufficient and adequate, and I shall vote against any increase of this kind.

Mr. WEBBER. Mr. Speaker, this is a question of living, purely a question of expense in household economy. That being true, let us not forget there are thousands of Government employees in this city who are compelled to live here three hundred and sixty-five days in a year who get hungry, and whose clothes wear out just as rapidly, and who have as large families as have we, that are getting but $1,000 or $1,200 a year. I for one can not give my vote, and shall not for any of these measures, so long as we ask such employees to continue on these salaries—and those who defended the flag to live upon $12 and $14 per month in their distress. I am ready and willing to vote for appropriations to do what is right by the old soldier and by his widow, but I will not give my vote nor my voice to increase the salary of any officials of the Government, from President down, so long as they receive the present compensation paid them by existing law.

We should not forget that we alone have the power to fix all these salaries, but we should not take advantage of the power thus lodged in us by the Constitution. Any Congressman who is willing to live in keeping with this spirit of the American people can live easily on $5,000 when he is only compelled to stay in this city for six months.

Here are less than 400 of us who are affected in this body by this proposed legislation, while there are thousands working for the Government for ten and twelve hundred dollars per year. There are tens of thousands of defenders of the flag who only get $12 or $14 per month out of the same Treasury from which we are seeking to add to our $5,000 a year. I shall cast my vote against the proposed amendment.

Mr. LITTAUER. Mr. Speaker, I now yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, a few days ago I suggested to the House of Representatives that it would be wise to turn over the legislation of the balance of this Congress to the men

who are going out of Congress, so that the standpoint from which legislation might come should be patriotic, intelligent, and disinterested.

Now, you have come right up against the proposition, and here we are. Here is a question involving a large sum of money and a great deal of principle submitted to a House of Representatives in which three-quarters of them are directly interested in the result of this vote.

Why are we proposing to increase the salary of any Member of Congress at any time? What are we doing it for; upon what ground or justification is it proposed to increase the salary from $5,000 to $7,500 at any time? I will answer my own question. It seems to me it is put on the ground that in the present condition of things in this country a salary of $5,000 a year is wholly inadequate and that it ought to be raised. Why? What is the justification and explanation? Why, in the first place, the salary fixed a great many years ago is not worth as much, judged by the standard of the necessary expenditure of a Congressman, by 50 per cent as it was at the time it was enacted. Everything has advanced excepting the salaries of Congressmen and others who are dependent upon their salaries.

Take the railroads of the country. They have increased, during the last four or five years, the pay of their employees on an average about 40 per cent. It amounts to an enormous sum of money, and every class of labor and employment has been increased. But our Democratic friends tell us that the cost of living has increased in the same ratio. That is not, perhaps, quite true, but certainly the cost of living has increased very largely, and so all the wages are being increased somewhat in proportion to the increase in the cost of living. But the salaried man finds himself getting the worst of it. The man with a salary, the man with a fixed income, is the man who is injured by the advance in the cost of living and is not benefited in any way, except in the most indirect way, by the improvement in the condition of affairs.

Now, then, I take it that I am right about the proposition that the increase of salary to the Members of Congress is justified by the condition of the country. When is that condition to operate? Is there any possible logic or force in the proposition that because we find the present allowance to a Congressman considerably below what it ought to be, we will raise the salary of the Members of the Sixty-first Congress, but compel the Members of the Sixtieth Congress to serve at a price which is inadequate?

The gentleman from Michigan [Mr. GARDNER], if I understood the logic of his argument, holds this: If the people of the country had had an opportunity at the last election they would have elected $7,500 men. [Laughter.] But inasmuch as they did not have that opportunity and did elect $5,000 men, therefore it would be unjust to raise the salary of $5,000 men up to what they really ought to be paid.

Mr. GARDNER of Michigan. Mr. Speaker, will the gentleman yield——

The SPEAKER. Does the gentleman yield?

Mr. GROSVENOR. Yes.

Mr. GARDNER of Michigan. I do not think the gentleman from Ohio [Mr. GROSVENOR] puts that quite squarely. I meant to be understood if we voted this amendment of the gentleman from Tennessee [Mr. SIMS] we would vote $2,500 into our pockets that the people did not understand we were to have when we were elected, but if at the close of the next Congress they wanted to indorse the proposition they could elect $7,500 men, and if we were fortunate enough to be selected we would accept the election.

Mr. GROSVENOR. Let us see where the logic of the gentleman leads to. The people that elected my friend to Congress elected him to Congress charged with a knowledge of the Constitution. I will admit that it was a rather violent presumption [laughter], but they are charged with it in law and in logic. The Constitution permits the House of Representatives, cooperating with the Senate and the President, to fix the allowance of the Congressmen. Therefore the people of the gentleman's district are just as much bound by the action of Congress in raising his salary as they are to the proposition of adhering to the salary he now gets when they voted for him as a Member of Congress.

The SPEAKER. The time of the gentleman has expired.

Mr. LITTAUER. I yield five minutes more to the gentleman.

Mr. GROSVENOR. So now we put it upon the ground that in view of all the circumstances the pay of a Congressman is inadequate. When? Now. It will be inadequate during the next two years if now, but who can say—and how utterly illogical it is to say—that during the next two years or three years or four years the same condition will apply that applies to-day? So, then, it is an assault upon the intelligence of the people of the Congressional district represented by my friend from Michigan [Mr. GARDNER] that they are willing to hold their Representative to an unconscionable bargain. He may have made that contract in effect, but here are fifty or sixty or seventy-five new Members coming into this House who have never had any opportunity to vote on the question of their salaries; and the logic of the gentleman is that the people of his district are willing to hold, notwithstanding the provisions of the Constitution, the Members of the House of Representatives to a hard bargain simply because they have agreed, under this forced construction of events, to serve for $5,000 a year.

Mr. Speaker, I have no interest in this. I have no interest in the salary of a Member of the Congress for the Sixtieth Congress, or for the Sixty-first Congress, nor for any other Congress, and I shall not find myself in the attitude of a pauper or a mendicant when I go out of Congress.

But, looking over the field, I take a widely different view from that held by the gentleman from Illinois [Mr. BOUTELL]. I believe that a Member of Congress ought to be paid, and he ought to be paid a compensation adequate to secure just such services as the people in Congress are willing to give. They are competent men. I do not care whether they can earn more at home or whether they can not. Some can and some can not. The people of a district have a right to select the man they want. Sometimes they make mistakes [laughter], but not very often, just occasionally. In any event, I believe that the mass of the people of this country are fully willing that Congressmen should be adequately paid. The terrorizing effect of the salary grab is constantly held up to the faces of Congressmen. There never was any criticism of the increase of the salary of a Congressman. It was the retroactive effect of the statute upon the salary that had already been earned and paid, and the people of the country said that was unfair and an unjust proposition, and they punished the men, or some of the men, who did it. But no man ever heard of the people of any district, so far as I ever knew anything about it, punishing any man because he voted simply and solely for the increase of salary. If I were to be a Member of the Sixtieth Congress I would vote for this increase. If I were to be a Member of the Sixty-first Congress I would do it, and I would do it exactly upon the ground that old John A. Bingham said he did it when he voted both for the increase in the salary and the salary grab. He said he voted for it because he wanted the money, and he believed he had honestly earned it.

Mr. SIMS. Mr. Speaker, in order to stop discussion of this subject, if the House will permit I will withdraw the amendment which I submitted; and I ask unanimous consent to have that done.

The SPEAKER pro tempore (Mr. TAWNEY). The gentleman from Tennessee asks unanimous consent to withdraw his amendment striking out "1909" and inserting "1907." Is there objection?

There was no objection.

Mr. LITTAUER. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Speaker, I have gladly voted for the increase in the salaries of the Speaker of this House and of the Vice-President and of the members of the President's Cabinet. I believe those increases are right and justifiable. There are Members of this House, chairmen of the great committees, whose salaries I would gladly vote to increase if I had the opportunity; but I do not believe that we are justified in raising the salaries of all of the Members of this House, as is proposed by this amendment. It is unfair to take the present high level of prices and consequent heavy expenses of living as a standard from which to gauge our salaries. We have been in an era of rising prices for the last ten years, until now we have reached apparently the very highest point, and all conservative thinkers believe we will soon begin an era of falling prices. Present conditions are extraordinary and should not control us at this high point of American industrial life, with high prices, with high salaries.

If we take the average of conditions for the last thirty-five years, we will find it far below the present high level. We should remember that for more than twenty years prior to 1896 we were in an era of falling prices. We should also remember that when these salaries are once raised it will be practically impossible to lower them however prices may fall. We are only here about six months in the year, on the average. Our usual business is going on at home, as a rule. It has been argued here that present salaries are so low that only the rich and worthless politician will come to Congress.

Mr. Speaker, a high salary will certainly not keep out the rich, but, on the contrary, it will the more attract them; and surely we can not keep out the worthless politician by making

it more profitable for him to come here. A high salary is a premium upon cunning rather than upon virtue. Let us say to the world, and proclaim it for all time, that this is a place for men of honor and not those of itching palms, for men who put above all price the distinction of serving in the greatest Congress of the greatest democracy on earth.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GAINES of Tennessee rose. [Great applause.]

Mr. GAINES of Tennessee. Mr. Speaker, I only desire to briefly reply to some statements which have been made to-day. The gentleman from Texas [Mr. GILLESPIE], whom I so much admire, a man of much good, solid judgment, has stated we are at the high mark of salaries? Whose salary? Members of Congress? The salaries of Members of this Congress were fixed in 1874. Since then the burdens of Members have increased tenfold, taking all of my time to meet them, and are constantly increasing, while the cost of living here has increased in about the same proportions since 1866 or 1874.

The salary fixed in 1874 was the same as in 1866, over forty years ago, when it was fixed at $5,000, the amount we now receive. If that sum was just and proper in 1866 or 1874, it is not so to-day, and you all know it and admit it in private conversation. Why does the membership of Congress change so often? It is simply because the Members have been unable at any time, for any long period, to remain in Washington and meet the responsibilities of fathers and husbands and the inevitable expenses which fall on public men.

It is now suggested that we make this salary apply to the Sixty-first Congress, to be elected two years hence. I will vote for that. I have insisted on the Sixty-first Congress, because it must yet be elected, but I will vote for the Sixtieth Congress rather than these salaries shall not be raised at all.

The First Congress fixed its Members' salary, and President Washington approved it; the Fourth Congress did it, and President Washington approved it; the Fourteenth Congress did it, and President Madison, "the father of the Constitution," approved it—the same Madison who helped to frame the Constitution that my friend from Texas so gallantly protects and defends, and, thank God, he does it well.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Give me a minute or two more.

Mr. LITTAUER. How much time does the gentleman require?

Mr. GAINES of Tennessee. I will take two minutes. [Cries of "Give him five minutes!"]

Mr. LITTAUER. I yield the gentleman from Tennessee five minutes additional.

Mr. GAINES of Tennessee. The Fifteenth Congress did it, and President Monroe approved it; the Thirty-fourth Congress did it, and President Pierce approved it; the Thirty-fifth Congress did it, and President Buchanan approved it; the Thirty-ninth Congress did it, and President Johnson approved it, at $5,000 per year, forty years ago.

Repeatedly have I insisted that these salaries were not commensurate with the exigencies of Congressional life, however modest or unpretentious the Members may live, whether they are statesmen from Texas or Alabama or whether a plain, plodding, working Member of Congress from the great district of Nashville, Tenn. [Applause.] I know that my services are worth more. [Applause.] Day in and day out have I toiled at my official work that never ends, wholly unable to do any work for myself, though often tendered me and of a kind that would pay me well, but the public gets all my time, and should as long as I hold a membership of this body.

I am willing to go before my great constituency and let the people pass upon this question when they elect the Members of this House to the Sixty-first Congress two years hence.

I stated here and elsewhere before I was elected last November that I intended to do what I now am honorably trying to do. Some say we are voting money into our pockets. I deny this; but what did George Washington, the father of our country, say before he approved two acts of Congress fixing his salary at $25,000? In his inaugural address he practically said he did not want any compensation as President. Go and read the RECORD of to-day and you will see his words on the subject. Am I any better than the father of my country?

There has not been a single Congress that I can recall that ever refixed a Congressional salary that did not fix it for the Members of the Congress then acting. Before 1791 they tried to make an amendment to the Constitution to prevent the "varying of compensation of Senators and Representatives until an intervening election of Representatives," but it was voted down.

When was it voted down? In the days of Washington, Madison, Jefferson, and Monroe, statesmen equally as great as the gentleman from Alabama [Mr. UNDERWOOD], who voted to raise judicial salaries because, as he said, he wanted to get good men and give them something to pay for the clothes they wore and the house they rented, although theirs is a place full of honor and glory. [Applause.] I can well work for two years more for the same salary that I am working for now. It is not riches I seek, but justice to the public and the Members. It is not for my pocket, however lean it is; it is for the welfare of my country that I stand and speak for first [applause]; and when I can not cast my vote in this House for my country's welfare, as I see it, I will quit it and go back home to my people, who would not have me do otherwise. [Applause.] This back-salary grab of 1873 was an outrage. After Members of Congress had been paid their salary, or about all of it, for two years, they reached back two years and paid their salaries again.

They were turned, and properly so, out of Congress at the next election. But this proposition is for the future—a future Congress to be elected two years hence. It is the future and not the past for which I speak and shall vote. My successor in the Sixty-first Congress will get the benefit of any increased salary by this law, regardless of who he is. It is for the magnificent constituency of Tennessee which I represent in part, and for the people of all this country, who think and read and know that Senators and Representatives are entitled to better salaries. Believing that I am right, I shall vote for this measure, and if not right it can be easily repealed, but I feel the people of Andrew Jackson's district, the people of John Bell's district, the people of James K. Polk's district will approve my action, and if not I shall bow to the majesty of their will. [Applause.]

Mr. LITTAUER. Mr. Speaker, I now demand the previous question.

The question was taken; and the previous question was ordered.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the Clerk may read the resolution again.

The SPEAKER. Without objection, the Clerk will report the amendment.

The Clerk again reported the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. LITTAUER) there were—ayes 135, noes 161.

Mr. LITTAUER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 106, nays 190, answered "present" 7, not voting 79, as follows:

YEAS—106.

Aiken	Dale	Hepburn	Olcott
Allen, N. J.	Dalzell	Hogg	Overstreet, Ind.
Ames	Davey, La.	Huff	Patterson, Tenn.
Babcock	Davis, W. Va.	Humphrey, Wash.	Payne
Bannon	Denby	Jones, Wash.	Pearre
Barchfeld	Dixon, Mont.	Kennedy, Ohio	Prince
Bartholdt	Dovener	Knowland	Pujo
Bede	Dunwell	Lamb	Ransdell, La.
Beidler	Dwight	Landis, Frederick	Reyburn
Bennet, N. Y.	Ellis	Law	Riordan
Bingham	Fassett	Legare	Roberts
Bonynge	Fitzgerald	Littauer	Ryan
Brooks, Colo.	Fletcher	Longworth	Sherley
Broussard	Fordney	Loud	Sherman
Brown	Foster, Ind.	Loudenslager	Slemp
Brumm	Fulkerson	Lovering	Smith, Cal.
Buckman	Gaines, Tenn.	McCall	Smith, Ill.
Burke, S. Dak.	Gaines, W. Va.	McCreary, Pa.	Southard
Burleson	Gillett	McGavin	Sullivan
Burton, Del.	Goldfogle	McKinlay, Cal.	Tawney
Butler, Pa.	Goulden	McLachlan	Waldo
Calder	Graham	Mann	Wanger
Calderhead	Granger	Martin	Weeks
Clark, Fla.	Greene	Mondell	Wharton
Cocks	Grosvenor	Moore, Tex.	Wiley, N. J.
Coudrey	Hardwick	Mudd	
Cushman	Haskins	Needham	

NAYS—190.

Acheson	Broocks, Tex.	Conner	Driscoll
Adamson	Brownlow	Cooper, Pa.	Edwards
Alexander	Brundidge	Cooper, Wis.	Ellerbe
Allen, Me.	Burgess	Cousins	Esch
Andrus	Burleigh	Cromer	Field
Bartlett	Burnett	Crumpacker	Flood
Bates	Butler, Tenn.	Curtis	Floyd
Beall, Tex.	Campbell, Kans.	Darragh	Gardner, Mich.
Bell, Ga.	Campbell, Ohio	Davis, Minn.	Gardner, N. J.
Bennett, Ky.	Candler	Dawes	Garner
Birdsall	Capron	Dawson	Garrett
Boutell	Chaney	De Armond	Gilhams
Bowersock	Chapman	Deemer	Gill
Bradley	Clark, Mo.	Dickson, Ill.	Gillespie
Brantley	Clayton	Dixon, Ind.	Glass
Brick	Cole	Draper	Graff

Gronna	Klepper	Page	Spight
Gudger	Kline	Parker	Stafford
Hamilton	Knapp	Patterson, N. C.	Stanley
Haugen	Knopf	Patterson, S. C.	Steenerson
Hay	Lacey	Pollard	Stephens, Tex.
Hayes	Lafean	Powers	Sterling
Hedge	Lamar	Rainey	Stevens, Minn.
Heflin	Landis, Chas. B.	Randell, Tex.	Sulloway
Henry, Conn.	Lawrence	Reeder	Talbott
Henry, Tex.	Lee	Rhodes	Taylor, Ohio
Hermann	Le Fevre	Richardson, Ala.	Thomas, N. C.
Higgins	Lever	Rives	Tirrell
Hill, Conn.	Lewis	Robinson, Ark.	Townsend
Hill, Miss.	Lilley, Conn	Rucker	Trimble
Hinshaw	Little	Russell	Underwood
Holliday	Littlefield	Samuel	Volstead
Houston	Lloyd	Saunders	Vreeland
Howard	Lowden	Scroggy	Wallace
Howell, N. J.	McCleary, Minn.	Shackleford	Watkins
Howell, Utah	McKinney	Sheppard	Watson
Hughes	McLain	Sims	Webb
Hull	Macon	Slayden	Webber
Hunt	Madden	Smith, Iowa	Weems
James	Miller	Smith, Ky.	Weisse
Jenkins	Moon, Tenn.	Smith, Md.	Williams
Johnson	Mouser	Smith, Samuel W.	Wilson
Jones, Va.	Murdock	Smith, Pa.	Wood
Keifer	Nelson	Smith, Tex.	Woodyard
Kennedy, Nebr.	Norris	Smyser	Young
Kinkaid	Otjen	Southall	Zenor
Kitchin, Claude	Overstreet, Ga.	Sparkman	
Kitchin, Wm. W.	Padgett	Sperry	

ANSWERED "PRESENT"—7.

Bishop	Foster, Vt.	Humphreys, Miss.
Currier	Hale	Lilley, Pa.
		Livingston

NOT VOTING—79.

Bankhead	Gilbert	Michalek	Schneebeli
Blackburn	Goebel	Minor	Scott
Bowers	Gregg	Moon, Pa.	Shartel
Bowie	Griggs	Moore, Pa.	Sibley
Burke, Pa.	Hearst	Morrell	Small
Burton, Ohio	Hopkins	Murphy	Smith, Wm. Alden
Byrd	Hubbard	Nevin	Snapp
Cassel	Kahn	Olmsted	Southwick
Cockran	Keliher	Palmer	Sulzer
Davidson	Lindsay	Parsons	Taylor, Ala.
Dresser	Lorimer	Perkins	Thomas, Ohio
Englebright	McCarthy	Pou	Towne
Finley	McDermott	Reid	Tyndall
Flack	McKinley, Ill.	Reynolds	Van Duzer
Foss	McMorran	Rhinock	Van Winkle
Fowler	McNary	Richardson, Ky.	Wachter
French	Mahon	Rixey	Wadsworth
Fuller	Marshall	Robertson, La.	Welborn
Garber	Maynard	Rodenberg	Wiley, Ala.
Gardner, Mass.	Meyer	Ruppert	

So the amendment was rejected.

The following pairs were announced:

Until further notice:

Mr. DAVIDSON with Mr. BANKHEAD.

Mr. WM. ALDEN SMITH with Mr. TAYLOR of Alabama.

Mr. FULLER with Mr. RICHARDSON of Kentucky.

Mr. LILLEY of Pennsylvania with Mr. GILBERT.

Mr. FRENCH with Mr. REID.

For the session:

Mr. VAN WINKLE with Mr. MCDERMOTT.

Mr. CURRIER with Mr. FINLEY.

On increase of Members' salaries:

Mr. REYNOLDS (against) with Mr. LINDSAY (in favor of).

Mr. LORIMER (in favor of) with Mr. HUMPHREYS of Mississippi (against).

For this day:

Mr. BLACKBURN with Mr. BOWERS.

Mr. CASSEL with Mr. BOWIE.

Mr. DRESSER with Mr. HEARST.

Mr. GOEBEL with Mr. GREGG.

Mr. HUBBARD with Mr. COCKRAN.

Mr. KAHN with Mr. HOPKINS.

Mr. MCKINLEY of Illinois with Mr. GARBER.

Mr. MINOR with Mr. RIXEY.

Mr. MAHON with Mr. LEVER.

Mr. OLMSTED with Mr. ROBERTSON.

Mr. PARSONS with Mr. SMALL.

Mr. SCOTT with Mr. TOWNE.

Mr. TYNDALL with Mr. VAN DUZER.

Mr. WACHTER with Mr. WEISSE.

Mr. FOSTER of Vermont with Mr. POU.

Mr. SOUTHWICK with Mr. GRIGGS.

Mr. SHARTEL with Mr. RHINOCK.

Mr. MORRELL with Mr. MCNARY.

Mr. RODENBERG with Mr. KELIHER.

Mr. FOSS with Mr. MEYER.

Mr. THOMAS of Ohio with Mr. MAYNARD.

Mr. MARSHALL with Mr. SULZER.

Mr. GARDNER of Massachusetts with Mr. RUPPERT.

The result of the vote was then announced as above recorded.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to substitute the proper amounts in the bill required by the adoption of the amendments increasing the compensation of the Vice-President and the Speaker of the House of Representatives and also the members of the Cabinet.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

Mr. LITTAUER. I would also ask unanimous consent that gentlemen who have spoken be permitted to extend their remarks in the RECORD.

Mr. DRISCOLL. Mr. Speaker, I ask unanimous consent to extend my remarks upon the bill pending, and also in connection with them to insert an interview that I had three years ago touching the same subject.

Mr. MANN. I would like to have the gentleman make the request for anybody to extend remarks in the RECORD.

Mr. LITTAUER. I would extend the request that Members may be permitted to extend remarks in the RECORD on this question for three legislative days.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DRISCOLL. Now, Mr. Speaker, I renew my request.

Mr. MANN. What was the request?

The SPEAKER. The request is that in extending his remarks upon the bill pending he may insert with his remarks an interview that he had three years ago touching the same subject.

Mr. MANN. That comes under the general leave, and does not require unanimous consent.

There was no objection.

Mr. BINGHAM. I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BINGHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE AT FORT SNELLING, MINN.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the joint resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 196) relating to the construction of a bridge at Fort Snelling, Minn.

Resolved, etc., That all sums of money contributed and paid, or which may hereafter be contributed and paid, to the United States by the city of St. Paul, Minn., or by any electric street railway company, under the provision of an act of Congress approved March 17, 1906, entitled "An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.," shall be subject to the order of the Secretary of War, and shall be expended in such manner as he may direct on account of any expenses incurred, or which may be hereafter incurred, by the United States, in or about the construction of the bridge, as provided by said act; and that the time for commencing actual construction thereof is hereby extended one year from the date of the passage of this joint resolution.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I would like to hear a little explanation of this before action is had; and I reserve the right to object.

Mr. STEVENS of Minnesota. Mr. Speaker, this is a joint resolution to supplement the act of March 17, 1906. In that act the Secretary of War was directed to construct a bridge between Fort Snelling Military Reservation and the city of St. Paul, Minn., one-half of the expense to be paid by the Government and one-half by the city of St. Paul by the street-railway company using the bridge. The Secretary of War reports to the Comptroller that the city of St. Paul and the street-railroad company have paid over the money for such part as they were required to pay. Now, Mr. Speaker, under the original act that money is held in trust and can not be used for the purpose of paying for the construction of the bridge; that it awaits the action of Congress. So this resolution directs as follows:

That this amount shall be subject to the order of the Secretary of War and shall be expended in such manner as he may direct on account of any expenses incurred, or which may be hereafter incurred, by the United States in or about the construction of the bridge.

That is all that it does.

The SPEAKER. The Chair hears no objection.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STEVENS of Minnesota, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

BRIDGE ACROSS THE MONONGAHELA RIVER, PENNSYLVANIA.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20988) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 7 of an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903, as amended by the act approved January 11, 1905, and by the act approved February 21, 1906, be, and is hereby, amended to read as follows:

"SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from February 21, 1907."

Mr. WILLIAMS. I would like to ask the gentleman if this follows the requirements of the War Department?

Mr. WANGER. The only purpose of this bill is to extend the time within which the bridge may be begun and completed.

Mr. WILLIAMS. It complies with the requirements of the War Department, so that it does not interfere with navigation?

Mr. WANGER. Yes.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. WANGER, a motion to reconsider the last vote was laid on the table.

RESIGNATION OF REPRESENTATIVE JOHN S. LITTLE.

The SPEAKER laid before the House the following communication:

Hon. JEFFERSON DAVIS,
Governor of Arkansas, and
Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives:

You and each of you will take notice that I hereby tender my resignation as a Member of the Fifty-ninth Congress from the Fourth district of Arkansas, my resignation to take effect on and after the 14th day of January, 1907.

Very respectfully, JOHN S. LITTLE.

The communication was laid on the table.

EXTENSION OF TIME WITHIN WHICH SETTLERS MAY ESTABLISH THEIR RESIDENCE UPON THE CROW INDIAN RESERVATION.

Mr. DIXON of Montana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21678) to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the homestead settlers on lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana, opened under the act of April 27, 1904, be, and they are hereby, granted an extension of time in which to establish their residence upon the lands so opened and filed upon until the 15th day of May, 1907: *Provided, however*, That this act shall in no matter affect the regularity or validity of such filings, or any of them, so made by the said settlers on the lands aforesaid; and it is only intended hereby to extend the time for the establishment of such residence as herein provided, and the provisions of said acts are in no other manner to be affected or modified.

Amend the title so as to read: "A bill to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana.

The Clerk read the following committee amendments:

Amend the title of the bill by striking out the word "settlers" in line 2 of the title and inserting in lieu thereof the word "entrymen."

Amend by striking out the word "settlers" in line 3 of the bill and inserting in lieu thereof the word "entrymen."

Mr. SHERMAN. Mr. Speaker, I would like to ask the gentleman if this comes from the Indian Committee?

Mr. DIXON of Montana. The Committee on Public Lands.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to know if this applies to anybody not living on the lands?

Mr. DIXON of Montana. Under the terms of the bill opening the land to settlement and sale, the entries were made last August. Under the general act, they are to establish their residence within six months. The land is all land upon which they have got to dig irrigation ditches. Many can not go on this winter on account of the snow on the ground and build, because they had not the time and money; and this bill merely gives them until May 15 in which to build houses, and does not change the original bill at all except in that particular.

Mr. CAMPBELL of Kansas. Will the gentleman have any objection to making the date June 15?

Mr. DIXON of Montana. I would be perfectly willing to have it June 15, although May 15 the grass comes on and the snow has gone.

Mr. CAMPBELL of Kansas. I have had communications from different parts of the country relative to this matter saying that they could not go there and make the necessary improvements because of the late spring and severe weather.

Mr. DIXON of Montana. I would be glad to accept an amendment of June 15.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. LACEY. Mr. Speaker, I would suggest that the same question will be presented in the Shoshone Reservation in Wyoming. The 15th of May was the date fixed there. That seems to be, in both cases, ample time to allow them all to get in. If one of these bills changed, perhaps the other ought to be changed.

Mr. DIXON of Montana. I think the 15th of May will give them ample time.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

LEAVE OF ABSENCE.

Mr. GRIGGS, by unanimous consent, was given leave of absence indefinitely, on account of illness in his family.

Mr. RHODES, by unanimous consent, was given leave of absence indefinitely, on account of illness.

ADJOURNMENT.

Mr. BINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 48 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sarah Brewer, widow and sole heir of estate of John Brewer, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Michael Rubi against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a recommendation for legislation to provide that the reservation of coal and asphalt lands shall not interfere with town-site locations—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. B. Roberson, administrator of estate of John P. Roberson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting report of receipts and expenditures on account of appropriations for contingent expenses of the War Department, 1905 and 1906—to the Committee on Expenditures in the War Department, and ordered to be printed.

A letter from the Secretary of War, transmitting papers in the claim of Felipe Zamora, of Manila, P. I.—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting papers in the claim of Severino R. Alberto for rent of a house in Binanganan, Rizal, P. I.—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for a sea wall at Fort Moultrie—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for the reconstruction and repair of the general hospital at the Presidio, San Francisco—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for pay of the Army—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for the Signal Service of the Army—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for the Signal Service of the Army for the fiscal year ending June 30, 1907—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for transportation of troops in connection with the Jamestown Ter-Centenary Exposition—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21200) to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Allegheny County, Pa., reported the same without amendment, accompanied by a report (No. 5464); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 121) authorizing the extension of Seventeenth street NW., reported the same with amendment, accompanied by a report (No. 5465); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 128) for the opening of a connecting highway between Water Side drive and Park road, District of Columbia, reported the same with amendment, accompanied by a report (No. 5466); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5971) authorizing the extension of T street (formerly W street) NW., reported the same with amendment, accompanied by a report (No. 5467); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7039) authorizing the extension of Prospect street NW., reported the same with amendment, accompanied by a report (No. 5468); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8435) for the opening of Fessenden street NW., District of Columbia, reported the same with amendment, accompanied by a report (No. 5469); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10843) authorizing the extension of Kenyon street NW., reported the same with amendment, accompanied by a report (No. 5470); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10703) authorizing the extension of Monroe street NE., reported the same with amendment, accompanied by a report (No. 5471); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14815) for the extension of Harvard street, Columbia Heights, District of Columbia, reported the same with amendment, accompanied by a report (No. 5472); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14900) to extend Fourth, Sixth, and other streets NE., reported the same with amendment, accompanied by a report (No. 5473); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20069) for the opening of Macomb street NW., District of Columbia, reported the same with amendment, accompanied by a report (No. 5474); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 55) for the widening of Bladensburg road, and for other purposes, reported the same with amendment, accompanied by a report (No. 5475); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 64) for the extension of Seventh street and Franklin street NE., and for other purposes, reported the same with amendment, accompanied by a report (No. 5476); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 133) authorizing the extension of Twenty-third street NW. to Kalorama road, reported the same with amendment, accompanied by a report (No. 5477) which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2098) authorizing the extension of Second street NW from Elm street north to Bryant street, of W street from its present terminus west of Flagler place to Second street, and of W street west of Second street eastwardly to Second street, reported the same with amendment, accompanied by a report (No. 5478); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2260) authorizing the extension of Meridian place NW., reported the same with amendment, accompanied by a report (No. 5479); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5119) authorizing the extension of W and Adams streets NW., reported the same with amendment, accompanied by a report (No. 5480); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5246) to provide for the extension of Geneseo place and Summit place, District of Columbia, reported the same with amendment, accompanied by a report (No. 5481); which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 5565) to close certain alleys in the District of Columbia, reported the same with amendment, accompanied by a report (No. 5482); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 129) for the opening of a connecting parkway along Piney Branch, between Sixteenth street and Rock Creek Park, District of Columbia, reported the same with amendment, accompanied by a report (No. 5483); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 68) for the widening of a section of Columbia road east of Sixteenth street, reported the same with amendment, accompanied by a report (No. 5484); which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6364) to incorporate the National Child Labor Committee, reported the same with amendment, accompanied by a report (No. 5485); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 22471) to increase the limit of cost for the purchase of a site and the erection of a public building at Ocala, Fla.—to the Committee on Public Buildings and Grounds.

By Mr. JONES of Washington: A bill (H. R. 22472) increasing the salaries of the civil-service employees of the Government—to the Committee on Appropriations.

By Mr. BUCKMAN: A bill (H. R. 22473) to authorize the erection of a public building at Brainerd, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. CHANEY: A bill (H. R. 22474) to amend section 51 of the Code of Law for the District of Columbia, relating to disability of judge—to the Committee on the District of Columbia.

By Mr. UNDERWOOD: A bill (H. R. 22475) to establish a subtreasury at Birmingham, Ala.—to the Committee on Ways and Means.

By Mr. GARRETT: A bill (H. R. 22476) to amend the acts to regulate commerce so as to provide that publishers of newspapers and periodicals may enter into advertising contracts with common carriers and receive payment for such advertisements in transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: A bill (H. R. 22477) for the establishment of a drainage fund and the construction of works for the reclamation of swamp and overflowed lands—to the Committee on the Public Lands.

By Mr. BEALL of Texas: A bill (H. R. 22478) for the completion of section No. 1 of the Trinity River, and for the operation of snag boats and care of locks and dams, and for the construction of locks and dams below section 1—to the Committee on Rivers and Harbors.

By Mr. UNDERWOOD: A bill (H. R. 22479) to provide for a tax upon legacies and distributive shares of real and personal property—to the Committee on Ways and Means.

By Mr. BROUSSARD: A bill (H. R. 22480) to survey Bayou Terrebonne in Terrebonne Parish, La., and to appropriate therefor—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 22481) authorizing a survey of Bayou Vermilion, Louisiana, and making appropriation therefor—to the Committee on Rivers and Harbors.

By Mr. STERLING: A bill (H. R. 22482) to establish in the Department of Commerce and Labor a bureau to investigate the cause of pulmonary consumption in humans, and to seek remedies for the prevention and cure of the same—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 22483) to regulate the width of parking, sidewalks, roadways, and carriage ways in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. PEARRE: A bill (H. R. 22484) authorizing a change in the form of paying pensioners—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 22485) fixing the salaries of rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: A resolution (H. Res. 664) for the employment of additional help (temporary) in the file room—to the Committee on Accounts.

By Mr. ANDREWS: A resolution (H. Res. 665) for the employment of a messenger in the disbursing clerk's office—to the Committee on Accounts.

By Mr. LOUDENSLAGER: A resolution (H. Res. 666) providing for an annual assistant clerk for the Committee on Pensions—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 22486) granting an increase of pension to Joseph V. Lacy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22487) granting an increase of pension to Helen Fletcher—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 22488) for the relief of Dennis Adkins—to the Committee on Military Affairs.

Also, a bill (H. R. 22489) granting an increase of pension to John Travis, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22490) granting an increase of pension to James W. Swim—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22491) granting an increase of pension to William M. Lowder—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 22492) granting an increase of pension to Joseph Jones—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 22493) granting an increase of pension to Charles H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22494) granting an increase of pension to Ambrose D. Babcock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22495) granting an increase of pension to Mary Ann Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22496) granting an increase of pension to William C. Carnagy—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 22497) granting an honorable discharge to Francis A. Land—to the Committee on Military Affairs.

By Mr. CALDER: A bill (H. R. 22498) granting an increase of pension to William E. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22499) granting a pension to Mary A. O'Reilly—to the Committee on Pensions.

By Mr. CALDERHEAD: A bill (H. R. 22500) granting an increase of pension to Minor C. Cleavenger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22501) granting an increase of pension to Austin B. Truman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22502) granting an increase of pension to Orren D. Haskell—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 22503) granting an increase of pension to William A. Clarke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22504) granting an increase of pension to James M. Low—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 22505) to correct the military record of Thomas Moffett—to the Committee on Military Affairs.

By Mr. CRUMPACKER: A bill (H. R. 22506) granting an increase of pension to James F. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22507) granting an increase of pension to Mary A. Fuller—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 22508) granting a pension to Anna McDonald—to the Committee on Pensions.

Also, a bill (H. R. 22509) granting a pension to Frank Ferriss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22510) granting a pension to William E. Puett—to the Committee on Pensions.

Also, a bill (H. R. 22511) granting an increase of pension to L. T. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22512) granting an increase of pension to Levi Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22513) granting an increase of pension to Benjamin Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22514) granting an increase of pension to Thomas V. Coddington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22515) granting an increase of pension to Mrs. W. H. Coppinger—to the Committee on Pensions.

Also, a bill (H. R. 22516) granting an increase of pension to Aaron M. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22517) granting an increase of pension to John M. G. Maver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22518) granting an increase of pension to Richard H. Bartlett—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 22519) granting a pension to Sarah R. Dunlop—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 22520) granting an increase of pension to Nicodemus D. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22521) for relief of James R. Wyrick—to the Committee on War Claims.

By Mr. DICKSON of Illinois: A bill (H. R. 22522) granting an increase of pension to Susan Harraun—to the Committee on Pensions.

Also, a bill (H. R. 22523) granting an increase of pension to James A. Taylor—to the Committee on Pensions.

Also, a bill (H. R. 22524) granting an increase of pension to David Blair—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 22525) granting an increase of pension to G. W. Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22526) granting an increase of pension to Eli B. Fleming—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22527) granting an increase of pension to Duncan Cunningham—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 22528) granting an increase of pension to Daniel Fuller—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 22529) granting an increase of pension to William Truett—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 22530) granting an increase of pension to Robert D. Humes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22531) granting an increase of pension to Allen McCall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22532) granting an increase of pension to Frederick B. Welty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22533) granting an increase of pension to Daniel M. Peer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22534) granting an increase of pension to Perry B. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22535) granting an increase of pension to Samuel White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22536) granting an increase of pension to William J. Carns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22537) granting an increase of pension to William M. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22538) granting an increase of pension to William Beck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22539) granting an increase of pension to John Keller—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 22540) granting an increase of pension to Richard Turnbull—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 22541) granting an increase of pension to David Fyl—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 22542) granting an increase of pension to Charlotte S. O'Neall—to the Committee on Pensions.

By Mr. McGUIRE: A bill (H. R. 22543) granting to the town of Pawnee, in Pawnee County, Okla., certain lands for park, educational, and other public purposes—to the Committee on the Public Lands.

By Mr. MAYNARD: A bill (H. R. 22544) for the relief of E. J. Seeds—to the Committee on Claims.

By Mr. MOUSER: A bill (H. R. 22545) granting a pension to Charles H. Jessee—to the Committee on Pensions.

By Mr. MUDD: A bill (H. R. 22546) granting an increase of pension to James H. Sewell—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 22547) granting an increase of pension to John Hickox, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22548) granting an increase of pension to Franklin H. Davis—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 22549) granting a pension to S. E. Furnas—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 22550) granting an increase of pension to Jonathan B. Reber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22551) granting an increase of pension to Wilson Siddell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22552) granting restoration of pension to Eli W. Elzey—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 22553) granting an increase of pension to Oliver P. Behymer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22554) granting an increase of pension to Frank C. Rust—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22555) granting an increase of pension to Uriah Bickers—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 22556) for the relief of Samuel A. Reppy—to the Committee on Military Affairs.

Also, a bill (H. R. 22557) granting a pension to David H. Gregg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22558) granting a pension to Jane Kearns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22559) granting a pension to Christopher P. Hornsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22560) granting an increase of pension to Edward A. Wilkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22561) granting an increase of pension to Benjamin M. Lanham—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 22562) granting an increase of pension to George J. Abbey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22563) granting an increase of pension to Joseph Whytal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22564) granting an increase of pension to D. R. Lamoreau—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22565) granting an increase of pension to Levi M. Starnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22566) granting an increase of pension to Joseph L. Six—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22567) granting an increase of pension to Edward A. Van Valkenburg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22568) granting an increase of pension to John H. Christman—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 22569) for the relief of the legal representatives of Samuel Swearingen, deceased—to the Committee on War Claims.

By Mr. SNAPP: A bill (H. R. 22570) granting a pension to Andrew W. Sears—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 22571) for the relief of Caroline Elliott, of Benton County, Miss.—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 22572) for the relief of the estate of Lee Arnold, deceased—to the Committee on War Claims.

By Mr. TAYLOR of Ohio: A bill (H. R. 22573) granting an increase of pension to William R. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22574) granting an increase of pension to James Baxter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22575) granting an increase of pension to Allen M. Gibbons—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 22576) for the relief of Capt. Thomas Mason, United States Revenue-Cutter Service (retired)—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: A bill (H. R. 22577) granting an increase of pension to James R. Fairbrother—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22578) granting an increase of pension to Benjamin F. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22579) granting a pension to Mary J. Hill—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 22148) granting an increase of pension to Martha Ann Pruett—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22149) granting an increase of pension to Louisa E. Price—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22150) granting an increase of pension to Malinda P. Sullivan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22197) granting an increase of pension to James W. Chambers—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22241) granting an increase of pension to Stephen Robinson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22306) granting an increase of pension to Louisa Duncan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22310) granting an increase of pension to Mary A. Kerr—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19632) granting a pension to Louise H. Curtis—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16906) granting an increase of pension to Charles Malm—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21352) granting a pension to Hester B. Parrish—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Illinois, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. AIKEN: Papers to accompany bills for relief of Malinda P. Sullivan, Louise E. Price, and Martha Ann Pruitt (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. BATES: Petition of Summerhill Grange, No. 880, for legislation for an experimental parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNETT of Kentucky: Petitions of Foster Council, No. 121; Davy Crockett Council, No. 98; Trinity Council, No. 50; Friendship Council, No. 83, and Wallingford Council, No. 107, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, papers to accompany bills for relief of John Nichols, Andrew J. Moon, Joseph Belford, James W. Swim, John Travis, jr., and William M. Lowde—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: Petition of Council No. 73, of Claiborne, Tenn., Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BURTON of Delaware: Petition of the Laurel Board of Trade for an appropriation to improve Broad Creek River, Delaware—to the Committee on Rivers and Harbors.

By Mr. BUTLER of Pennsylvania: Petition of J. Russell Hayes, of Swarthmore College, against legislation respecting the importation of books in the English language—to the Committee on the Library.

Also, resolution of New London Council, No. 983, of New London, Pa.; Coatesville Council, No. 170, of Coatesville, Pa.; Rockdale Council, No. 803, of Glen Riddle, Pa., and Sharon Hill Council, No. 55, Daughters of Liberty, of Sharon Hill, Pa., respecting the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DAVIS of West Virginia: Petitions of Victory Council, No. 7, Daughters of America; Carricks Ford Council, No. 14; Tyrconnell Council, No. 111; Martinsburg Council, No. 35; Hedgesville Council, No. 126, and Back Creek Valley Council, No. 15, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. DOVENER: Petition of Red, White, and Blue Council, No. 78, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Resolution of the New York Produce Exchange, against free distribution of seeds—to the Committee on Agriculture.

Also, petition of colored citizens of Boston, against the President's order discharging three companies of the Twenty-fifth Infantry—to the Committee on Military Affairs.

Also, petition of Post No. 443, Grand Army of the Republic, of Kings County, N. Y., for restoration of the canteen to Soldiers' Homes—to the Committee on Military Affairs.

By Mr. FLOOD: Paper to accompany bill for relief of James Ewing—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of Horatio M. McGaughey—to the Committee on Invalid Pensions.

Also, petition of citizens of Arkansas, for legislation to make the waters of White River available for electrical motive power—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of William Lay—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of P. H. Farmer—to the Committee on Invalid Pensions.

By Mr. FULKERSON: Paper to accompany bill for relief of James M. Parish—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Samuel Manly—to the Committee on Pensions.

By Mr. GILL: Petition of John M. Bouldin, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of Pride Valley Council, No. 284, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HERMANN: Petition of Scout Young Camp, Spanish War Veterans of Oregon, for restoration of the canteen at military posts—to the Committee on Military Affairs.

By Mr. HUFF: Papers to accompany bills for relief of Frederick B. Welty, Allen McCall, Robert D. Humes, Daniel M. Peer, Perry B. Wilson, Samuel White, William J. Carns, William M. Jordan, William Beck, and John Keller—to the Committee on Invalid Pensions.

By Mr. KAHN: Petitions of A. E. Yoell, the Japanese and Korean Exclusion League, E. R. Coulson, A. E. Smith, John Ferem, P. H. McCarthy, et al., against Chinese, Japanese, and Korean labor on the Panama Canal—to the Committee on Labor.

Also, petition of the Chamber of Commerce of San Francisco, for additional submarine boats for the defense of the Pacific coast—to the Committee on Naval Affairs.

Also, petition of the Chamber of Commerce of San Francisco, for an appropriation to widen and deepen Oakland channel—to the Committee on Rivers and Harbors.

Also, petition of the Chamber of Commerce of Oakland, Cal., for an appropriation to widen and deepen Oakland channel—to the Committee on Rivers and Harbors.

By Mr. WILLIAM W. KITCHIN: Petition of the Charles G. Harrison Printing Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAMB: Petition of Violet Council, No. 14, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LEE: Paper to accompanying bill for relief of Mrs. L. E. Robertson—to the Committee on Invalid Pensions.

By Mr. LEVER: Papers to accompany bill H. R. 22054, granting a pension to Paul E. Ayer—to the Committee on Pensions.

By Mr. LINDSAY: Petition of the New York Board of Trade and Transportation, for an appropriation for a harbor of refuge at Point Judith—to the Committee on Rivers and Harbors.

Also, petition of the New York Produce Exchange, against free distribution of seeds—to the Committee on Agriculture.

By Mr. McKINNEY: Petition of the Chamber of Commerce of Quincy, Ill., for an appropriation to improve the banks of the Mississippi River from Quincy to Warsaw—to the Committee on Rivers and Harbors.

By Mr. OVERSTREET: Petition of Saw Filers and Setters' Union, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. PAYNE: Papers to accompany bills for relief of Perry Lamphere and Charles C. Gage—to the Committee on Invalid Pensions.

By Mr. PEARRE: Petition of Queen City Council, No. 49, Junior Order United American Mechanics; Mountain City Council, No. 12, and Star of America Council, No. 2, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Papers to accompany bills for relief of Wilson Liddell and Eli W. Elzey—to the Committee on Invalid Pensions.

By Mr. RHINOCK: Petition of the national committee on legislation of the Spanish War Veterans, of Kentucky, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. RHODES: Paper to accompany bill for relief of Benjamin M. Lanham—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of colored citizens of Boston, against the discharge of three companies of the Twenty-fifth Infantry—to the Committee on Military Affairs.

Also, petition of the State board of agriculture, for liberal appropriations to suppress the gypsy and brown-tail moths—to the Committee on Agriculture.

By Mr. RYAN: Petitions of C. H. Bierbaum, the Sumen-Bearing Company, the E. R. Thomas Motor Company, Plimpton, Cowan & Co., the Cling Surface Company, and the Pratt & Letchworth Company, Buffalo, N. Y., for increased efficiency of the Patent Office—to the Committee on Patents.

By Mr. SHEPPARD: Paper to accompany bill for relief of Oscar Madden—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Paper to accompany bill for relief of Caroline Elliott—to the Committee on War Claims.

By Mr. STERLING: Paper to accompany bill for relief of Henry R. Darst—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: Petition of Eli Davis et al., favoring bill H. R. 14609, for special pensions for ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of Niagara Council, No. 8, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. WANGER: Petitions of Newtown Council, No. 730, of Newtown, Bucks County, Pa., and Bethayres Council, No. 987, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 15, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN, from the Committee on Indian Affairs, reported a bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908; which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from New York reserves all points of order.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. LITTAUER, from the Committee on Appropriations, reported a bill (H. R. 22584) making appropriations to supply

urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes; which was read a first time by title, and, with the accompanying report, ordered to be printed.

Mr. CLARK of Missouri. Mr. Speaker, I reserve all points of order against that bill.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent that this urgent deficiency bill, so called, be now considered in the House as in Committee of the Whole House on the state of the Union. As explanation of this request I would state that this bill contains eight items, none of which is a real deficiency, but each item is because of an emergency caused by earthquake, by hurricane, because of laws enacted to take effect for which no appropriation had been made, and in particular the pure-food bill, which becomes operative on the 1st of January next, and for which an appropriation for administration must now be made, so that it may be on hand by the 1st of January, when the law goes into effect.

Mr. LIVINGSTON. Will the gentleman from New York explain about this item of $75,000 to complete the work of the Commission on the Five Civilized Tribes?

Mr. LITTAUER. I do not consider that to be what you would call a deficiency. There was a second Curtis Act passed in the last session, which provided that a certain enrollment of children and others should be made before the 4th of March next, and no provision was made for carrying out the requirements.

Mr. TAWNEY. If my colleague will permit me, there was no provision whatever made appropriating money to carry into effect the provisions of the second Curtis Act, which was passed after the Indian appropriation bill passed in the last session.

Mr. LITTAUER. And the appropriation made for the work of the Commission to the Five Civilized Tribes, allotted as it was into quarters, has proved insufficient to accomplish the requirements of the second Curtis Act.

Mr. LIVINGSTON. As the attendance in the House is very small to-day, would it not be better to let this go over until Monday morning?

Mr. LITTAUER. It ought to be passed in ten minutes. I do not see how there can be any objection to a single item. If there is, I will drop it.

Mr. WILLIAMS. Mr. Speaker, I see here in the report that one of the things for which appropriation is made is the sum of $150,000, under the military establishment, for mileage of officers and contract surgeons. Will the gentleman explain that item to the House?

Mr. LITTAUER. The mileage is paid to officers and contract surgeons according to statute. It is due whether we appropriate for it or not. The simple fact is that because of the movement of the Army to Cuba for the purpose of the pacification of Cuba there has been a large amount of additional mileage of officers and contract surgeons. The amount appropriated last year will not be sufficient to pay the obligations incurred under the statute for this mileage. This travel must go on, and the obligation to pay it will still remain whether we appropriate or not, because it is a statutory allowance.

Mr. WILLIAMS. I understood this was connected with the Cuban occupation. Now, has the gentleman anything like a distinct pledge from the Administration that this so-called "Cuban occupation" will be temporary?

Mr. LITTAUER. No pledge, but advice of intention. Certainly, yes.

Mr. WILLIAMS. You have the declaration of intention upon their part that it is to be temporary?

Mr. LITTAUER. Unqualifiedly, yes.

Mr. LIVINGSTON. Mr. Speaker, I want to suggest to the gentleman from Mississippi that we contend that this sum of money should be repaid; that the United States should be reimbursed for this expenditure. Now, the question is whether the Secretary of the Treasury can receive it from the Cuban Republic without authority from Congress. If he can, it will be done; if he can not, then we hope that Congress will give him the authority to do it, for this charge should not come against the United States Government.

Mr. KEIFER. Mr. Speaker, there is nothing of that kind in the bill.

Mr. TAWNEY. Mr. Speaker, if the gentleman will permit me to suggest, this discussion regarding the different items in the bill is not quite in order at this time. Full opportunity will be given for that if unanimous consent is given to consider the bill in the House as in the Committee of the Whole. There will be no effort to deprive the House of an opportunity for a full discussion on each item.

Mr. LIVINGSTON. I have no objection

The SPEAKER. The gentleman from New York [Mr. LITTAUER] asks unanimous consent that this bill, the urgent deficiency bill, just before it, be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent that the first reading of the bill be omitted.

The SPEAKER. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with and that the bill be read by paragraphs.

Mr. MANN. Mr. Speaker, I object. I think we ought to have the bill read now. It is short. Then we will understand the statement of it.

Mr. LITTAUER. I withdraw my motion.

The SPEAKER. The Clerk will read.

The Clerk read the bill at length.

The SPEAKER. The Clerk will now read the bill by paragraphs.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE.

To carry out, during the fiscal year 1907, the provisions of the act of Congress of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," to be expended under the direction of the Secretary of Agriculture for all expenses necessary to carry into effect the provisions of the said act, including rent and the employment of labor in Washington and elsewhere, $250,000, or so much thereof as may be necessary.

Mr. MANN. Mr. Speaker, I move to strike out the last word for the purpose of making a statement which is not really pertinent to the appropriation. I hope I may be indulged. When the conference report on the pure-food bill was presented to the House last session I made a statement in explanation of the action of the proprietary medicine association and referred in language which I shall ask leave to insert in the RECORD to the action of the correspondent of the Chicago Daily News, Mr. Le Roy Vernon, in publishing certain information which I stated he had obtained through his presence in my room during the course of a private conversation with Samuel Hopkins Adams. It is proper to say on behalf of Mr. Vernon that he denies that he obtained his information in that way, though not denying his presence in the room, and he claims that his information was received in conversation with Mr. Adams himself afterwards. For that reason I ask leave to insert in the RECORD, as a portion of my remarks, the remarks which I made at the time of the presentation of the conference report on June 29, 1906, a short letter from Mr. Vernon himself, a copy of a letter from Mr. Hornaday, the correspondent for one of the Indianapolis papers, and a copy of a letter from Mr. Samuel Hopkins Adams. I do this in justice to Mr. Vernon. While personally my view of the matter has not materially changed, still it may be that I have been unduly biased, and whatever may be the facts, Mr. Vernon is entitled to have placed in the RECORD, in permanent form, his side of the controversy.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and it is so ordered.

The papers referred to are as follows:

[Congressional Record, June 29.]

Mr. Speaker, it so happens that my committee room is close to the press gallery in the House. It so happens that a number of the newspaper correspondents make frequent use of a typewriting machine in my room. This has been done with my free consent and invitation, and I am glad to extend to them that courtesy. It so happened during the progress of the fight over this drug amendment that one day I was in consultation in my committee room with Samuel Hopkins Adams, of Collier's Weekly, who has done so much good in the fight against these narcotic or habit-forming drugs, and that on that day the staff correspondent of the Chicago Daily News was in my room making use of my typewriting machine. I talked with Mr. Adams for some time in a general way, and then said to him that his interest in the matter was so great that if I might speak to him in absolute confidence I would be glad to do so. I have always considered that when the newspaper correspondents were in the room they might freely overhear anything I said, because unless I gave them permission otherwise I felt confident that what I said would be treated in confidence, and my courtesy has never been abused except on this one occasion. I stated to Mr. Adams what my programme was; that I felt it would be a losing fight if the proprietary medicine people should stir up the papers any further against the House provision; that they had already succeeded in making many people believe that it was the Senate bill and not the House bill which contained the drug-labeling provision; that it was my plan to call the Committee on Interstate and Foreign Commerce together just before the pure-food bill came up for actual consideration in the House and ask the committee to adopt a stringent amendment in place of the one which had been given out to the public; that I had canvassed the committee as to the attitude of each individual member upon it and felt absolutely confident of success, but that if this were known it would stir up the Proprietary Medicine Association, and we would again commence to receive urgent pleas from all parts of the country to take the Senate bill (containing nothing on the subject) in place of the House bill.

I talked freely and fully to Mr. Adams while the Daily News correspondent was sitting within hearing distance at the typewriting ma-

chine, but was not actually typewriting on the machine most of the time. That correspondent walked out of my room after listening to my confidential talk with Mr. Adams and published my proposition. Immediately the proprietary association got in its work, and we have been flooded for some time past by newspaper advice urging that the Senate bill should be adopted, claiming that the House leaders were trying to hold up the pure-food bill and that the only thing to do was to pass the Senate bill. I have no doubt that most of the newspaper articles were written in good faith, but they were based upon information and statements furnished by gentlemen in the pay of the proprietary medicine association. The story has been spread wide and far that the Senate bill contained the provision requiring the labeling of the narcotics and that the House bill proposed to legalize the use of these narcotics. That story has been spread through the influence and the pay of the proprietary medicine people.

WASHINGTON OFFICE OF THE CHICAGO DAILY NEWS,
Washington, D. C., July 19, 1906.

Mr. JAMES R. MANN, Esq.,
Chicago, Ill.

DEAR SIR: I have just this morning arrived in Chicago and have for the first time seen the revised version in the CONGRESSIONAL RECORD of your remarks made on the pure-food bill in the House on June 29.

In this connection permit me to hand you herewith copies of statements made to me by Mr. James P. Hornaday, of the Indianapolis News, and Mr. Samuel Hopkins Adams, of Collier's. These statements cover so much of your speech as directly concerns me. You are at liberty to use them in any manner you see fit.

Yours, very truly, LEROY T. VERNON.

[Copy of reply of Mr. James P. Hornaday to Leroy T. Vernon.]

WASHINGTON, D. C., *June 30, 1906.*

DEAR MR. VERNON: In re the allegation of Representative MANN that you violated his confidence in printing a story that he voted for the patent-medicine amendment to the pure-food bill in committee in order to keep the patent-medicine people still and that he proposed to oppose the amendment on the floor of the House—

Some weeks ago (the date I do not recall) I met Mr. Adams, of Collier's Weekly, in the House press gallery. He said he had come down to find out why the pure-food bill was stalled, or words to that effect. In my presence he said he would like to see Mr. MANN, and I think you offered to take him to MANN's committee room. At any rate you went out with him. Some time later in the day, perhaps within half an hour, I was writing at the press table and you were sitting near me, when Adams came up. He asked you if you heard what MANN said to him about the patent-medicine amendment (the Lovering amendment). You replied you did not, and he said he wished you had, as he would liked to have had you for a witness. He then said that MANN, in explaining how such an obnoxious amendment came to be offered, said it was supported in committee (that he, MANN, supported it) for the purpose of keeping the patent-medicine people quiet. He further said that MANN now declared that he proposed to fight the amendment when it came up on the floor of the House. Without quoting Mr. MANN, I sent a story to my paper saying that MANN was now saying that he supported the medicine amendment for the purpose of quieting the proprietary medicine people, and that he proposed to oppose the amendment when the bill came up for consideration. I did not understand that Mr. Adams put any injunction of secrecy on the conversation.

Of course, if it should be desired, I would make this statement in the form of an affidavit.

Very truly, JAMES P. HORNADAY.

[Reply of Mr. Samuel Hopkins Adams to Mr. Vernon's request for a statement.]

EDITORIAL ROOMS,
COLLIER'S—THE NATIONAL WEEKLY,
416 WEST THIRTEENTH STREET,
New York, July 2, 1906.

Mr. LEROY T. VERNON,
Care of Chicago Daily News, Post Building, Washington, D. C.

MY DEAR MR. VERNON: I have your letter of the 1st and had already written Representative MANN regarding this unpleasant matter. Frankness is best in such cases, and I must therefore confess that I did not know you by name at the time you took me to Mr. MANN's room. Therefore when I talked the matter over with him I had some difficulty in identifying you as the Chicago News man, and did not at that time recollect our conversation after my talk with him. When I came to think the matter over I did remember that you were present at part of the conversation between Hornaday and myself. Your statement in your letter regarding my saying that I wished you had heard what Mr. MANN said, so that you could be a witness to it, recalls to me that part of the conversation. The reason for that statement was that, not knowing MANN, I was not sure how far I could rely upon him and whether he would play fair, as he certainly has done in the matter of the patent-medicine clause, and I felt that I should have been glad to have had a witness. You are at liberty to show this to him, if you wish.

When I talked with you and Hornaday I was certainly under the impression that you would regard as confidential what I told you of Mr. MANN's own attitude in the matter, although the acceptance by the subcommittee of the Lovering amendment was not confidential, and I remember distinctly saying to you at one time: "This, you understand, is not for publication." That I intended to apply to everything regarding MANN's statements to me of his private plans. It is evident to me now that I did not make myself clear on this point, since neither you nor Mr. Hornaday so understood it; and I accept with some feeling of chagrin for my own unfortunate part in the affair your statement that you did not regard it as confidential. At the same time it seems to me unfortunate that you should have printed anything which would have put the patent-medicine people on the defensive at that particular time and made them acquainted with the plans to defeat their bill. You must surely have known from my own attitude on the patent-medicine question that the last thing I would do would be to furnish ammunition which would be useful to them in their fight.

I have written Mr. MANN, stating to him that in the conversation with you and Hornaday I made the restriction that certain parts of it were not for publication, but that there had evidently been a misunderstanding as to what portion of it was meant, and that I did not believe you were guilty of bad faith in the matter. I had rather inferred from your taking me to MANN that you were in close touch with him and were acting to a certain extent for him. I had no recollection at that time, nor have I now any recollection, of having previously asked you to take me to him. This is explainable readily enough, as I had seen and talked with a dozen or fifteen members of the press gallery that day, many of whom I knew, as I knew you, by face but not by name.

I am sorry to have involved you in any unpleasantness, and I am sorry to be myself involved in what must seem to Mr. MANN to have been, if not a breach of faith, a lack of reasonable care in dealing with this matter.

Very sincerely, yours, SAMUEL HOPKINS ADAMS.

ENSZNORE, CAYUGA COUNTY, N. Y., *July 14, 1906.*

MY DEAR MR. MANN: You may be sure that I am not anxious to assume any responsibility for the unpleasant complication of the Chicago News matter that I can honestly escape. At the same time I intend to make myself entirely certain of my own honesty in the matter. If you feel reasonably certain that Mr. Vernon overheard and used part of our conversation, that implies an easy and pleasant (for me) explanation. I do not know Mr. Vernon well enough to judge of his character.

The reason why I blame myself is that Mr. Hornaday agrees with Mr. Vernon in not having understood my talk with him (Mr. H.) to have been in confidence, and I am quite willing to accept Mr. Hornaday's word on any point, though it be to my own disadvantage. What I said to Mr. Hornaday after my first talk with you was, in substance, this:

"MANN says that the subcommittee has accepted the amendment, but that he is himself opposed to it, and there will be a fight on it, as a majority of the committee are not for it. Do you think I can rely on him to oppose the amendment?"

To which his reply was: "I don't see how he can openly oppose his own committee amendment; but MANN has the reputation of always keeping his word, and if he told you he is going to do a certain thing, he will do it."

I had supposed that Mr. Hornaday understood that this was confidential, but it appears not. I am almost certain that I did not then (if at all, and I think not at all) say anything regarding your attitude toward the Proprietary Association. Indeed, I believe that you did not explain this in our first talk; and my recollection is that it was just after our first talk that Mr. Vernon entered into conversation with Mr. Hornaday and myself. I can not absolve myself from all blame, in that I did not make it unmistakable that what I said to Hornaday was confidential.

One other possible source of information suggests itself. A certain member of your committee told a friend of mine that a large majority of the committee were against the amendment; that both MANN and HEPBURN were against it, and that there would be lively action if it was presented.

I shall wait with interest to learn whether the patent-medicine people make any move against you in your district.

Very truly, yours, SAMUEL HOPKINS ADAMS.

The Clerk read as follows:

TREASURY DEPARTMENT—MINTS AND ASSAY OFFICES.

Authority is hereby granted to expend of the appropriation for wages of workmen and adjusters at the mint at Denver, Colo., for the current fiscal year a sum not exceeding $30,000 for other clerks and employees.

Mr. CLARK of Missouri. Mr. Speaker, I would like to inquire of the gentleman in charge of the bill how there comes to be any necessity for switching this money from one set of men to another?

Mr. LITTAUER. Mr. Speaker, the appropriations for mints and assay offices are made in two separate parts, first, for the administrative and clerical force, and, second, an appropriation for wages of workmen and adjusters and also for other clerks and employees, the amount to be expended for the other clerks and employees always being specified. When the legislative bill of the current year was reported to the House, the committee submitted an appropriation of $75,000. My friend the gentleman from Colorado [Mr. BONYNGE] on the floor of the House had that appropriation increased to $150,000 without increasing that part of the $150,000 which could be expended for clerical and other assistants. Consequently the object of the amendment adopted by the House can not be carried out unless there be a more ample provision for these other assistants, and on the recommendation of the Director of the Mint we have submitted this amount, which makes no difference in the total amount of the appropriation in current law.

Mr. STEPHENS of Texas. I desire to ask the gentleman a question, whether or not he adds any different employees to those who are there; any new ones?

Mr. LITTAUER. None whatever. The employees, under this lump sum appropriation, are entirely under the direction of the Director of the Mint.

Mr. STEPHENS of Texas. Is there any change in the amount these employees are now receiving?

Mr. LITTAUER. We have nothing to do with that. We have appropriated here a lump sum of $150,000, $10,000 of which only could be expended for clerical and other assistance. Now, the amounts are disproportionate. If the work of the Mint is to go on, the $10,000 specifically appropriated for this other kind of work is not sufficient, in order to enable the work of the Mint to progress without any consideration as to salaries of any kind whatever.

Mr. STEPHENS of Texas. The salaries will remain as they have heretofore been.

Mr. LITTAUER. The salaries are entirely in the hands of

the Director of the Mint. There is no increase in the salaries contemplated nor anything of the kind. I think that assistance covers laborers and men of that character.

The Clerk read as follows:

For two pavilions at Ellis Island, $20,000, which shall be paid from the permanent appropriation "Expenses of regulating immigration."

Mr. BENNET of New York. Mr. Speaker, I move to strike out the last word for the purpose of calling the attention of the committee to the fact that there is no permanent annual appropriation for immigration, but there is a fund which has been designated as an "immigrant fund." I withdraw my pro forma motion, and move to amend by striking out the words "permanent appropriation" and substituting in lieu thereof "immigrant fund," that being the statutory designation of the fund.

Mr. TAWNEY. Mr. Speaker, I think the gentleman perhaps is correct as regards the designation of the fund, but the fund is appropriated by permanent law to the use of the Immigration Bureau, and this is the language that is always employed when Congress directs that a certain amount of this permanent appropriation shall be used for a specific purpose. The gentleman's motion is entirely unnecessary.

Mr. BENNET of New York. Mr. Speaker, from my experience on the Immigration Committee, I trust the chairman of the committee will pardon me if I disagree with him. The immigrant fund is not appropriated permanently nor temporarily for any purpose at all, but there is collected from the steamship companies for each immigrant who comes in $2, which is paid into the Treasury, to a fund known as the "immigrant fund." It is not appropriated at all.

Mr. LITTAUER. The original immigration act permanently appropriated the fees collected from the administration of the immigrant service.

Mr. BENNET of New York. My colleague is mistaken in that.

Mr. MANN. Will the gentleman from New York yield for a question?

Mr. BENNET of New York. Yes, sir.

Mr. MANN. The gentleman moves to insert "immigrant fund" instead of "permanent appropriation?"

Mr. BENNET of New York. That is the description of the fund.

Mr. MANN. Will the gentleman allow me to ask him whether he has in mind that provision of the Constitution which says that no money shall be spent from the Treasury but in consequence of appropriation made by law?

Mr. BENNET of New York. Of course the gentleman from Illinois has gone even farther back than I did. I merely scratched the surface.

Mr. KEIFER. This money is never in the Treasury.

Mr. BENNET of New York. It is in the Treasury. There is no question about the statute.

Mr. TAWNEY. Mr. Speaker, this is not a new proposition by any means. Congress at every session, when it appropriates for the immigration service, directs that the appropriations be paid out of this permanent appropriation derived from the sources the gentleman from New York has mentioned.

Mr. BENNET of New York. Mr. Speaker, I am perfectly willing to admit the Committee on Appropriations has made this same error before, but the mere fact that they have made an error before is no reason why they should perpetuate it when it is called to their attention. There is no question about it, the first section of the act of March 3, 1893, describes this fund as the immigrant fund.

Mr. TAWNEY. The law subsequently directed that that fund should permanently be for the use of the immigration service.

Mr. BENNET of New York. Not in any word, line, or precept.

Mr. LITTAUER. Mr. Speaker, I believe my colleague is in error. The law does make a permanent appropriatton of various funds collected in the immigrant service. The total of appropriations in each year's annual estimate is under the head of "Expenses of regulating immigration." I believe there can be no question but what the language of this bill follows the precedents established for many years with reference to the permanent annual appropriation under the head of "Expense of regulating immigration."

Mr. KEIFER. Where is there such a statute as that?

Mr. BENNET of New York. Mr. Speaker, there is no such statute.

Mr. LITTAUER. Mr. Speaker, I would like to read the statute on the subject: "There shall be levied, collected, and paid a duty of $2 each on every passenger not citizens of the United States or Dominion of Canada," etc. That is the original provision, and it says the duty shall be paid to the collector of customs. "The money thus collected shall be paid into the United States Treasury and shall constitute a permanent appropriation, to be called the 'immigrant fund,' to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States under this act."

So the very statute refers to a permanent appropriation and makes it in terms a permanent appropriation, and the title under which this appropriation is made is "Expenses of regulating immigration." I can not see the object of this change suggested by my colleague. There can be no question but that the intention is well known. We have had a system of bookkeeping under the head of "Expenses of regulating immigration" for many years.

Mr. TAWNEY. I will state, Mr. Speaker, if my colleague will permit me, that all the appropriations that have heretofore been made have been directly for the immigration service. Direction has been given that it be paid out of this permanent appropriation, and the Department of Commerce and Labor has never experienced any difficulty, nor the Comptroller's Office, in making the payments out of this appropriation under the authority that is given in the language which this bill carries.

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For rebuilding, repairing, and reestablishing such aids to navigation and buildings connected therewith in the Twelfth light-house district as were damaged or destroyed by the earthquake of April, 1906, the appropriation to be made immediately available, $17,500.

Mr. MANN. Mr. Speaker, I move to strike out the last word for the purpose of making an inquiry. At the last session of Congress we appropriated quite a considerable sum or sums on account of the California earthquake, and I would simply like to inquire whether the gentleman has any information which leads him to believe that this will be the last appropriation asked for on that account.

Mr. KEIFER. This has nothing to do with the appropriations for the relief of California.

Mr. MANN. The gentleman is mistaken. That is the item I am talking about.

Mr. KEIFER. That item refers to destroyed light-houses that belong to the United States, and the others were charitable in a certain sense.

Mr. MANN. The gentleman is mistaken. I am informed upon the subject. The sundry civil bill carried various items of appropriations because of the California earthquake, as the gentleman from Minnesota [Mr. TAWNEY] will remember.

Mr. TAWNEY. Yes, sir; it did. But we made no appropriation for damage caused to the light-houses on the Pacific coast as a result of the earthquake.

Mr. MANN. You increased the total sum of the appropriation for repairs, and so forth, because of it.

Mr. TAWNEY. To some extent, in one particular instance, which was San Francisco.

Mr. MANN. I am not complaining, but I simply wish to know for information whether the gentleman has information that this will be the last.

Mr. TAWNEY. We have not.

Mr. MANN. I suppose we will appropriate on that account for the next twenty-five years to come.

Mr. LITTAUER. Oh, no. In the deficiency bill of last year and in the sundry civil bill ample provision was made for repairs, but the Department advises us that it will cost $17,500 to repair in the Twelfth light-house district the damage done by the April earthquake, so as to place the district on a working basis.

Mr. MANN. I may say to the gentleman that it will cost, and has cost the Government already, a much greater sum than $17,500 to replace and repair the damage. As far as that is concerned, the damage was a great deal more than this amount. That is the reason why I made inquiry.

Mr. KEIFER. To the light-houses?

Mr. MANN. To the light-houses; certainly.

Mr. KEIFER. That is news to us.

The Clerk read as follows:

The provision of an act approved June 30, 1906, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," appropriating $150,000 for a steel steam light vessel, to be anchored upon Swiftsure Bank, off the entrance to Juan de Fuca Strait, at a point at or near 13 miles north, 74° west magnetic from Cape Flattery, Washington, be, and the same is hereby, repealed.

Mr. MANN. I think the gentleman ought to state the reason for the repeal of this provision, so that it will go into the RECORD.

Mr. LITTAUER. The reason for the repeal of this appropriation of $150,000 arises because of an error made in the enrolling

of the sundry civil act of last session. The conference agreed to drop this appropriation. The bill passed both Houses without this appropriation, and yet the bill was, by error, enrolled including this item, and thus enrolled it was signed by the President. Attention was immediately called to the fact, so that the Bureau having this expenditure in charge was informed that it was an error and no expenditure should be made; and none has been made under this appropriation. This brings up the subject of the enrollment of bills, and the rapid work that has to be done toward the end of a session. The men charged with this work were utterly overworked. There was not sufficient force to carry on the work without requiring men to work the entire twenty-four hours out of each of the last two or three days, and the chairman of the Committee on Appropriations now has a resolution before the Committee on Accounts reorganizing this service, and giving ample assistance to carry it out.

Mr. MANN. Explain that to us. Read that again. Will the gentleman tell us what it does?

Mr. KEIFER. I wish to say that when we use the word "repeal" here, I do not want the House to be committed to any such thing. There was no law passed of the kind referred to. It does not constitute a law of Congress to have a clause or section put in a bill by an error in the enrollment. It confuses the matter to treat such error as a part of the law and repeal it, and we ought to have used a different word. I am not going to ask to change this, but I am only entering here my protest to treating a mere error of the enrollment clerk of a bill as a part of a law of Congress, when neither House of Congress has ever acted on it.

Mr. TAWNEY. Will my colleague permit an interruption?

Mr. KEIFER. Certainly.

Mr. TAWNEY. Will the gentleman from Ohio indicate what language can be used that would destroy the effect of this, which is technically a law, other than the word "repealed?" We would like to avoid it.

Mr. KEIFER. Well, Mr. Chairman, I could prepare a clause for this bill that would do so; but I want simply to point out the fact that that part of the law, as published, was not part of the act of Congress, which now seems to include it. Here we recognize it and dignify it as though it had become a law, because the enrolling committee had, by mistake, written it in the bill after both Houses of Congress had passed upon it. That is my objection.

Mr. TAWNEY. But you must recognize that it now is the law, and the money can be drawn and expended.

Mr. KEIFER. I do not recognize that as a law; it is in no sense a law; it is simply void, because Congress never passed it.

Mr. CRUMPACKER. The bill was signed, with this appropriation in the bill, by the Speaker and Vice-President——

Mr. KEIFER. Yes; and the President.

Mr. CRUMPACKER (continuing). Certified to the President, and the President then approved it. In my judgment, that is the law, and will be the law until it is regularly repealed.

Mr. KEIFER. Well, I have great faith in the gentleman from Indiana; but there is no court in the world that would hold that was a law within the meaning of the Constitution, and the question has been up time and again in the States where there have been errors of this kind after a general assembly of the State had passed upon a bill; and the courts have always held that it could go to the journals to see whether that part of the bill became the law or not. Here we have the naked situation of neither House of Congress passing upon it; and the gentleman says that makes a law, because the clerks, the Speaker, the Vice-President, and the President signed the bill with a clause the Congress never acted upon.

Mr. CRUMPACKER. That is the rule established by the supreme court in the State of Indiana. The court holds that the courts can not go behind the certificate of the presiding officer of the house to the enrollment. The prevailing opinion of the court was that the court can not go into the method and detail in which the clause was arrived at, and it has so held, squarely, upon that subject in Indiana.

Mr. KEIFER. I have some doubt about that position even in the State of Indiana, and can state that it is not so in my State. The case in Indiana probably involved only a question of evidence. I know there is a decision of the supreme court of Ohio that reviews this very question; but I am only entering my protest about repealing what never was an act of the Senate or the House of Representatives as though it were an act of Congress.

Mr. MANN. I am inclined to think the gentleman from Ohio is right. He certainly is right as to the rulings of the court, although I do not know what language would be used to take this off the statute more appropriately than the language which has been used. When this item went into the bill last year—was left out in the conference report and then was printed as passed and signed by the President—I took the trouble myself, having had something to do with the controversy when it was before the Committee on Interstate and Foreign Commerce of the House, to look up this subject, and following my investigation of the subject came to the conclusion that the item was not law, and I notified the Light-House Board, so that they would have their attention called to it, that although it appeared in the printed copy of the law—the enrolled copy, which was signed by the Speaker, the Vice-President, and the President—that still it was not the law, and if they expended any money under its provisions they would be liable to be held personally responsible for the money. I have no doubt whatever a proper proceeding could be commenced in court which would take this provision off the statutes. I do not remember the exact terms of the resolution offered by the gentleman from Minnesota, the distinguished chairman of the Committee on Appropriations, in regard to the other item of the bill in the same situation.

Mr. LITTAUER. Permit me just to read you the language of the resolution. The resolution recites the facts of the matter and then concludes, "the same is hereby repealed."

Mr. MANN. I was about to say I do not remember the exact language of the resolution, but I have no doubt, as far as getting it off the book as law is concerned, there is really but one of two ways, either repealing it by act of Congress or adjudication of the courts.

Mr. LITTAUER. Then the gentleman approves of the step to repeal it here?

Mr. MANN. Oh, I do.

The Clerk resumed and concluded the reading of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LITTAUER, a motion to reconsider the vote by which the bill was passed was laid on the table.

DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, last Monday was District day, under the rules of the House. Owing to the fact of the legislative bill being taken up, the committee gave way, and the House adopted the following resolution:

Ordered, That on the day following conclusion of the legislative appropriation bill, it shall be in order to call up business reported from the Committee on the District of Columbia.

Yesterday the House gave unanimous consent to transfer pension business from that day until to-day, and we have the two conflicting orders.

Now, Mr. Speaker, it is important that the District Committee have some time before the holiday adjournment, but we are willing at all times to give way to the desire of Members of the House, and are willing that the Pension Committee shall go ahead and take this day; but pending that, I desire to ask unanimous consent that it shall be in order to call up business reported by the Committee on the District of Columbia on Monday next.

The SPEAKER pro tempore (Mr. DALZELL). The gentleman from Wisconsin asks unanimous consent that business from the Committee on the District of Columbia be in order on Monday next.

Mr. CRUMPACKER. Mr. Speaker, next Monday is suspension day. I have a matter of some importance that I want to bring up on that day, and I do not like to be shunted over. If this order will deprive me of the right under the rule to move to suspend the rules and adopt the resolution I wish to offer, I shall object.

The SPEAKER pro tempore. The gentleman from Indiana objects.

Mr. BABCOCK. I will say, Mr. Speaker, that I do not think the business of the District Committee will require over one hour at the most.

Mr. CRUMPACKER. Then why can not the gentleman get permission on Monday? I do not believe suspension business will take more than twenty minutes.

Mr. BABCOCK. I think we will yield to the gentleman.

Mr. CRUMPACKER. I do not wish to lose my privilege of moving to suspend the rules on Monday, as that is the only day before the holidays when I shall have that opportunity.

Mr. BABCOCK. I say I will yield to the gentleman to make the motion.

Mr. CRUMPACKER. To make the motion to suspend?

Mr. BABCOCK. To make the motion to suspend the rules. I will yield to the gentleman; yes.

Mr. CRUMPACKER. I think that will do. I will not object, with the understanding that the gentleman will yield to me to make the motion——

Mr. MANN. The gentleman can not yield for that purpose.

Mr. CRUMPACKER. Then I shall have to object.

Mr. MANN. If the gentleman from Indiana gets recognition, he has a right at any time on Monday to move to suspend the rules.

Mr. CRUMPACKER. I suppose I have the right on suspension day, but perhaps this order, if agreed to by unanimous consent, would supersede the rule.

Mr. MANN. Oh, not at all.

The SPEAKER pro tempore. Is it the gentleman's request that the District business follow suspension business on Monday?

Mr. CRUMPACKER. Let it follow suspension business.

Mr. MANN. It is in order to move to suspend the rules at any time on Monday.

Mr. BABCOCK. I will make the request that District business shall follow suspension business.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that business from the District of Columbia Committee shall be in order on Monday next after suspension business. Is there objection?

Mr. MANN. Mr. Speaker, I do not see how it is possible to say "after suspension business," because it would be in order to move to suspend the rules one minute before the House adjourned on Monday.

The SPEAKER pro tempore. That depends, of course, on recognition by the Speaker.

Mr. MANN. Oh, certainly; but there is no way of ascertaining in advance if the gentleman is willing to take his chances——

Mr. CRUMPACKER. I do not see any objection to it.

The SPEAKER pro tempore. Does the gentleman from Illinois object?

Mr. MANN. I object.

Mr. BABCOCK. Then I ask unanimous consent that Tuesday be assigned to the business of the Committee on the District of Columbia.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that business from the District of Columbia Committee be in order on Tuesday next. Is there objection?

There was no objection.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar, now in order, be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent that bills on the Private Calendar in order to-day may now be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the first bill.

JOHN T. MITCHELL.

The next pension business was the bill (H. R. 18261) granting an increase of pension to John T. Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Mitchell, late of Company G, First Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANK S. HASTINGS.

The next pension business was the bill (H. R. 18155) granting an increase of pension to Frank S. Hastings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank S. Hastings, late of Company B, Fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL H. TOOTHAKER.

The next pension business was the bill (H. R. 18031) granting an increase of pension to Daniel H. Toothaker.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel H. Toothaker, late of Company D, Twenty-eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JULIA P. GRANT.

The next pension business was the bill (H. R. 17770) granting an increase of pension to Julia P. Grant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia P. Grant, widow of Nathan F. D. Avery, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," insert the word "former."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. FOSTER.

The next pension business was the bill (H. R. 16087) granting an increase of pension to Charles W. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Foster, late of Company B, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In same line strike out the letter "B" and insert in lieu thereof the letter "D."

In same line strike out the word "Seventh" and insert in lieu thereof the word "Seventy-sixth."

In line 7 strike out the word "Iowa" and insert in lieu thereof the words "United States Colored."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NICHOLAS W. DORREL.

The next pension business was the bill (H. R. 15790) granting an increase of pension to Nicholas W. Dorrel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas W. Dorrel, late of Company I, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PAUL DIEDRICH.

The next pension business was the bill (H. R. 15421) granting an increase of pension to Paul Diedrich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Paul Diedrich, late of Company L, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NELSON HANSON.

The next pension business was the bill (H. R. 15297) granting an increase of pension to Nelson Hanson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Hanson, late of Company C, Brackett's battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. M'ATEE.

The next pension business was the bill (H. R. 15004) granting an increase of pension to W. J. McAtee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. J. McAtee, late of Company A, Fourth Regiment Missouri State Militia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "W." and insert in lieu thereof the word "William."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

Amend the title so as to read: "A bill granting an increase of pension to William J. McAtee."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HERMAN G. WELLER.

The next pension business was the bill (H. R. 14689) granting an increase of pension to Herman G. Weller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herman G. Weller, late of Company A, Tenth Regiment Pennsylvania Reserve Drafted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Drafted" and insert in lieu thereof the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID H. SEMANS.

The next pension business was the bill (H. R. 14673) granting an increase of pension to David H. Semans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David H. Semans, late of Company B, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Cavalry," insert the words "and unassigned detachment, Veteran Reserve Corps."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS HANER.

The next pension business was the bill (H. R. 13241) granting an increase of pension to Francis Haner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Haner, late of Company C, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB R. BURKHARDT.

The next pension business was the bill (H. R. 12574) granting an increase of pension to Jacob R. Burkhardt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob R. Burkhardt, late of Company F, Twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. REAGAN.

The next pension business was the bill (H. R. 12106) granting an increase of pension to George W. Reagan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Reagan, late of Company A, Eleventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "and," insert the words "and Company G, Ninth Regiment Tennessee Volunteer Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. KILROY.

The next pension business was the bill (H. R. 12036) granting a pension to Charles H. Tighe, guardian.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Tighe, guardian of Mary A. Kilroy, helpless minor of James Kilroy, Company I, Tenth Regiment, Company K, Thirty-seventh Regiment, and Company K, Twentieth Regiment, Massachusetts Volunteer Infantry, and pay him a pension, for the use of said minor, at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Charles H. Tighe, guardian."

In same line, after the word "helpless," insert the words "and dependent."

In line 7 strike out the word "minor" and insert in lieu thereof the word "child."

In the same line, before the word "Company," insert the words "late of."

In line 10 strike out the word "him" and insert in lieu thereof the word "her."

In same line strike out the words "for the use of said minor."

In same line strike out the word "fifteen" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting a pension to Mary A. Kilroy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LAWRENCE HAGAN.

The next pension business was the bill (H. R. 11636) granting an increase of pension to Lawrence Hogan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lawrence Hogan, late of Company G, Twentieth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hogan" and insert in lieu thereof the word "Hagan."

In line 7 strike out the word "Cavalry" and insert in lieu thereof the words "Infantry, and Company D, Sixth Regiment Kentucky Volunteer Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lawrence Hagan."

JAMES MORROW.

The next pension business was the bill (H. R. 11564) granting an increase of pension to James Morrow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Morrow, late of Company C, Second Regiment Provisional Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI DODSON.

The next pension business was the bill (H. R. 10958) granting an increase of pension to Levi Dodson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Dodson, late of Company C, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. WORLEY.

The next pension business was the bill (H. R. 10804) granting an increase of pension to John H. Worley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Worley, late of Company K, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS SNELL.

The next pension business was the bill (H. R. 4656) granting an increase of pension to Thomas Snell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Snell, late of Company G, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES C. DALY.

The next pension business was the bill (H. R. 1687) granting an increase of pension to James C. Daly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Daly, late of Company A, First Battalion Cavalry, Mississippi Marine Brigade, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "First."

In same line, after the word "Battalion," insert the word "Volunteer."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES A. SPANOGLE.

The next pension business was the bill (H. R. 9816) granting an increase of pension to Charles A. Spanogle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Spanogle, late of Company K, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias Andrew C. Spanogle."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Charles A. Spanogle, alias Andrew C. Spanogle."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH AMOS.

The next pension business was the bill (H. R. 7834) granting a pension to Joseph Amos.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Amos, late of Company H, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph Amos."

OLIVER N. M'LAIN.

The next pension business was the bill (H. R. 600) granting an increase of pension to Oliver H. McLain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver H. McLain, late of Company E, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H." and insert in lieu thereof the letter "N."

In line 7, after the word "Infantry," insert the words "and Company A, Seventh Regiment Veteran Reserve Corps."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Oliver N. McLain."

PETER REEDY.

The next pension business was the bill (H. R. 2290) granting an increase of pension to Peter Reedy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Reedy, late of Company I, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

EARL K. CHILDS.

The next pension business was the bill (H. R. 2422) granting an increase of pension to Earl R. Childs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Earl R. Childs, late of Company K, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "R." and insert in lieu thereof the initial "K."

In line 8 strike out the word "seventeen" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Earl K. Childs."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MILTON STRATTON.

The next pension business was the bill (H. R. 5172) granting an increase of pension to Milton Strattan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Strattan, late of Company L, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Strattan" and insert in lieu thereof the word "Stratton."

Amend title so as to read: "A bill granting an increase of pension to Milton Stratton."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HORACE B. TANNER.

The next pension business was the bill (H. R. 4663) granting an increase of pension to Horace B. Tanner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace B. Tanner, late of Companies C and G, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM BAIRD.

The next pension business was the bill (H. R. 18247) granting an increase of pension to William Baird.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Baird, late of Company L, One hundred and twelfth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "One hundred and twelfth" and insert in lieu thereof the word "Sixth."

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI GATES.

The next pension business was the bill (H. R. 2822) granting an increase of pension to Levi Gates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Gates, late of Company I, First Minnesota Mountain Rangers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "I, First Minnesota Mountain Rangers," and insert in lieu thereof the words "D, Brackett's battalion, Minnesota Volunteer Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMBROSE S. DELAWARE.

The next pension business was the bill (H. R. 12911) granting an increase of pension to A. S. Delaware.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. S. Delaware, late of Company F, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the word "Ambrose."

In same line, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Ambrose S. Delaware."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM G. BAILEY.

The next pension business was the bill (H. R. 18771) granting an increase of pension to William G. Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Bailey, late of Company C, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN BOLINGER.

The next pension business was the bill (H. R. 18761) granting an increase of pension to Benjamin Bolinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Bolinger, late of Company E, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTIN V. BARNEY.

The next pension business was the bill (H. R. 18742) granting an increase of pension to Martin V. Barney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin V. Barney, late of Company K, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Third," insert the words "and second lieutenant, Company B."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY L. SPARKS.

The next pension business was the bill (H. R. 18637) granting an increase of pension to Henry L. Sparks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry L. Sparks, late of Company D, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY SULLIVAN.

The next pension business was the bill (H. R. 18634) granting an increase of pension to Mary Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Sullivan, widow of Hugh Sullivan, late of Companies I and E, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMMAGENE BRONSON.

The next pension business was the bill (H. R. 18494) granting an increase of pension to Emmagene Bronson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emmagene Bronson, widow of Nelson Bronson, late first lieutenant Company E, Eighth Regiment Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Regiment," insert the word "Connecticut."
In line 8, after the word "Infantry," insert the words "and Eighty-ninth Company, Second Battalion Veteran Reserve Corps."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT STURGEON.

The next pension business was the bill (H. R. 18474) granting an increase of pension to Robert Sturgeon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Sturgeon, of Brackett's battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Sturgeon," strike out the word "of" and insert in lieu thereof the words "late unassigned."
In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM G. BAITY.

The next pension business was the bill (H. R. 18179) granting an increase of pension to William G. Baity.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Baity, late of Company I, Fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY B. PARKER.

The next pension business was the bill (H. R. 18114) granting an increase of pension to Henry B. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Parker, late of Company C, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES WALROD.

The next pension business was the bill (H. R. 17969) granting an increase of pension to Charles Walrod.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Walrod, late of Company K, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER DIXON.

The next pension business was the bill (H. R. 17958) granting an increase of pension to Alexander Dixon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Dixon, late of Company G, Eighth Regiment Kentucky Volunteer Infantry, and Company I, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company G, Eighth Regiment Kentucky Volunteer Infantry, and."
In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. AUSTIN.

The next pension business was the bill (H. R. 17864) granting an increase of pension to Mary E. Austin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Austin, widow of Thomas A. Austin, late of Company D, Third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. SHEAK.

The next pension business was the bill (H. R. 17646) granting a pension to James M. Sheak.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Sheak, late of Company F, One hundred and fiftieth Regiment New

York Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James M. Sheak."

AMBROSE D. ALBERTSON.

The next pension business was the bill (H. R. 17539) granting a pension to Ambrose D. Albertson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ambrose D. Albertson, late of Company F, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ambrose D. Albertson."

RUDOLPH PAPST.

The next pension business was the bill (H. R. 17486) granting an increase of pension to Rudolph Papst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rudolph Papst, late of Companies E and G, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Companies E and G" and insert in lieu thereof the words "first lieutenant Companies D and E, and captain Company G."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PATRICK WEIR.

The next pension business was the bill (H. R. 8373) granting an increase of pension to Patrick Weir.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Weir, late of Company C, Ninth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company C" and insert in lieu thereof the words "Companies C and A, Battalion."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN SHORT.

The next pension business was the bill (H. R. 17172) granting an increase of pension to John Short.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Short, late first lieutenant Fifth Independent Battery, Illinois Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM M. BAKER.

The next pension business was the bill (H. R. 16895) granting an increase of pension to William M. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Baker, late of Company H, Third Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY O'DONNELL.

The next pension business was the bill (H. R. 16257) granting a pension to Mary O'Donnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary O'Donnell, widow of Jeremiah O'Donnell, late seaman of the flagship Hartford, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "seaman."

In line 7 strike out the words "the flagship" and insert in lieu thereof the letters "U. S. S."

In same line, after the word "Hartford," insert the words "United States Navy."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN T. SMITH.

The next pension business was the bill (H. R. 15980) granting an increase of pension to John F. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Smith, late of Company G, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "F." and insert in lieu thereof the letter "T."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John T. Smith."

HIRAM C. BARNEY.

The next pension business was the bill (H. R. 15890) granting a pension to Hiram C. Barney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram C. Barney, late of Company F, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Hiram C. Barney."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN D. BROOKS.

The next pension business was the bill (H. R. 15455) granting an increase of pension to John D. Brooks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject

to the provisions and limitations of the pension laws, the name of John D. Brooks, late of Company I, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK W. STUDDIFORD.

The next pension business was the bill (H. R. 15193) granting an increase of pension to Frederick W. Studdiford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick W. Studdiford, late of Company I, Thirty-third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OLIVER LAWRENCE.

The next pension business was the bill (H. R. 15430) granting an increase of pension to Oliver L. Lawrence.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver L. Lawrence, late of Company G, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "L."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to Oliver Lawrence."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM W. BENNETT.

The next pension business was the bill (H. R. 15769) granting an increase of pension to William Winslow Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Winslow Bennett, late of Company —, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Winslow" and insert in lieu thereof the initial "W."
In same line strike out the words "of Company" and insert in lieu thereof the words "major and lieutenant-colonel."
Amend the title so as to read: "A bill granting an increase of pension to William W. Bennett."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES P. HUDKINS.

The next pension business was the bill (H. R. 15580) granting an increase of pension to James P. Hudkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Hudkins, late of Company I, Third Regiment Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the words "West Virginia."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY PEETSCH.

The next pension business was the bill (H. R. 15202) granting a pension to Henry Peetsch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Peetsch, late of Company E, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY SIMON.

The next pension business was the bill (H. R. 14767) granting an increase of pension to Henry Simon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Simon, late of Company H, Forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Forty-first" and insert in lieu thereof the word "Eleventh."
In line 7 strike out the word "Volunteer" and insert in lieu thereof the words "State Militia."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRIETTA HULL.

The next pension business was the bill (H. R. 14690) granting an increase of pension to Henrietta Hull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta Hull, widow of Henry Hull, late of Company G, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FIDELIA SELLERS.

The next pension business was the bill (H. R. 14263) granting a pension to Fidelia Sellers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fidelia Sellers, widow of David Sellers, late of Company H, One hundred and seventy-second Regiment Ohio National Guard, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "National" and insert in lieu thereof the word "Volunteer."
In line 8 strike out the word "Guard" and insert in lieu thereof the word "Infantry."
In same line strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. VAN TASSELL.

The next pension business was the bill (H. R. 14238) granting an increase of pension to William H. Van Tassell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Van Tassell, late of Company E, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH T. EAGLER.

The next pension business was the bill (H. R. 13887) granting an increase of pension to Joseph G. Eagler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph G. Eagler, late of Company D, Forty-second Regiment Ohio Vol-

unteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "G" and insert in lieu thereof the initial "T."

Amend the title so as to read: "A bill granting an increase of pension to Joseph T. Eagler."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE C. RATHBUN.

The next pension business was the bill (H. R. 10773) granting an increase of pension to George C. Rathbun.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Rathbun, late of Company A, Seventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SIMON MILLISON.

The next pension business was the bill (H. R. 6920) granting an increase of pension to Simon Millison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simon Millison, late of Company A, One hundred and sixty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD WALTON.

The next pension business was the bill (H. R. 3496) granting an increase of pension to Edward Walton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Walton, late of Company K, Second New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Second," insert the word "Regiment."

In line 7, after the word "Infantry," insert the words "and Company F, Sixteenth Regiment New York Volunteer Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL BROWN.

The next pension business was the bill (H. R. 13813) granting an increase of pension to Samuel Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Brown, late of Company F, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELI BUNTING.

The next pension business was the bill (H. R. 13053) granting a pension to Eli Bunting.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli Bunting, late of Company F, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Eli Bunting."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEONIDAS E. MILLS.

The next pension business was the bill (H. R. 12152) granting an increase of pension to Leonidas E. Mills.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonidas E. Mills, late of Company H, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES L. ALLEN.

The next pension business was the bill (H. R. 3355) granting an increase of pension to James Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Allen, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Allen," insert the initial "L."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to James L. Allen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ZELINDA E. ODENBAUGH.

The next pension business was the bill (H. R. 4386) granting an increase of pension to Zelinda E. Odenbaugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zelinda E. Odenbaugh, widow of John N. Thompson, late of Company K, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," insert the word "former."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM G. MILLER.

The next pension business was the bill (H. R. 5063) to increase the pension of William G. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Miller, private, Company C, Fourth Regiment Ohio Volunteer Cavalry, war between the States, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the words "late of."

In line 7 strike out the words "war between the States."

In line 8 strike out the word "sixteen" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to William G. Miller."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LORENZO SINK.

The next pension business was the bill (H. R. 7247) granting a pension to Lorenzo Sink.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo Sink, late of Company B, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Lorenzo Sink."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS B. FOUTTY.

The next pension business was the bill (H. R. 1938) granting an increase of pension to Thomas B. Foutty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas B. Foutty, late of Company C, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NELSON R. SATTERLEE.

The next pension business was the bill (H. R. 1904) granting an increase of pension to Nelson R. Satterlee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson R. Satterlee, late of Company E, Eighty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA J. INGLE.

The next pension business was the bill (H. R. 1800) granting a pension to Eliza J. Ingle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza J. Ingle, widow of William T. Ingle, late a member of Company E, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BRICE P. MUNNS.

The next pension business was the bill (H. R. 1709) granting an increase of pension to B. P. Munns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of B. P. Munns, late captain Company G, Seventh Regiment Missouri Veteran Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "B." and insert in lieu thereof the word "Brice."

In same line strike out the word "captain" and insert in lieu thereof the word "of."

In line 7 strike out the word "Veteran" and insert in lieu thereof the word "Volunteer."

Amend the title so as to read: "A bill granting an increase of pension to Brice P. Munns."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. TURNER.

The next pension business was the bill (H. R. 6911) granting an increase of pension to William J. Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Turner, late of Company C, Fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SIMEON D. CHELF.

The next pension business was the bill (H. R. 3733) granting an increase of pension to Simeon D. Chelf.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simeon D. Chelf, late of Company G, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ARTHUR TIBBITTS.

The next pension business was the bill (H. R. 6189) granting an increase of pension to Arthur Tibbitts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur Tibbits, late of Company I, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Tibbits" and insert in lieu thereof the word "Tibbitts."

Amend the title so as to read: "A bill granting an increase of pension to Arthur Tibbitts."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM HAND.

The next pension business was the bill (H. R. 5648) granting an increase of pension to William Hand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hand, late of Companies B and C, Eighty-ninth and Sixty-fifth Regiments, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Companies B and C, Eighty-ninth" and insert in lieu thereof the words "Company C, Sixty-fifth Regiment."

In line 7 strike out the words "and Sixty-fifth Regiments."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. LAWDER.

The next pension business was the bill (H. R. 7912) granting an increase of pension to James M. Lawder.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James

M. Lawder, late of United States Signal Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "United States."
In same line, after the word "Corps," insert the letters "U. S. A."
In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN T. HARVEY.

The next pension business was the bill (H. R. 8335) granting an increase of pension to John T. Harvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Harvey, late of Company E, Fifteenth Regiment Indian Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMASA B. SAXTON.

The next pension business was the bill (H. R. 9090) granting an increase of pension to Amasa B. Saxton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amasa B. Saxton, late Company A, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH A. SCROGGS.

The next pension business was the bill (H. R. 8136) granting an increase of pension to Joseph A. Scroggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Scroggs, late of Company C, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AARON L. PACKER.

The next pension business was the bill (H. R. 11232) granting a pension to Aaron L. Packer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron L. Packer, late of Company D, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Aaron L. Packer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT P. CALL.

The next pension business was the bill (H. R. 11169) granting an increase of pension to Robert P. Call.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert P. Call, late of First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "First," insert the words "Company D."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANNA FLYNN.

The next pension business was the bill (H. R. 10755) granting an increase of pension to Anna Flynn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Flynn, widow of James Flynn, late of Company A, Thirtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN L. ROBERTS.

The next pension business was the bill (H. R. 5803) granting an increase of pension to Edwin L. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin L. Roberts, late of Company B, First Maine Battalion Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "First," insert the word "Battalion."
In same line and in line 7 strike out the word "Battalion."
In line 7, before the word "Infantry," insert the word "Volunteer."
In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANK G. HAMMOND.

The next pension business was the bill (H. R. 3980) granting an increase of pension to Frank G. Hammond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank G. Hammond, late of Company H, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT A. TALHAM.

The next pension business was the bill (H. R. 3494) granting an increase of pension to Albert A. Talham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert A. Talham, late of Company H, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RUSH DESKINES.

The next pension business was the bill (H. R. 3234) granting an increase of pension to Rush Deskins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rush Deskins, late of Troop D, Fourteenth Regiment of Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Deskins" and insert in lieu thereof the word "Deskines."
In same line strike out the word "Troop" and insert in lieu thereof the word "Company."
In same line, after the word "Regiment," strike out the word "of."
Amend the title so as to read: "A bill granting an increase of pension to Rush Deskines."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK ROSCHDIANTZKY.

The next pension business was the bill (H. R. 522) granting an increase of pension to Frederick Roschdiantsky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Roschdiantsky, late of Company D, Forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Roschdiantsky" and insert in lieu thereof the word "Roschdiantzky."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Frederick Roschdiantzky."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT SMITH.

The next pension business was the bill (H. R. 747) granting an increase of pension to Robert Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Smith, late of Company B, Third Regiment Mounted Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Regiment," insert the word "Tennessee."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS M. WILCOX.

The next pension business was the bill (H. R. 1026) granting an increase of pension to Thomas M. Wilcox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Wilcox, late of Company L, First Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Battery."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET E. LOUNSBURY.

The next pension business was the bill (H. R. 1060) granting a pension to Margaret E. Lounsbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Lounsbury, widow of Herbert Lounsbury, late of Company H, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the words "New York," insert the words "Twenty-eighth Regiment."

In same line, after the word "Infantry," insert the words "and U. S. S. New Hampshire, Pawnee, and Vandalia, United States Navy."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Margaret E. Lounsbury."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPHINE I. RICHMOND.

The next pension business was the bill (H. R. 1372) granting a pension to Josephine I. Richmond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine I. Richmond, widow of George H. Smith, late of Company E, Sixth Regiment Connecticut Volunteers, and widow of late Obediah Richmond, late member Company A, Fifth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "George H. Smith, late" and all of line 7.

In line 8 strike out the words "widow of late."

In same line strike out the word "member" and insert in lieu thereof the word "of."

In line 10 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMILY J. SHERMAN.

The next pension business was the bill (H. R. 1500) granting a pension to Emily J. Sherman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily J. Sherman, helpless daughter of Nathan P. Sherman, late of Company E, Fourteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "helpless," insert the words "and dependent."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE H. WASHBURN.

The next pension business was the bill (H. R. 1706) granting an increase of pension to George H. Washburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Washburn, late of Company C, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of — dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

TOBIAS FISHER.

The next pension business was the bill (H. R. 7411) granting an increase of pension to Tobias Fisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Tobias Fisher, late of Company F, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE C. DEAN.

The next pension business was the bill (H. R. 7476) granting an increase of pension to George C. Dean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Dean, late of Company I, Fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Fifty-first," insert the words "One hundred and ninth Regiment, and Company I."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

GUSTAVUS F. E. RASCHIG.

The next pension business was the bill (H. R. 7544) granting an increase of pension to Gustavus E. F. Raschig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gustavus E. F. Raschig, late captain of Company F, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initials "E. F." and insert in lieu thereof the initials "F. E."

In same line, after the word "captain," strike out the word "of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Gustavus F. E. Raschig."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES LEATHERS.

The next pension business was the bill (H. R. 8159) granting an increase of pension to Charles Leathers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Leathers, late of Company H, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC S. DOAN.

The next pension business was the bill (H. R. 8338) granting an increase of pension to Isaac S. Doan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac S. Doan, late of Company K, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI CHAPMAN.

The next pension business was the bill (H. R. 8789) granting an increase of pension to Levi Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Chapman, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHESTER SIMPSON.

The next pension business was the bill (H. R. 8925) granting an increase of pension to Chester Simpson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Chester Simpson, late of Company D, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID BOWEN.

The next pension business was the bill (H. R. 8958) granting an increase of pension to David Bowen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Bowen, late of Company C, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NANCY C. PAINE.

The next pension business was the bill (H. R. 9100) granting a pension to Nancy C. Paine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy C. Paine, widow of Edwin R. Paine, late of Company C, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

In line 9, after the word "month," insert the words "such pension to cease upon proof that the soldier is still living."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM T. BLANCHARD.

The next pension business was the bill (H. R. 9218) granting an increase of pension to William T. Blanchard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Blanchard, late of Company —, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "I."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OCTAVO BARKER.

The next pension business was the bill (H. R. 10032) granting an increase of pension to Octavo Barker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Octavo Barker, late of Company K, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. CURNUTT.

The next pension business was the bill (H. R. 10240) granting an increase of pension to John H. Curnutt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Curnutt, late of Company K, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Regiment," insert the words "and Company B, Seventy-second Regiment."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS HARRISON.

The next pension business was the bill (H. R. 10400) granting an increase of pension to Thomas Harrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Harrison, of Lovettsville, Va., late of Company B, Loudoun Rangers, Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Lovettsville, Va."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ADAM S. VAN VORST.

The next pension business was the bill (H. R. 9402) granting an increase of pension to Adam S. Van Vorst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam S. Van Vorst, late of Company D, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. ODELL.

The next pension business was the bill (H. R. 10403) granting an increase of pension to James H. Odell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Odell, late of Company E, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN E. LEAHY.

The next pension business was the bill (H. R. 3226) granting an increase of pension to John E. Leahy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Leahy, late lieutenant of Company C, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension of $50 per month in lieu that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Lieutenant," insert the word "First."

In the same line, after the word "Lieutenant," strike out the word "of."

In line 8, after the word "pension," insert the words "at the rate."

In same line strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER BOSHEA.

The next pension business was the bill (H. R. 21119) granting an increase of pension to Alexander Boshea.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Boshea, late of Company B, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES GREEN.

The next pension business was the bill (H. R. 21179) granting an increase of pension to Charles Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Green, late of Company I, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM B. CRANE.

The next pension business was the bill (H. R. 21124) granting an increase of pension to William Hubbard, alias William B. Crane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hubbard, late of Company K, Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hubbard" and insert in lieu thereof the words "B. Crane."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to William B. Crane."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD L. CARPENTER.

The next pension business was the bill (H. R. 20955) granting an increase of pension to Edward L. Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward L. Carpenter, late of Company B, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES F. HENNINGER.

The next pension business was the bill (H. R. 20896) granting an increase of pension to James F. Henninger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Henninger, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY J. SMITH.

The next pension business was the bill (H. R. 20726) granting an increase of pension to Mary J. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Smith, widow of Girdin Smith, late of Company H, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Frank W. Smith, helpless and dependent child

of said Girdin Smith, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary J. Smith the name of said Frank W. Smith shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary J. Smith.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HOPE MARTIN.

The next pension business was the bill (H. R. 20725) granting a pension to Hope Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hope Martin, helpless and dependent daughter of William E. Martin, late of Company I, Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES O. PIERCE.

The next pension business was the bill (H. R. 20721) granting an increase of pension to James O. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James O. Pierce, late of Company C, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "and Company C, Twenty-ninth Regiment Wisconsin Volunteer Infantry," and insert in lieu thereof the words "major and assistant adjutant-general, United States Volunteers."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. FELL.

The next pension business was the bill (H. R. 21019) granting an increase of pension to Benjamin F. Fell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Fell, late of Company A, Eighty-fifth Regiment, and Company K, One hundred and twenty-second Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN FOX.

The next pension business was the bill (H. R. 20964) granting an increase of pension to John Fox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Fox, late of Company C, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PETER M. SIMON.

The next pension business was the bill (H. R. 20351) granting an increase of pension to Peter M. Simon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter M. Simon, late of Company K, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH N. CADIEUX.

The next pension business was the bill (H. R. 20199) granting an increase of pension to Joseph N. Cadieux.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph N. Cadieux, late of Company H, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H" and insert in lieu thereof the letter "L."

In the same line strike out the word "Third" and insert in lieu thereof the word "Sixteenth."

In line 7 strike out the words "Light Artillery" and insert in lieu thereof the words "Heavy Artillery."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN LEMLY.

The next pension business was the bill (H. R. 20129) granting an increase of pension to John Lemly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lemly, late of Company B, Fifteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SETH CHASE.

The next pension business was the bill (H. R. 19703) granting an increase of pension to Seth Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Seth Chase, late of Company H, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS M'DERMOTT.

The next pension business was the bill (H. R. 19672) granting an increase of pension to Thomas McDermott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas McDermott, late landsman, United States ship Osceola, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "landsman" and insert in lieu thereof the word "of."

In line 7, before the word "and," insert the words "United States Navy."

In same line strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH E. CANNELL.

The next pension business was the bill (H. R. 19482) granting an increase of pension to Sarah E. Cannell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Sarah E. Cannell, widow of Thomas N. Cannell, late of Company A, One hundred and third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. SAVAGE.

The next pension business was the bill (H. R. 19479) granting an increase of pension to George W. Savage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Savage, late of Company F, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE N. GRIFFIN.

The next pension business was the bill (H. R. 19426) granting an increase of pension to George N. Griffin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George N. Griffin, late of Company E, Twentieth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA A. M'KEAN.

The next pension business was the bill (H. R. 19420) granting an increase of pension to Eliza A. McKean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. McKean, widow of Allen McKean, late of Company A, Thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "of Company A, Thirty-fifth Regiment Pennsylvania."

In line 8 strike out the word "Infantry" and insert in lieu thereof the words "additional paymaster, United States Army."

In line 8 strike out the word "twenty four" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB M'WILLIAMS.

The next pension business was the bill (H. R. 19661) granting an increase of pension to Jacob McWilliams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob McWilliams, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH H. PRENDERGAST.

The next pension business was the bill (H. R. 19651) granting a pension to Joseph H. Pendergast.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Pendergast, late of Company A, Eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments reccommended by the committee were read, as follows:

In line 6 strike out the word "Pendergast" and insert in lieu thereof the word "Prendergast."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Joseph H. Prendergast."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OLIVER MORTON.

The next pension business was the bill (H. R. 19629) granting an increase of pension to Oliver Morton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver Morton, late seaman on the U. S. ship General Pillow, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "seaman on the" and insert in lieu thereof the words "boatswain's mate."

In line 7 strike out the word "forty" and insert in lieu thereof the word "thirty."

In same line, before the word "and," insert the words "United States Navy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB FARNER.

The next pension business was the bill (H. R. 19603) granting an increase of pension to Jacob Farner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Farner, late of Company G, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH B. PETTEY.

The next pension business was the bill (H. R. 19584) granting an increase of pension to Joseph B. Pettey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Pettey, late acting ensign U. S. ship Romeo, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "and," insert the words "United States Navy."

In same line strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES ROBERTSON.

The next pension business was the bill (H. R. 19553) granting an increase of pension to James Robertson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Robertson, late of Company C, Seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ESTELLE I. REED.

The next pension business was the bill (H. R. 19490) granting a pension to Estelle I. Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Estelle I. Reed, widow of Edwin W. Reed, late of Company K, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. AGEY.

The next pension business was the bill (H. R. 19045) granting a pension to Mary A. Agey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Agey, widow of John S. Agey, late captain Company D, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mary A. Agey."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMANUEL RAUDABAUGH.

The next pension business was the bill (H. R. 18871) granting an increase of pension to Emanuel Raudabaugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emanuel Raudabaugh, late of Company F, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "F" and insert in lieu thereof the letter "G."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M. DEFOE.

The next pension business was the bill (H. R. 18797) granting an increase of pension to John M. Defoe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Defoe, late of Company A, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. BROWN.

The next pension business was the bill (H. R. 13054) granting a pension to James M. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Brown, late of Company H, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James M. Brown."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN T. LESTER.

The next pension business was the bill (H. R. 19023) granting a pension to John T. Lester.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Lester, late of Company E, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John T. Lester."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WEYMOUTH HADLEY.

The next pension business was the bill (H. R. 18884) granting a pension to Weymouth Hadley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Weymouth Hadley, late of Company I, One hundred and second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Weymouth Hadley."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY M. GOBLE.

The next pension business was the bill (H. R. 21185) granting an increase of pension to Mary M. Goble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Goble, widow of Nicholas M. Gobel, late of Company I, Twenty-seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN F. M'BRIDE.

The next pension business was the bill (H. R. 5200) granting an increase of pension to John F. McBride.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. McBride, late of Company F, Fourteenth Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Fourteenth," insert the words "Regiment, and second lieutenant Company G, One hundred and eighty-ninth Regiment."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN NEUMANN.

The next pension business was the bill (H. R. 20431) granting an increase of pension to John Neumann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Neumann, late of Company G, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company G" and insert in lieu thereof the word "unassigned."

In line 8, after the word "thirty," insert the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH A. DOWNIE.

The next pension business was the bill (H. R. 20327) granting a pension to Elizabeth A. Downie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Downie, widow of Andrew J. Downie, late of Company I, Seventeenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN CROWLEY.

The next pension business was the bill (H. R. 20303) granting an increase of pension to John Crowley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Crowley, late of Company G, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HOWARD WILLIAM ARCHER.

The next pension business was the bill (H. R. 20292) granting a pension to Howard William Archer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Howard William Archer, helpless and dependent son of Oscar S. Archer, late of Company E, Eighth Regiment New York State Volunteers, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the initial "S." and insert in lieu thereof the initial "F."

In line 8 strike out the words "State Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDMUND HOSTETTER.

The next pension business was the bill (H. R. 20279) granting an increase of pension to Edmund Hostetter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund Hostetter, late of Company E, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES L. HOUSE.

The next pension business was the bill (H. R. 20272) granting an increase of pension to James L. House.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. House, late of Company I, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEHU F. WOTRING.

The next pension business was the bill (H. R. 20229) granting an increase of pension to John F. Wotring.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Wotring, late captain Company E, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "John" and insert in lieu thereof the word "Jehu."

In same line strike out the word "captain" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Jehu F. Wotring."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY C. JOSEPH.

The next pension business was the bill (H. R. 20222) granting an increase of pension to Henry C. Joseph.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Joseph, late of Company A, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "twenty," insert the word "four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PRESTON J. MICHENER.

The next pension business was the bill (H. R. 20117) granting an increase of pension to Preston J. Michener.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Preston J. Michener, late of Company C, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

KATE WRIGHT.

The next pension business was the bill (H. R. 20090) granting a pension to Kate Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Wright, widow of Sackett L. Wright, late of Companies B and D, Twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Companies B and" and insert in lieu thereof the word "Company."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT LAFONTAINE.

The next pension business was the bill (H. R. 20085) granting an increase of pension to Robert La Fontaine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert La Fontaine, late of Company I, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "La Fontaine" and insert in lieu thereof the word "Lafontaine."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Robert Lafontaine."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WALTER M. ENGLISH.

The next pension business was the bill (H. R. 20078) granting an increase of pension to Walter M. English.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter M. English, late of Company B, Third Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the words "Companies A and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM C. ARNOLD.

The next pension business was the bill (H. R. 20064) granting an increase of pension to William C. Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Arnold, late of Company G, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CASWELL YORK.

The next pension business was the bill (H. R. 20061) granting an increase of pension to Caswell York.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caswell York, late of Company B, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Regiment," insert the words "Company E, Sixty-Eighth Regiment, and Company F, Forty-fourth Regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN B. MAISON.

The next pension business was the bill (H. R. 20029) granting an increase of pension to John B. Maison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Maison, late of Company I, Ninetieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Eleventh Company, Second Battalion, Veteran Reserve Corps."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EUGENE DEMERS.

The next pension business was the bill (H. R. 19970) granting an increase of pension to Eugene Demers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene Demers, late of Company D, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "sixty-five."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES VAN OSTRAND.

The next pension business was the bill (H. R. 19949) granting an increase of pension to Charles Van Ostrand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Van Ostrand, late of Company A, Ninth Regiment New York Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GREENLEAF W. CROSSMAN.

The next pension business was the bill (H. R. 19915) granting an increase of pension to Greenleaf W. Crossman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Greenleaf W. Crossman, late of Ninth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $34 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Ninth," insert the words "Tenth and."

In same line strike out the word "Battery" and insert in lieu thereof the word "Batteries."

In line 8 strike out the word "thirty-four" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN D. BATES.

The next pension business was the bill (H. R. 19891) granting an increase of pension to Edwin D. Bates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin D. Bates, late of Company B, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANK SCHERER.

The next pension business was the bill (H. R. 19885) granting an increase of pension to Frank Scherer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Scherer, late of Company B, Fifth Regiment New York Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD E. HASSETT.

The next pension business was the bill (H. R. 19872) granting an increase of pension to Richard E. Hassett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard E. Hassett, late of Company D, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT WEBB.

The next pension business was the bill (H. R. 19873) granting an increase of pension to Robert Webb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Webb, late of Company F, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN G. KEAN, ALIAS CAIN.

The next pension business was the bill (H. R. 19871) granting an increase of pension to John G. Kean, alias Cain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Kean, alias Cain, late of Company B, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD E. CLAPPER.

The next pension business was the bill (H. R. 19858) granting an increase of pension to Richard E. Clapper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard E. Clapper, late of Company G, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. MAREAN.

The next pension business was the bill (H. R. 19807) granting an increase of pension to John W. Marean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Marean, late of Company G, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEFITA MONTANO.

The next pension business was the bill (H. R. 19758) granting an increase of pension to Josefita Montano.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josefita Montano, widow of Jose Montano, late of Graydon's independent company, New Mexico Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN ST. CLAIR.

The next pension business was the bill (H. R. 19738) granting an increase of pension to Benjamin St. Clair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin St. Clair, late of Company H, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HOWARD BENNETT.

The next pension business was the bill (H. R. 19725) granting an increase of pension to Howard V. Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Howard V. Bennett, late of Company C, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "V."

In line 7 strike out the words "Illinois Volunteer" and insert in lieu thereof the words "United States."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

Amend the title so as to read: "A bill granting an increase of pension to Howard Bennett."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. LEFLER.

The next pension business was the bill (H. R. 19708) granting an increase of pension to William A. Lefler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Lefler, late of Company I, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEFFERSON K. SMITH.

The next pension business was the bill (H. R. 19412) granting an increase of pension to Jefferson K. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jefferson K. Smith, late of Company B, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM R. SEARS.

The next pension business was the bill (H. R. 19390) granting an increase of pension to William R. Sears.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Sears, late of the United States Navy, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "the" and insert in lieu thereof the words "U. S. S. Shamrock."

In line 7 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT STEWART.

The next pension business was the bill (H. R. 19386) granting an increase of pension to Robert Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Stewart, late of Company B, Twenty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ASSOV HARELSON.

The next pension business was the bill (H. R. 19296) granting an increase of pension to Assov Harelson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Assov Harelson, late of Company G, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PETER J. WILLIAMSON.

The next pension business was the bill (H. R. 19280) granting an increase of pension to Peter J. Williamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter J. Williamson, late first lieutenant Company F, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY J. GILLEM.

The next pension business was the bill (H. R. 19281) granting an increase of pension to Mary J. Gillem.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Gillem, widow of Luke P. Gillem, late first lieutenant and regimental quartermaster First Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "First," insert the word "Regiment."

In line 9 strike out the word "fifteen" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES ROUT.

The next pension business was the bill (H. R. 19237) granting an increase of pension to James Rout.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Rout, late of Company C, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THEOPHIL BRODOWSKI.

The next pension business was the bill (H. R. 19216) granting an increase of pension to Theophile Brodowski.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theophile Brodowski, late of Company K, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Theophile" and insert in lieu thereof the word "Theophil."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Theophil Brodowski."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALFRED BRANSON.

The next pension business was the bill (H. R. 19048) granting an increase of pension to Alfred Branson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Branson, late of Company H, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD R. DUNBAR.

The next pension business was the bill (H. R. 5209) granting an increase of pension to Edward R. Dunbar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward R. Dunbar, late of Company E, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

KATE E. HANNA.

The next pension business was the bill (H. R. 9403) granting a pension to Kate E. Hanna.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate E. Hanna, widow of Charles L. Hanna, late of Company K, One hundred and forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "sixteen."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Kate E. Hanna."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLEN S. GIFFORD.

The next pension business was the bill (H. R. 8732) granting a pension to Ellen S. Gifford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen S. Gifford, widow of John L. Gifford, late lieutenant, United States Navy, and pay her a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the word "acting."
In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB L. HATTON.

The next pension business was the bill (H. R. 7488) granting an increase of pension to Jacob L. Hatton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob L. Hatton, late of Company D, Fourth United States Colored Troops, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Fourth," insert the word "Regiment."
In line 7 strike out the word "Troops" and insert in lieu thereof the words "Volunteer Infantry."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GIBSON HELMS.

The next pension business was the bill (H. R. 7417) granting an increase of pension to Gibson Helms.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gibson Helms, late of Company H, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE A. JOHNSON.

The next pension business was the bill (H. R. 4351) granting an increase of pension to George A. Johnson.

The amendment was agreed to.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Johnson, late of Company K, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OLIVER P. PIERCE.

The next pension business was the bill (H. R. 1169) granting a pension to Oliver P. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver P. Pierce, late of Company A, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Oliver P. Pierce."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL HARVEY.

The next pension business was the bill (H. R. 3194) granting an increase of pension to Samuel Harvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Harvey, late of Company H, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amnded was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MILTON S. COLLINS.

The next pension business was the bill (H. R. 3195) granting an increase of pension to Milton S. Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton S. Collins, late of Company H, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the word "Reserve."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUTHER H. STARKEY.

The next pension business was the bill (H. R. 11322) granting an increase of pension to Luther H. Starkey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luther H. Starkey, late of Company K, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ADAM WILES.

The next pension business was the bill (H. R. 11562) granting an increase of pension to Adam Wiles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Wiles, late of Company H, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH A. DEDRICK.

The next pension business was the bill (H. R. 4648) granting an increase of pension to Sarah A. Dedrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Dedrick, widow of A. C. Dedrick, late assistant surgeon, Fourth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the letter "C," strike out the letter "A." and insert in lieu thereof the word "Albert."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRIET E. PALMER.

The next pension business was the bill (H. R. 4705) granting a pension to Harriet E. Palmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet E. Palmer, widow of Henry J. Palmer, late of Company E, Tenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PARRIS J. LATHAM.

The next pension business was the bill (H. R. 6145) granting an increase of pension to Parris J. Latham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Parris J. Latham, late a musician, Eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "a."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SIMEON YORK.

The next pension business was the bill (H. R. 1891) granting a pension to Simeon York.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simeon York, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Simeon York."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY GRAMBERG.

The next pension business was the bill (H. R. 14985) granting an increase of pension to Mary Gramberg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Gramberg, widow of George Gramberg, late of Company B, Twentieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NICHOLAS D. KENNY.

The next pension business was the bill (H. R. 20463) granting an increase of pension to Nicholas D. Kenny.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas D. Kenny, late of Company G, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARK HAM.

The next pension business was the bill (S. 6151) granting an increase of pension to Mark Ham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mark Ham, late of Company H, Thirteenth and Thirtieth Regiments Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH P. GARLAND.

The next pension business was the bill (S. 4174) granting an increase of pension to Joseph P. Garland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph P. Garland, late captain Company D, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ABBIE J. DANIELS.

The next pension business was the bill (S. 6521) granting a pension to Abbie J. Daniels.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie J. Daniels, helpless and dependent daughter of John C. Daniels, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LUCY FLORETTE NICHOLS.

The next pension business was the bill (S. 5081) granting a pension to Lucy Florette Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Florette Nichols, widow of William Nichols, late surgeon Third Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

OAKALEY RANDALL.

The next pension business was the bill (S. 6259) granting an increase of pension to Oakaley Randall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oakaley Randall, late of Company P, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARGARET BRANNON.

The next pension business was the bill (S. 5545) granting a pension to Margaret Brannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Brannon, widow of Patrick Brannon, late of Company M, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANIEL SULLIVAN.

The next pension business was the bill (S. 4235) granting an increase of pension to Daniel Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Sullivan, late of Company B, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BETSEY HATTERY.

The next pension business was the bill (S. 6228) granting a pension to Betsey Hattery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Betsey Hattery, widow of John Hattery, late of Company C, Third Regiment

Wisconsin Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES DEAREY.

The next pension business was the bill (S. 6339) granting an increase of pension to James Dearey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Dearey, late of Company D, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN H. MULLEN.

The next pension business was the bill (S. 4695) granting an increase of pension to John H. Mullen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Mullen, late captain Company C, Twelfth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY B. WILLHELMY.

The next pension business was the bill (S. 4366) granting an increase of pension to Henry B. Willhelmy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Willhelmy, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MATHEW KERWIN.

The next pension business was the bill (S. 4365) granting an increase of pension to Mathew Kerwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathew Kerwin, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPHINE S. JONES.

The next pension business was the bill (S. 5042) granting an increase of pension to Josephine S. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine S. Jones, widow of Samuel E. Jones, late second lieutenant Company I, First Regiment Missouri Volunteer Light Artillery, and Twelfth Independent Battery, Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL M. DAUGHENBAUGH.

The next pension business was the bill (S. 5710) granting an increase of pension to Samuel M. Daughenbaugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Daughenbaugh, late captain Company G, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN ARD GORDON.

The next pension business was the bill (S. 158) granting an increase of pension to John Ard Gordon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Ard Gordon, late captain Company G, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL WHITE.

The next pension business was the bill (S. 2225) granting an increase of pension to Samuel White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel White, late of Company B, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN DICKEY.

The next pension business was the bill (S. 5994) granting an increase of pension to John Dickey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Dickey, late of Company I, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES E. HENRY.

The next pension business was the bill (S. 6197) granting an increase of pension to Charles E. Henry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Henry, late second lieutenant Company A, and first lieutenant and adjutant, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HILLARY BEYER.

The next pension business was the bill (S. 5547) granting an increase of pension to Hillary Beyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hillary Beyer, late first lieutenant Company H, Ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARGARET HIMMEL.

The next pension business was the bill (S. 5637) granting an increase of pension to Margaret Himmel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Himmel, widow of John Himmel, late of Company D, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES S. WHITLOCK.

The next pension business was the bill (S. 6148) granting an increase of pension to James S. Whitlock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Whitlock, late of Company B, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES M. LYON.

The next pension business was the bill (S. 5402) granting an increase of pension to Charles M. Lyon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Lyon, late captain Company I, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

J. DILLON TURNER.

The next pension business was the bill (S. 4345) granting an increase of pension to J. Dillon Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. Dillon Turner, late of Company I, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LYCURGUS D. RIGGS.

The next pension business was the bill (S. 4991) granting an increase of pension to Lycurgus D. Riggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lycurgus D. Riggs, late of Company E, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES C. COAD.

The next pension business was the bill (S. 2880) granting an increase of pension to James C. Coad.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Coad, late of Company K, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS LONERGAN.

The next pension business was the bill (H. R. 3297) granting an increase of pension to Thomas Lonergan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Lonergan, late of Company G, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JENNIE E. EDSON.

The next pension business was the bill (H. R. 1673) granting an increase of pension to Jennie E. Edson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie E. Edson, widow of Joseph M. Edson, late of Company I, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES B. O. HORBACH.

The next pension business was the bill (H. R. 20623) granting an increase of pension to James B. O. Horbach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. O. Horbach, late of Company A, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID M. WATKINS.

The next pension business was the bill (H. R. 20829) granting an increase of pension to David M. Watkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David M. Watkins, late of Company H, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL MAHONEY.

The next pension business was the bill (H. R. 2761) granting an increase of pension to Michael Mahoney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Mahoney, late of Company K, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MILTON RUSSELL.

The next pension business was the bill (H. R. 20844) granting an increase of pension to Milton Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Russell, late of Company A, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CHARLES W. CARPENTER.

The next pension business was the bill (H. R. 20899) granting an increase of pension to C. W. Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of C. W. Carpenter, late of Company I, Thirty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "C." and insert in lieu thereof the word "Charles."

In the same line strike out the letter "I" and insert in lieu thereof the letter "H."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

Amend the title so as to read: "A bill granting an increase of pension to Charles W. Carpenter."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HARVEY SINE.

The next pension business was the bill (H. R. 20965) granting an increase of pension to Harvey Sine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey Sine, late of Company C, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM G. WILSON.

The next pension business was the bill (H. R. 21054) granting an increase of pension to William G. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Wilson, late of Company K, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PLEASANT CRISSIP.

The next pension business was the bill (H. R. 21228) granting an increase of pension to Pleasant Crissip.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Pleasant Crissip, late of Company A, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN C. BERRY.

The next pension business was the bill (H. R. 12557) granting an increase of pension to John C. Berry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Berry, late of Company F, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB KOHL.

The next pension business was the bill (H. R. 21304) granting an increase of pension to Jacob Kohl.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Kohl, late of Company I, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL J. HARTE.

The next pension business was the bill (H. R. 18089) granting an increase of pension to Daniel J. Harte.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel J. Harte, late of Company C, Eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BARLOW DAVIS.

The next pension business was the bill (H. R. 18454) granting an increase of pension to Barlow Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barlow Davis, late of Company B, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company B" and insert in lieu thereof the words "Brady's company."

In line 7, after the word "Infantry," insert the words "and second lieutenant Company B, Thirtieth Regiment Michigan Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL C. M'CORMICK.

The next pension business was the bill (H. R. 19044) granting an increase of pension to Samuel C. McCormick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel C. McCormick, late of the One hundred and thirty-fourth, Eighth, and Two hundred and second Regiments Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "of the One hundred and thirty-fourth, Eighth, and Two hundred and second Regiments" and insert in lieu thereof the words "assistant surgeon, One hundred and thirty-fourth Regiment."

In line 9 strike out the word "seventy-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN F. CHRISTIE.

The next pension business was the bill (H. R. 19990) granting an increase of pension to Susan F. Christie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan F. Christie, widow of Aaron L. Christie, late of Company B, Ninetieth Regiment, and Company D, One hundred and fourteenth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Company B, Ninetieth Regiment, and."

In line 8, before the words "New York," insert the words "and Company B, Battalion, Ninetieth Regiment."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES CARTER.

The next pension business was the bill (H. R. 19963) granting an increase of pension to Charles Alford Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Alford Carter, late of Company K, One hundred and second Regiment United States Colored Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Alford."

In line 7, after the word "Colored," insert the word "Volunteer."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Charles Carter."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOB F. MARTIN.

The next pension business was the bill (H. R. 19541) granting an increase of pension to Job F. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Job F. Martin, late of Company A, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THEODORE F. REIGHTER.

The next pension business was the bill (H. R. 20350) granting an increase of pension to Theodore F. Reighter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore F. Reighter, late of Company F, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY WILSON.

The next pension business was the bill (H. R. 20384) granting an increase of pension to Mary Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Wilson, widow of Robert Wilson, late of the Seventh Independent Battery New York Volunteer Light Artillery, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "the."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN REMICK.

The next pension business was the bill (H. R. 14298) granting an increase of pension to John Remick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Remick, late of Company G, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES BARNELL, ALIAS RICHARD NORTH.

The next pension business was the bill (H. R. 14543) granting an increase of pension to Charles Barnell, alias Richard North.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Barnell, alias Richard North, late of Company B, Two hundred and thirteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELI STOVER.

The next pension business was the bill (H. R. 15471) granting an increase of pension to Eli Stover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli Stover, late of Company C, Eighth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THEODORE T. BRUCE.

The next pension business was the bill (H. R. 16002) granting a pension to Theodore T. Bruce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore T. Bruce, imbecile son of Hugh W. Bruce, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "imbecile" and insert in lieu thereof the words "helpless and dependent."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM LARRABY.

The next pension business was the bill (H. R. 12554) granting an increase of pension to William Larraby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Larraby, late of Company H, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALICE PUGH.

The next pension business was the bill (H. R. 16101) granting a pension to Alice Pugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice Pugh, widow of Samuel B. Pugh, late of Company E, Fifth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $18 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "eighteen" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSHUA B. CASEY.

The next pension business was the bill (H. R. 18295) granting a pension to Joshua B. Casey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua B. Casey, late of Company D, Fourteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Joshua B. Casey."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. HARRIS.

The next pension business was the bill (H. R. 10751) granting an increase of pension to George W. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Harris, late of Company F, Third Regiment Michigan Volunteer Infantry, and also of Company J, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "also of."

In same line strike out the letter "J" and insert in lieu thereof the letter "I."

In line 9 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LIBBIE A. MERRILL.

The next pension business was the bill (H. R. 10760) granting a pension to Libbie Merrill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Libbie Merrill, widow of William Merrill, late of Company I, Seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Libbie," insert the letter "A."

In same line, after the word "William," insert the letter "E."

In same line, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In line 7 strike out the letter "I" and insert in lieu thereof the letter "C."
In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."
In line 9, after the word "month," insert the words "such pension to cease upon proof that the officer is still living."
Amend the title so as to read: "A bill granting a pension to Libbie A. Merrill."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES H. SHREEVE.

The next pension business was the bill (H. R. 10916) granting an increase of pension to Charles H. Shreeves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Shreeves, late of Company D, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Shreeves" and insert in lieu thereof the word "Shreeve."
Amend the title so as to read: "A bill granting an increase of pension to Charles H. Shreeve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARVIN WALDORPH.

The next pension business was the bill (H. R. 11701) granting a pension to Marion Waldorph.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marion Waldorph, late of Company A, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Marion" and insert in lieu thereof the word "Marvin."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Marvin Waldorph."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. RANDOLPH.

The next pension business was the bill (H. R. 12370) granting an increase of pension to Mary E. Randolph.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Randolph, widow of Koert S. V. Randolph, late of Company I, Thirty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSIAH P. HIGGINS.

The next pension business was the bill (H. R. 13455) granting an increase of pension to Josiah P. Higgins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah P. Higgins, late of Companies G and D, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Cavalry," insert the words "and U. S. S. Sybil, Red Rover, and Grampus, United States Navy."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SILAS V. WHITE.

The next pension business was the bill (H. R. 4834) granting an increase of pension to Silas V. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas V. White, late of Company G, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. ZACHERY.

The next pension business was the bill (H. R. 6705) granting an increase of pension to William H. Zachary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Zachary, late of Company B, Seventeenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Zachary" and insert in lieu thereof the word "Zachery."
Amend the title so as to read: "A bill granting an increase of pension to William H. Zachery."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABRAM SOURS.

The next pension business was the bill (H. R. 8312) granting an increase of pension to Abram Sours.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abram Sours, late of Company G, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN WOOLLEY.

The next pension business was the bill (H. R. 8915) granting an increase of pension to Susan Woolley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Woolley, widow of Benjamin Woolley, late of Company C, Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Benjamin," insert the letter "C."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STEPHEN H. ROGERS.

The next pension business was the bill (H. R. 8668) granting an increase of pension to Stephen H. Rogers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen H. Rogers, late of Company A, Seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

NICOLAUS KIRSCH.

The next pension business was the bill (H. R. 21302) granting an increase of pension to Nicolaus Kirsch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicolaus Kirsch, late of Company B, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUCY A. KEPHART.

The next pension business was the bill (H. R. 19639) granting a pension to Lucy A. Kephart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy A. Kephart, widow of Thomas Kephart, late of Company I, Thirteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Lucy A. Kephart."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH L. TOPHAM.

The next pension business was the bill (H. R. 18218) granting an increase of pension to Joseph L. Topham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph L. Topham, late lieutenant Company A, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "of Company G, Fourth Regiment Connecticut Volunteer Infantry, and commissary-sergeant, Forty-third Regiment Pennsylvania Emergency Militia, and second."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. HIGGINS.

The next pension business was the bill (H. R. 19117) granting an increase of pension to Mary E. Higgins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Higgins, widow of Benjamin F. Higgins, late of Company H, Second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Company" and insert in lieu thereof the word "Companies."

In same line, before the word "Second," insert the words "and D."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANKLIN H. BAILEY.

The next pension business was the bill (H. R. 20962) granting an increase of pension to Franklin H. Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin H. Bailey, late of Company E, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES L. ESTLOW.

The next pension business was the bill (H. R. 19411) granting an increase of pension to James L. Estlow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Estlow, late of Company A, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. CUSHING.

The next pension business was the bill (H. R. 18410) granting an increase of pension to Andrew J. Cushing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Cushing, late of Company C, Ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE H. DYER.

The next pension business was the bill (H. R. 20154) granting an increase of pension to George H. Dyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Dyer, late landsman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "landsman" and insert in lieu thereof the words "of U. S. S. Preble, Connecticut, and Ohio."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THERESIA BELL.

The next pension business was the bill (H. R. 20096) granting a pension to Theresia Bell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theresia Bell, widow of Anthony Bell, late of Company B, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $16 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "sixteen" and insert in lieu thereof the word "twelve."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Theresia Bell."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHRISTIAN M. GOOD.

The next pension business was the bill (H. R. 13815) granting an increase of pension to Christian M. Good.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christian M. Good, late of Company G, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN O'CONNOR.

The next pension business was the bill (H. R. 15150) granting an increase of pension to John O'Connor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John O'Connor, late of Company K, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS M. MORRISON.

The next pension business was the bill (H. R. 12676) granting an increase of pension to Francis M. Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Morrison, late of Company D, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM G. BINKLEY.

The next pension business was the bill (H. R. 10531) granting an increase of pension to William G. Binkley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Binkley, late of Company C, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and quartermaster-sergeant, Fiftieth Regiment Pennsylvania Emergency Militia Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN P. PATTERSON.

The next pension business was the bill (H. R. 10364) granting an increase of pension to John P. Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Patterson, late of Company A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM D. VORIS.

The next pension business was the bill (H. R. 8683) granting an increase of pension to William D. Voris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Voris, late of Company F, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. HAYS.

The next pension business was the bill (H. R. 8563) granting an increase of pension to William H. Hays.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hays, late of Company I, One hundred and third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH CLEAVER.

The next pension business was the bill (H. R. 9113) granting a pension to Elizabeth Cleaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Cleaver, widow of S. B. Cleaver, late provost marshal, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Shesh."

In same line, after the word "late," insert the word "deputy."

In line 7, after the word "marshal," insert the words "First district of Iowa."

In same line strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL DOYLE.

The next pension business was the bill (H. R. 3228) granting an increase of pension to Michael Doyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Doyle, late of Company L, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB T. WISE.

The next pension business was the bill (H. R. 2909) granting an increase of pension to Jacob T. Wise.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob T. Wise, late of Company C, First Regiment United States Sharpshooters, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Sharpshooters," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM R. FULK.

The next pension business was the bill (H. R. 1249) granting an increase of pension to William R. Fulk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Fulk, late of Company F, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

In same line strike out the words "in lieu."

Strike out all of line 9 and insert in lieu thereof the following: "the

same to be paid to him under the rules of the Pension Bureau as to mode and time of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

Amend the title so as to read: "A bill granting a pension to William R. Fulk."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM S. QUIGLEY.

The next pension business was the bill (H. R. 1068) granting an increase of pension to William S. Quigley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Quigley, late of Company C, One hundred and thirty-fifth Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Pennsylvania," insert the word "Regiment."

In same line strike out the word "Reserve."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB BENDER.

The next pension business was the bill (H. R. 1067) granting an increase of pension to Jacob Bender.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Bender, late a private in Company F, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "private in" and insert in lieu thereof the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANKLIN M'FALLS.

The next pension business was the bill (H. R. 1144) granting an increase of pension to Franklin McFalls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin McFalls, late of Company H, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN F. MOHN.

The next pension business was the bill (H. R. 562) granting an increase of pension to John F. Mohn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Mohn, late of Company I, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN BRADLEY.

The next pension business was the bill (H. R. 20559) granting an increase of pension to John Bradley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bradley, late of Company D, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE RHODES.

The next pension business was the bill (H. R. 21001) granting an increase of pension to George Rhodes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Rhodes, late of Company K, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RHODA A. HOIT.

The next pension business was the bill (H. R. 20724) granting an increase of pension to Rhoda A. Hoit.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rhoda A. Hoit, widow of James B. Hoit, late lieutenant-colonel Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "captain Company B and."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC N. S. WILL.

The next pension business was the bill (H. R. 20617) granting an increase of pension to Isaac N. S. Will.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac N. S. Will, late of Companies I and C, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Companies" and insert in lieu thereof the word "Company."

In same line strike out the words "and C."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES BOND.

The next pension business was the bill (H. R. 20683) granting an increase of pension to James Bond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Bond, late of Company H, Eigthy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT TURLEY.

The next pension business was the bill (H. R. 20714) granting an increase of pension to Robert Turley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Turley, late of United States Marine Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL W. SEARLES.

The next pension business was the bill (H. R. 20712) granting an increase of pension to Samuel W. Searles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel W. Searles, late of Company K, Twenty-third Regiment New York Volunteer Infantry, and Company L, First Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company K, Twenty-third Regiment New York Volunteer Infantry, and."

In line 9 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. ISBELL.

The next pension business was the bill (H. R. 21058) granting an increase of pension to William H. Isbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Isbell, late of Company E, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WAITMAN T. MATHERS.

The next pension business was the bill (H. R. 20968) granting an increase of pension to Waitman T. Mathers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Waitman T. Mathers, late of Company D, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI EDDY.

The next pension business was the bill (H. R. 21641) granting an increase of pension to Levi Eddy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Eddy, late of Company C, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DARIUS E. GARLAND.

The next pension business was the bill (H. R. 20958) granting an increase of pension to Darius E. Garland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Darius E. Garland, late of Company A, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

REUBEN A. GEORGE.

The next pension business was the bill (H. R. 20928) granting an increase of pension to Ruben A. George.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruben A. George, late of Company A, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Ruben" and insert in lieu thereof the word "Reuben."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Reuben A. George."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BERGE LARSEN.

The next pension business was the bill (H. R. 20735) granting an increase of pension to Berge Larsen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Berge Larsen, late of Company B, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EVAN H. BAKER.

The next pension business was the bill (H. R. 21015) granting a pension to Evan H. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Evan H. Baker, late of Company H, First Regiment Pennsylvania Rifles, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Rifles," insert the word "Volunteer."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Evan H. Baker."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HUGH BLAIR.

The next pension business was the bill (H. R. 20891) granting an increase of pension to Hugh Blair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh Blair, late of Company E, Eighty-first Regiment Pennsylvania Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E" and insert in lieu thereof the letter "H."
In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

UNITY A. STEEL.

The next pension business was the bill (H. R. 21045) granting an increase of pension to Unity A. Steel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Unity A. Steel, widow of James M. Steel, late of Company —, Sixth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Sixth," insert the letter "I."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANNIE REANEY.

The next pension business was the bill (H. R. 21749) granting an increase of pension to Annie Reaney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie Reaney, widow of Henry B. Reaney, late acting master, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN P. DIX.

The next pension business was the bill (H. R. 21849) granting an increase of pension to John P. Dix.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Dix, late of Company —, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of Company" and insert in lieu thereof the words "principal musician."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OBEDIAH B. NATIONS.

The next pension business was the bill (H. R. 9250) granting an increase of pension to Obediah B. Nation.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Obediah B. Nation, late of Second Texas Regiment, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Nation" to "Nations," and in the same line, after "late of," insert "Company F;" also strike out the word "Texas" and insert, after "Regiment," "Texas Mounted Volunteers."
In line 7 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Obediah B. Nations."

ANN E. WHITE.

The next pension business was the bill (H. R. 14862) granting an increase of pension to Ann E. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann E. White, widow of G. W. White, late of Company F, First Regiment Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "G." to "George."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS MILLER.

The next pension business was the bill (H. R. 16249) granting an increase of pension to Thomas Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Miller, late of Company D, Marshall's Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, insert after "Marshall's" "Regiment."
In line 7, before "Volunteers," insert "Mounted."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEFFERSON WILCOX.

The next pension business was the bill (H. R. 16389) granting a pension to Jefferson Wilcox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jefferson Wilcox, late of Company B, Third Regiment United States Volunteer Infantry, and pay him a pension at the rate of $35 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before "Company," strike out "of" and insert "captain."
In line 7, after "Infantry," insert "war with Spain."
In line 8 strike out "thirty-five" and insert "fifteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES HOPKINS.

The next pension business was the bill (H. R. 16488) granting an increase of pension to Charles Hopkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Hopkins, late of Company K, Fourteenth Regiment United States Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteers" and insert "Infantry."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUIS F. BEELER.

The next pension business was the bill (H. R. 16546) granting an increase of pension to Louis F. Beeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis F. Beeler, late of Company C, Baltimore and Washington, D. C., Battalion of Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out Baltimore and Wash-," and in the same line, after "C." insert "Battalion."
In line 7 strike out "ington" and "Battalion of," and in the same line, after the word "Columbia," insert "and Maryland."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. STRICKLAND.

The next pension business was the bill (H. R. 18608) granting an increase of pension to Mary E. Strickland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Strickland, widow of James A. Strickland, late of Captain Curtis's company, Raiford's battalion Alabama Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the letter "s" in the word "Curtis's."
In line 8 strike out the word "Mounted" and insert "Militia."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTIN ALPHONS LUTHER.

The next pension business was the bill (H. R. 18677) granting a pension to Martin A. Luther.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin A. Luther, late of Company F, Fifth Regiment United States Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

Change the name of the claimant where it appears in the title and body of the bill from "Martin A. Luther" to "Martin Alphons Luther."
In line 8 strike out "twenty-four" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. DANIEL.

The next pension business was the bill (H. R. 18758) granting an increase of pension to Mary A. Daniel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Daniel, widow of Drewery F. Daniel, late of First Regiment Georgia Volunteers, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "First," insert "Capt. Daniel H. Bird's company."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL BOCOSKEY.

The next pension business was the bill (H. R. 18791) granting a pension to Michael Bocoskey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Bocoskey, late of Company G, Fifth Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "G, Fifth Regiment" and insert "E, Nineteenth Regiment."
In line 7 strike out "Artillery" and insert "Infantry."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THEODORE BLAND.

The next pension business was the bill (H. R. 19363) granting an increase of pension to Theodore Bland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore Bland, late of Company A, First Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Company A."
In the same line, after the word "late," insert "Harper's company."
In line 7 strike out the word "Infantry" and change "Volunteer" to "Volunteers," and insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD B. WEST.

The next pension business was the bill (H. R. 19510) granting an increase of pension to Richard B. West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard B. West, late of Company F, Sixth Regiment Louisiana Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY L. PATTON.

The next pension business was the bill (H. R. 19577) granting an increase of pension to Mary L. Patton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Patton, widow of John I. Patton, late of Company —, Battalion Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "I" in the soldier's name to "S."
In the same line, after "late of," insert "lieutenant."
In lines 6 and 7 strike out "Company."
In line 7, before "Battalion," insert "Wyman's company, T. J. Smith's."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT F. MAYFIELD.

The next pension business was the bill (H. R. 19579) granting an increase of pension to Robert Mayfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Mayfield, late of company —, —— Regiment Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Insert the initial "F." in claimant's name where it appears in the title and body of the bill.
In line 6, after "late of," insert "Capt. Henry E. McCullough's."
In the same line, before the word "Regiment," insert "First," and at the end of the same line add the word "Texas."
In line 7 change "Volunteer" to "Volunteers" and insert before the same the word "Mounted."
In the same line strike out the word "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH A. WILSON.

The next pension business was the bill (H. R. 19648) granting an increase of pension to Sarah A. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Wilson, widow of John Wilson, late of Company E, Palmetto Regiment, South Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out "Infantry."
In line 7 change "Volunteer" to "Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY B. MASON.

The next pension business was the bill (H. R. 19713) granting an increase of pension to Mary B. Mason.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary B. Mason, widow of John Thomson Mason, late assistant surgeon on the United States steamships Dolphin and Saratoga, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Thomson" to the initial "T."
In lines 7 and 8 strike out "on the United States steamships Dolphin and Saratoga, United States Navy."
In line 7 insert, after the word "surgeon," the words "United States Navy."
In line 8, before the word "and," insert "war with Mexico."
In line 9 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN M. BRUNSON.

The next pension business was the bill (H. R. 19715) granting an increase of pension to Susan M. Brunson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan M. Brunson, widow of Randolph P. Brunson, late first lieutenant in Captain Hibler's company, South Carolina Volunteers, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Hibler's" to "Hibbler's."
In line 8, after the word "Volunteers," insert "Florida Indian war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY F. JOHNSON.

The next pension business was the bill (H. R. 19716) granting an increase of pension to Mary F. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Johnson, widow of Leroy J. Johnson, late of Parker's company, South Carolina Volunteers, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "of" and the word "corporal" and insert in the same line the word "of."
In line 7, before the word "Parker's," insert "Captain;" in the same line, after "Volunteers," insert "Florida Indian war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. BURNS.

The next pension business was the bill (H. R. 19722) granting an increase of pension to William H. Burns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Burns, late of Company K, Colonel Coffee's regiment, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "Colonel Coffee's regiment."
In line 6, after "K," insert "First Regiment Alabama Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM F. CLINKSCALES.

The next pension business was the bill (H. R. 19818) granting an increase of pension to William F. Clinkscales.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Clinkscales, late of Captain Pickens's company, South Carolina Volunteers, Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "s" in the word "Pickens's."
In line 7, after "Volunteers," insert "Florida."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES BUTLER.

The next pension business was the bill (H. R. 19907) granting an increase of pension to James Butler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Butler, late of Company —, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "and pay him a."
In line 6, after "Company," insert "G, First Regiment Oregon Riflemen, Cayuse Indian war, and pay him a."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BETTIE FERGUSON.

The next pension business was the bill (H. R. 19923) granting an increase of pension to Bettie Ferguson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bettie Ferguson, widow of Franklin Ferguson, late of Company I, Second Regiment Kentucky Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EUNICE COOK.

The next pension business was the bill (H. R. 19998) granting an increase of pension to Eunice Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eunice Cook, widow of Nathan Cook, late of Captain Vincent's company, Georgia Volunteer Infantry, Cherokee Indian war, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers" and strike out the word "Infantry."
In line 8 strike out "war" and insert "disturbances."
In the same line strike out "twenty-five" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CASSIA C. TYLER.

The next pension business was the bill (H. R. 20087) granting an increase of pension to Cassia C. Tyler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cassia C. Tyler, widow of Henry R. Tyler, late of Company I, N. Rutland's regiment Mounted Volunteers, Indian war, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "of Company."
In line 6, after the word "late," insert "first lieutenant."
In line 7, before the initial "I.," insert "Captain."
In the same line strike out the word "regiment" and insert "company." And before the word "Mounted," in the same line, insert "Florida." And after the word "Volunteers," in the same line, insert "Florida," and add to the end of the line the word "war."
In line 8 strike out the words "war" and "twenty-four" and insert, after the words "rate of," "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY J. THURMOND.

The next pension business was the bill (H. R. 20088) granting an increase of pension to Mary J. Thurmond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Mary J. Thurmond, widow of George W. Thurmond, late of Company —, South Carolina Volunteers, Indian war, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

At the end of line 6 strike out the word "private" and insert "of."
In line 7 strike out "of Company" and insert, before the word "South," "Captain Hibbler's company." In the same line strike out "Indian war" and insert "Florida Indian war."
In line 8 strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRIET C. KENNEY.

The next pension business was the bill (H. R. 20146) granting an increase of pension to Harriet C. Kenney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet C. Kenney, widow of Charles H. Kenney, late of Company D, Regiment South Carolina Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before "Regiment," insert "First." In the same line, after "Regiment," insert "(Palmetto)." In same line change "Volunteer" to "Volunteers."
In line 8, before "and," insert "war with Mexico." In the same line strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH SALMON.

The next pension business was the bill (H. R. 20166) granting an increase of pension to Sarah Salmon.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Salmon, widow of Richard Salmon, late of Company H, First Regiment North Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out "of" and insert "musician."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. MADDOX.

The next pension business was the bill (H. R. 20198) granting an increase of pension to Mary E. Maddox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Maddox, widow of Thomas A. Maddox, late of Company F, Regiment Georgia Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Regiment" and insert, below "Georgia," "Mounted Battalion." In the same line change "Volunteer" to "Volunteers" and strike out "Cavalry."
In line 8, before "and," insert "war with Mexico;" and in same line strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLEN DOWNING.

The next pension business was the bill (H. R. 20219) granting an increase of pension to Ellen Downing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Downing, widow of Joseph Downing, late of Captain Whitehead Hill's company, First Regiment Florida Volunteers, Seminole Indian war, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 add the letter "s" to the word "Captain." In same line, after "Whitehead," insert "and." In same line, after "Florida," insert "Mounted."
In line 9 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS M'BRIDE.

The next pension business was the bill (H. R. 20250) granting an increase of pension to Thomas McBride.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas McBride, late of Captain Riddle's independent company, Ohio Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH A. GALLOWAY.

The next pension business was the bill (H. R. 20269) granting an increase of pension to Sarah A. Galloway.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Galloway, widow of Simpson R. Galloway, late of Company E, North Carolina Volunteers of 1838, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "of," insert "Captain Killian's company, Third Regiment." In the same line strike out "of eighteen."
In line 8 strike out "hundred and thirty-eight" and insert, before "and," "Cherokee Indian disturbances."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JANE AULDRIDGE.

The next pension business was the bill (H. R. 20357) granting an increase of pension to Jane Auldridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Auldridge, widow of James Auldridge, late of Company A, Second Regiment Illinois Volunteers, in the war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "in the."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OTIS E. RUSH.

The next pension business was the bill (H. R. 20363) granting an increase of pension to Otis E. Rush.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Otis E. Rush, late of Company, First Battalion Alabama Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after "Company," insert "B." In same line strike out "First."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY JANE MELDRIM.

The next pension business was the bill (H. R. 20391) granting an increase of pension to Mary Jane Meldrein.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane Meldrein, widow of John J. Meldrein, late of Jackson County, Ga., Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change claimant's surname where it appears in the title and body of the bill to "Meldrim."
Change soldier's name to "John I. Meldrim."

In line 7 strike out "Jackson County" and insert "Captain Jackson's company." In same line, before "Infantry," insert "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. WHEELER.

The next pension business was the bill (H. R. 20424) granting an increase of pension to George W. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Wheeler, late of Company B, First Regiment Georgia Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before "Company," insert "Captain Dill's."
In the same line strike out "B."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH ROSE.

The next pension business was the bill (H. R. 21142) granting an increase of pension to Joseph Rose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Rose, late of Company H, First Regiment Tennessee Volunteer Mounted Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before "Volunteers," insert "Mounted." In the same line change "Volunteer" to "Volunteers" and strike out "Mounted Infantry."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA J. M'CARDEL.

The next pension business was the bill (H. R. 21216) granting an increase of pension to Eliza J. McCardel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza J. McCardel, widow of Charles E. McCardel, late of Company A, First Battalion Georgia Mounted Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8, before "and," insert "war with Mexico."
In same line strike out "twenty-five" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. GASKEY.

The next pension business was the bill (H. R. 21578) granting an increase of pension to A. J. Gashey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. J. Gashey, late of ——, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In the title strike out "A. J. Gashey" and insert "Andrew J. Gaskey."
In line 6 change claimant's name to "Andrew J. Gaskey;" and before "war" insert "Company D, First Battalion Alabama Volunteers."
In line 7 strike out "four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES C. SOUTHERLAND.

The next pension business was the bill (H. R. 7211) granting a pension to James C. Southerland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Southerland, late of Michael M. Galbreath's company, Alabama Scouts and Guides, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Michael M. Galbreath's" and insert in lieu thereof the words "Captain Gilbreath's."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH E. HOFFMAN.

The next pension business was the bill (H. R. 18582) granting an increase of pension to Josephine Hoffman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Hoffman, helpless daughter of Lafayette Hoffman, late of Company I, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Josephine" and insert in lieu thereof the words "Sarah E."
In same line strike out the words "helpless daughter" and insert in lieu thereof the word "widow."
In line 8, before the word "Ohio," insert the words "and Company F, Eighteenth Regiment."
In line 9, after the word "month," insert the words "in lieu of that she is now receiving: *Provided*, That in the event of the death of Josephine Hoffman, helpless and dependent child of said Lafayette Hoffman, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah E. Hoffman, the name of said Josephine Hoffman shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah E. Hoffman."
Amend the title so as to read: "A bill granting an increase of pension to Sarah E. Hoffman.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

COMMITTEE ON INVALID PENSIONS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for the present consideration of a resolution, which will be reported by the Clerk.

The Clerk read as follows.

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, upon vouchers to be approved by the chairman of the Committee on Invalid Pensions, a sum not exceeding $250 for the services of an additional stenographer to said committee.

Mr. PAYNE. Mr. Speaker, I should like to ask the gentleman if that is the usual resolution?

Mr. SULLOWAY. I think so; yes.

Mr. PAYNE. I do not like to let such a resolution pass without being referred to the Committee on Accounts. I think perhaps I will not object to this one.

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman from New Hampshire if this resolution has been referred to the Committee on Accounts and reported by that committee?

Mr. SULLOWAY. It has not.

Mr. BARTLETT. Permit me to say that I do not want to be ungracious about it, nor do I want to object; but the gentleman knows that when the gentleman from New Hampshire has appeared before the Committee on Accounts and has undertaken to say that he needed additional help, we have promptly complied with his request. Now, if there is any reason why this resolution should not go to the committee I have no doubt the gentleman can state it.

Mr. SULLOWAY. I certainly have no complaints to make against the committee to which the gentleman belongs; they have always treated us very kindly, but the purpose of this resolution is to get this matter through and have this stenographer at work during the recess which is about to come.

Mr. BARTLETT. Mr. Speaker, I am not going to object, but I do not want this to be accepted as a precedent. I simply make an exception in this case, at the request of the gentleman from New Hampshire, because he asks it.

Mr. SULLOWAY. I thank the gentleman very kindly.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER.

Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19523) to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River.

The bill was read, as follows:

Be it enacted, etc., That Thomas J. Ewing, George B. Patton, Otto Bu er, Herbert Haynard, and Charles Miller be, and they are hereby, authorized to construct, maintain, and operate a wagon, foot, and railroad bridge and approaches thereto across the Tug Fork of the Big Sandy River at or on the property of The Warfield Coal and Salt Company, at Warfield, Ky., where the said Tug River forms the boundary line between the States of West Virginia and Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 3 strike out "Bu er" and insert "Burger."

The SPEAKER. Is there objection?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

COMMITTEE RESIGNATION AND APPOINTMENT.

The SPEAKER laid before the House the following communication:

WASHINGTON, *D. C., December 14, 1906.*

To the Speaker:

I hereby tender my resignation as a member of the Committee on Insular Affairs of the House, to take effect at once.

I have the honor to be, respectfully,

M. R. PATTERSON,
Member of Congress, Tenth District, Tennessee.

The SPEAKER. If there be no objection, this request will be granted.

There was no objection.

The SPEAKER announced the appointment of Mr. GARRETT as a member of the Committee on Insular Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. CLARK of Florida, indefinitely, on account of important business.

EULOGIES ON THE LATE SENATOR BATE.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of a resolution, which will be reported by the Clerk.

The Clerk read as follows:

Ordered, That Sunday, January 20, 1907, at 1 o'clock, be set apart for addresses on the life, character, and public service of Hon. William B. Bate, late a Senator from the State of Tennessee.

The resolution was agreed to.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 1 o'clock and fifty minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Trustees of the Westover Church against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for pay of Indian inspectors—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, submitting a statement of the expenditures of the contingent fund from July 1, 1905, to November 30, 1906—to the Committee on Expenditures in the Department of Commerce and Labor, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, submitting statement of expenditures for propagation of food fishes for the fiscal year ended June 30, 1906—to the Committee on Expenditures in the Department of Commerce and Labor, and ordered to be printed.

A letter from the chairman of the Commission to Revise and Codify the Laws of the United States, submitting its final report—to the Committee on Revision of the Laws, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHERMAN, from the Committee on Indian Affairs: A bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908—to the Union Calendar.

By Mr. FOSTER of Vermont: A bill (H. R. 22581) fixing the rank and title of diplomatic representatives of the United States—to the Committee on Foreign Affairs.

By Mr. FIELD: A bill (H. R. 22582) to provide for the erection of a public building at Bryan, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. CAPRON: A bill (H. R. 22583) authorizing the Secretary of the Navy to contract for the construction of a floating steel dry dock to be stationed within Narragansett Bay, Rhode Island—to the Committee on Naval Affairs.

By Mr. LITTAUER, from the Committee on Appropriations: A bill (H. R. 22584) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

By Mr. HUMPHREY of Washington: A bill (H. R. 22585) for the promotion, retirement, and pay of certain men of the United States Army—to the Committee on Military Affairs.

By Mr. BATES: A bill (H. R. 22586) to provide for site and public building at Titusville, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. HUNT (by request): A bill (H. R. 22587) providing for the establishment of a public park at Langdon, in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. MARTIN: A bill (H. R. 22588) for the relief of homestead and other entrymen who have been required to pay more than the legal fees, commissions, excesses, and purchase money—to the Committee on the Public Lands.

By Mr. COUDREY: A bill (H. R. 22589) to increase the compensation of bookbinders, printers, and pressmen in the Government Printing Office—to the Committee on Printing.

By Mr. STEENERSON: A bill (H. R. 22590) to amend article 4 of an agreement with the Red Lake Indians for the sale of a part of their reservation in Minnesota, as amended and ratified by the act of Congress approved February 20, 1904—to the Committee on Indian Affairs.

By Mr. ROBERTS: A bill (H. R. 22591) for the relief of certain noncommissioned officers and enlisted men of the Twenty-fifth Regiment United States Infantry—to the Committee on Military Affairs.

By Mr. SOUTHARD: A joint resolution (H. J. Res. 205) authorizing and empowering the President of the United States to abate and suppress the continued shameful and cruel practice of killing nursing mother fur seals on the high seas, now permitted and conducted—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 22592) granting an increase of pension to Andrew J. Frayer—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 22593) for the relief of A. W. Cleland—to the Committee on Claims.

By Mr. BENNETT of Kentucky: A bill (H. R. 22594) granting an increase of pension to Noah L. Payne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22595) granting an increase of pension to David Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22596) granting a pension to James George—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 22597) granting an increase of pension to John Mather—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22598) granting an increase of pension to James R. Haldeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22599) to grant certain land to the city of Boulder, Colo.—to the Committee on the Public Lands.

By Mr. BRUNDIDGE: A bill (H. R. 22600) for the relief of Lillie L. Penrod, sole heir of Mary E. Wycough, deceased, late daughter and heir of Buford H. Neely, deceased—to the Committee on War Claims.

By Mr. BUCKMAN: A bill (H. R. 22601) granting an increase of pension to John J. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22602) granting an increase of pension to John H. Passon—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 22603) granting a pension to William H. Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22604) granting a pension to Versa Hatton—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 22605) granting an increase of pension to John R. Hargrave—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 22606) to remove the charge of desertion from the record of George W. Morgan—to the Committee on Military Affairs.

Also, a bill (H. R. 22607) granting an increase of pension to John T. Hetherlin—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 22608) granting an increase of pension to John L. Francis—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 22609) granting an increase of pension to Thomas Bayley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22610) granting an increase of pension to Margaret C. Storts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22611) granting an increase of pension to James E. Bray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22612) granting an increase of pension to Warren F. McChesney—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 22613) granting a pension to Isaac G. McKibban—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22614) granting an increase of pension to Isaac T. Gowen—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 22615) granting an increase of pension to William M. Youngs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22616) granting an increase of pension to Lawson Hickey—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 22617) granting an increase of pension to Margaret O'Reilly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22618) granting a pension to Mary Almira Pecor—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 22619) granting a pension to Charles Wooley—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 22620) granting an increase of pension to Charles S. Abbott—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 22621) granting an increase of pension to John D. Hunter—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 22622) granting an increase of pension to John Fothergill—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 22623) granting an increase of pension to George W. Willison—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 22624) granting an increase of pension to Louisa M. Carothers—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 22625) granting an increase of pension to George Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22626) granting an increase of pension to Edwin H. Newcomer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22627) for the relief of Samuel S. Gardner—to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 22628) granting an increase of pension to Jonathan Z. Smith—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 22629) granting an increase of pension to Josiah N. Pratt—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 22630) granting an increase of pension to G. W. Wiley—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 22631) for the relief of Mrs. William W. Sherman—to the Committee on War Claims.

By Mr. MOON of Tennessee: A bill (H. R. 22632) granting an increase of pension to Alexander McNabb—to the Committee on Invalid Pensions.

By Mr. PATTERSON of North Carolina: A bill (H. R. 22633) granting an increase of pension to Anna J. Smith—to the Committee on Pensions.

Also, a bill (H. R. 22634) granting an increase of pension to Helen Wilson—to the Committee on Pensions.

Also, a bill (H. R. 22635) granting an increase of pension to Catherine Williams—to the Committee on Pensions.

By Mr. REYBURN: A bill (H. R. 22636) granting an increase of pension to Isaac Williams—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 22637) granting an increase of pension to William A. Buchanan—to the Committee on Invalid Pensions.

By Mr. RUSSELL (by request): A bill (H. R. 22638) for the relief of the estate of C. C. Starnes, deceased—to the Committee on War Claims.

By Mr. SAMUEL: A bill (H. R. 22639) granting a pension to Laure C. Robison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22640) granting an increase of pension to Richard W. Eggert—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 22641) granting an increase of pension to Abraham Bailey—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 22642) granting an increase of pension to John Gregory—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 22643) for the relief of the legal representatives of F. H. Henderson, deceased—to the Committee on War Claims.

By Mr. SMITH of Illinois: A bill (H. R. 22644) granting an increase of pension to James M. Ing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22645) granting an increase of pension to James N. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22646) granting an increase of pension to John W. Toler—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 22647) granting a pension to John Burkhart—to the Committee on Pensions.

Also, a bill (H. R. 22648) granting an increase of pension to Viola R. Beatty—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 22649) granting a pension to Emma L. Daniels—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 22650) granting a pension to Thomas T. Baldwin—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 22651) granting an increase of pension to Emily J. Cadmus—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 22412) granting an increase of pension to Hugh Hubbs—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22433) granting an increase of pension to Andrew J. Moore—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22437) granting an increase of pension to Louis A. Thompson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22444) granting an increase of pension to W. O. Anderson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20883) granting a pension to Lawrence Schaefer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21639) granting a pension to Nannie E. Hays—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12154) granting an increase of pension to Henry E. Collins—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Zebulon Foster, against the policy of the Post-Office Department in making exclusions from the mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of Arkell & Douglas et al., merchants in the South African trade, against neglect of the line from New York to South Africa in legislation for mails and freight subventions to foreign ports—to the Committee on the Merchant Marine and Fisheries.

By Mr. ACHESON: Paper to accompany bill for relief of Corwin M. Holt—to the Committee on Military Affairs.

By Mr. ALLEN of New Jersey: Petition of the Morning Call, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Philadelphia Board of Trade, for the subsidy shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Passaic Board of Trade, urging the enactment of bills H. R. 9753 and 9754, relative to hours of labor and improvement of the post-office system of promotion—to the Committee on the Post-Office and Post-Roads.

Also, petition of the New York State Pharmaceutical Association, for improvement of the Medical Department of the Army—to the Committee on Military Affairs.

By Mr. BARTHOLDT: Petition of the Louis Lange Publishing Company, of St. Louis, Mo., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the St. Louis Cigar Makers' Association, for legislation against the tobacco trust—to the Committee on the Judiciary.

Also, papers to accompany bills for relief of Nancy J. Goodwin and John W. Wilkinson—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Petition of Buford (Ga.) Council, No. 12, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BENNETT of Kentucky: Petition of Licking River Council, No. 65, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, papers to accompany bills for relief of James George and David Martin—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Lillie L. Penrod, sole heir of Mary E. Wycough, deceased, late daughter and heir of Buford H. Neely—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of A. R. Littlefield, of Bucksport, Me., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Eda H. Woodbury, of Belfast, Me., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Merchants' Exchange and Board of Trade of Portland, Me., for an increase of officers and enlisted men in the artillery arm of the service in the department comprising the defenses of Portland, Me.—to the Committee on Military Affairs.

By Mr. BURTON of Delaware: Petition of Lewes (Del.) Council, No. 14, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Vura Holton—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Patrick Conlin (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petition of W. A. Bancroft Camp, No. 16, Department of Wisconsin, United Spanish War Veterans, of Racine, Wis., for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of the Racine News, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DALE: Petition of colored citizens of Boston, Mass., against the order of the President discharging three companies of the Twenty-fifth United States Infantry—to the Committee on Military Affairs.

Also, petition of the Board of Trade of Scranton, Pa., for reclassification of clerks of first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of Division No. 156, Railway Conductors, Delaware and Hudson Company's system, against any legislation proposing to restrict hours of labor, as provided in bill S. 5133—to the Committee on Labor.

Also, petition of the New York State Pharmaceutical Association, for the passage of a bill to provide for increased efficiency in the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of L. D. Davis, of Jermyn, Pa., against passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DOVENER: Paper to accompany bill for relief of Henry Chase—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Will P. Hall (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of J. M. C. Wood—to the Committee on Invalid Pensions.

Also, petition of citizens of Arkansas, for legislation enabling companies or firms to utilize the water of the White River for electric-power purposes—to the Committee on Rivers and Harbors.

By Mr. FOSTER of Vermont: Petition of the Burlington (Vt.) Free Press, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GARNER: Paper to accompany bill for relief of Eudocia Arnett—to the Committee on Pensions.

By Mr. GOULDEN: Petition of Arkel & Douglas and 15 other firms of New York City, against the amended bill for a ship subsidy—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAY: Petition of the Michin Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HEDGE: Petition of the Mount Pleasant (Iowa) Free Press, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of the Record, New Britain, Conn., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of Charles S. Abbott—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Petition of A. H. Hollingsworth, for an appropriation for enlargement of the post-office building at Beatrice, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of New Jersey: Petition of the Press, New Brunswick, N. J., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Freedom Council, No. 360, and America Council, No. 17, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of O. A. Treitmoe, against the employment of Chinese, Japanese, and all other Asiatic cooly labor within the Panama Canal Zone—to the Committee on Labor.

By Mr. LLOYD: Paper to accompany bill for relief of Jennie Keown—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Jonathan G. Smith—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Hardesty—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petition of Pride of Æolian Council, Daughters of Liberty, of New Jersey, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. McKINNEY: Petition of the town council of Guttenberg, Iowa, for an appropriation to improve the upper Mississippi—to the Committee on Rivers and Harbors.

By Mr. MINOR: Petition of the Evening Crescent, Appleton, Wis., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Alex. McNabb—to the Committee on Invalid Pensions.

By Mr. OTJEN: Petition of the Wisconsin State Federation of Labor, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. PATTERSON of Tennessee: Papers to accompany bills for relief of Mrs. Anna J. Smith, Catherine Williams, and Mrs. Helen Wilson—to the Committee on Pensions.

By Mr. PAYNE: Papers to accompany bills for relief of John Hickox, jr., and Franklin H. Davis—to the Committee on Invalid Pensions.

By Mr. PEARRE: Petition of Blue Ridge Council, No. 164, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Paper to accompany bill for relief of Isaac Williams—to the Committee on Invalid Pensions.

Also, petition of the Lumberman's Exchange of Philadelphia, for legislation for the improvement of the American Merchant Marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. ROBERTS: Petition of the Lynn News, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RUSSELL: Paper to accompany bill for relief of estate of C. C. Starnes—to the Committee on War Claims.

By Mr. SHEPPARD: Paper to accompany bill for relief of John Gregory—to the Committee on Invalid Pensions.

By Mr. STERLING: Paper to accompany bill for relief of Mary E. Johnson—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Paper to accompany bill for relief of George H. Field—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of the Ann Arbor Daily Argus, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Petition of the Bergen Republican Club, of Jersey City, for increased efficiency of the Artillery Corps of the Army—to the Committee on Military Affairs.

By Mr. ZENOR: Paper to accompany bill for relief of George W. Rothrock—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *December 17, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ALLOTMENT OF INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior relative to the enactment of legislation providing that section 13 of the act of April 26, 1906, shall not apply to lots within towns where the land is reserved from allotment and surveyed and platted under the direction of the Department of the Interior, as suggested by the United States inspector for the Indian Territory, etc.; which was referred to the Committee on Indian Affairs, and ordered to be printed.

SALE OF LANDS IN THE CHOCTAW AND CHICKASAW NATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a memorial of the legislature of the Chickasaw Nation, approved by the governor of that nation September 21, 1906, in reference to the sale of segregated coal and asphalt lands in the Choctaw and Chickasaw nations; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

ENROLLMENT OF INDIAN CHILDREN.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a memorial of the national legislature of the Chickasaw Nation, approved by the governor of that nation September 20, 1906, relative to the enrollment of children born to the Chickasaw and Choctaw freedmen subsequent to September 25, 1902, etc.; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

PURCHASES OF COAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting the report of the Chief of the Bureau of Equipment and the Paymaster-General of the Navy with respect to quantities of coal purchased for the use of that Department; which, with the accompanying papers, was ordered to lie on the table and be printed.

EXPERIMENTS WITH CHOLERA VIRUS IN THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in further response to the resolution of the 12th instant, a copy of a cablegram of the governor-general of the Philippine Islands giving further information relative to experiments with cholera virus upon prisoners in Bilibid Prison at Manila; which was referred to the Committee on the Philippines, and ordered to be printed.

PAYMENT OF FEES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting a letter from the Commissioner of Navigation recommending a modification of section 1 of the act of June 19, 1886, authorizing the payment by the Government of fees for certificates of ownership and for recording bills of sale; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of E. R. Cook, administrator of Jared R. Cook, deceased, *v.* The United States;

In the cause of the County Court of Jefferson County, W. Va., *v.* The United States;

In the cause of the Trustees of Union University of Murfreesboro, Tenn., *v.* The United States;

In the cause of A. Van De Vyver, bishop of Richmond, *v.* The United States;

In the cause of the Trustees of St. Paul's Free Church of Routts Hills, Va., *v.* The United States;

In the cause of Nathaniel F. Cheairs *v.* The United States;

In the cause of Kate Reaney Zeiss, administratrix of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, *v.* The United States; and

In the cause of Robert M. Wilkinson, administrator of Samuel March, deceased, *v.* The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 158. An act granting an increase of pension to John Ard Gordon;

S. 2225. An act granting an increase of pension to Samuel White;

S. 2880. An act granting an increase of pension to James C. Coad;

S. 4174. An act granting an increase of pension to Joseph P. Garland;

S. 4235. An act granting an increase of pension to Daniel Sullivan;

S. 4345. An act granting an increase of pension to J. Dillon Turner;

S. 4365. An act granting an increase of pension to Mathew Kerwin;

S. 4366. An act granting an increase of pension to Henry B. Willhelmy;

S. 4695. An act granting an increase of pension to John H. Mullen;

S. 4991. An act granting an increase of pension to Lycurgus D. Riggs;

S. 5042. An act granting an increase of pension to Josephine S. Jones;

S. 5081. An act granting a pension to Lucy Florette Nichols;

S. 5402. An act granting an increase of pension to Charles M. Lyon;

S. 5545. An act granting an increase of pension to Margaret Brannon;

S. 5547. An act granting an increase of pension to Hillary Beyer;

S. 5637. An act granting an increase of pension to Margaret Himmel;

S. 5710. An act granting an increase of pension to Samuel M. Daughenbaugh;

S. 5994. An act granting an increase of pension to John Dickey;

S. 6148. An act granting an increase of pension to James S. Whitlock;

S. 6151. An act granting an increase of pension to Mark Ham;

S. 6197. An act granting an increase of pension to Charles E. Henry;

S. 6228. An act granting a pension to Betsey Hattery;

S. 6259. An act granting an increase of pension to Oakaley Randall;

S. 6339. An act granting an increase of pension to James Dearey; and

S. 6521. An act granting a pension to Abbie J. Daniels.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 522. An act granting an increase of pension to Frederick Roschdiantsky;

H. R. 562. An act granting an increase of pension to John F. Mohn;

H. R. 600. An act granting an increase of pension to Oliver N. McLain;
H. R. 747. An act granting an increase of pension to Robert Smith;
H. R. 1026. An act granting an increase of pension to Thomas M. Wilcox;
H. R. 1060. An act granting an increase of pension to Margaret E. Lounsbury;
H. R. 1067. An act granting an increase of pension to Jacob Bender;
H. R. 1068. An act granting an increase of pension to William S. Quigley;
H. R. 1144. An act granting an increase of pension to Franklin McFalls;
H. R. 1169. An act granting an increase of pension to Oliver P. Pierce;
H. R. 1249. An act granting a pension to William R. Fulk;
H. R. 1372. An act granting a pension to Josephine I. Richmond;
H. R. 1500. An act granting a pension to Emily J. Sherman;
H. R. 1673. An act granting an increase of pension to Jennie E. Edson;
H. R. 1687. An act granting an increase of pension to James C. Daly;
H. R. 1706. An act granting an increase of pension to George H. Washburn;
H. R. 1709. An act granting an increase of pension to Brice P. Munns;
H. R. 1800. An act granting a pension to Eliza J. Ingle;
H. R. 1891. An act granting an increase of pension to Simeon York;
H. R. 1904. An act granting an increase of pension to Nelson R. Satterlee;
H. R. 1938. An act granting an increase of pension to Thomas B. Foutty;
H. R. 2290. An act granting an increase of pension to Peter Reedy;
H. R. 2422. An act granting an increase of pension to Earl K. Childs;
H. R. 2761. An act granting an increase of pension to Michael Mahoney;
H. R. 2822. An act granting an increase of pension to Levi Gates;
H. R. 2909. An act granting an increase of pension to Jacob T. Wise;
H. R. 3194. An act granting an increase of pension to Samuel Harvey;
H. R. 3195. An act granting an increase of pension to Milton S. Collins;
H. R. 3226. An act granting an increase of pension to John E. Leahy;
H. R. 3228. An act granting an increase of pension to Michael Doyle;
H. R. 3234. An act granting an increase of pension to Rush Deskins;
H. R. 3297. An act granting an increase of pension to Thomas Lonergan;
H. R. 3355. An act granting an increase of pension to James L. Allen;
H. R. 3494. An act granting an increase of pension to Albert A. Talham;
H. R. 3496. An act granting an increase of pension to Edward Walton;
H. R. 3733. An act granting an increase of pension to Simeon D. Chelf;
H. R. 3980. An act granting a pension to Frank G. Hammond;
H. R. 4351. An act granting an increase of pension to George A. Johnson;
H. R. 4386. An act granting an increase of pension to Zelinda E. Odenbaugh;
H. R. 4648. An act granting an increase of pension to Sarah A. Dedrick;
H. R. 4656. An act granting an increase of pension to Thomas Snell;
H. R. 4663. An act granting an increase of pension to Horace B. Tanner;
H. R. 4705. An act granting a pension to Harriet E. Palmer;
H. R. 4834. An act granting an increase of pension to Silas V. White;
H. R. 5063. An act granting an increase of pension to William G. Miller;
H. R. 5172. An act granting an increase of pension to Milton Strattan;
H. R. 5200. An act granting an increase of pension to John F. McBride;
H. R. 5209. An act granting an increase of pension to Edward R. Dunbar;
H. R. 5648. An act granting an increase of pension to William Hand;
H. R. 5803. An act granting an increase of pension to Edwin L. Roberts;
H. R. 6145. An act granting an increase of pension to Parris J. Latham;
H. R. 6189. An act granting an increase of pension to Arthur Tibbitts;
H. R. 6705. An act granting an increase of pension to William H. Zachery;
H. R. 6911. An act granting an increase of pension to William J. Turner;
H. R. 6920. An act granting an increase of pension to Simon Millison;
H. R. 7211. An act granting a pension to James C. Southerland;
H. R. 7247. An act granting an increase of pension to Lorenzo Sink;
H. R. 7411. An act granting an increase of pension to Tobias Fisher;
H. R. 7417. An act granting an increase of pension to Gibson Helms;
H. R. 7476. An act granting an increase of pension to George C. Dean;
H. R. 7488. An act granting an increase of pension to Jacob L. Hatton;
H. R. 7544. An act granting an increase of pension to Gustavus F. E. Raschig;
H. R. 7834. An act granting an increase of pension to Joseph Amos;
H. R. 7912. An act granting an increase of pension to James M. Lawder;
H. R. 8136. An act granting an increase of pension to Joseph A. Scroggs;
H. R. 8159. An act granting an increase of pension to Charles Leathers;
H. R. 8312. An act granting an increase of pension to Abram Sours;
H. R. 8335. An act granting an increase of pension to John T. Harvey;
H. R. 8338. An act granting an increase of pension to Isaac S. Doan;
H. R. 8373. An act granting an increase of pension to Patrick Weir;
H. R. 8563. An act granting an increase of pension to William H. Hays;
H. R. 8668. An act granting an increase of pension to Stephen H. Rogers;
H. R. 8683. An act granting an increase of pension to William D. Voris;
H. R. 8732. An act granting a pension to Ellen S. Gifford;
H. R. 8789. An act granting an increase of pension to Levi Chapman;
H. R. 8915. An act granting an increase of pension to Susan Woolley;
H. R. 8925. An act granting an increase of pension to Chester Simpson;
H. R. 8958. An act granting an increase of pension to David Bowen;
H. R. 9090. An act granting an increase of pension to Amasa B. Saxton;
H. R. 9100. An act granting a pension to Nancy C. Paine;
H. R. 9113. An act granting a pension to Elizabeth Cleaver;
H. R. 9218. An act granting an increase of pension to William T. Blanchard;
H. R. 9250. An act granting an increase of pension to Obediah B. Nations;
H. R. 9402. An act granting an increase of pension to Adam S. Van Vorst;
H. R. 9403. An act granting an increase of pension to Kate E. Hanna;
H. R. 9816. An act granting an increase of pension to Charles A. Spanogle, alias Andrew C. Spanogle;
H. R. 10032. An act granting an increase of pension to Octavo Barker;
H. R. 10240. An act granting an increase of pension to John H. Curnutt;
H. R. 10364. An act granting an increase of pension to John P. Patterson;
H. R. 10400. An act granting an increase of pension to Thomas Harrison;
H. R. 10403. An act granting an increase of pension to James H. Odell;

H. R. 10531. An act granting an increase of pension to William G. Binkley;
H. R. 10751. An act granting an increase of pension to George W. Harris;
H. R. 10755. An act granting an increase of pension to Anna Flynn;
H. R. 10760. An act granting a pension to Libbie A. Merrill;
H. R. 10773. An act granting an increase of pension to George C. Rathbun;
H. R. 10804. An act granting an increase of pension to John H. Worley;
H. R. 10916. An act granting an increase of pension to Charles H. Shreeve;
H. R. 10958. An act granting an increase of pension to Levi Dodson;
H. R. 11169. An act granting an increase of pension to Robert P. Call;
H. R. 11232. An act granting an increase of pension to Aaron L. Packer;
H. R. 11322. An act granting an increase of pension to Luther H. Starkey;
H. R. 11562. An act granting an increase of pension to Adam Wiles;
H. R. 11564. An act granting an increase of pension to James Morrow;
H. R. 11636. An act granting an increase of pension to Lawrence Hagan;
H. R. 11701. An act granting an increase of pension to Marvin Waldorph;
H. R. 12036. An act granting a pension to Mary A. Kilroy;
H. R. 12106. An act granting an increase of pension to George W. Reagan;
H. R. 12152. An act granting an increase of pension to Leonidas E. Mills;
H. R. 12370. An act granting an increase of pension to Mary E. Randolph;
H. R. 12554. An act granting an increase of pension to William Larraby;
H. R. 12557. An act granting an increase of pension to John C. Berry;
H. R. 12574. An act granting an increase of pension to Jacob R. Burkhardt;
H. R. 12676. An act granting an increase of pension to Francis M. Morrison;
H. R. 12911. An act granting an increase of pension to Ambrose S. Delaware;
H. R. 13053. An act granting an increase of pension to Eli Bunting;
H. R. 13054. An act granting an increase of pension to James M. Brown;
H. R. 13241. An act granting an increase of pension to Francis Haner;
H. R. 13455. An act granting an increase of pension to Josiah P. Higgins;
H. R. 13813. An act granting an increase of pension to Samuel Brown;
H. R. 13815. An act granting an increase of pension to Christian M. Good;
H. R. 13887. An act granting an increase of pension to Joseph T. Eagler;
H. R. 14238. An act granting an increase of pension to William H. Van Tassell;
H. R. 14263. An act granting a pension to Fidelia Sellers;
H. R. 14298. An act granting an increase of pension to John Remick;
H. R. 14543. An act granting an increase of pension to Charles Barnell, alias Richard North;
H. R. 14673. An act granting an increase of pension to David H. Semans;
H. R. 14689. An act granting an increase of pension to Herman G. Weller;
H. R. 14690. An act granting an increase of pension to Henrietta Hull;
H. R. 14767. An act granting an increase of pension to Henry Simon;
H. R. 14862. An act granting an increase of pension to Ann E. White;
H. R. 14985. An act granting an increase of pension to Mary Gramberg;
H. R. 15004. An act granting an increase of pension to William J. McAtee;
H. R. 15150. An act granting an increase of pension to John O'Connor;
H. R. 15193. An act granting an increase of pension to Frederick W. Studdiford;
H. R. 15202. An act granting a pension to Henry Peetsch;
H. R. 15297. An act granting an increase of pension to Nelson Hanson;
H. R. 15421. An act granting an increase of pension to Paul Diedrich;
H. R. 15430. An act granting an increase of pension to Oliver Lawrence;
H. R. 15455. An act granting an increase of pension to John D. Brooks;
H. R. 15471. An act granting an increase of pension to Eli Stover;
H. R. 15580. An act granting an increase of pension to James P. Hudkins;
H. R. 15769. An act granting an increase of pension to William W. Bennett;
H. R. 15790. An act granting an increase of pension to Nicholas W. Dorrel;
H. R. 15890. An act granting an increase of pension to Hiram C. Barney;
H. R. 15980. An act granting an increase of pension to John T. Smith;
H. R. 16002. An act granting a pension to Theodore T. Bruce;
H. R. 16087. An act granting an increase of pension to Charles W. Foster;
H. R. 16101. An act granting a pension to Alice Pugh;
H. R. 16249. An act granting an increase of pension to Thomas Miller;
H. R. 16257. An act granting a pension to Mary O'Donnell;
H. R. 16389. An act granting a pension to Jefferson Wilcox;
H. R. 16488. An act granting an increase of pension to Charles Hopkins;
H. R. 16546. An act granting an increase of pension to Louis F. Beeler;
H. R. 16895. An act granting an increase of pension to William M. Baker;
H. R. 17172. An act granting an increase of pension to John Short;
H. R. 17486. An act granting an increase of pension to Rudolph Papst;
H. R. 17539. An act granting an increase of pension to Ambrose D. Albertson;
H. R. 17646. An act granting an increase of pension to James M. Sheak;
H. R. 17770. An act granting an increase of pension to Julia P. Grant;
H. R. 17864. An act granting an increase of pension to Mary E. Austin;
H. R. 17958. An act granting an increase of pension to Alexander Dixon;
H. R. 17969. An act granting an increase of pension to Charles Walrod;
H. R. 18031. An act granting an increase of pension to Daniel H. Toothaker;
H. R. 18089. An act granting an increase of pension to Daniel J. Harte;
H. R. 18114. An act granting an increase of pension to Henry B. Parker;
H. R. 18155. An act granting an increase of pension to Frank S. Hastings;
H. R. 18179. An act granting an increase of pension to William G. Baity;
H. R. 18218. An act granting an increase of pension to Joseph L. Topham;
H. R. 18247. An act granting an increase of pension to William Baird;
H. R. 18261. An act granting an increase of pension to John T. Mitchell;
H. R. 18295. An act granting an increase of pension to Joshua B. Casey;
H. R. 18410. An act granting an increase of pension to Andrew J. Cushing;
H. R. 18454. An act granting an increase of pension to Barlow Davis;
H. R. 18474. An act granting an increase of pension to Robert Sturgeon;
H. R. 18494. An act granting an increase of pension to Emmagene Bronson;
H. R. 18582. An act granting an increase of pension to Sarah E. Hoffman;
H. R. 18608. An act granting an increase of pension to Mary E. Strickland;
H. R. 18634. An act granting an increase of pension to Mary Sullivan;
H. R. 18637. An act granting an increase of pension to Henry L. Sparks;

H. R. 18677. An act granting a pension to Martin Alphons Luther;
H. R. 18742. An act granting an increase of pension to Martin V. Barney;
H. R. 18758. An act granting an increase of pension to Mary A. Daniel;
H. R. 18761. An act granting an increase of pension to Benjamin Bolinger;
H. R. 18771. An act granting an increase of pension to William G. Bailey;
H. R. 18791. An act granting a pension to Michael Bocoskey;
H. R. 18797. An act granting an increase of pension to John M. Defoe;
H. R. 18871. An act granting an increase of pension to Emanuel Raudabaugh;
H. R. 18884. An act granting an increase of pension to Weymouth Hadley;
H. R. 19023. An act granting an increase of pension to John T. Lester;
H. R. 19044. An act granting an increase of pension to Samuel C. McCormick;
H. R. 19045. An act granting an increase of pension to Mary A. Agey;
H. R. 19048. An act granting an increase of pension to Alfred Branson;
H. R. 19117. An act granting an increase of pension to Mary E. Higgins;
H. R. 19216. An act granting an increase of pension to Theophil Brodowski;
H. R. 19237. An act granting an increase of pension to James Rout;
H. R. 19280. An act granting an increase of pension to Peter J. Williamson;
H. R. 19281. An act granting an increase of pension to Mary J. Gillem;
H. R. 19296. An act granting an increase of pension to Assov Harelson;
H. R. 19363. An act granting an increase of pension to Theodore Bland;
H. R. 19386. An act granting an increase of pension to Robert Stewart;
H. R. 19390. An act granting an increase of pension to William R. Sears;
H. R. 19411. An act granting an increase of pension to James L. Estlow;
H. R. 19412. An act granting an increase of pension to Jefferson K. Smith;
H. R. 19420. An act granting an increase of pension to Eliza A. McKean;
H. R. 19426. An act granting an increase of pension to George N. Griffin;
H. R. 19479. An act granting an increase of pension to George W. Savage;
H. R. 19482. An act granting an increase of pension to Sarah E. Cannell;
H. R. 19490. An act granting a pension to Estelle I. Reed;
H. R. 19510. An act granting an increase of pension to Richard B. West;
H. R. 19523. An act to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River;
H. R. 19541. An act granting an increase of pension to Job F. Martin;
H. R. 19553. An act granting an increase of pension to James Robertson;
H. R. 19577. An act granting an increase of pension to Mary L. Patton;
H. R. 19579. An act granting an increase of pension to Robert F. Mayfield;
H. R. 19584. An act granting an increase of pension to Joseph B. Pettey;
H. R. 19603. An act granting an increase of pension to Jacob Farner;
H. R. 19629. An act granting an increase of pension to Oliver Morton;
H. R. 19639. An act granting an increase of pension to Lucy A. Kephart;
H. R. 19648. An act granting an increase of pension to Sarah A. Wilson;
H. R. 19651. An act granting an increase of pension to Joseph H. Prendergast;
H. R. 19661. An act granting an increase of pension to Jacob McWilliams;
H. R. 19672. An act granting an increase of pension to Thomas McDermott;
H. R. 19703. An act granting an increase of pension to Seth Chase;
H. R. 19708. An act granting an increase of pension to William A. Lefler;
H. R. 19713. An act granting an increase of pension to Mary B. Mason;
H. R. 19715. An act granting an increase of pension to Susan M. Brunson;
H. R. 19716. An act granting an increase of pension to Mary F. Johnson;
H. R. 19722. An act granting an increase of pension to William H. Burns;
H. R. 19725. An act granting an increase of pension to Howard Bennett;
H. R. 19738. An act granting an increase of pension to Benjamin St. Clair;
H. R. 19758. An act granting an increase of pension to Josefita Montano;
H. R. 19807. An act granting an increase of pension to John W. Marean;
H. R. 19818. An act granting an increase of pension to William F. Clinkscales;
H. R. 19858. An act granting an increase of pension to Richard E. Clapper;
H. R. 19871. An act granting an increase of pension to John G. Kean, alias Cain;
H. R. 19872. An act granting an increase of pension to Richard E. Hassett;
H. R. 19873. An act granting an increase of pension to Robert Webb;
H. R. 19885. An act granting an increase of pension to Frank Scherer;
H. R. 19891. An act granting an increase of pension to Edwin D. Bates;
H. R. 19907. An act granting an increase of pension to James Butler;
H. R. 19915. An act granting an increase of pension to Greenleaf W. Crossman;
H. R. 19923. An act granting an increase of pension to Bettie Ferguson;
H. R. 19949. An act granting an increase of pension to Charles Van Ostrand;
H. R. 19963. An act granting an increase of pension to Charles Carter;
H. R. 19970. An act granting an increase of pension to Eugene Demers;
H. R. 19990. An act granting an increase of pension to Susan F. Christie;
H. R. 19998. An act granting an increase of pension to Eunice Cook;
H. R. 20029. An act granting an increase of pension to John B. Maison;
H. R. 20061. An act granting an increase of pension to Caswell York;
H. R. 20064. An act granting an increase of pension to William C. Arnold;
H. R. 20078. An act granting an increase of pension to Walter M. English;
H. R. 20085. An act granting an increase of pension to Robert La Fontaine;
H. R. 20087. An act granting an increase of pension to Cassia C. Tyler;
H. R. 20088. An act granting an increase of pension to Mary J. Thurmond;
H. R. 20090. An act granting a pension to Kate Wright;
H. R. 20096. An act granting an increase of pension to Theresia Bell;
H. R. 20117. An act granting an increase of pension to Preston J. Michener;
H. R. 20129. An act granting an increase of pension to John Lemly;
H. R. 20146. An act granting an increase of pension to Harriet C. Kenney;
H. R. 20154. An act granting an increase of pension to George H. Dyer;
H. R. 20166. An act granting an increase of pension to Sarah Salmon;
H. R. 20198. An act granting an increase of pension to Mary E. Maddox;
H. R. 20199. An act granting an increase of pension to Joseph N. Cadieux;
H. R. 20219. An act granting an increase of pension to Ellen Downing;

H. R. 20222. An act granting an increase of pension to Henry C. Joseph;
H. R. 20229. An act granting an increase of pension to Jehu F. Wotring;
H. R. 20250. An act granting an increase of pension to Thomas McBride;
H. R. 20269. An act granting an increase of pension to Sarah A. Galloway;
H. R. 20272. An act granting an increase of pension to James L. House;
H. R. 20279. An act granting an increase of pension to Edmund Hostetter;
H. R. 20292. An act granting a pension to Howard William Archer;
H. R. 20303. An act granting an increase of pension to John Crowley;
H. R. 20327. An act granting a pension to Elizabeth A. Downie;
H. R. 20350. An act granting an increase of pension to Theodore F. Reighter;
H. R. 20351. An act granting an increase of pension to Peter M. Simon;
H. R. 20357. An act granting an increase of pension to Jane Auldridge;
H. R. 20363. An act granting an increase of pension to Otis E. Rush;
H. R. 20384. An act granting an increase of pension to Mary Wilson;
H. R. 20391. An act granting an increase of pension to Mary Jane Meldrim;
H. R. 20424. An act granting an increase of pension to George W. Wheeler;
H. R. 20431. An act granting an increase of pension to John Neumann;
H. R. 20463. An act granting an increase of pension to Nicholas D. Kenny;
H. R. 20559. A act granting an increase of pension to John Bradley;
H. R. 20617. An act granting an increase of pension to Isaac N. S. Will;
H. R. 20623. An act granting an increase of pension to James B. O. Horbach;
H. R. 20683. An act granting an increase of pension to James Bond;
H. R. 20712. An act granting an increase of pension to Samuel W. Searles;
H. R. 20714. An act granting an increase of pension to Robert Turley;
H. R. 20721. An act granting an increase of pension to James O. Pierce;
H. R. 20724. An act granting an increase of pension to Rhoda A. Hoit;
H. R. 20725. An act granting a pension to Hope Martin;
H. R. 20726. An act granting an increase of pension to Mary J. Smith;
H. R. 20735. An act granting an increase of pension to Berge Larsen;
H. R. 20829. An act granting an increase of pension to David M. Watkins;
H. R. 20844. An act granting an increase of pension to Milton Russell;
H. R. 20891. An act granting an increase of pension to Hugh Blair;
H. R. 20896. An act granting an increase of pension to James F. Henninger;
H. R. 20899. An act granting an increase of pension to Charles W. Carpenter;
H. R. 20928. An act granting an increase of pension to Rueben A. George;
H. R. 20955. An act granting an increase of pension to Edward L. Carpenter;
H. R. 20958. An act granting an increase of pension to Darius E. Garland;
H. R. 20962. An act granting an increase of pension to Franklin H. Bailey;
H. R. 20964. An act granting an increase of pension to John Fox;
H. R. 20965. An act granting an increase of pension to Harvey Sine;
H. R. 20968. An act granting an increase of pension to Waitman T. Mathers;
H. R. 20988. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903;
H. R. 21001. An act granting an increase of pension to George Rhodes;
H. R. 21015. An act granting an increase of pension to Evan H. Baker;
H. R. 21019. An act granting an increase of pension to Benjamin F. Fell;
H. R. 21045. An act granting an increase of pension to Unity A. Steel;
H. R. 21054. An act granting an increase of pension to William G. Wilson;
H. R. 21058. An act granting an increase of pension to William H. Isbell;
H. R. 21119. An act granting an increase of pension to Alexander Boshea;
H. R. 21124. An act granting an increase of pension to William B. Crane;
H. R. 21142. An act granting an increase of pension to Joseph Rose;
H. R. 21179. An act granting an increase of pension to Charles Green;
H. R. 21185. An act granting an increase of pension to Mary M. Goble;
H. R. 21216. An act granting an increase of pension to Eliza J. McCardel;
H. R. 21228. An act granting an increase of pension to Pleasant Crissip;
H. R. 21302. An act granting an increase of pension to Nicolaus Kirsch;
H. R. 21304. An act granting an increase of pension to Jacob Kohl;
H. R. 21574. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes;
H. R. 21578. An act granting an increase of pension to Andrew J. Gaskey;
H. R. 21641. An act granting an increase of pension to Levi Eddy;
H. R. 21678. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana;
H. R. 21749. An act granting an increase of pension to Annie Reaney;
H. R. 21849. An act granting an increase of pension to John P. Dix; and
H. R. 22584. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.
H. J. Res. 196. Joint resolution relating to the construction of a bridge at Fort Snelling, Minn.; and
H. J. Res. 203. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1906, on the 20th day of said month.

[The foregoing House pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.]

PETITIONS AND MEMORIALS.

Mr. PLATT presented a petition of Majestic Council, No. 63, Daughters of Liberty, of Brooklyn, N. Y., and a petition of sundry citizens of Harpursville, N. Y., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Ellicottville, N. Y., and a memorial of sundry citizens of Cleveland, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of Pomona Grange, Patrons of Husbandry, of Brownville, N. Y., praying for the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also presented a petition of the congregations of the Baptist, Methodist Episcopal, and Presbyterian churches of Williamsbridge, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. KEAN presented a petition of D. D. Mitchell Camp, No. 13, United Spanish War Veterans, of Newark, N. J., praying for the enactment of legislation to repeal the present anti-

canteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Bergen Republican Club, of Jersey City, N. J., praying for the enactment of legislation to reorganize and increase the efficiency of the artillery of the United States; which was referred to the Committee on Military Affairs.

Mr. DEPEW presented a memorial of the New York Produce Exchange, of New York City, N. Y., remonstrating against further appropriations for the free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of J. J. Gardiner and 50 other citizens of Adams Corner, N. Y., remonstrating against the enactment of legislation authorizing the closing of certain places of business in the District of Columbia on Sunday; which was referred to the Committee on the District of Columbia.

Mr. ANKENY presented a memorial of sundry citizens of Farmington, Wash., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of General Lew Wallace Post, No. 115, Department of Washington, Grand Army of the Republic, of Orchards, Wash., praying for the passage of the so-called "service pension bill;" which was referred to the Committee on Pensions.

Mr. DRYDEN presented a petition of the Board of Trade of Passaic, N. J., praying for the enactment of legislation providing for the classification of salaries of post-office clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union, of Newark, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of D. D. Mitchell Camp, No. 13, United Spanish War Veterans, of Newark, N. J., praying for the reestablishment of the Army canteen; which was referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of the city council of Lake City, Minn., praying that an annual appropriation of $50,000,000 be made for the improvement of the rivers and harbors of the country; which was referred to the Committee on Commerce.

Mr. WARNER presented the petition of Anna E. Lucas, of Fairplay, Mo., praying that she be granted a pension; which was referred to the Committee on Pensions.

Mr. GALLINGER presented a petition of the Retail Grocers' Protective Association of Washington, D. C., and a petition of the Retail Butchers and Meat Dealers' Protective Association of Washington, D. C., praying for the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Religious Liberty Bureau of Washington, D. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented memorials of sundry citizens of Peoria and St. James, in the State of Illinois, remonstrating against the enactment of legislation authorizing the closing of certain places of business in the District of Columbia on Sunday; which were referred to the Committee on the District of Columbia.

Mr. FRYE presented a memorial of the Copper River Railway Company, of Washington, remonstrating against the enactment of legislation to aid in the construction of a railway line in Alaska; which was referred to the Committee on Territories.

Mr. TELLER presented a memorial of Local Division No. 35, Order of Railway Conductors, of North Platte, Nebr., remonstrating against the enactment of legislation limiting the hours of daily labor of railway trainmen; which was referred to the Committee on Interstate Commerce.

Mr. DANIEL presented the memorial of Adolph Steiner and sundry other citizens of Bedford County, Va., remonstrating against the enactment of legislation to authorize the closing of certain places of business in the District of Columbia on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of Peninsula Council, No. 125, of Hampton; of Belfast Council, No. 130, of Blackstone; of Local Council No. 65, of Newport News; of Ideal Council, No. 71, of Norfolk; of Valley Mount Council, No. 173, of Nellys Ford; of McKinley Council, No. 47, of Gilmerton; of Grove Council, No. 40, of Richmond; of the State Council of Virginia; of Hallwood Council, No. 150, and of Massamuten Council, No. 68, of Townbrook, all of the Junior Order of United American Mechanics, in the State of Virginia, praying for the enactment of legislation to regulate immigration; which were referred to the Committee on Immigration.

Mr. TALIAFERRO presented a memorial of sundry citizens of Gainesville, Fla., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. BURKETT presented memorials of sundry citizens of Gage County, Aurora, and Culbertson, all in the State of Nebraska, and of sundry citizens of Washington, D. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a memorial of the library board of the State University of Nebraska, remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which was referred to the Committee on Patents.

Mr. GAMBLE presented a petition of the Woman's Christian Temperance Union of Woonsocket, S. Dak., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented the memorial of William H. Powers, librarian of the South Dakota Agricultural College, Brookings, S. Dak., and the memorial of M. Alice Matthews, librarian of the State University, Vermilion, S. Dak., remonstrating against the enactment of legislation to amend the laws respecting copyrights; which were referred to the Committee on Patents.

He also presented memorials of sundry citizens of Sioux Falls, Lake Preston, Artesian, Beresford, Willow Lake, and Montrose, all in the State of South Dakota, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented an affidavit to accompany the bill (S. 6964) granting an increase of pension to Silas N. Palmer; which was referred to the Committee on Pensions.

Mr. WARREN presented a petition of Local Division No. 35, Order of Railway Conductors, of North Platte., Nebr., remonstrating against the enactment of legislation to fix an arbitrary limit of the continuous hours employees shall be allowed to work in the transportation department of railroads; which was referred to the Committee on Interstate Commerce.

Mr. RAYNER presented memorials of sundry citizens of Rock Hall and Baltimore, in the State of Maryland, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. BRANDEGEE presented a memorial of Local Grange No. 153, Patrons of Husbandry, of Bridgewater, Conn., remonstrating against further appropriation for the free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the librarian of Trinity College, Hartford, Conn., remonstrating against the enactment of legislation to amend the laws respecting copyrights; which was referred to the Committee on Patents.

Mr. LONG presented sundry affidavits to accompany the bill (S. 6876) granting an increase of pension to Jesse L. Pritchard; which were referred to the Committee on Pensions.

Mr. LODGE presented a memorial of sundry citizens of Boston, Mass., remonstrating against the enactment of legislation to authorize the closing of certain places of business in the District of Columbia on Sunday; which was referred to the Committee on the District of Columbia.

TRANSPORTATION OF LIVE STOCK BY RAILROAD.

Mr. CULBERSON. Mr. President, the Cattle Raisers' Association of Texas and the live stock producers throughout Texas, New Mexico, Arizona, California, Oklahoma, Kansas, Colorado, and the western part of the United States generally state in a memorial which I hold in my hand that they are at this time suffering more extensive damage from shortage of cars and other equipment and from bad service in the transportation of live stock by railroad than from disease, limited markets, and all other evils combined.

I ask that this memorial, which I present, may be printed in the RECORD and referred to the Committee on Interstate Commerce. It is not too much, I trust, Mr. President, to express

the hope that the committee may speedily find some remedy for the condition alluded to in the memorial.

There being no objection, the memorial was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Whereas the members of the Cattle Raisers' Association of Texas and live stock producers throughout Texas, New Mexico, Arizona, California, Oklahoma, Kansas, Colorado, and the entire western part of the United States are at this time suffering more extensive damage from shortage of cars and other equipment and from bad service in the transportation of live stock by railroads than from disease, limited markets, and all other evils combined; and

Whereas the laws of the land require a common carrier when it attempts to operate a railway to furnish equipment, in the way of a good roadbed, ample cars, engines, etc., so as to be able to promptly handle and transport all freight tendered on its line; and

Whereas the owners of railways as an initial investment should furnish the funds to so equip any such railways without depending on donations and income to provide such equipment; and

Whereas the railways, or a large number of them, throughout the territory named above have for many years failed to meet these substantial legal obligations and duties to the public resting upon them, for which failures especially in interstate transportation the law does not provide sufficient remedies and penalties; and

Whereas this evil has, during the last few months, assumed more destructive proportions than ever before to the extent that the injury and damage to the cattle business on account of the railways failing to furnish cars and engines and on account of the imperfect service they have given throughout the West have been enormous; and in this connection it is true that this question of failure to furnish cars and motive power to transport the cattle has been growing worse every year, especially in the matter of furnishing cars on most of the lines, and it has gotten to the point where no cattle raiser can sell his cattle to be delivered on the cars with any expectation of being able to carry out his contract if he has previously contracted a sale of them; neither can he expect to ship his cattle when they are ready for the market, and hundreds of herds have been turned loose on the range after being held for weeks waiting for cars, which had been ordered months before (this is particularly true throughout Texas and New Mexico and doubtless it is equally true throughout the Northwest); and

Whereas this failure on the part of the common carriers to meet the obligations resting upon them has caused paralysis in the cattle industry throughout a large part of the United States; and

Whereas we believe that this failure is not caused alone by the insufficiency of cattle cars, but also on account of insufficient motor power and other defective and insufficient equipment and by reason of the appropriation of cattle cars to the hauling of coal and other commodities; and

Whereas the remedy against these common carriers for the failure to perform their duty in these respects by suing for damages is wholly insufficient and inadequate; and

Whereas it is competent for the Congress of the United States, as applicable to interstate shipments, to enact laws similar to those in Texas covering local shipments in regard to furnishing cars, etc., and to provide either by direct legislation or by conferring upon the Interstate Commerce Commission the power to control this matter and furnish the live-stock producing interest of the country relief from this terrible calamity and to compel the railways of the country to comply with their fundamental duties to the public in this particular;

Now, therefore, the executive committee of the Cattle Raisers' Association of Texas, in regular session at Fort Worth, Tex., on this December 10, 1906, without reciting special instances of large herds of cattle being held for weeks at shipping points and being turned loose in midwinter because the railways could not ship them out; and without referring to the many cases where cattle have been transported long distances at an unreasonably slow rate of speed of only about 10 miles per hour, which treatment, it is unnecessary to say, is practically destructive to perishable freight like live stock, petition and implore the Congress of the United States to take immediate action for the remedying of this great and growing evil; be it

Further resolved, That we recommend that our attorney proceed at once to bring this matter to the attention of the President and of Congress, and that the members of this committee immediately communicate with the Congressmen from their different districts, urging upon them the vital importance of securing at as early a date as possible legislation upon this subject.

IKE T. PRYOR, *President*.
JNO. T. LYTLE, *Secretary*.

NAVY YEARBOOK.

Mr. HALE. I present for reprinting, with additions to date, a compilation of the annual naval appropriation laws and tables, and I ask that it be printed as a document. I also ask that 1,600 additional copies be printed and bound in cloth, 800 copies for the use of the Senate and 800 copies for the use of the Committee on Naval Affairs of the Senate. This is the fourth edition of the compilation, and it will hereafter be known as the "Navy Yearbook."

The VICE-PRESIDENT. The Senator from Maine asks for a reprint of the Navy Yearbook, and that 1,600 additional copies be printed. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6872) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.," reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6578) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906; and

A bill (S. 6907) to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 6470) in relation to the Washington Market Company, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5823) granting an increase of pension to Nelson Virgin;

A bill (S. 3220) granting an increase of pension to Wilbur H. Clark; and

A bill (S. 123) granting an increase of pension to William M. Morgan.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 3221) granting an increase of pension to Robert Mills, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1493) granting an increase of pension to Catharine Huff; and

A bill (S. 6645) granting an increase of pension to Timothy C. Stillwell.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1240) granting an increase of pension to Dana W. Hartshorn;

A bill (S. 4772) granting an increase of pension to Gertrude McNeil; and

A bill (S. 5156) granting an increase of pension to Granville F. North.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 774) granting an increase of pension to August Krueger;

A bill (S. 6126) granting an increase of pension to James E. Speake;

A bill (S. 2794) granting an increase of pension to John H. Allison;

A bill (S. 6051) granting an increase of pension to Mary A. Duncan;

A bill (S. 6882) granting an increase of pension to Elisha H. Stephens;

A bill (S. 6881) granting an increase of pension to Jefferson Bush;

A bill (S. 2541) granting an increase of pension to Thomas W. Murray; and

A bill (S. 6008) granting an increase of pension to Joseph Lamont.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2669) granting an increase of pension to Winfield S. Ramsey;

A bill (S. 5001) granting an increase of pension to Louis A. Baird;

A bill (S. 771) granting an increase of pension to S. G. Kreidler;

A bill (S. 4032) granting an increase of pension to Solomon Creighton;

A bill (S. 5693) granting an increase of pension to Margaret L. Houlihan;

A bill (S. 5084) granting a pension to John W. Connell;

A bill (S. 4771) granting an increase of pension to George R. Turner;

A bill (S. 6238) granting an increase of pension to Hugh S. Strain; and

A bill (S. 6883) granting an increase of pension to Thomas W. White.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6942) granting an increase of pension to William B. Dow;

A bill (S. 6824) granting an increase of pension to Byron Canfield;

A bill (S. 6826) granting an increase of pension to Jacob Turner;

A bill (S. 6572) granting an increase of pension to Aaron L. Roberts;

A bill (S. 5685) granting an increase of pension to James M. Jenkins; and

A bill (S. 6574) granting an increase of pension to Maria H. Waggoner.

Mr. BLACKBURN, from the Committee on the District of Columbia, to whom was referred the bill (S. 7170) to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,'" reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 6405) for the opening of Macomb street NW., District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 4908) granting an increase of pension to William H. Kimball, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4510) granting an increase of pension to Rufus C. Allen, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6997) granting an increase of pension to William Kennedy, reported it without amendment, and submitted a report thereon.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5771) granting a pension to Mary E. Thompson;

A bill (S. 6650) granting an increase of pension to John A. McGinty; and

A bill (S. 7160) granting an increase of pension to Kate Myers.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 5502) granting an increase of pension to John B. Coyle, reported it without amendment, and submitted a report thereon.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6714) granting an increase of pension to Joseph Bolshaw; and

A bill (S. 6712) granting an increase of pension to Orin Ingram.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2643) granting an increase of pension to James H. Thrasher;

A bill (S. 6767) granting an increase of pension to John C. Brown; and

A bill (S. 6506) granting an increase of pension to Henry Z. Bowman.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (S. 5740) granting an increase of pension to Jared Ayer, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6558) granting an increase of pension to Samuel A. Pearce; and

A bill (S. 4542) granting an increase of pension to Aaron Daniels.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 6368) granting an increase of pension to Sherrad Hamilton, reported it with amendments, and submitted a report thereon.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 6632) granting an increase of pension to William Davis, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6631) granting an increase of pension to George W. Hodgman; and

A bill (S. 6978) granting an increase of pension to Samuel Jackson.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6019) granting a pension to Harriet O'Donald; and

A bill (S. 4979) granting an increase of pension to Don C. Smith.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 5067) granting an increase of pension to Martin Schultz, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 7077) granting an increase of pension to Mary E. Hattan;

A bill (S. 6266) granting an increase of pension to Paul Baker; and

A bill (S. 3671) granting an increase of pension to Louis Castinetti.

HOLIDAY RECESS.

Mr. HALE. I report back from the Committee on Appropriations, without amendment, the concurrent resolution of the House of Representatives, providing for adjournment for the holidays, and I ask for its immediate consideration.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, December 20, they stand adjourned until 12 o'clock meridian, January 3, 1907.

DISTRICT OF COLUMBIA BUILDING AT JAMESTOWN EXPOSITION.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia to report back favorably, with amendments, the bill (S. 7040) to provide for the erection of a District of Columbia building and an appropriate exhibit therein at the Jamestown Tercentennial Exposition, and for other purposes, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on the District of Columbia were, in section 3, page 2, line 14, after the word "Jamestown," to strike out "Tercentennial Commission" and insert "Exposition Company;" and in the same section, on page 3, line 18, to strike out "Commission" and insert "Company;" so as to make the bill read:

Be it enacted, etc., That there shall be prepared and exhibited at the Jamestown Tercentennial Exposition by the District of Columbia, and transported from and to said District and elsewhere, such models and photographs of public and private buildings and parks, and such articles, objects, and things as will illustrate the progress and condition of the District of Columbia and of the city of Washington as the nation's capital, under the control, designation, and approval of the Commissioners of the District of Columbia; and the Jamestown Tercentennial Commission are hereby authorized and directed to cooperate with the Commissioners of the District of Columbia to enable them to carry out the intent and purpose of this act.

SEC. 2. That the Commissioners of the District of Columbia be, and they hereby are, authorized to detail officers and employees of the District of Columbia to aid them to carry out the provisions of this act, who shall receive no compensation other than their regular salaries or pay, but who shall be allowed their actual traveling expenses, and expenses of maintenance, while absent from the District of Columbia under said detail; and the said Commissioners are hereby further authorized to appoint such persons as they may deem necessary to aid them in said exhibit of said District of Columbia, who shall serve without any compensation or allowance whatever.

SEC. 3. That the Commissioners of the District of Columbia shall obtain the necessary site under the same terms as are offered by the Jamestown Exposition Company to States and other exhibitors and shall cause a suitable building to be erected thereon for the said District of Columbia exhibit, and the other exhibits aforesaid, and shall make all contracts therefor in the same manner and under the same regulations by which they now make contracts for public works and buildings in the District of Columbia: *Provided*, That the Commissioners of the District of Columbia, in case they shall consider bids received for the construction of said building to be excessive, or if for any other reason they deem that it would be more advantageous to construct the building by day labor rather than by contract, they are hereby authorized to construct such building by day labor and purchase the material for same in open market, if the same can be done within the amount herein appropriated for said site, building, and exhibits. The Commissioners shall further prepare the site and approaches, in-

cluding preparations for lighting same, and they shall, during the erection and use of said building and grounds, approaches, and appurtenances, and until the close of said exposition, maintain, keep, and care for the same. For the above purposes the said Commissioners are authorized to employ such agents, officers, and employees, in addition to those in this act before mentioned, to be by them appointed and dismissed, at and for such compensation and for such time as they may determine. At the close of said exposition the Commissioners of the District of Columbia shall dispose of the said site and building and the materials composing the said building at public or private sale on such terms and conditions as they may deem proper, giving preference to the Jamestown Exposition Company to purchase the same at an appraised value to be ascertained in such manner as the said Commissioners may determine; and the proceeds of said sale shall be paid into the Treasury of the United States to reimburse the appropriation in this act contained, one half thereof to the credit of the District of Columbia and the other half to the credit of the United States.

SEC. 4. That to carry out in full all of the provisions of this act the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, one half to be paid out of any money in the Treasury of the United States not otherwise appropriated, and the other half out of the revenues of the District of Columbia, to be expended by the Commissioners of the District of Columbia, and as they may direct, and they shall make a complete statement of all expenditures under this act to Congress.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOAN TO JAMESTOWN EXPOSITION COMPANY.

Mr. WARNER. I am directed by the Select Committee on Industrial Expositions to report back, with a favorable recommendation and with amendments, the bill (S. 6896) appropriating the sum of $1,000,000 as a loan to the Jamestown Exposition Company for the purpose of aiding in the payment of the cost of construction, completion, and opening of the Jamestown Tercentennial Exposition on Hampton Roads, Virginia, on April 26, 1907, and to provide for the protection of the Government and insuring the repayment of the sum of $1,000,000 by a first lien upon the gross receipts of the said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from concessions after the opening of said exposition, and I submit a report thereon. I desire to call the attention of the senior Senator from Virginia [Mr. DANIEL] to the bill.

Mr. DANIEL. If in order to do so, I ask unanimous consent that the Senate take present consideration of the bill reported by the junior Senator from Missouri. I do not know that I am in order to say anything in support of this request, but I can state the considerations.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just read?

Mr. HALE. Mr. President, this is a very important bill, and there are provisions in it which I do not understand from the reading. I think it is proper that it should go over in order that Senators may have an opportunity to examine it.

The VICE-PRESIDENT. The bill will go to the Calendar.

POTOMAC RIVER HIGHWAY BRIDGE.

Mr. GALLINGER. I report back from the Committee on the District of Columbia, without amendment, the joint resolution (S. R. 76) providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C. The War Department is extremely anxious that this measure should be immediately acted on, and I venture to ask for present consideration.

The VICE-PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the time for completing the construction of the highway bridge and approaches across the Potomac River, authorized by section 12 of the act of Congress approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," as amended by the District of Columbia appropriation act, approved July 1, 1902, and as amended by joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C., approved February 18, 1905, and as amended by joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C., approved February 19, 1906, be, and is hereby, extended to June 30, 1907.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. BURKETT. I should like to ask the Senator from New Hampshire if the joint resolution is just as it was printed and laid on our desks? It is from the Committee on the District of Columbia?

Mr. GALLINGER. It is from the Committee on the District of Columbia.

Mr. BURKETT. And just the same as it was printed?

Mr. GALLINGER. It is exactly the same.

Mr. BURKETT. I happened to be absent when it was considered by the committee. I should like to ask the Senator what is the cause of this delay. I think we extended the time a year ago.

Mr. GALLINGER. Yes; we have extended the time, I think, twice before. The work is practically completed. The time has expired, however, and there are a few items of expenditure yet to be made. The War Department has made the request that this extension should be granted. I think it is important that it should be done.

Mr. BURKETT. I should like to ask the Senator if there is any estimate for increased expense that comes with it?

Mr. GALLINGER. Not at all.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution just read?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WARNER introduced a bill (S. 7211) to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley in Jackson County, Mo.," approved March 19, 1904; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7212) to change the date of commission of Col. John L. Chamberlain, Inspector-General, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7213) providing for the establishment of a public park at Langdon, in the District of Columbia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 7214) respecting proceedings in the courts of the United States in the western district of the State of Missouri; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7215) granting an increase of pension to Gottlieb Kuenster;

A bill (S. 7216) granting an increase of pension to James M. Haggett, alias Hockett;

A bill (S. 7217) granting an increase of pension to Daniel H. Fairchild; and

A bill (S. 7218) granting an increase of pension to Samuel D. Thompson.

Mr. STONE introduced a bill (S. 7219) to amend section 1 of an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commision," approved June 29, 1906; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 7220) granting an increase of pension to Nancy Bethel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 7221) granting an increase of pension to Helen M. Ferrin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7222) granting an increase of pension to Sylvester Byrne (with an accompanying paper);

A bill (S. 7223) granting a pension to Joseph W. Little (with accompanying papers);

A bill (S. 7224) granting a pension to Matilda Daly;

A bill (S. 7225) granting an increase of pension to William Gotshall;

A bill (S. 7226) granting an increase of pension to Isabella P. Kirk; and

A bill (S. 7227) granting an increase of pension to Robert M. Blankin.

Mr. PENROSE introduced a bill (S. 7228) for the relief of J. Howard Mitchell, which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7229) authorizing the promotion on the retired list of the Navy of John S. Hothersall, United States Navy (retired); which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. DRYDEN introduced a bill (S. 7230) granting an increase of pension to Thomas Sheppard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 7231) granting an increase of pension to Oscar F. Richards; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PILES introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 7232) to amend the laws relating to navigation; and

A bill (S. 7233) to amend the law relating to the transportation of passengers by water between ports in the United States and ports in the District of Alaska.

Mr. NELSON introduced a bill (S. 7234) granting an increase of pension to Sarah E. Hasler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7235) granting a pension to Emeline C. Seger;

A bill (S. 7236) granting a pension to Julia Canfield; and

A bill (S. 7237) granting an increase of pension to Daniel McConnell.

Mr. DICK introduced a bill (S. 7238) authorizing the President to place James Carroll on the retired list with the rank of lieutenant-colonel; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7239) granting a pension to Samuel Zimmerman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7240) granting an increase of pension to Morris J. Foote; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 7241) reserving to the Government the title to all coal, lignite, petroleum, and natural-gas deposits within the public domain and providing for the opening of public lands containing such deposits to settlement and entry under the public-land laws, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 7242) to provide for the purchase of a site and the erection of a public building thereon at Minot, in the State of North Dakota; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GAMBLE introduced a bill (S. 7243) granting an increase of pension to Justus B. Coomer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7244) granting an increase of pension to Bessie Sharp Pettit; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 7245) for the relief of Lillie L. Penrod, sole heir of Mary E. Wycough, deceased, late daughter and heir of Buford H. Neely, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLARK of Montana introduced a bill (S. 7246) granting an increase of pension to William H. Berry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 7247) to provide for the establishment of an immigration station at New Orleans, in the State of Louisiana, and the erection in said city on a site to be selected for said station of a public building; which was read twice by its title, and referred to the Committee on Immigration.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7248) for the relief of the estate of Francois Florival Metoyer, deceased;

A bill (S. 7249) for the relief of C. A. Sarpy;

A bill (S. 7250) for the relief of the estate of Victor Lastrapes, deceased;

A bill (S. 7251) for the relief of the estate of Leon Lemelle, deceased;

A bill (7252) for the relief of the estate of Hillaire Paillett, deceased;

A bill (S. 7253) for the relief of Martin Guillory;

A bill (S. 7254) for the relief of the estate of Ovid Decuir, deceased;

A bill (S. 7255) for the relief of Harvilien Norris;

A bill (S. 7256) for the relief of the estate of George Sallinger, deceased;

A bill (S. 7257) for the relief of Paul Duhon;

A bill (S. 7258) for the relief of the estate of Artemise Metoyer, deceased;

A bill (S. 7259) for the relief of the estate of Ozam D. Metoyer, deceased;

A bill (S. 7260) for the relief of H. N. Sarpy;

A bill (S. 7261) for the relief of the estates of Thoefile Metoyer and Elena Metoyer, deceased;

A bill (S. 7262) for the relief of the heirs of John Bemiss, deceased;

A bill (S. 7263) for the relief of the estate of Halcott T. Burges, deceased; and

A bill (S. 7264) for the relief of the estate of J. Valcour Metoyer, deceased.

Mr. LONG introduced a bill (S. 7265) granting an increase of pension to John R. McCoy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MALLORY introduced a bill (S. 7266) to prescribe a term of court for the district court of the United States for the northern district of Florida, to be held at Apalachicola, Fla., in said district; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TALIAFERRO introduced a bill (S. 7267) granting a pension to Catherine R. Sabic; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7268) granting an increase of pension to De Wayne W. Suydam; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 7269) for the erection of an addition or extension to the post-office and court-house at Sioux Falls, S. Dak.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 7270) to establish a fish-hatching and fish-culture station at Dell Rapids, S. Dak.; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 7271) for the relief of Rathbun Beachy & Co.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 7272) granting an increase of pension to George W. Cook; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RAYNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7273) for the relief of Oscar F. Lackey for injuries sustained by him while acting as assistant engineer in the construction of the Panama Canal (with an accompanying paper);

A bill (S. 7274) for the relief of the trustees of the Evangelical Lutheran Church of Burkittsville, Md. (with an accompanying paper);

A bill (S. 7275) for the relief of the vestry of St. Thomas Protestant Episcopal Church, of Hancock, Md. (with accompanying papers);

A bill (S. 7276) for the relief of the trustees of the African Methodist Episcopal Church of Hagerstown, Md. (with an accompanying paper);

A bill (S. 7277) for the relief of the corporation of the Methodist Episcopal Church of Hancock, Md. (with an accompanying paper); and

A bill (S. 7278) for the relief of the consistory of Grace Reformed Church, of Knoxville, Md. (with an accompanying paper).

Mr. RAYNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7279) granting an increase of pension to Morris B. Slawson;

A bill (S. 7280) granting an increase of pension to Henry Love;

A bill (S. 7281) granting a pension to Emma L. Beatty;

A bill (S. 7282) granting an increase of pension to Emily M. Tyler; and

A bill (S. 7283) granting an increase of pension to William T. Cooper (with accompanying papers).

Mr. BRANDEGEE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7284) granting a pension to William C. Manning;

A bill (S. 7285) granting an increase of pension to Henry Tyler;

A bill (S. 7286) granting a pension to Mary J. Stillman; and

A bill (S. 7287) granting an increase of pension to Charles L. Bartow.

Mr. CLAPP (by request) introduced a bill (S. 7288) to provide for the granting of rights of way through Indian lands in certain cases; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request), introduced a bill (S. 7289) to authorize the Secretary of the Interior to reserve power sites and natural reservoir sites on Indian reservations when the reservation lands are opened to settlement and entry; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 7290) for the establishment of a drainage fund and the construction of works for the reclamation of swamp and overflowed lands; which was read twice by its title, and referred to the Committee on the Public Lands.

Mr. BURKETT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7291) granting an increase of pension to Moses Blunk;

A bill (S. 7292) granting an increase of pension to Stephen Prior;

A bill (S. 7293) granting an increase of pension to John White; and

A bill (S. 7294) granting an increase of pension to W. P. Patterson.

Mr. GALLINGER introduced a bill (S. 7295) granting an increase of pension to Gabriel Campbell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7296) for the relief of William T. Harris (with an accompanying paper);

A bill (S. 7297) for the relief of Eliza Leathers, widow and administratrix of Alfred Leathers, deceased (with an accompanying paper); and

A bill (S. 7298) for the relief of the trustees of the Assembly Presbyterian Church, of Harrodsburg, Ky.

Mr. McCREARY introduced a bill (S. 7299) to correct the military record of Andrew J. Hasty; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PATTERSON introduced a bill (S. 7300) to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. KITTREDGE introduced a joint resolution (S. R. 80) authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriage, limber, and accessories, to the State of South Dakota; which was read twice by its title, and referred to the Committee on Military Affairs.

VOLUNTEER RETIRED LIST.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (S. 2162) to create in the War Department a special roll, to be known as the "Volunteer retired list;" to authorize placing thereon with pay certain surviving officers of the United States Volunteer Army of the civil war, and for other purposes; which was referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HEYBURN submitted the following amendments intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed:

An amendment providing for the payment of mileage to clerks of committees and clerks to Senators who are not chairmen of committees, etc.; and

An amendment proposing to increase the compensation paid to clerks to committees and clerks to Senators.

Mr. KITTREDGE submitted an amendment providing for one clerk (in lieu of a private now detailed as clerk) of the Capitol police at $1,200 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LOSS OF LIGHTER MARIA.

Mr. LODGE. I offer the resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate what allowance, if any, has been made by the Quartermaster-General's Department on the claim of Brooks & Co., of Santiago, for the loss of the lighter Maria while in the service of the Government of the United States during its military occupation of Cuba.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BACON. Mr. President, I ask that that resolution may be again read.

Mr. LODGE. It is a resolution asking for certain papers in a claim for damage to a vessel caused by a Government transport.

Mr. BACON. That is sufficient, Mr. President.

The resolution was considered by unanimous consent, and agreed to.

D. M. CARMAN, MANILA, P. I.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate what allowances, if any, have been made by the Quartermaster-General's Department and remain unpaid upon claims of D. M. Carman, of Manila, P. I., arising out of his contracts with the said department for lighters, cascos, or other means of transportation in the Philippines.

EXTENSION OF FEDERAL POWERS.

Mr. WHYTE. I offer resolutions which I send to the desk, and ask that they may be read and lie upon the table.

The Secretary read the resolutions, as follows:

1. *Resolved*, That the people of the several States, acting in their highest sovereign capacity as free and independent States, adopted the Federal Constitution and established a form of government in the nature of a confederated republic, and for the purpose of carrying into effect the objects for which it was formed delegated to that Government certain rights enumerated in said Constitution; but reserved to the States, respectively, or to the people thereof, all the residuary powers not delegated to the United States by the Constitution nor prohibited by it to the States.

2. *Resolved further*, That the extension of the Federal powers beyond those enumerated in the Constitution can only be rightfully accomplished in the manner provided by that instrument, and not by a strained construction of the Constitution, which shall obliterate all State rights and vest the coveted, but not granted, power where it will be exercised by the General Government.

The VICE-PRESIDENT. The resolutions will lie on the table, at the request of the Senator from Maryland [Mr. WHYTE].

POWER TO REGULATE COMMERCE.

Mr. SPOONER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be, and it is hereby, instructed to consider and report to the Senate at the earliest convenient date whether the Congress in the exercise of the power to regulate commerce with foreign nations and among the several States and with the Indian tribes, can, in its opinion, constitutionally prohibit the transportation of commodities from the State in which they were produced to other States, or to other countries, because the same were produced in whole or in part by child labor.

EXECUTIVE FUNCTIONS AND RESERVED STATE RIGHTS.

Mr. RAYNER. I offer resolutions, which I ask may be read and lie upon the table.

The resolutions were read, as follows:

Resolved, That in the opinion of the Senate the functions of the Executive should be limited to the performance of the duties assigned to him by the Constitution and by the laws passed in pursuance thereof; and there should be no interference by the Executive with the legislative or judicial departments of the Government or with the reserved rights of the States; and the legislative, judicial, and executive departments of the Government should be forever kept separate and distinct; and

Resolved further, That the States have no authority to surrender any of their reserved rights under the Constitution to the Federal Government.

The VICE-PRESIDENT. The resolutions will lie on the table, at the request of the Senator from Maryland [Mr. RAYNER].

INTERNATIONAL HARVESTER COMPANY.

Mr. HANSBROUGH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Department of Commerce and Labor is hereby directed to make an early investigation into the character and operation and the effect upon interstate commerce of the combination or trust organization known as the "International Harvester Company" and allied concerns engaged in the production, handling, and sale of farm machinery; the investigation to include an inquiry as to whether the prices and output of such machinery appear to be or to have been controlled and regulated by direction of any particular individual or combination of individuals, by a corporation, or otherwise; whether there exists at present a healthy competition between local dealers in farm machinery, and whether the quality of the same is on the average as good as in former years.

REPORT ON REVISION OF THE LAWS.

The VICE-PRESIDENT. The Chair lays before the Senate the final report of the Commission to Revise the Laws of the United States, to which he invites the attention of the Senator from Oregon [Mr. FULTON].

Mr. FULTON. I assume that ordinarily such a report would go to the standing Committee on the Revision of the Laws of the United States, but at the last session of Congress a special joint committee was created to report upon the revision of the laws as made by the Commission. I suggest that this report had probably better be referred to that committee, and, if in order, I ask that it may be so referred.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none, and the report will be referred to the special committee indicated by him. Does the Senator desire the report printed? The Chair will state that it is submitted in printed form.

Mr. FULTON. No, Mr. President, in view of that fact, I think it will not be necessary to order a reprint.

The VICE-PRESIDENT. In the absence of objection, the report will be referred, as indicated, without printing.

PUBLIC LAND LAWS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

PUBLIC LAND LAWS.

The developments of the past year emphasize with increasing force the need of vigorous and immediate action to recast the public land laws and adapt them to the actual situation. The Timber and Stone Act has demonstrated conclusively that its effect is to turn over the public timber lands to great corporations. It has done enormous harm, it is no longer needed, and it should be repealed.

The Desert Land Act results so frequently in fraud and so comparatively seldom in making homes on the land that it demands radical amendment. That provision which permits assignment before patent should be repealed, and the entryman should be required to live for not less than two years at home on the land before patent issues. Otherwise the Desert Land law will continue to assist speculators and other large holders to get control of land and water on the public domain by indefensible means.

The commutation clause of the Homestead Act serves, in a majority of cases, to defeat the purpose of the Homestead Act itself, which is to facilitate settlement and create homes. In theory the commutation clause should assist the honest settler, and doubtless in some cases it does so. Far more often, it supplies the means by which speculators and loan and mortgage companies secure possession of the land. Actual—not constructive—living at home on the land for three years should be required before commutation, unless it should appear wiser to repeal the commutation clause altogether.

These matters are more fully discussed in the Report of the Public Lands Commission, to which I again call your attention.

I am gravely concerned at the extremely unsatisfactory condition of the public land laws and at the prevalence of fraud under their present provisions. For much of this fraud the present laws are chiefly responsible. There is but one way by which the fraudulent acquisition of these lands can be definitely stopped; and therefore I have directed the Secretary of the Interior to allow no patent to be issued to public land under any law until by an examination on the ground actual compliance with that law has been found to exist. For this purpose an increase of special agents in the General Land Office is urgently required; unless it is given, bona fide would-be settlers will be put to grave inconvenience, or else the fraud will in large part go on. Further, the Secretary of the Interior should be enabled to employ enough mining experts to examine the validity of all mineral land claims, and to undertake the supervision and control of the use of the mineral fuels still belonging to the United States. The present coal law limiting the individual entry to 160 acres puts a premium on fraud by making it impossible to develop certain types of coal fields and yet comply with the law. It is a scandal to maintain laws which sound well, but which make fraud the key without which great natural resources must remain closed. The law should give individuals and corporations, under proper government regulation and control, (the details of which I shall not at present discuss) the right to work bodies of coal land large enough for profitable development. My own belief is that there should be provision for leasing coal, oil and gas rights under proper restrictions. If the additional force of special agents and mining experts I recommend is provided and well used, the result will be not only to stop the land frauds, but to prevent delays in patenting valid land claims, and to conserve the indispensable fuel resources of the Nation.

RIGHTS OF WAY AND PRIVILEGES.

Many of the existing laws affecting rights of way and privileges on public lands and reservations are illogical and unfair. Some work injustice by granting valuable rights in perpetuity without return. Others fail to protect the grantee in his possession of permanent improvements made at large expense. In fairness to the Government, to the holders of rights and privileges on the public lands, and to the people whom the latter serve, I urge the revision and reenactment of these laws in one comprehensive act, providing that the regulations and the charge now in force in many cases may be extended to all, to the end that unregulated or monopolistic control of great natural resources may not be acquired or misused for private ends.

PRIVATE HOLDINGS WITHIN NATIONAL FORESTS.

The boundaries of the national forest reserves unavoidably include certain valuable timber lands not owned by the Government. Important among them are the land grants of various railroads. For more than two years negotiations with the land grant railroads have been in progress, looking toward an arrangement by which the forest on railroad lands within national forest reserves may be preserved by the removal of the present crop of timber under rules prescribed by the Forest Service, and its perpetuation may be assured by the transfer of the land to the Government without cost. The advantage of such an arrangement to the Government lies in the acquisition of lands whose protection is necessary to the general welfare. The advantage to the railroads is found in the proposal to allow them to consolidate their holdings of timber within forest reserves by exchange after deeding their lands to the Government, and thus to cut within a limited time solid bodies of timber instead of alternate sections, although the amount of timber in each case would be the same. It is possible that legislation will be required to authorize this or a similar arrangement with the railroads and other owners. If so I recommend that it be enacted.

WORKING CAPITAL FOR THE NATIONAL FORESTS.

The money value of the national forests now reserved for the use and benefit of the people exceeds considerably the sum of one thousand millions of dollars. The stumpage value of the standing timber approaches seven hundred million dollars, and together with the range and timber lands, the water for irrigation and power, and the subsidiary values, reaches an amount equal to that of the national property now under the immediate control of the army and navy together. But this vast domain is withheld from serving the nation as freely and fully as it might by the lack of capital to develop it. The yearly running expenses are sufficiently met by the annual appropriation and the proceeds of the forests. Under the care of the Forest Service the latter are increasing at the rate of more than half a million dollars a year; the estimate of appropriation for the present year is less than for last year; and it is confidently expected that by 1910 the Forest Service will be entirely self-supporting. In the meantime there is the most urgent need for trails, fences, cabins for the rangers, bridges, telephone lines, and the other items of equipment without which the reserves can not be handled to advantage, can not be protected properly, and can not contribute as they should to the general welfare. Expenditures for such permanent improvements are properly chargeable to capital account. The lack of reasonable working equipment weakens the protection of the national forests and greatly limits their production. This want can not be supplied from the appropriation for running expenses. The need is urgent. Accordingly I recommend that the Secretary of the Treasury be authorized to advance to the Forest Service, upon the security of the standing timber, an amount say $5,000,000, sufficient to provide a reasonable working capital for the national forests, to bear interest and to be repaid in annual installments beginning in ten years.

TRANSFER OF THE NATIONAL PARKS.

The national parks of the West are forested and they lie without exception within or adjacent to national forest reserves. Two years ago the latter were transferred to the care of the Secretary of Agriculture, with the most satisfactory results. The same reasons which led to this transfer make advisable a similar transfer of the national parks, now in charge of the Secretary of the Interior, and I recommend legislation to that end.

INDIAN LANDS.

Within or adjoining national forests are considerable areas of Indian lands of more value under forest than for any other purpose. It would aid greatly in putting these lands to their best use if the power to create national forests by proclamation were extended to cover them. The Indians should be paid the full value of any land thus taken for public purposes, from the proceeds of the lands themselves, but such land should revert to the Indians if it is excluded from national forest use before full payment has been made.

GOVERNMENT CONTROL OF GRAZING.

The control of grazing in the national forests is an assured success. The condition of the range is improving rapidly, water is being developed, much feed formerly wasted is now saved and used, range controversies are settled, opposition to the grazing fee is practically at an end, and the stockmen are earnestly supporting the Forest Service and cooperating with it effectively for the improvement of the range.

The situation on the open Government range is strikingly different. Its carrying capacity has probably been reduced one-half by overgrazing, and is still falling. Range controversies in many places are active and bitter, and life and property are often in danger. The interests both of the live-stock industry and of the Government are needlessly impaired. The present situation is indefensible from any point of view, and it should be ended.

I recommend that a bill be enacted which will provide for Government control of the public range through the Department of Agriculture, which alone is equipped for that work. Such a bill should insure to each locality rules for grazing specially adapted to its needs and should authorize the collection of a reasonable grazing fee. Above all the rights of the settler and homemaker should be absolutely guaranteed.

Much of the public land can only be used to advantage for grazing when fenced. Much fencing has been done for that reason, and also to prevent other stock owners from using land to which they have an equal right under the law. Reasonable fencing which promotes the use of the range and yet interferes neither with settlement nor with other range rights, would be thoroughly desirable if it were legal. Yet the law forbids it, and the law must and will be enforced; I will see to it that the illegal fences are removed unless Congress, at the present session, takes steps to legalize proper fencing by government control of the range.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 17, 1906.*

Mr. HEYBURN. I would ask, if it be proper to do so, that that message be printed and lie upon the table, subject to be called up for consideration. I desire at a proper time to submit some remarks upon it.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho? The Chair hears none, and it is so ordered.

PERSONNEL OF THE NAVY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers and illustrations, referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

In my last three annual messages I have invited the attention of the Congress to the urgent necessity of such legislation as will cause officers

of the line of the Navy to reach the grades of captain and rear-admiral at less advanced ages and will give them more experience and training in the important duties of those grades. Under the present archaic system of promotion, without parallel in the navy of any other first-class power, captains are commissioned at the average age of fifty-six and rear-admirals at the average age of sixty. This system is the result of a long-continued prejudice in favor of a method of promotion by which all lieutenants in order of seniority pass through the several grades until they eventually become rear-admirals; a method which sacrifices the good of the service to the interest of individual mediocrity. As a direct consequence of the existing method naval officers obtain more than ample service in subordinate positions, but have a limited and inadequate experience as captains in command of battle ships and as flag officers in charge of fleets and squardrons; that is, in the very positions of greatest responsibility, where experience, skill, and initiative are essential to efficiency. Moreover, they attain the position of a flag officer but a few months before they reach the retiring age and have no opportunity to perfect themselves in the important duties of the high commands pertaining to such rank.

History, modern and ancient, has invariably shown that an efficient personnel is the greatest factor toward an effective navy. No matter how well equipped in other respects a navy may be, though its fleet may be composed of powerful high-speed battle ships, maneuvered by complicated tactics based upon the latest development of naval science, yet it is grievously handicapped if directed by admirals and captains who lack experience in their duties and who are hampered by long deprivation of independent action and responsibility. To oppose such a fleet to one equally good, led by officers more active and more experienced in their duties, is to invite disaster.

The following table gives the ages of the youngest captains and flag officers, with the average years in grade, in the navies of Great Britain, France, Germany, Japan, and the United States:

	Captains.		Seagoing flag officers.	
	Age.	Average years in grade.	Age.	Average years in grade.
Great Britain	35	11.2	45	8.0
France	47	9.5	53	14.2
Germany	42	6.2	51	6.0
Japan	38	8.0	44	11.0
United States	55	4.5	59	1.5

The facts shown in this table are startling, and earnest attention is invited to them.

The Secretary of the Navy several months ago convened a board of six representative line officers with the Assistant Secretary of the Navy as President, to consider and recommend such changes in existing law relative to the commissioned personnel of the line of the navy as would tend to promote efficiency and economy. The essential recommendations of the board have been cordially approved by the Secretary. The bill, herewith transmitted to the Congress, has been formulated by the Secretary and is based, except in a few details, upon the recommendations of the board. I earnestly recommend its early consideration. Should it be enacted into law it will cause officers on the seagoing list to reach the grade of captain at forty-eight and rear-admiral at fifty-five, and will assure their serving seven years in the grade of captain and seven years in the grade of rear-admiral, thus enabling them to become thoroughly skillful and efficient in these grades.

The accompanying bill also establishes the grade of vice-admiral. This grade has long existed in all other principal navies of the world in order to obtain a selected grade of skilled commanders-in-chief. The commander-in-chief of a fleet, with one or more rear-admirals serving under him, is logically entitled to a higher rank than his subordinates, because of his greater authority and responsibility. On occasions of official importance, of international council, or of combined naval action (as for instance the Boxer troubles in China), the interests of this great nation demand that our naval representative shall rank as the equal of the naval representatives of other powers.

Moreover, under the accompanying bill, which is the result of recommendations made by a board principally composed of naval officers, a large percentage of the officers are eliminated from the seagoing list and never reach the grade of rear-admiral. When it is considered that the naval officers themselves recommended, in order to increase the efficiency of their service, that many be denied their existing privilege of reaching flag rank, it is only just to them that we should place their highest officers on a plane of equal rank with their colleagues of other nations, with whom they are so frequently brought in official contact.

If the proposed plan of promotion is carried out, it will, as compared with existing law, make a saving of more than $5,000,000 during the next seven years. The principal part of this saving is made by stopping the voluntary retirement of young lieutenant-commanders with the rank and pay of commanders upon the retired list.

I am firmly of the opinion that unless the present condition of the higher commissioned personnel is rectified by judicious legislation, the future of our navy will be gravely compromised.

I forward herewith a letter of the Secretary of the Navy, inclosing duplicate drafts of the proposed bill. I also forward a copy of the report of the Personnel Board of the Navy.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 17, 1906.*

THE PANAMA CANAL.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

In the month of November I visited the Isthmus of Panama, going over the Canal Zone with considerable care; and also visited the cities of Panama and Colon, which are not in the Zone or under the United States flag, but as to which the United States Government, through its agents, exercises control for certain sanitary purposes.

The U. S. S. *Louisiana*, on which I was, anchored off Colon about half past 2 on Wednesday afternoon, November 14. I came aboard her, after my stay on shore, at about half past 9 on Saturday evening, November 17. On Wednesday afternoon and evening I received the President of Panama and his suite, and saw members of the Canal Commission, and various other gentlemen, perfecting the arrangement for my visit, so that every hour that I was ashore could be employed to advantage. I was three days ashore—not a sufficient length of time to allow of an exhaustive investigation of the minutiæ of the work of any single department, still less to pass judgment on the engineering problems, but enough to enable me to get a clear idea of the salient features of the great work and of the progress that has been made as regards the sanitation of the Zone, Colon, and Panama, the caring for and housing of the employees, and the actual digging of the canal. The Zone is a narrow strip of land, and it can be inspected much as one can inspect 50 or 60 miles of a great railroad at the point where it runs through mountains or overcomes other natural obstacles.

I chose the month of November for my visit partly because it is the rainiest month of the year, the month in which the work goes forward at the greatest disadvantage, and one of the two months which the medical department of the French Canal Company found most unhealthy.

Immediately after anchoring on the afternoon of Wednesday there was a violent storm of wind and rain. From that time we did not again see the sun until Saturday morning, the rain continuing almost steadily, but varying from a fine drizzle to a torrential downpour. During that time in fifteen minutes at Cristobal 1.05 inches of rain fell; from 1 to 3 a. m., November 16, 3.2 inches fell; for the twenty-four hours ending noon, November 16, 4.68 inches fell, and for the six days ending noon, November 16, 10.24 inches fell. The Chagres rose in flood to a greater height than it had attained during the last fifteen years, tearing out the track in one place. It would have been impossible to see the work going on under more unfavorable weather conditions. On Saturday, November 17, the sun shone now and then for a few minutes, although the day was generally overcast and there were heavy showers at intervals.

FIRST DAY ASHORE.

On Thursday morning we landed at about half past seven and went slowly over the line of the Panama Railway, ending with an expedition in a tug at the Pacific entrance of the canal out to the islands where the dredging for the canal will cease. We took our dinner at one of the eating houses furnished by the Commission for the use of the Government employees—no warning of our coming being given. I inspected the Ancon Hospital, going through various wards both for white patients and for colored patients. I inspected portions of the constabulary (Zone police), examining the men individually. I also examined certain of the schools and saw the school children, both white and colored, speaking with certain of the teachers. In the afternoon of this day I was formally received in Panama by President Amador, who, together with the Government and all the people of Panama, treated me with the most considerate courtesy, for which I hereby extend my most earnest thanks. I was driven through Panama and in a public square was formally received and welcomed by the President and other members of the Government; and in the evening I attended a dinner given by the President, and a reception, which was also a Government function. I also drove through the streets of Panama for the purpose of observing what had been done. We slept at the Hotel Tivoli, at Ancon, which is on a hill directly outside of the city of Panama, but in the Zone.

SECOND DAY.

On Friday morning we left the hotel at 7 o'clock and spent the entire day going through the Culebra cut—the spot in which most work will have to be done in any event. We watched the different steam shovels working; we saw the drilling and blasting; we saw many of the dirt trains (of the two different types used), both carrying the earth away from the steam shovels and depositing it on the dumps—some of the dumps being run out in the jungle merely to get rid of the earth, while in other cases they are being used for double tracking the railway, and in preparing to build the great dams. I visited many of the different villages, inspecting thoroughly many different buildings—the local receiving hospitals, the houses in which the unmarried white workmen live, those in which the unmarried colored workmen live; also the quarters of the white married employees and of the married colored employees; as well as the commissary stores, the bath houses, the water-closets, the cook sheds for the colored laborers, and the Government canteens, or hotels, at which most of the white employees take their meals. I went through the machine shops. During the

day I talked with scores of different men—superintendents and heads of departments, divisions, and bureaus; steam-shovel men, machinists, conductors, engineers, clerks, wives of the American employees, health officers, colored laborers, colored attendants, and managers of the commissary stores where food is sold to the colored laborers; wives of the colored employees who are married. In the evening I had an interview with the British consul, Mr. Mallet, a gentleman who for many years has well and honorably represented the British Government on the Isthmus of Panama and who has a peculiar relation to our work because the bulk of the colored laborers come from the British West Indies. I also saw the French consul, Mr. Gey, a gentleman of equally long service and honorable record. I saw the lieutenants, the chief executive and administrative officers, under the engineering and sanitary departments. I also saw and had long talks with two deputations—one of machinists and one representing the railway men of the dirt trains—listening to what they had to say as to the rate of pay and various other matters and going over, as much in detail as possible, all the different questions they brought up. As to some matters I was able to meet their wishes, as to others I felt that what they requested could not be done consistently with my duty to the United States Government as a whole; as to yet others I reserved judgment.

THIRD DAY.

On Saturday morning we started at 8 o'clock from the hotel. We went through the Culebra cut, stopping off to see the marines, and also to investigate certain towns; one, of white employees, as to which in certain respects complaint had been made to me; and another town where I wanted to see certain houses of the colored employees. We went over the site of the proposed Gatun dam, having on the first day inspected the sites of the proposed La Boca and Sosa dams. We went out on a little toy railway to the reservoir, which had been built to supply the people of Colon with water for their houses. There we took lunch at the engineers' mess. We then went through the stores and shops of Cristobal, inspecting carefully the houses of both the white and colored employees, married and unmarried, together with the other buildings. We then went to Colon and saw the fire department at work; in four minutes from the signal the engines had come down to Front street, and twenty-one 2½-inch hose pipes were raising streams of water about 75 feet high. We rode about Colon, through the various streets, paved, unpaved, and in process of paving, looking at the ditches, sewers, curbing, and the lights. I then went over the Colon hospital in order to compare it with the temporary town or field receiving hospitals which I had already seen and inspected. I also inspected some of the dwellings of the employees. In the evening I attended a reception given by the American employees on the Isthmus, which took place on one of the docks in Colon, and from there went aboard the *Louisiana*.

Each day from twelve to eighteen hours were spent in going over and inspecting all there was to be seen and in examining various employees. Throughout my trip I was accompanied by the Surgeon-General of the Navy, Doctor Rixey; by the Chairman of the Isthmian Canal Commission, Mr. Shonts; by Chief Engineer Stevens; by Doctor Gorgas, the chief sanitary officer of the Commission; by Mr. Bishop, the Secretary of the Commission; by Mr. Ripley, the Principal Assistant Engineer; by Mr. Jackson Smith, who has had practical charge of collecting and handling the laboring force; by Mr. Bierd, general manager of the railway, and by Mr. Rogers, the general counsel of the Commission; and many other officials joined us from time to time.

At the outset I wish to pay a tribute to the amount of work done by the French Canal Company under very difficult circumstances. Many of the buildings they put up were excellent and are still in use, though, naturally, the houses are now getting out of repair and are being used as dwellings only until other houses can be built, and much of the work they did in the Culebra cut, and some of the work they did in digging has been of direct and real benefit. This country has never made a better investment than the $40,000,000 which it paid to the French Company for work and betterments, including especially the Panama Railroad.

An inspection on the ground at the height of the rainy season served to convince me of the wisdom of Congress in refusing to adopt either a high-level or a sea-level canal. There seems to be a universal agreement among all people competent to judge that the Panama route, the one actually chosen, is much superior to both the Nicaragua and Darien routes.

PRELIMINARY WORK BEING DONE.

The wisdom of the canal management has been shown in nothing more clearly than in the way in which the foundations of the work have been laid. To have yielded to the natural impatience of ill-informed outsiders and begun all kinds of experiments in work prior to a thorough sanitation of the Isthmus, and to a fairly satisfactory working out of the problem of getting and keeping a sufficient labor supply, would have been disastrous. The various preliminary measures had to be taken first; and these could not be taken so as to allow us to begin the real work of construction prior to January 1 of the present year. It then became necessary to have the type of the canal decided, and the only delay has been the necessary delay until the 29th day of June, the date when the Congress definitely and wisely settled that we should have an 85-foot level canal. Immediately after that the work began in hard earnest and has been continued with increasing vigor ever since; and it will continue so to progress in the future. When the contracts are let the conditions will be such as to insure a constantly increasing amount of performance.

SUCCESSFUL SANITATION.

The first great problem to be solved, upon the solution of which the success of the rest of the work depended, was the problem of sanitation. This was from the outset under the direction of Dr. W. C. Gorgas, who is to be made a full member of the Commission, if the law as to the composition of the Commission remains unchanged. It must be remembered that his work was not mere sanitation as the term is understood in our ordinary municipal work. Throughout the Zone and in the two cities of Panama and Colon, in addition to the sanitation work proper, he has had to do all the work that the Marine-Hospital Service does as regards the Nation, that the health department officers do in the various States and cities, and that Colonel Waring did in New York when he cleaned its streets. The results have been astounding. The Isthmus had been a byword for deadly unhealthfulness. Now, after two years of our occupation the conditions as regards sickness and the death rate compare favorably with reasonably healthy localities in the United States. Especial care has been devoted to minimizing the risk due to the presence of those species of mosquitoes which have been found to propagate malarial and yellow fevers. In all the settlements, the little temporary towns or cities composed of the white and black employees, which grow up here and there in the tropic jungle as the needs of the work dictate, the utmost care is exercised to keep the conditions healthy. Everywhere are to be seen the drainage ditches which in removing the water have removed the breeding places of the mosquitoes, while the whole jungle is cut away for a considerable space around the habitations, thus destroying the places in which the mosquitoes take shelter. These drainage ditches and clearings are in evidence in every settlement, and, together with the invariable presence of mosquito screens around the piazzas, and of mosquito doors to the houses, not to speak of the careful fumigation that has gone on in all infected houses, doubtless explain the extraordinary absence of mosquitoes. As a matter of fact, but a single mosquito, and this not of the dangerous species, was seen by any member of our party during my three days on the Isthmus. Equal care is taken by the inspectors of the health department to secure cleanliness in the houses and proper hygienic conditions of every kind. I inspected between twenty and thirty water-closets, both those used by the white employees and those used by the colored laborers. In almost every case I found the conditions perfect. In but one case did I find them really bad. In this case, affecting a settlement of unmarried white employees, I found them very bad indeed, but the buildings were all inherited from the French Company and were being used temporarily while other buildings were in the course of construction; and right near the defective water-closet a new and excellent closet with a good sewer pipe was in process of construction and nearly finished. Nevertheless this did not excuse the fact that the bad condition had been allowed to prevail. Temporary accommodations, even if only such as soldiers use when camped in the field, should have been provided. Orders to this effect were issued. I append the report of Doctor Gorgas on the incident. I was struck, however, by the fact that in this instance, as in almost every other where a complaint was made which proved to have any justification whatever, it appeared that steps had already been taken to remedy the evil complained of, and that the trouble was mainly due to the extreme difficulty, and often impossibility, of providing in every place for the constant increase in the numbers of employees. Generally the provision is made in advance, but it is not possible that this should always be the case; when it is not there ensues a period of time during which the conditions are unsatisfactory, until a remedy can be provided; but I never found a case where the remedy was not being provided as speedily as possible.

HOSPITALS AND THEIR TREATMENT.

I inspected the large hospitals at Ancon and Colon, which are excellent examples of what tropical hospitals should be. I also inspected the receiving hospitals in various settlements. I went through a number of the wards in which the colored men are treated, a number of those in which the white men are treated—Americans and Spaniards. Both white men and black men are treated exactly alike, and their treatment is as good as that which could be obtained in our first-class hospitals at home. All the patients that I saw, with one or two exceptions, were laborers or other employees on the canal works and railways, most of them being colored men of the ordinary laborer stamp. Not only are the men carefully cared for whenever they apply for care, but so far as practicable a watch is kept to see that if they need it they are sent to the hospitals, whether they desire to go or not. From no responsible source did any complaint come to me as to the management of the hospital service, although occasionally a very ignorant West India negro when he is first brought into the hospital becomes frightened by the ordinary hospital routine.

HEALTH SHOWING REMARKABLY GOOD.

Just at present the health showing on the Isthmus is remarkably good—so much better than in most sections of the United States that I do not believe that it can possibly continue at quite its present average. Thus, early in the present year a band of several hundred Spaniards were brought to the Isthmus as laborers, and additions to their number have been made from time to time; yet since their arrival in February last but one of those Spaniards thus brought over to work on the canal has died of disease, and he of typhoid fever. Two others were killed, one in a railroad accident, and one by a dynamite explosion. There has been for the last six months a well-nigh steady decline in the death rate for the population of the Zone, this being largely due to the decrease in deaths from pneumonia, which has been the most fatal disease on the Isthmus. In October there were ninety-nine deaths of every kind among the employees of the Isthmus. There were then on the rolls 5,500 whites, seven-eighths of them being Americans. Of these whites but two died of disease, and as it happened neither man was an American. Of the 6,000 white Americans, including some 1,200 women and children, not a single death has occurred in the past three months, whereas in an average city in the United States the number of deaths for a similar number of people in that time would have been about thirty from disease. This very remarkable showing can not of course permanently obtain, but it certainly goes to prove that if good care is taken the Isthmus is not a particularly unhealthy place. In October, of the 19,000 negroes on the roll 86 died from disease; pneumonia being the most destructive disease, and malarial fever coming second. The difficulty of exercising a thorough supervision over the colored laborers is of course greater than is the case among the whites, and they are also less competent to take care of themselves, which accounts for the fact that their death rate is so much higher than that of the whites, in spite of the fact that they have been used to similar climatic conditions. Even among the colored employees it will be seen that the death rate is not high.

DIMINUTION OF MOSQUITOES.

In Panama and Colon the death rate has also been greatly reduced, this being directly due to the vigorous work of the special brigade of employees who have been inspecting houses where the stegomyia mosquito is to be found, and destroying its larvæ and breeding places, and doing similar work in exterminating the malarial mosquitoes—in short, in performing all kinds of hygienic labor. A little over a year ago all kinds of mosquitoes, including the two fatal species, were numerous about the Culebra cut. In this cut during last October every room of every house was carefully examined, and only two mosquitoes, neither of them of the two fatal species, were found. Unfaltering energy in inspection and in disinfecting and in the work of draining and of clearing brush are responsible for the change. I append Doctor Gorgas's report on the health conditions; also a letter from Surgeon-General Rixey to Doctor Gorgas. The Surgeon-General reported to me that the hygienic conditions on the Isthmus were about as good as, for instance, those in the Norfolk Navy-Yard.

Corozal, some 4 miles from La Boca, was formerly one of the most unsanitary places on the Isthmus, probably the most unsanitary. There was a marsh with a pond in the middle. Doctor Gorgas had both the marsh and pond drained and the brush cleared off, so that now, when I went over the ground, it appeared like a smooth meadow intersected by drainage ditches. The breeding places and sheltering spots of the dangerous mosquitoes had been completely destroyed. The result is that Corozal for the last six months (like La Boca, which formerly also had a very unsanitary record), shows one of the best sick rates in the Zone, having less than 1 per cent a week admitted to the hospital. At Corozal there is a big hotel filled with employees of the Isthmian Canal Commission, some of them with their wives and families. Yet this healthy and attractive spot was stigmatized as a "hog wallow" by one of the least scrupulous and most foolish of the professional scandal-mongers who from time to time have written about the Commission's work.

IMPROVEMENTS IN PANAMA AND COLON.

The sanitation work in the cities of Panama and Colon has been just as important as in the Zone itself, and in many respects much more difficult; because it was necessary to deal with the already existing population, which naturally had scant sympathy with revolutionary changes, the value of which they were for a long time not able to perceive. In Colon the population consists largely of colored laborers who, having come over from the West Indies to work on the canal, abandon the work and either take to the brush or lie idle in Colon itself; thus peopling Colon with the least desirable among the imported laborers, for the good and steady men of course continue at the work. Yet astonishing progress has been made in both cities. In Panama 90 per cent of the streets that are to be paved at all are already paved with an excellent brick pavement laid in heavy concrete, a few of the streets being still in process of paving. The sewer and water services in the city are of the most modern hygienic type, some of the service having just been completed.

In Colon the conditions are peculiar, and it is as regards Colon that most of the very bitter complaint has been made. Colon is built on a low coral island, covered at more or less shallow depths with vegetable accumulations or mold, which affords sustenance and strength to many varieties of low-lying tropical plants. One-half of the surface of the island is covered with water at high tide, the average height of the land being 1½ feet above low tide. The slight undulations furnish shallow, natural reservoirs or fresh-water breeding places for every variety of mosquito, and the ground tends to be lowest in the middle. When the town was originally built no attempt was made to fill the low ground, either in the streets or on the building sites, so that the entire surface was practically a quagmire; when the quagmire became impassable certain of the streets were crudely improved by filling especially bad mud holes with soft rock or other material. In September, 1905, a systematic effort was begun to formulate a general plan for the proper sanitation of the city; in February last temporary relief measures were taken, while in July the prosecution of the work was begun in good earnest. The results are already visible in the sewering, draining, guttering and paving of the streets. Some four months will be required before the work of sewerage and street improvement will be completed, but the progress already made is very marked. Ditches have been dug through the town, connecting the salt water on both sides, and into these the ponds, which have served as breeding places for the mosquitoes, are drained. These ditches have answered their purpose, for they are probably the chief cause of the astonishing diminution in the number of mosquitoes. More ditches of the kind are being constructed.

COLON WATER SUPPLY.

It was not practicable, with the force at the Commission's disposal, and in view of the need that the force should be used in the larger town of Panama, to begin this work before early last winter. Water mains were then laid in the town and water was furnished to the people early in March from a temporary reservoir. This reservoir proved to be of insufficient capacity before the end of the dry season and the shortage was made up by hauling water over the Panama railroad, so that there was at all times an ample supply of the very best water. Since that time the new reservoir back of Mount Hope has been practically completed. I visited this reservoir. It is a lake over a mile long and half a mile broad. It now carries some 500,000,000 gallons of first-class water. I forward herewith a photograph of this lake, together with certain other photographs of what I saw while I was on the Isthmus. Nothing but a cataclysm will hereafter render it necessary in the dry season to haul water for the use of Colon and Cristobal.

One of the most amusing (as well as dishonest) attacks made upon the Commission was in connection with this reservoir. The writer in question usually confined himself to vague general mendacity; but in this case he specifically stated that there was no water in the vicinity fit for a reservoir (I drank it, and it was excellent), and that this particular reservoir would never hold water anyway. Accompanying this message, as I have said above, is a photograph of the reservoir as I myself saw it, and

as it has been in existence ever since the article in question was published. With typical American humor, the engineering corps still at work at the reservoir have christened a large boat which is now used on the reservoir by the name of the individual who thus denied the possibility of the reservoir's existence.

COLON PAVEMENTS.

I rode through the streets of Colon, seeing them at the height of the rainy season, after two days of almost unexampled downpour, when they were at their very worst. Taken as a whole they were undoubtedly very bad; as bad as Pennsylvania avenue in Washington before Grant's Administration. Front street is already in thoroughly satisfactory shape however. Some of the side streets are also in good condition. In others the change in the streets is rapidly going on. Through three-fourths of the town it is now possible to walk, even during the period of tremendous rain, in low shoes without wetting one's feet, owing to the rapidity with which the surface water is carried away in the ditches. In the remaining one-fourth of the streets the mud is very deep—about as deep as in the ordinary street of a low-lying prairie river town of the same size in the United States during early spring. All men to whom I spoke were a unit in saying that the conditions of the Colon streets were 100 per cent better than a year ago. The most superficial examination of the town shows the progress that has been made and is being made in macadamizing the streets. Complaint was made to me by an entirely reputable man as to the character of some of the material used for repairing certain streets. On investigation the complaint proved well founded, but it also appeared that the use of the material in question had been abandoned, the Commission after having tried it in one or two streets finding it not appropriate.

COMPLAINTS NOT WELL FOUNDED.

The result of the investigation of this honest complaint was typical of what occurred when I investigated most of the other honest complaints made to me. That is, where the complaints were not made wantonly or maliciously, they almost always proved due to failure to appreciate the fact that time was necessary in the creation and completion of this Titanic work in a tropic wilderness. It is impossible to avoid some mistakes in building a giant canal through jungle-covered mountains and swamps, while at the same time sanitating tropic cities, and providing for the feeding and general care of from twenty to thirty thousand workers. The complaints brought to me, either of insufficient provision in caring for some of the laborers, or of failure to finish the pavements of Colon, or of failure to supply water, or of failure to build wooden sidewalks for the use of the laborers in the rainy season, on investigation proved, almost without exception, to be due merely to the utter inability of the Commission to do everything at once.

For instance, it was imperative that Panama, which had the highest death rate and where the chance of a yellow fever epidemic was strongest, should be cared for first; yet most of the complaints as to the delay in taking care of Colon were due to the inability or unwillingness to appreciate this simple fact. Again, as the thousands of laborers are brought over and housed, it is not always possible at the outset to supply wooden walks and bath houses, because other more vital necessities have to be met; and in consequence, while most of the settlements have good bath houses, and, to a large extent at least, wooden walks, there are plenty of settlements where wooden walks have not yet been laid down, and I visited one where the bath houses have not been provided. But in this very settlement the frames of the bath houses are already up, and in every case the utmost effort is being made to provide the wooden walks. Of course, in some of the newest camps tents are used pending the building of houses. Where possible, I think detached houses would be preferable to the semidetached houses now in general use.

UNJUST CRITICISM.

Care and forethought have been exercised by the Commission, and nothing has reflected more credit upon them than their refusal either to go ahead too fast or to be deterred by the fear of criticism from not going ahead fast enough. It is curious to note the fact that many of the most severe critics of the Commission criticise them for precisely opposite reasons, some complaining bitterly that the work is not in a more advanced condition, while the others complain that it has been rushed with such haste that there has been insufficient preparation for the hygiene and comfort of the employees. As a matter of fact neither criticism is just. It would have been impossible to go quicker than the Commission has gone, for such quickness would have meant insufficient preparation. On the other hand, to refuse to do anything until every possible future contingency had been met would have caused wholly unwarranted delay. The right course to follow was exactly the course which has been followed. Every reasonable preparation was made in advance, the hygienic conditions in especial being made as nearly perfect as possible; while on the other hand there has been no timid refusal to push forward the work because of inability to anticipate every possible emergency, for, of course, many defects can only be shown by the working of the system in actual practice.

In addition to attending to the health of the employees, it is of course necessary to provide for policing the Zone. This is done by a police force which at present numbers over 200 men, under Captain Shanton. About one-fifth of the men are white and the others black. In different places I questioned some twenty or thirty of these men, taking them at random. They were a fine set, physically and in discipline. With one exception all the white men I questioned had served in the American Army, usually in the Philippines, and belonged to the best type of American soldier. Without exception the black policemen whom I questioned had served either in the British army or in the Jamaica or Barbados police. They were evidently contented, and were doing their work well. Where possible the policemen are used to control people of their own color, but in any emergency no hesitation is felt in using them indiscriminately.

Inasmuch as so many both of the white and colored employees have brought their families with them, schools have been established, the school service being under Mr. O'Connor. For the white pupils white American teachers are employed; for the colored pupils there are also some white American teachers, one Spanish teacher, and one colored American teacher, most of them being colored teachers from Jamaica, Barbados, and St. Lucia. The schoolrooms were good, and it was a pleasant thing to see the pride that the teachers were taking in their work and their pupils.

There seemed to me to be too many saloons in the Zone; but the new high-license law which goes into effect on January 1 next will probably close four-fifths of them. Resolute and successful efforts are being made to minimize and control the sale of liquor.

The cars on the passenger trains on the Isthmus are divided into first and second class, the difference being marked in the price of tickets. As a rule second-class passengers are colored and first-class passengers white; but in every train which I saw there were a number of white second-class passengers, and on two of them there were colored first-class passengers.

CARE OF EMPLOYEES.

Next in importance to the problem of sanitation, and indeed now of equal importance, is the problem of securing and caring for the mechanics, laborers, and other employees who actually do the work on the canal and the railroad. This great task has been under the control of Mr. Jackson Smith, and on the whole has been well done. At present there are some 6,000 white employees and some 19,000 colored employees on the Isthmus. I went over the different places where the different kinds of employees were working; I think I saw representatives of every type both at their work and in their homes; and I conversed with probably a couple of hundred of them all told, choosing them at random from every class and including those who came especially to present certain grievances. I found that those who did not come specifically to present grievances almost invariably expressed far greater content and satisfaction with the conditions than did those who called to make complaint.

Nearly 5,000 of the white employees had come from the United States. No man can see these young, vigorous men energetically doing their duty without a thrill of pride in them as Americans. They represent on the average a high class. Doubtless to Congress the wages paid them will seem high, but as a matter of fact the only general complaint which I found had any real basis among the complaints made to me upon the Isthmus was that, owing to the peculiar surroundings, the cost of living, and the distance from home, the wages were really not as high as they should be. In fact, almost every man I spoke to felt that he ought to be receiving more money—a view, however, which the average man who stays at home in the United States probably likewise holds as regards himself. I append figures of the wages paid, so that the Congress can judge the matter for itself. Later I shall confer on the subject with certain representative labor men here in the United States, as well as going over with Mr. Stevens, the comparative wages paid on the Zone and at home; and I may then communicate my findings to the canal committees of the two Houses.

QUARTERS GOOD AND SATISFACTORY.

The white Americans are employed, some of them in office work, but the majority in handling the great steam shovels, as engineers and conductors on the dirt trains, as machinists in the great repair shops, as carpenters and timekeepers, superintendents, and foremen of divisions and of gangs, and so on and so on. Many of them have brought down their wives and

families; and the children when not in school are running about and behaving precisely as the American small boy and small girl behave at home. The bachelors among the employees live, sometimes in small separate houses, sometimes in large houses; quarters being furnished free to all the men, married and unmarried. Usually the bachelors sleep two in a room, as they would do in this country. I found a few cases where three were in a room; and I was told of, although I did not see, large rooms in which four were sleeping; for it is not possible in what is really a vast system of construction camps always to provide in advance as ample house room as the Commission intend later to give. In one case, where the house was an old French house with a leak in the roof, I did not think the accommodations were good. But in every other case among the scores of houses I entered at random, the accommodations were good; every room was neat and clean, usually having books, magazines, and small ornaments; and in short just such a room as a self-respecting craftsman would be glad to live in at home. The quarters for the married people were even better. Doubtless there must be here and there a married couple who, with or without reason, are not contented with their house on the Isthmus; but I never happened to strike such a couple. The wives of the steam-shovel men, engineers, machinists, and carpenters into whose houses I went, all with one accord expressed their pleasure in their home life and surroundings. Indeed I do not think they could have done otherwise. The houses themselves were excellent—bathroom, sitting room, piazza, and bedrooms being all that could be desired. In every house which I happened to enter the mistress of the home was evidently a good American housewife and helpmeet, who had given to the home life that touch of attractiveness which, of course, the bachelor quarters neither had nor could have.

FOOD SUPPLIES—A THIRTY-CENT MEAL.

The housewives purchase their supplies directly, or through their husbands, from the commissary stores of the Commission. All to whom I spoke agreed that the supplies were excellent, and all but two stated that there was no complaint to be made; these two complained that the prices were excessive as compared to the prices in the States. On investigation I did not feel that this complaint was well founded. The married men ate at home. The unmarried men sometimes ate at private boarding houses, or private messes, but more often, judging by the answers of those whom I questioned, at the government canteens or hotels where the meal costs 30 cents to each employee. This 30-cent meal struck me as being as good a meal as we get in the United States at the ordinary hotel in which a 50-cent meal is provided. Three-fourths of the men whom I questioned stated that the meals furnished at these government hotels were good, the remaining one-fourth that they were not good. I myself took dinner at the La Boca government hotel, no warning whatever having been given of my coming. There were two rooms, as generally in these hotels. In one the employees were allowed to dine without their coats, while in the other they had to put them on. The 30-cent meal included soup, native beef (which was good), mashed potatoes, peas, beets, chili con carne, plum pudding, tea, coffee—each man having as much of each dish as he desired. On the table there was a bottle of liquid quinine tonic, which two-thirds of the guests, as I was informed, used every day. There were neat tablecloths and napkins. The men, who were taking the meal at or about the same time, included railroad men, machinists, shipwrights, and members of the office force. The rooms were clean, comfortable, and airy, with mosquito screens around the outer piazza. I was informed by some of those present that this hotel, and also the other similar hotels, were every Saturday night turned into clubhouses where the American officials, the school-teachers, and various employees, appeared, bringing their wives, there being dancing and singing. There was a piano in the room, which I was informed was used for the music on these occasions. My meal was excellent, and two newspaper correspondents who had been on the Isthmus several days informed me that it was precisely like the meals they had been getting elsewhere at other Government hotels. One of the employees was a cousin of one of the Secret-Service men who was with me, and he stated that the meals had always been good, but that after a time he grew tired of them because they seemed so much alike.

NO CAUSE FOR COMPLAINT ABOUT FOOD.

I came to the conclusion that, speaking generally, there was no warrant for complaint about the food. Doubtless it grows monotonous after awhile. Any man accustomed to handling large masses of men knows that some of them, even though otherwise very good men, are sure to grumble about something, and usually about their food. Schoolboys, college boys, and boarders in boarding houses make similar complaints; so do soldiers and sailors. On this very trip, on one of the warships, a seaman came to complain to the second watch officer about the quality of the cocoa at the seamen's mess, saying that it was not sweet enough; it was pointed out to him that there was sugar on the table and he could always put it in, to which he responded that that was the cook's business and not his! I think that the complaint as to the food on the Isthmus has but little more foundation than that of the sailor in question. Moreover, I was given to understand that one real cause of complaint was that at the Government hotels no liquor is served, and some of the drinking men, therefore, refused to go to them. The number of men using the Government hotels is steadily increasing.

CHINESE AND OTHER LABOR.

Of the nineteen or twenty thousand day laborers employed on the canal, a few hundred are Spaniards. These do excellent work. Their foremen told me that they did twice as well as the West India laborers. They keep healthy and no difficulty is experienced with them in any way. Some Italian laborers are also employed in connection with the drilling. As might be expected, with labor as high priced as at present in the United States, it has not so far proved practicable to get any ordinary laborers from the United States. The American wage-workers on the Isthmus are the highly paid skilled mechanics of the types mentioned previously. A steady effort is being made to secure Italians, and especially to procure more Spaniards, because of the very satisfactory results that have come from their employment; and their numbers will be increased as far as possible. It has not proved possible, however, to get them in anything like the numbers needed for the work, and from present appearances we shall in the main have to rely, for the ordinary unskilled work, partly upon colored laborers from the West Indies, partly upon Chinese labor. It certainly ought to be unnecessary to point out that the American workingman in the United States has no concern whatever in the question as to whether the rough work on the Isthmus, which is performed by aliens in any event, is done by aliens from one country with a black skin or by aliens from another country with a yellow skin. Our business is to dig the canal as efficiently and as quickly as possible; provided always that nothing is done that is inhumane to any laborers, and nothing that interferes with the wages of or lowers the standard of living of our own workmen. Having in view this principle, I have arranged to try several thousand Chinese laborers. This is desirable both because we must try to find out what laborers are most efficient, and, furthermore, because we should not leave ourselves at the mercy of any one type of foreign labor. At present the great bulk of the unskilled labor on the Isthmus is done by West India negroes, chiefly from Jamaica, Barbados, and the other English possessions. One of the governors of the lands in question has shown an unfriendly disposition to our work, and has thrown obstacles in the way of our getting the labor needed; and it is highly undesirable to give any outsiders the impression, however ill founded, that they are indispensable and can dictate terms to us.

NEGRO LABORERS AND THEIR QUARTERS.

The West India laborers are fairly, but only fairly, satisfactory. Some of the men do very well indeed; the better class, who are to be found as foremen, as skilled mechanics, as policemen, are good men; and many of the ordinary day laborers are also good. But thousands of those who are brought over under contract (at our expense) go off into the jungle to live, or loaf around Colon, or work so badly after the first three or four days as to cause a serious diminution of the amount of labor performed on Friday and Saturday of each week. I questioned many of these Jamaica laborers as to the conditions of their work and what, if any changes, they wished. I received many complaints from them, but as regards most of these complaints they themselves contradicted one another. In all cases where the complaint was as to their treatment by any individual it proved on examination that this individual was himself a West India man of color, either a policeman, a storekeeper, or an assistant storekeeper. Doubtless there must be many complaints against Americans; but those to whom I spoke did not happen to make any such complaint to me. There was no complaint of the housing; I saw but one set of quarters for colored laborers which I thought poor, and this was in an old French house. The barracks for unmarried men are roomy, well ventilated, and clean, with canvas bunks for each man, and a kind of false attic at the top, where the trunks and other belongings of the different men are kept. The clothes are hung on clotheslines, nothing being allowed to be kept on the floor. In each of these big rooms there were tables and lamps, and usually a few books or papers, and in almost every room there was a Bible; the books being the property of the laborers them-

selves. The cleanliness of the quarters is secured by daily inspection. The quarters for the married negro laborers were good. They were neatly kept, and in almost every case the men living in them, whose wives or daughters did the cooking for them, were far better satisfied and of a higher grade than the ordinary bachelor negroes. Not only were the quarters in which these negro laborers were living much superior to those in which I am informed they live at home, but they were much superior to the huts to be seen in the jungles of Panama itself, beside the railroad tracks, in which the lower class of native Panamans live, as well as the negro workmen when they leave the employ of the canal and go into the jungles. A single glance at the two sets of buildings is enough to show the great superiority in point of comfort, cleanliness, and healthfulness of the Government houses as compared with the native houses.

NEGROES DO THEIR OWN COOKING.

The negroes generally do their own cooking, the bachelors cooking in sheds provided by the Government and using their own pots. In the different camps there was a wide variation in the character of these cooking sheds. In some, where the camps were completed, the kitchen or cooking sheds, as well as the bathrooms and water-closets, were all in excellent trim, while there were board sidewalks leading from building to building. In other camps the kitchens or cook sheds had not been floored, and the sidewalks had not been put down, while in one camp the bath houses were not yet up. In each case, however, every effort was being made to hurry on the construction, and I do not believe that the delays had been greater than were inevitable in such work. The laborers are accustomed to do their own cooking; but there was much complaint, especially among the bachelors, as to the quantity, and some as to the quality, of the food they got from the commissary department, especially as regards yams. On the other hand, the married men and their wives, and the more advanced among the bachelors, almost invariably expressed themselves as entirely satisfied with their treatment at the commissary stores; except that they stated that they generally could not get yams there, and had to purchase them outside. The chief complaint was that the prices were too high. It is unavoidable that the prices should be higher than in their own homes; and after careful investigation I came to the conclusion that the chief trouble lay in the fact that the yams, plantains, and the like are rather perishable food, and are very bulky compared to the amount of nourishment they contain, so that it is costly to import them in large quantities and difficult to keep them. Nevertheless, I felt that an effort should be made to secure them a more ample supply of their favorite food, and so directed; and I believe that ultimately the Government must itself feed them. I am having this matter looked into.

The superintendent having immediate charge of one gang of men at the Colon reservoir stated that he endeavored to get them to substitute beans and other nourishing food for the stringy, watery yams, because the men keep their strength and health better on the more nourishing food. Inasmuch, however, as they are accustomed to yams it is difficult to get them to eat the more strengthening food, and some time elapses before they grow accustomed to it. At this reservoir there has been a curious experience. It is off in the jungle by itself at the end of a couple of miles of a little toy railroad. In order to get the laborers there, they were given free food (and of course free lodgings); and yet it proved difficult to keep them, because they wished to be where they could reach the dramshop and places of amusement.

I was struck by the superior comfort and respectability of the lives of the married men. It would, in my opinion, be a most admirable thing if a much larger number of the men had their wives, for with their advent all complaints about food and cooking are almost sure to cease.

I had an interview with Mr. Mallet, the British consul, to find out if there was any just cause for complaint as to the treatment of the West India negroes. He informed me most emphatically that there was not, and authorized me to give his statement publicity. He said that not only was the condition of the laborers far better than had been the case under the old French Company, but that year by year the condition was improving under our own régime. He stated that complaints were continually brought to him, and that he always investigated them; and that for the last six months he had failed to find a single complaint of a serious nature that contained any justification whatever.

RECREATION AND AMUSEMENT.

One of the greatest needs at present is to provide amusements both for the white men and the black. The Young Men's Christian Association is trying to do good work and should be in every way encouraged. But the Government should do the main work. I have specifically called the attention of the Commission to this matter, and something has been accomplished already. Anything done for the welfare of the men adds to their efficiency and money devoted to that purpose is therefore properly to be considered as spent in building the canal. It is imperatively necessary to provide ample recreation and amusement if the men are to be kept well and healthy. I call the special attention of Congress to this need.

This gathering, distributing, and caring for the great force of laborers is one of the giant features of the work. That friction will from time to time occur in connection therewith is inevitable. The astonishing thing is that the work has been performed so well and that the machinery runs so smoothly. From my own experience I am able to say that more care had been exercised in housing, feeding, and generally paying heed to the needs of the skilled mechanics and ordinary laborers in the work on this canal than is the case in the construction of new railroads or in any other similar private or public work in the United States proper; and it is the testimony of all people competent to speak that on no other similar work anywhere in the Tropics—indeed, as far as I know, anywhere else—has there been such forethought and such success achieved in providing for the needs of the men who do the work.

I have now dealt with the hygienic conditions which make it possible to employ a great force of laborers, and with the task of gathering, housing, and feeding these laborers. There remains to consider the actual work which has to be done; the work because of which these laborers are gathered together—the work of constructing the canal. This is under the direct control of the Chief Engineer, Mr. Stevens, who has already shown admirable results, and whom we can safely trust to achieve similar results in the future.

WORK OF CONSTRUCTION.

Our people found on the Isthmus a certain amount of old French material and equipment which could be used. Some of it, in addition, could be sold as scrap iron. Some could be used for furnishing the foundation for filling in. For much no possible use could be devised that would not cost more than it would bring in.

The work is now going on with a vigor and efficiency pleasant to witness. The three big problems of the canal are the La Boca dams, the Gatun dam, and the Culebra cut. The Culebra cut must be made, anyway; but of course changes as to the dams, or at least as to the locks adjacent to the dams, may still occur. The La Boca dams offer no particular problem, the bottom material being so good that there is a practical certainty, not merely as to what can be achieved, but as to the time of achievement. The Gatun dam offers the most serious problem which we have to solve; and yet the ablest men on the Isthmus believe that this problem is certain of solution along the lines proposed; although, of course, it necessitates great toil, energy, and intelligence, and although equally, of course, there will be some little risk in connection with the work. If the huge earth dam now contemplated is thrown across from one foothill to the other we will have what is practically a low, broad, mountain ridge behind which will rise the inland lake. This artificial mountain will probably show less seepage, that is, will have greater restraining capacity than the average natural mountain range. The exact locality of the locks at this dam—as at the other dams—is now being determined. In April next Secretary Taft, with three of the ablest engineers of the country—Messrs. Noble, Stearns, and Ripley—will visit the Isthmus, and the three engineers will make the final and conclusive examinations as to the exact site for each lock. Meanwhile the work is going ahead without a break.

The Culebra cut does not offer such great risks; that is, the damage liable to occur from occasional land slips will not represent what may be called major disasters. The work will merely call for intelligence, perseverance, and executive capacity. It is, however, the work upon which most labor will have to be spent. The dams will be composed of the earth taken out of the cut and very possibly the building of the locks and dams will take even longer than the cutting in Culebra itself.

IN CULEBRA CUT.

The main work is now being done in the Culebra cut. It was striking and impressive to see the huge steam shovels in full play, the dumping trains carrying away the rock and earth they dislodged. The implements of French excavating machinery, which often stand a little way from the line of work, though of excellent construction, look like the veriest toys when compared with these new steam shovels, just as the French dumping cars seem like toy cars when compared with the long train of huge cars, dumped by steam plows, which are now in use. This represents the enormous advance that has been made in machinery during the past quarter of a century. No doubt a quarter of a

century hence this new machinery, of which we are now so proud, will similarly seem out of date, but it is certainly serving its purpose well now. The old French cars had to be entirely discarded. We still have in use a few of the more modern, but not most modern, cars, which hold but 12 yards of earth. They can be employed on certain lines with sharp curves. But the recent cars hold from 25 to 30 yards apiece, and instead of the old clumsy methods of unloading them, a steam plow is drawn from end to end of the whole vestibuled train, thus immensely economizing labor. In the rainy season the steam shovels can do but little in dirt, but they work steadily in rock and in the harder ground. There were some 25 at work during the time I was on the Isthmus, and their tremendous power and efficiency were most impressive.

NEW RECORDS FOR EXCAVATION.

As soon as the type of canal was decided this work began in good earnest. The rainy season will shortly be over and then there will be an immense increase in the amount taken out; but even during the last three months, in the rainy season, steady progress is shown by the figures: In August, 242,000 cubic yards; in September, 291,000 cubic yards, and in October, 325,000 cubic yards. In October new records were established for the output of individual shovels as well as for the tonnage haul of individual locomotives. I hope to see the growth of a healthy spirit of emulation between the different shovel and locomotive crews, just such a spirit as has grown on our battle ships between the different gun crews in matters of marksmanship. Passing through the cut the amount of new work can be seen at a glance. In one place the entire side of a hill had been taken out recently by 27 tons of dynamite, which were exploded at one blast. At another place I was given a Presidential salute of 21 charges of dynamite. On the top notch of the Culebra cut the prism is now as wide as it will be; all told, the canal bed at this point has now been sunk about 200 feet below what it originally was. It will have to be sunk about 130 feet farther. Throughout the cut the drilling, blasting, shoveling, and hauling are going on with constantly increasing energy, the huge shovels being pressed up, as if they were mountain howitzers, into the most unlikely looking places, where they eat their way into the hillsides.

RAILWAY IMPROVEMENTS.

The most advanced methods, not only in construction, but in railroad management, have been applied in the Zone, with corresponding economies in time and cost. This has been shown in the handling of the tonnage from ships into cars, and from cars into ships on the Panama Railroad, where, thanks largely to the efficiency of General Manager Bierd, the saving in time and cost, has been noteworthy. My examination tended to show that some of the departments had (doubtless necessarily) become overdeveloped, and could now be reduced or subordinated without impairment of efficiency and with a saving of cost. The Chairman of the Commission, Mr. Shonts, has all matters of this kind constantly in view, and is now reorganizing the government of the Zone, so as to make the form of administration both more flexible and less expensive, subordinating everything to direct efficiency with a view to the work of the Canal Commission. From time to time changes of this kind will undoubtedly have to be made, for it must be remembered that in this giant work of construction, it is continually necessary to develop departments or bureaus, which are vital for the time being, but which soon become useless; just as it will be continually necessary to put up buildings, and even to erect towns, which in ten years will once more give place to jungle, or will then be at the bottom of the great lakes at the ends of the canal.

CRITICS AND DOUBTING THOMASES.

It is not only natural, but inevitable, that a work as gigantic as this which has been undertaken on the Isthmus should arouse every species of hostility and criticism. The conditions are so new and so trying, and the work so vast, that it would be absolutely out of the question that mistakes should not be made. Checks will occur. Unforeseen difficulties will arise. From time to time seemingly well-settled plans will have to be changed. At present 25,000 men are engaged on the task. After a while the number will be doubled. In such a multitude it is inevitable that there should be here and there a scoundrel. Very many of the poorer class of laborers lack the mental development to protect themselves against either the rascality of others or their own folly, and it is not possible for human wisdom to devise a plan by which they can invariably be protected. In a place which has been for ages a byword for unhealthfulness, and with so large a congregation of strangers suddenly put down and set to hard work there will now and then be outbreaks of disease. There will now and then be shortcomings in administration; there will be unlooked-for accidents to delay the excavation of the cut or the building of the dams and locks. Each such incident will be entirely natural, and, even though serious, no one of them will mean more than a little extra delay or trouble. Yet each, when discovered by sensation mongers and retailed to timid folk of little faith, will serve as an excuse for the belief that the whole work is being badly managed. Experiments will continually be tried in housing, in hygiene, in street repairing, in dredging, and in digging earth and rock. Now and then an experiment will be a failure; and among those who hear of it, a certain proportion of doubting Thomases will at once believe that the whole work is a failure. Doubtless here and there some minor rascality will be uncovered; but as to this, I have to say that after the most painstaking inquiry I have been unable to find a single reputable person who has so much as heard of any serious accusations affecting the honesty of the Commission or of any responsible officer under it. I append a letter dealing with the most serious charge, that of the ownership of lots in Colon; the charge was not advanced by a reputable man, and is utterly baseless. It is not too much to say that the whole atmosphere of the Commission breathes honesty as it breathes efficiency and energy. Above all, the work has been kept absolutely clear of politics. I have never heard even a suggestion of spoils politics in connection with it.

I have investigated every complaint brought to me for which there seemed to be any shadow of foundation. In two or three cases, all of which I have indicated in the course of this message, I came to the conclusion that there was foundation for the complaint, and that the methods of the Commission in the respect complained of could be bettered. In the other instances the complaints proved absolutely baseless, save in two or three instances where they referred to mistakes which the Commission had already itself found out and corrected.

SLANDERERS AND LIBELERS.

So much for honest criticism. There remains an immense amount of as reckless slander as has ever been published. Where the slanderers are of foreign origin I have no concern with them. Where they are Americans, I feel for them the heartiest contempt and indignation; because, in a spirit of wanton dishonesty and malice, they are trying to interfere with, and hamper the execution of, the greatest work of the kind ever attempted, and are seeking to bring to naught the efforts of their countrymen to put to the credit of America one of the giant feats of the ages. The outrageous accusations of these slanderers constitute a gross libel upon a body of public servants who, for trained intelligence, expert ability, high character and devotion to duty, have never been excelled anywhere. There is not a man among those directing the work on the Isthmus who has obtained his position on any other basis than merit alone, and not one who has used his position in any way for his own personal or pecuniary advantage.

PLAN TO BUILD BY CONTRACT.

After most careful consideration we have decided to let out most of the work by contract, if we can come to satisfactory terms with the contractors. The whole work is of a kind suited to the peculiar genius of our people; and our people have developed the type of contractor best fitted to grapple with it. It is of course much better to do the work in large part by contract than to do it all by the Government, provided it is possible on the one hand to secure to the contractor a sufficient remuneration to make it worth while for responsible contractors of the best kind to undertake the work; and provided on the other hand it can be done on terms which will not give an excessive profit to the contractor at the expense of the Government. After much consideration the plan already promulgated by the Secretary of War was adopted. This plan in its essential features was drafted, after careful and thorough study and consideration, by the Chief Engineer, Mr. Stevens, who, while in the employment of Mr. Hill, the president of the Great Northern Railroad, had personal experience of this very type of contract. Mr. Stevens then submitted the plan to the Chairman of the Commission, Mr. Shonts, who went carefully over it with Mr. Rogers, the legal adviser of the Commission, to see that all legal difficulties were met. He then submitted copies of the plan to both Secretary Taft and myself. Secretary Taft submitted it to some of the best counsel at the New York bar, and afterwards I went over it very carefully with Mr. Taft and Mr. Shonts, and we laid the plan in its general features before Mr. Root. My conclusion is that it combines the maximum of advantage with the minimum of disadvantage. Under it a premium will be put upon the speedy and economical construction of the canal, and a penalty imposed on delay and waste. The plan as promulgated is tentative; doubtless it will have to be changed in some respects before we can come to a satisfactory agreement with

responsible contractors—perhaps even after the bids have been received; and of course it is possible that we can not come to an agreement, in which case the Government will do the work itself. Meanwhile the work on the Isthmus is progressing steadily and without any let up.

A SINGLE COMMISSIONER DESIRED.

A seven-headed commission is of course a clumsy executive instrument. We should have but one commissioner, with such heads of departments and other officers under him as we may find necessary. We should be expressly permitted to employ the best engineers in the country as consulting engineers.

I accompany this paper with a map showing substantially what the canal will be like when it is finished. When the Culebra cut has been made and the dams built (if they are built as at present proposed) there will then be at both the Pacific and Atlantic ends of the canal, two great fresh-water lakes, connected by a broad channel running at the bottom of a ravine, across the backbone of the Western Hemisphere. Those best informed believe that the work will be completed in about eight years; but it is never safe to prophesy about such a work as this, especially in the Tropics.

I am informed that representatives of the commercial clubs of four cities—Boston, Chicago, Cincinnati, and St. Louis—the membership of which includes most of the leading business men of those cities, expect to visit the Isthmus for the purpose of examining the work of construction of the canal. I am glad to hear it, and I shall direct that every facility be given them to see all that is to be seen in the work which the Government is doing. Such interest as a visit like this would indicate will have a good effect upon the men who are doing the work, on one hand, while on the other hand it will offer as witnesses of the exact conditions men whose experience as business men and whose impartiality will make the result of their observations of value to the country as a whole.

CONFIDENT OF ULTIMATE SUCCESS.

Of the success of the enterprise I am as well convinced as one can be of any enterprise that is human. It is a stupendous work upon which our fellow-countrymen are engaged down there on the Isthmus, and while we should hold them to a strict accountability for the way in which they perform it, we should yet recognize, with frank generosity, the epic nature of the task on which they are engaged and its world-wide importance. They are doing something which will redound immeasurably to the credit of America, which will benefit all the world, and which will last for ages to come. Under Mr. Shonts and Mr. Stevens and Doctor Gorgas this work has started with every omen of good fortune. They and their worthy associates, from the highest to the lowest, are entitled to the same credit that we would give to the picked men of a victorious army; for this conquest of peace will, in its great and far-reaching effect, stand as among the very greatest conquests, whether of peace or of war, which have ever been won by any of the peoples of mankind. A badge is to be given to every American citizen who for a specified time has taken part in this work; for participation in it will hereafter be held to reflect honor upon the man participating just as it reflects honor upon a soldier to have belonged to a mighty army in a great war for righteousness. Our fellow-countrymen on the Isthmus are working for our interest and for the national renown in the same spirit and with the same efficiency that the men of the Army and Navy work in time of war. It behooves us in our turn to do all we can to hold up their hands and to aid them in every way to bring their great work to a triumphant conclusion.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 17, 1906.*

The VICE-PRESIDENT. The message, together with the accompanying appendices, illustrations, and maps, will be printed and referred to the Committee on Interoceanic Canals.

Mr. KEAN. Mr. President, does that include the illustrations?

The VICE-PRESIDENT. The Chair so directed.

Mr. KEAN. Are the illustrations to be printed in the RECORD?

The VICE-PRESIDENT. Not in the RECORD. The message, with the accompanying appendices, illustrations, and maps, will be printed and referred, in the absence of objection, to the Committee on Interoceanic Canals.

Mr. ALDRICH. May I inquire what was the statement made by the Chair?

The VICE-PRESIDENT. The Chair will again state the direction, which was that the message, together with the accompanying appendices, illustrations, and maps, will be printed, and referred to the Committee on Interoceanic Canals. Is there objection? The Chair hears none, and that order is made.

Mr. ALDRICH. But what goes into the RECORD, Mr. President?

The VICE-PRESIDENT. The Chair directed nothing to go into the RECORD. The message has been read, and that portion which was read will go into the RECORD.

Mr. KEAN. Mr. President, I should like to ask a question. Are the illustrations contained in the message to be printed in the RECORD?

The VICE-PRESIDENT. No; there has been no order to that effect.

EMPLOYERS' LIABILITY BILL.

During the reading of the President's message concerning the Panama Canal,

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be laid aside temporarily.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be laid aside temporarily. Is there objection? The Chair hears none, and it is so ordered.

After the reading and reference of the President's message,

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 19523. An act to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River;

H. R. 20988. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903; and

H. J. Res. 196. Joint resolution relating to the construction of a bridge at Fort Snelling, Minn.

The following bills were severally read twice by their titles, and referred to the Committee on Appropriations:

H. R. 21574. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes; and

H. R. 22584. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

H. R. 21678. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana, was read twice by its title, and referred to the Committee on Public Lands.

PAY OF OFFICERS AND EMPLOYEES.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 203) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1906, on the 20th day of said month; which was read the first time by its title.

Mr. HALE. Mr. President, that is the customary joint resolution, and I ask that it may be considered at this time.

The VICE-PRESIDENT. The joint resolution will be read at length.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1906, on the 20th day of said month.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nine minutes spent

In executive session the doors were reopened, and (at 2 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 18, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 17, 1906.

COLLECTORS OF CUSTOMS.

J. Rice Winchell, of Connecticut, to be collector of customs for the district of New Haven, in the State of Connecticut. (Reappointment.)

Fred C. Cubberly, of Florida, to be collector of customs for the district of St. Marks, in the State of Florida. (Reappointment.)

John W. Howell, of Florida, to be collector of customs for the district of Fernandina, in the State of Florida. (Reappointment.)

A. Lincoln Dryden, of Maryland, to be collector of customs for the eastern district, in the State of Maryland, to succeed James C. Tawes, whose term will expire by limitation on January 9, 1907.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. Henry Granville Fisher to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from November 4, 1906, in place of William Vans Edmondson Jacobs, promoted.

Second Lieut. Ernest Eugene Mead to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 1, 1906, in place of First Lieut. James Mahool Moore, promoted.

PROMOTION IN THE NAVY.

Lieut. Commander Frank M. Bennett to be a commander in the Navy from the 2d day of November, 1906, vice Commander Albert Mertz, promoted.

PROMOTION IN THE MARINE CORPS.

Second Lieut. Benjamin S. Berry to be a first lieutenant in the Marine Corps from the 29th day of November, 1906, vice First Lieut. John W. McClaskey, retired.

REGISTERS OF LAND OFFICES.

Andrew W. Swaney, of Montana, to be register of the land office at Kalispell, Mont., his term having expired April 30, 1906. (Reappointment.)

George S. Curtis, of Leadville, Colo., to be register of the land office at Leadville, Colo., vice Joseph A. Measures, resigned.

POSTMASTERS.

ARKANSAS.

William C. Bill to be postmaster at Ozark, in the county of Franklin and State of Arkansas, in place of William C. Bill. Incumbent's commission expires January 22, 1907.

John A. Dudgeon to be postmaster at Corning, in the county of Clay and State of Arkansas, in place of John A. Dudgeon. Incumbent's commission expires January 22, 1907.

GEORGIA.

J. F. Renfroe to be postmaster at Wrightsville, in the county of Johnson and State of Georgia, in place of Beverly B. Hayes, resigned.

ILLINOIS.

Silas H. Aldridge to be postmaster at Plymouth, in the county of Hancock and State of Illinois, in place of Silas H. Aldridge. Incumbent's commission expires January 22, 1907.

Joseph H. Coffman to be postmaster at Augusta, in the county of Hancock and State of Illinois, in place of Joseph H. Coffman. Incumbent's commission expires January 22, 1907.

John C. Louden to be postmaster at Lebanon, in the county of St. Clair and State of Illinois, in place of John C. Louden. Incumbent's commission expired December 10, 1906.

INDIANA.

William H. Burris to be postmaster at Milford, in the county of Kosciusko and State of Indiana, in place of William H. Burris. Incumbent's commission expires January 19, 1907.

IOWA.

Arthur S. Burdick to be postmaster at Postville, in the county of Allamakee and State of Iowa, in place of Arthur S. Burdick. Incumbent's commission expired January 28, 1906.

Daniel P. Ellsworth to be postmaster at Lohrville, in the county of Calhoun and State of Iowa, in place of Daniel P. Ellsworth. Incumbent's commission expires January 7, 1907.

Hiram Lamb to be postmaster at Murray, in the county of Clarke and State of Iowa, in place of Hiram Lamb. Incumbent's commission expires January 14, 1907.

William R. Orchard to be postmaster at Glidden, in the county of Carroll and State of Iowa, in place of William R. Orchard. Incumbent's commission expires January 7, 1907.

Olive L. Stauffer to be postmaster at Gladbrook, in the county of Tama and State of Iowa, in place of Olive L. Stauffer. Incumbent's commission expired June 2, 1906.

KANSAS.

Harvey S. Givler to be postmaster at Wakeeney, in the county of Trego and State of Kansas, in place of Harvey S. Givler. Incumbent's commission expired December 10, 1906.

KENTUCKY.

Clarence Mathews to be postmaster at Maysville, in the county of Mason and State of Kentucky, in place of Clarence Mathews. Incumbent's commission expired February 28, 1906.

MARYLAND.

Charles F. Peters to be postmaster at Western Port, in the county of Allegany and State of Maryland. Office became Presidential October 1, 1906.

MASSACHUSETTS.

Marcus M. Copeland, jr., to be postmaster at Onset, in the county of Plymouth and State of Massachusetts. Office became Presidential July 1, 1906.

John W. Fairbanks to be postmaster at Westboro, in the county of Worcester and State of Massachusetts, in place of John W. Fairbanks. Incumbent's commission expires January 7, 1907.

Martin Hickey to be postmaster at Grafton, in the county of Worcester and State of Massachusetts, in place of Martin Hickey. Incumbent's commission expired December 9, 1906.

Edward B. Sherman to be postmaster at Franklin, in the county of Norfolk and State of Massachusetts, in place of Edward B. Sherman. Incumbent's commission expires January 19, 1907.

MICHIGAN.

Timothy Smith to be postmaster at Howell, in the county of Livingston and State of Michigan, in place of Timothy Smith. Incumbent's commission expired December 10, 1906.

MISSOURI.

John W. Scott to be postmaster at Moberly, in the county of Randolph and State of Missouri, in place of John W. Scott. Incumbent's commission expired December 10, 1906.

NEBRASKA.

Edward L. Howe to be postmaster at South Omaha, in the county of Douglas and State of Nebraska, in place of Frederick J. Etter, deceased.

NEW JERSEY.

John W. Dooling to be postmaster at Clayton, in the county of Gloucester and State of New Jersey, in place of John W. Dooling. Incumbent's commission expired December 9, 1906.

William C. Fink to be postmaster at Hudson Heights, in the county of Hudson and State of New Jersey. Office became Presidential October 1, 1906.

NEW YORK.

John Raines, jr., to be postmaster at Canandaigua, in the county of Ontario and State of New York, in place of John Raines, jr. Incumbent's commission expires January 7, 1907.

Homer E. Snyder to be postmaster at Victor, in the county of Ontario and State of New York, in place of George Simonds. Incumbent's commission expired December 15, 1906.

OHIO.

Charles T. La Cost to be postmaster at Bryan, in the county of Williams and State of Ohio, in place of Charles T. La Cost. Incumbent's commission expired June 30, 1906.

RHODE ISLAND.

Albert C. Landers to be postmaster at Newport, in the county of Newport and State of Rhode Island, in place of Albert C. Landers. Incumbent's commission expired December 9, 1906.

SOUTH CAROLINA.

J. Frank Kneece to be postmaster at Batesburg, in the county of Lexington and State of South Carolina, in place of J. Frank Kneece. Incumbent's commission expires January 22, 1907.

TEXAS.

Carrie E. Hoke to be postmaster at Taylor, in the county of Williamson and State of Texas, in place of Carrie E. Hoke. Incumbent's commission expired June 27, 1906.

WISCONSIN.

Herman O. E. Diestler to be postmaster at Hortonville, in the county of Outagamie and State of Wisconsin. Office became Presidential October 1, 1906.

WITHDRAWALS.

Executive nominations withdrawn from the Senate December 17, 1906.

Thomas Ives Chatfield, of New York, to be United States district judge for the eastern district of New York, in the place of

Edward B. Thomas, which nomination was received by the Senate on December 10, 1906. (The nomination of Mr. Chatfield, received by the Senate on December 13, 1906, being a substitute for this one withdrawn.)

O. K. Paddock to be postmaster at South Omaha, in the State of Nebraska.

George W. Cowen to be postmaster at Lincoln, in the State of New Hampshire.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 17, 1906.

ASSISTANT ATTORNEY-GENERAL.

Alford W. Cooley, of New York, to be Assistant Attorney-General.

SURVEYOR OF CUSTOMS.

Benjamin H. Barrows, of Nebraska, to be surveyor of customs for the port of Omaha, in the State of Nebraska.

RECEIVERS OF PUBLIC MONEYS.

Alexander B. Kennedy, of Louisiana, to be receiver of public moneys at New Orleans, La., to take effect January 23, 1907.

Shields Warren, of Florida, to be receiver of public moneys at Gainesville, Fla.

PROMOTIONS IN THE ARMY.

To be captain in Cavalry Arm.

First Lieut. James D. Tilford, First Cavalry, from October 1, 1906.

To be chaplain with rank of major in Artillery Corps.

Capt. Patrick J. Hart, chaplain, Artillery Corps, to be chaplain with the rank of major from December 5, 1906.

POSTMASTERS.

CALIFORNIA.

Wellington A. Griffin to be postmaster at Mountain View, in the county of Santa Clara and State of California.

Helen C. Thompson to be postmaster at Stanford University, in the county of Santa Clara and State of California.

NEBRASKA.

Edmund L. Howe to be postmaster at South Omaha, in the State of Nebraska.

NEW JERSEY.

Samuel Bartlett to be postmaster at Pleasantville, in the county of Atlantic and State of New Jersey.

John W. Davis to be postmaster at Burlington, in the county of Burlington and State of New Jersey.

James Freeman to be postmaster at Arlington, in the county of Hudson and State of New Jersey.

Charles E. Stults to be postmaster at Hightstown, in the county of Mercer and State of New Jersey.

NEW YORK.

William Smith to be postmaster at Livingston Manor, in the county of Sullivan and State of New York.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 17, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read and approved.

RESIGNATION FROM COMMITTEE.

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., *December 13, 1906.*

To the SPEAKER,
House of Representatives:

Having been appointed chairman of the Committee on Foreign Affairs, I hereby tender my resignation as chairman of the Committee on Expenditures in the Treasury Department and as a member thereof.

Yours, very truly,

ROBERT G. COUSINS.

The SPEAKER. Without objection, the resignation will be accepted.

COMMITTEE APPOINTMENTS.

The SPEAKER announced the following committee appointments.

The Clerk read as follows:

Representative WEEKS, chairman of Committee on Expenditures in the State Department.

Representative KNOPF, chairman of Committee on Expenditures in Treasury Department.

Representative REYBURN, member of Committee on Coinage, Weights, and Measures, and Committee on Expenditures in the State Department.

Representative MOORE, of Pennsylvania, member of Committee on Immigration and Naturalization, and Committee on Enrolled Bills.

Representative BRUMM, member of Committee on Private Land Claims, and Committee on Expenditures on Public Buildings.

Representative NELSON, member of the Committee on Pacific Railroads, and Committee on Expenditures in the State Department.

Representative COUDREY, member of the Committee on Elections No. 2, and Committee on Levees and Improvements of the Mississippi River.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States, were communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

POSTAL FRAUD ORDERS.

Mr. CRUMPACKER. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the bill (H. R. 16548) to provide for judicial review for orders excluding persons from the use of United States mail facilities shall have the same privilege for the remainder of the session as is accorded bills reported by committees having leave to report at any time.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. I demand a second, Mr. Speaker.

Mr. CRUMPACKER. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. CRUMPACKER. Mr. Speaker, the purpose of the resolution is to give the bill known as "the fraud-order bill" a privileged status on the Calendar, so that it can be called up and considered on its merits at any time. It is not a privileged bill, and this resolution gives it that status. It is the object of the promoters of the legislation, after the holiday recess, when opportunity affords, to call it up and thoroughly discuss it and have it considered by the House.

Mr. STAFFORD. Has the bill to which the gentleman refers been reported by the Judiciary Committee?

Mr. CRUMPACKER. It was reported unanimously by the Judiciary Committee after quite an extensive and exhaustive investigation of the subject.

Mr. STAFFORD. Had it been reported out of the committee when committees were called in order in the House last week and when the Committee on Judiciary had recognition?

Mr. CRUMPACKER. It had.

Mr. STAFFORD. Does the gentleman know why the bill was not then called up under the call of committees?

Mr. CRUMPACKER. I asked the chairman of the Committee on the Judiciary to call it up, and he gave me as a reason that he did not care to occupy the time, or something like that. I felt that it ought to have been called up, but I think Members who are interested in the question desire some time to discuss it and want it put where it can be given more time than it could be given under the call of committees.

Mr. STAFFORD. Does the gentleman's resolution make the bill privileged?

Mr. CRUMPACKER. The resolution makes the bill privileged—that is, it gives it a status on the Calendar of a privileged bill, which can be called up at any time when there is no other privileged matter before the House. That is the only object of the resolution.

Mr. PAYNE. Can the gentleman from Indiana state in a word what change the bill proposes to make in the existing law?

Mr. CRUMPACKER. I will as briefly as I can. Under the existing law the Postmaster-General has the power, where evidence is submitted to him which satisfies him that any person is using the mails for fraudulent purposes, to issue an order withholding or denying him the right to use the mails—that is, he issues what is known as a "fraud order," denying such person the use of the mails. This may be done under the law without any notice whatever to the party affected, without any opportunity to appear and resist the issuance of the order, and when the order is once issued the courts have decided that, Congress having vested the discretion in the Postmaster-General, it is not subject to review in the courts.

It is the custom of the Postmaster-General, however, in most cases to have notice given to the parties and afford opportunities for them to present their defense. The chief evidence supplied to the Postmaster-General is in the form of confidential reports made by post-office inspectors, consisting of interviews with people throughout the country, men not under oath, not responsible criminally or civilly for anything they may say.

These reports are never accessible to the person who is accused of fraudulently using the mails; he has no opportunity to

see them at any time under any circumstances, and one against whom a fraud order is improvidently issued, issued upon a mistake of facts—is absolutely without a remedy. He is branded before the public as the perpetrator of fraud. His right to the mails is absolutely cut off, and he is without recourse because there is no appeal to the courts on the question of fact. Now, the purpose of this bill is to give men who desire it the right to go into the courts and have questions of fact and law reviewed. The Postmaster-General is required to keep a fraud-order record, and when he is satisfied that any individual is using the mails for fraudulent purposes, he is required to give him notice, and, within a certain time after notice is issued, if no objection is made, the fraud order goes as a matter of course, but, pending this, and in order to prevent men imposing on the people, in order to cut off the career of green-goods concerns and fly-by-night institutions and get-rich-quick schemes, the Postmaster-General may peremptorily order the mail to be impounded in the post-office where the individual or corporation receives mail, to be held there pending investigation; and if the individual wants to go into court, he may commence proceedings in the Federal court having jurisdiction of the postmaster, and have a summary investigation of the law and the facts. The purpose of the bill is to give men who feel that they have been wronged, that fraud orders have been issued against them on improper or imperfect proof, an opportunity to have the matter heard according to established procedure in the court; but pending the proceeding, the Postmaster-General can have the mails withheld in the post-office where they would be delivered indefinitely until the matter is determined.

Mr. PAYNE. Does the bill open up a way for any liability for damages on the part either of the Government or the Postmaster-General, or is it simply a mandamus proceeding?

Mr. CRUMPACKER. No; it does not open up any way for liability; it does not fix any additional responsibilities, and it does not create any basis for actions of a civil character or any other kind, excepting it undertakes to give the right to the individual against whom a fraud order is to be issued to go into a court of record and have the facts investigated upon evidence that is recognized in courts of law.

Mr. PAYNE. What remedy is proposed under the bill?

Mr. CRUMPACKER. The remedy I undertook to explain a moment ago is that the individual has the right to go into a court and commence proceedings to review the procedure for the order on the facts.

Mr. PAYNE. What judgment can he get on the facts? There must be some relief contemplated.

Mr. CRUMPACKER. Of course, the Postmaster-General can not make the fraud order final in proceedings of that kind until there is a judgment of the court upholding him, declaring that the conduct of the person to be affected by the order has been such as to justify the issuance of the order. Then the order will be made final in contested cases. If the court decides otherwise, then the order is not to be issued.

Mr. PAYNE. The gentleman is satisfied that the bill would not create any liability or open up the way for liability of a pecuniary nature on the part of the Postmaster-General or of the United States?

Mr. CRUMPACKER. I am satisfied of that.

Mr. HINSHAW. Does appeal lie from this judgment of the Federal court to the Court of Appeals?

Mr. CRUMPACKER. I should presume it would; like any other—that in any other proceeding.

Mr. HINSHAW. On the part of the Postmaster or the man who is injured?

Mr. CRUMPACKER. Yes.

Mr. HULL. In case of appeal the order of the Postmaster-General would be effective until the higher court had decided?

Mr. CRUMPACKER. Yes. There is no opportunity to defraud the Government. Mr. Speaker, I reserve the balance of my time.

Mr. STAFFORD. Mr. Speaker, before the gentleman sits down I would like to ask him a question. Has the bill which the gentleman has introduced, which is referred to in this resolution, the support of the Postmaster-General?

Mr. CRUMPACKER. I do not know.

Mr. STAFFORD. Was any hearing had before the committee as far as the gentleman knows? The gentleman will recognize that this matter is largely a matter that pertains to the regulation of postal affairs, rather than to matters that come within the purview of the Judiciary Committee.

Mr. CRUMPACKER. I want to save some of my time to close the debate. I submitted the bill to Mr. OVERSTREET, the chairman of the Committee on the Post-Office and Post-Roads——

Mr. STAFFORD. I will state to the gentleman that I will be pleased to yield him some of my time.

Mr. CRUMPACKER. I submitted the bill to Mr. OVERSTREET, and he said the bill ought to be passed. He has had experience enough to believe that the bill ought to pass, and all I am asking now is to give the bill a status on the Calendar, so it can be taken up on its merits.

Mr. DALZELL. What is the motion of the gentleman?

Mr. CRUMPACKER. The motion is to pass this resolution putting the bill on the Calendar as a privileged bill, so it can be taken up in the future and considered on its merits. I have not the time to go into the merits of the bill now, as it would take considerable time to debate it fully. I am simply asking now to have the bill put where the House can consider it, where it can be investigated and thoroughly considered, and then the House will be able to act intelligently.

Mr. KEIFER. I desire to ask the gentleman one question, and that is whether under the present law or regulations of the Post-Office Department any notice is given to a person who is supposed to be violating postal laws?

Mr. CRUMPACKER. In most of these cases notice is given, in some not. Now, I reserve the balance of my time.

Mr. STAFFORD. Mr. Speaker, I do not desire to take up the time of the House in a discussion of the merits of the bill, as the only purpose of the resolution which has been reported to the House is to provide for the consideration of the bill later on. I have no objection to its passage.

Mr. LITTLEFIELD. Mr. Speaker, I would like to inquire of the gentleman from Indiana what time is fixed for the consideration of the bill?

Mr. CRUMPACKER. There is no time fixed; the resolution simply gives it the status of a privileged measure.

Mr. LITTLEFIELD. Would the gentleman be likely to call up the bill before the holidays?

Mr. CRUMPACKER. No; it will not be called up until after the holidays.

Mr. LITTLEFIELD. I am interested in the bill and in favor of its general principles.

Mr. CRUMPACKER. Mr. Speaker, I ask for a vote on the resolution.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the resolution was passed.

VALIDATING CERTAIN CERTIFICATES OF NATURALIZATION.

Mr. BENNET of New York. Mr. Speaker, I move to suspend the rules, and pass the following bill:

The SPEAKER. The gentleman from New York moves to suspend the rules, and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20465) to validate certain certificates of naturalization.

Be it enacted, etc., That naturalization certificates issued heretofore and under the act approved March 3, 1903, entitled "An act to regulate the immigration of aliens into the United States," went into effect, which fail to show that the courts issuing said certificates complied with the requirements of section 39 of said act, but which were otherwise lawfully issued, are hereby declared to be as valid as though said certificates complied with said section, but shall not be by this act further validated or legalized.

The SPEAKER. Is a second demanded?

Mr. HEPBURN. Mr. Speaker, I demand a second.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York is entitled to twenty minutes and the gentleman from Iowa [Mr. HEPBURN] is entitled to twenty minutes.

Mr. BENNET of New York. Mr. Speaker, the necessity for this bill arises out of these facts: In March, 1903, there was approved an immigration bill which had, among other provisions, this:

All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto, shall on final application for naturalization make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and his witnesses so far applicable, reciting and affirming the truth of every material fact requisite for naturalization.

Then it had this:

All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

It will be seen from this there was no duty cast on the applicant for naturalization. The form of these certificates was at that time as the will of the clerk of each particular court made. There were numbers of courts, county courts and higher courts, throughout the States which never heard of this law of 1903,

and they went on issuing certificates of naturalization without complying with this law. All those naturalizations were void and are void. Applications come continually to the office of the Secretary of State for passports based on these certificates, and they are all rejected, as they necessarily must be.

Mr. MADDEN. Was there not a law passed during the last session of the House validating them?

Mr. BENNET of New York. There was not. It was introduced and passed this House, but the Senate failed to concur in all of it, and the gentleman from Illinois [Mr. MADDEN] may be interested to know they amended it so as to apply to the criminal court of Cook County, Ill., only, and that at the request of his colleague [Mr. MANN] the Immigration Committee consented. The bill came before the House at a very late day of the session, too late for the bill to get through conference, and the House did concur so as to cover those particular cases in Cook County as to which question had been raised, and immediately this bill was introduced to cover the entire subject. Not only are passports impossible of granting on these certificates, but title to real property is affected, as in many of the States an alien can not take or transmit real property. And therefore there had been unquestionably hundreds and perhaps thousands of conveyances since March 3, 1903, that are absolutely void unless cured by some act such as this. I reserve the balance of my time.

Mr. HEPBURN. Mr. Speaker, the statement that the gentleman has made shows the importance of the legislation of 1903. It was important legislation. It did effect radical changes in the methods by which a great many of unworthy and undesirable citizens are thrust into the civic forces of this country. The gentleman tells us as one of the reasons why this bill should pass a most alarming condition of affairs. I can scarcely conceive it to be possible when he announces to us that very many of the courts were entirely uninformed as to the passage of this law, courts that had to deal directly with the law, courts whose duty it was to be familiar with the law, courts which had obligations and duties imposed upon them by the law. The gentleman tells us that these tribunals were entirely uninformed of the existence and character of the statute. Mr. Chairman, if that is true, then we ought to debate this matter long enough to bring this subject to the attention of everybody in the United States. This is an important subject. The gentleman has told us of the great interests that are in jeopardy by reason of the failure of Government officials to perform their sworn duties. Many titles, he says, are in jeopardy. The rights of traveling citizens are affected, and the protection of the Government withdrawn from them because of these negligently criminal offenses on the part of the courts. I am unwilling that these acts should be validated. It is very much better that the individuals should suffer, the individuals who sought naturalization, who ought to have known the possibilities of the law of naturalization, who had the duty imposed upon them to know under what terms and by what processes the valuable boon of citizenship should be given—it is very much better that those persons who now, having been advised, should go back and secure that naturalization in the proper way, which, perhaps, in some instances, at least, for fraudulent purposes, they did not seek in the proper way.

Mr. TAWNEY. Will the gentleman from Iowa [Mr. HEPBURN] permit an interruption?

Mr. HEPBURN. Certainly.

Mr. TAWNEY. Would it not be imposible for those people, whose naturalization is defective because of the things stated by the gentleman from New York [Mr. BENNET], to make a new application and be naturalized in accordance with the law at the present time?

Mr. HEPBURN. Undoubtedly. If they are entitled to naturalization, if they have not received it, if the courts have been fatally in error as to their duties, if they can not have the records made as they should be made and receive the certificate that they are entitled to under the law, they can not be deprived of that right by the negligence and failure to perform a duty of an officer of the Government. The doors of the courts are open to them now, and they ought to be required to pursue the course all other persons do under similar circumstances. No one knows what there is in this broad blanket that the gentleman proposes to throw over all the courts during the last three years. How many cases are there of this kind? How many men are there that will secure rights under this legislation, depriving others of rights, perhaps, and what are the amounts involved? The gentleman has contented himself by simply telling us that there are very many of them. I do not know how many individual cases there may be; I do not know how many thousands or tens of thousands or millions of dollars may be involved in these questioned property rights, and therefore I think we ought to have some information upon as important a matter as this.

Mr. HILL of Connecticut. Is it not the duty of the court, if a man has made a declaration of his intention and has paid for his naturalization that is wrongfully issued, without this legislation to make good and to give him good and substantial papers in place of those he now holds?

Mr. HEPBURN. I would suggest, Mr. Speaker, that there would be no difficulty in the case of anybody who suffers under the disabilities described by the gentleman in going into court, and if he had failed to furnish these affidavits and these proofs under which the courts obtained jurisdiction—mind you, if they had failed thus far by making good their own default and vesting the court with jurisdiction, they can then secure the proper records to be made and secure the issuance of the proper certificate to be had, preserving all of their rights. And that is a very much safer way, in my judgment, than it is to have this blanket process, to enter upon a domain we do not know how broad it may be, starting on a way we do not know where it is to end, and jeopardizing the rights of other persons that we now have no ken of.

Mr. KEIFER. Will the gentleman permit me to ask him a question?

Mr. HEPBURN. I yield to the gentleman.

Mr. KEIFER. I want to ask the gentleman whether these persons whose rights of citizenship are now sought to be cured have not already been naturalized in the same way that the great majority of the naturalized citizens of the United States have been naturalized?

Mr. HEPBURN. Mr. Speaker, I presume that may be so. I do not know, and the gentleman has not informed us. But I will assume that is so. I want to remind the gentleman from Ohio that Congress solemnly resolved that these older methods were obsolete, they would no longer serve; that under these old methods there have been frauds perpetrated. The gentleman called attention to this condition in the courts. I do not know where they are.

Mr. KEIFER. The State courts.

Mr. HEPBURN. I do not know what the motives or influence may have been. The gentleman says it is ignorance, and no motive at all. I do not know what political considerations there may have been. It might have been men were trying to bring in aliens in this improper manner and get them naturalized, so that finally they might make an assault upon the ballot. I do not know. We determined that that should not continue. Therefore, the argument that may be drawn and that the gentleman seems disposed to draw, that they were following the old methods, will not suffice to influence the judgment of this House, when, at least largely, the membership has decided that the old method should no longer obtain and that the newer method was the better one. [Applause.]

Mr. KEIFER. I understand that the State courts in Iowa and in many of the other States have overlooked that statute.

Mr. HEPBURN. Why do you say Iowa?

Mr. KEIFER. Because I am informed the State courts generally throughout the United States for a time overlooked the statute and naturalized, for that reason, under the old law and old provision. They did it in my State; and these people who made the application were not to blame so much as the courts, if anybody was to blame.

Mr. HEPBURN. Why can the gentleman say that the applicant for naturalization is not to blame if he does not comply with the provisions of the law?

Mr. KEIFER. Because he makes his application on blanks that the court officers furnish him.

Mr. HEPBURN. Mr. Speaker, you must remember that a man who seeks naturalization comes asking for benefit; he comes asking for privilege, a high privilege, a privilege that is given to him with limitations, limitations that he must have knowledge of. Is it possible that the gentleman proposes to make an argument in favor of naturalization for a man who is so densely ignorant of our laws and our customs and our methods that he does not even know the statute and provisions of the statute that confer upon him this great boon of citizenship? It is not a light matter to confer upon a man citizenship of the United States, to dilute, as we often do, our political power in the States by the admission, in very many instances, of improper persons.

Mr. DALZELL. I would like to ask the gentleman from Iowa a question for information?

Mr. HEPBURN. I yield to the gentleman.

Mr. DALZELL. As I understand it, this thirty-ninth section of the act of March, 1903, provides substantially that no anarchist shall be naturalized. It also provides on the face of every certificate it shall appear that the party has made that fact

appear by affidavits prescribed under the terms of the act. Now, do I understand that this proposed law is to validate certificates that neither show that he is not an anarchist nor that he has complied with the terms of the act?

Mr. HEPBURN. That is what the gentleman from New York stated in his opening address, and that is one of the reasons that he gave for this most astonishing method.

Mr. DALZELL. Then I do not think it is worth while consuming the time of this House to do away with the force of the act of the last Congress.

Mr. HEPBURN. I will yield to any gentleman who desires to oppose the passage of this bill. [After a pause.] I will reserve the balance of my time.

Mr. BENNET of New York. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from New York has sixteen minutes remaining, and the gentleman from Iowa nine.

Mr. BENNET of New York. I yield five minutes to the gentleman from Colorado.

Mr. BONYNGE. Mr. Speaker, at the last session of Congress we passed a new naturalization law. Under that law the irregularities that have been mentioned as having occurred under the act of 1903 will become absolutely impossible. The condition is simply this: In section 39 of the act of March, 1903, the duty was not imposed upon the applicant but upon the court. At that time there were in the United States some five thousand different courts having jurisdiction under the naturalization laws. Many of these courts did not follow the provisions of this statute. They did not change the form of their naturalization certificates. It may be that they required the affidavits. It may be that they examined the applicants and determined that they were in every way qualified for citizenship; but when they came to issuing the certificate they used the old form of certificate, and did not place in that certificate what section 39 required should be stated, namely, that the provision in question had been followed.

Mr. MARTIN. Will the gentleman yield for a question?

Mr. BONYNGE. Certainly.

Mr. MARTIN. If, as a matter of fact, section 39 has been complied with in these cases, is there anything to prevent the court that issued the certificates from amending the certificate and making the proper recital?

Mr. BONYNGE. Yes; I should think so.

Mr. MARTIN. What?

Mr. BONYNGE. They can not go back and change that certificate now.

Mr. MARTIN. It seems to me if there was a mere omission in form, if the wrong form has been used, the court that issued that might correct it.

Mr. BENNET of New York. Let me suggest to the gentleman that some of the courts that issued those certificates do not now have the right to naturalize applicants.

Mr. BONYNGE. Certainly. Many of the 5,000 courts then having jurisdiction in naturalization cases, have been deprived of that jurisdiction under the new naturalization law passed at the last session of Congress. Now, at the last session, in addition to passing the general naturalization law, we did pass, as the gentleman from New York has stated, a bill authorizing the validating of certificates issued by the criminal court of Cook County. There has been some question as to whether that court was authorized, under the law then in force, to issue naturalization certificates. The court had issued a great many such certificates, and those certificates had not been issued in accordance with this section. We have validated all the certificates issued by that court, and the purpose of this legislation is only to correct, not the error of the applicants, but the error of the courts that were authorized to issue naturalization certificates.

Mr. LACEY. I should like to ask the gentleman a question. Is it not true that under the recent naturalization law blanks have been furnished by the United States Government to all these courts, so that errors like this will never occur again?

Mr. BONYNGE. Certainly. All the certificates and all the forms to be issued in naturalization proceedings are now regulated by the law enacted at the last session. They are all provided by the Federal Government and furnished to the courts that have jurisdiction in such cases. The fault was not with the applicant. The fault was with Congress in the form of the legislation that we had. We allowed this loose method to go on, and, in my judgment, it would now be wrong to work a hardship upon the applicant, not because of any fault of his, but because of our failure properly to regulate naturalization proceedings, thereby depriving many worthy citizens of their right of naturalization when they have in every respect complied with the law. The same reasons that actuated us in correcting the error in the court of Cook County certainly should control us in respect to all other courts. It only affects this one particular feature of the law and does not in any other way validate the certificate. Unless the certificate of naturalization was properly issued in every other respect this law will not validate it, and it only validates the omission of the court. Nothing else is cured or corrected by this legislation. In my judgment the bill ought to pass.

Mr. MARTIN. Mr. Speaker, one further question.

Mr. BONYGNE. Yes.

Mr. MARTIN. Section 39, to which the gentleman has referred, seems to require the court to make certain examination as to the qualification of the applicant.

Mr. BONYNGE. Yes.

Mr. MARTIN. Upon this particular question?

Mr. BONYNGE. It does.

Mr. MARTIN. Now, if this bill is passed into law, would not the effect of it be to validate the certificate in a case where the court had not complied with the law in this respect?

Mr. BONYNGE. Not at all, because the bill provides that it shall only validate the certificates in the cases where the certificate itself has failed to show upon its face that which the law required, and then only to validate those certificates in cases where the law was in all other respects complied with.

Mr. MARTIN. Yes; but not in that respect——

Mr. BONYNGE. But in that one respect only, namely, the failure of the court in the issuance of its certificate to show upon its face that it had complied with the requirements of the law. And the bill provides that it only validates certificates in such cases. The certificate must in all other respects be legal, or else it will not be validated.

[Here the hammer fell.]

Mr. BENNET of New York. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, after listening to the explanation made by the gentleman from Colorado [Mr. BONYNGE] it impresses me that there is need to have the law passed, because if we do not pass it there will be hundreds and thousands of certificates of naturalization held by people throughout the country who believe they have the right to citizenship, and will never know that they have not that right until they make application for a passport or papers of some other similar character. It has not been the fault of the applicants that these certificates were not in proper form, but it was the fault of the courts that did not furnish the proper blanks necessary to carry out the law As all the certificates that were issued prior to the enactment of the law of 1903 were in the same form as those issued afterwards, that are by this bill sought to be validated, there can not be any great harm in validating all the certificates, so that all the people who have taken out certificates will know once and for all that they are full-fledged citizens of the United States.

Mr. BENNET of New York. I now yield three minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, I am sure that no Member of this House would want, by withholding support of this bill, to do injustice to anyone who honestly sought citizenship in this country. The purpose of the bill is not to correct errors of the applicant, but rather to correct errors or oversights made by the courts in issuing the certificate.

The persons who have been naturalized within the time covered by this bill are not the undesirable persons referred to by the gentleman from Iowa [Mr. HEPBURN]. The persons who are to be affected by this bill are men of industry and economy who have purchased property. That title to such property is affected by the oversight of the courts in issuing the certificates referred to. The question may not be raised during the lifetime of the man who has by his industry secured a home for his family. The question may not be raised until after his death, and then it may be raised to the injury of those who have been left and provided for by him. I think that, in view of the fact that this is a bill to correct oversights of the court rather than of the applicant, there ought not to be any hesitation whatever in passing this law and protecting those who have acquired property and shown themselves to be honest and industrious citizens.

The Republic has not been populated wholly by native-born American citizens. Many citizens who have contributed to its greatness and glory were foreign born and have sought citizenship here in the way provided by law through the courts. They have not the responsibility in the methods pursued in naturalization, but the responsibility is upon the courts, and where the courts err the applicant, the man made a citizen, ought not to be held responsible for the error and oversight of the courts and made to suffer. I sincerely hope that the bill may pass.

Mr. BENNET of New York. Mr. Speaker, as I intend to use the balance of my time in one speech, I would like to have the gentleman from Iowa use his time.

Mr. HEPBURN. Mr. Speaker, I do not care to use all my time. If any gentleman desires, I will yield to him. If not, I would like to correct some errors gentlemen have unwittingly fallen into in regard to the character of this legislation. The gentleman from Kansas [Mr. CAMPBELL] has just said that this legislation is to correct defects resulting not from the conduct of the applicant for naturalization, but to correct errors of our courts. I deny this. That is not the language of the law. There are duties imposed upon the individual as well as upon the courts. Let me read the statute:

All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

Here is a duty imposed upon the applicant. It is an affidavit from the applicant that must be made; it is the affidavit of his witnesses that must be made and filed, not simply reciting the facts that exclude him from the class of anarchists, but recites every material fact essential to naturalization—everything—facts that the courts can not be advised of except through his affidavits—the affidavits that are antecedent to the making of the record, that must be completed before the duties of the clerk in making the record begins, or the duty of the court in authorizing the certificate begins.

Mr. BUTLER of Pennsylvania. As I understand, if this affidavit has not been made of the general qualifications of the applicant, his certificate may be invalidated without the affidavit being filed?

Mr. HEPBURN. If this act passes, these men are citizens, and they are citizens without having shown these material facts that are essential to confer the right of citizenship.

Mr. MARTIN. Mr. Speaker, I would like to obtain the view of the gentleman from Iowa [Mr. HEPBURN] as to whether as this bill is drawn its effect would not be to cure cases in which courts have not entered at all into the investigation of the facts.

Mr. HEPBURN. Undoubtedly. It cures cases that have been made since the passage of the act of March 3, 1903.

Mr. BONYNGE. Will the gentleman allow me to call his attention to the language of the bill?

Mr. HEPBURN. Certainly.

Mr. BONYNGE. The bill provides that naturalization certificates issued heretofore and under the act approved March 3, 1903, entitled "An act to regulate the immigration of aliens into the United States," went into effect, which failed to show that the courts issuing said certificates complied with the requirements of section 39 of said act, but which were otherwise lawfully issued, are hereby declared to be as valid as though said certificates complied with said section, but shall not be by this act further validated or legalized. That is, simply in those cases where the certificate failed to show that the law had been complied with, but the other provisions of law must have been complied with.

Mr. HEPBURN. Mr. Speaker, the gentleman is again in error. Let me read the statute:

All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

The certificate must show that the affidavits were filed.

Mr. BONYNGE. Yes.

Mr. HEPBURN. Now, then, if the certificate does not show that, if the affidavits were filed, if they were made a matter of record, if the court had particularly inquired into all of these matters and the recitals of the records so show, it is a small matter for that man who holds this defective certificate to appear before the court and ask for the certificate that he is entitled to. It is like the correction of any mere technical error in a decree, which can be corrected in that way. There is no other party to the record. No notice has to be served upon anybody else. All this man has to do in order to secure this boon of naturalization is to go into that court and say that that certificate is informal. But I undertake to say, Mr. Speaker, that but few instances will be found where there is simply an omission in the certificate to recite facts that have in fact occurred. If the affidavits are filed, if there is this investigation, it is such a departure from the old method as to do away with the suggestion of the gentleman from New York as to ignorance of the courts. The party was not ignorant. He knew, or his attorney that appeared for him knew, what it was necessary to recite in that certificate. These are important matters, prerequisites essential to the jurisdiction of the court, without which the court has no power to act, without which the certificate of the court is void if he issues it, and it seems to me they always would have been complied with.

Mr. BONYNGE. Will the gentleman permit another question?

Mr. HEPBURN. Certainly.

Mr. BONYNGE. You would certainly have to give notice to the applicant in some way that the certificate was illegal. The gentleman says that they should know that it is the law.

Mr. HEPBURN. It is his duty to know that he is not naturalized.

Mr. BONYNGE. This section 39 was section 39 of a law entitled "An act to regulate immigration." This naturalization section never had any place in that law, and it is very probable that the courts did not know that a law passed to regulate immigration provided new rules for the court in issuing naturalization certificates, and it is because of that fact that the courts and the applicants were not familiar with this provision of law.

Mr. HEPBURN. Mr. Speaker, these gentlemen are treating this subject as though a boon were conferred upon the Government and the people when naturalization was accepted by one of these men. I do not so regard it. I know of no boon that can be given to a man greater than that of citizenship in the Republic. It ought to be a thing valued by him. He ought to know something about the requirements. He ought to know something about the benefits conferred, and I am unwilling to treat the subject in this way, to treat it, in fact, with levity and make a farce of it, to make these requirements, and then when men contemptuously refuse to obey them to come in with this piece of blanket legislation that the gentleman himself can not tell within thousands of cases, perhaps, how far reaching it is to be. The gentleman knows nothing with regard to the property rights interested, except in the most vague manner, yet he comes to us with this piece of legislation to cover all of the cases and attempts to pass it with twenty minutes of argument under a suspension of the rules. I think that is going a long way toward treating the subject of naturalization with contempt.

Mr. BONYNGE. Will the gentleman permit another question?

Mr. HEPBURN. Certainly.

Mr. BONYNGE. Does the gentleman from Iowa think that the contempt was on the part of the applicant or on the part of the court, when the duty was imposed upon the court to make its certificate contain this showing and the court failed to comply with the law? Who was guilty of contempt?

Mr. HEPBURN. I am not going to enter into any controversy with the gentleman as to who was most derelict of duty. The court ought to have known, and the man who seeks naturalization in the United States ought to know, the law under which it is conferred upon him.

Mr. OLMSTED. May I ask the gentleman a question?

The SPEAKER. The time of the gentleman has expired.

Mr. BENNET of New York. Mr. Speaker, this bill applies not only to the man who took out naturalization, but to his wife and his children, and to anyone, native born or alien born, who bought real estate from him and holds title through him. If it applied merely to the original alien I would not advocate the bill, because, as the gentleman says, he could go back to the court and get his certificate corrected or at least take out a new naturalization; but here we have created a situation where county courts, which now by the action of this Congress are not permitted to naturalize any more, have, in ignorance of the statute, which was a section in an immigration and not a naturalization bill, issued invalid certificates.

Mr. MARTIN. Will the gentleman permit a question?

Mr. BENNET of New York. Just a question.

Mr. MARTIN. Then, if I understand, under your view of this proposed act persons would have their certificates corrected where the court had not gone into an inquiry of the facts required by section 39.

Mr. BENNET of New York. Not at all; because this law only validates certificates otherwise lawfully issued.

Mr. MARTIN. It seems to me it clearly covers cases where the court had not gone into the inquiry required by section 39.

Mr. BENNET of New York. Not at all. In large cities, such as Pittsburg, and such a city as the one in which I live, the State and Federal courts comply literally with the Federal law.

Mr. KENNEDY of Ohio. If your theory of your bill is correct then you would have a great number of naturalization certificates in the hands of people, the certificate on its face not

showing whether it was a valid naturalization paper or not. One would have to go to the court and inquire of the record to find out whether one of these people with this paper in his possession was a citizen or not.

Mr. BENNET of New York. No; not if this bill passes.

Mr. KENNEDY of Ohio. If this bill passes, as I understand, the naturalization paper will not be valid unless the court's record contains these affidavits.

Mr. BENNET of New York. Unless the other steps were taken, yes. I will say this to the gentleman, that that same criticism applies to every naturalization certificate issued prior to the uniform naturalization law which we passed last year, and that was one of the reasons for passing that law.

Mr. GAINES of West Virginia. Will the gentleman permit a question?

Mr. BENNET of New York. Certainly.

Mr. GAINES of West Virginia. I understand this identical bill passed the last session, did it not?

Mr. BENNET of New York. No, sir.

Mr. GAINES of West Virginia. Did we not pass this law?

Mr. BENNET of New York. This bill?

Mr. GAINES of West Virginia. This bill in the House.

Mr. BENNET of New York. If the gentleman will permit an answer not quite categorical, I have just answered the gentleman from Illinois [Mr. MADDEN].

Mr. GAINES of West Virginia. I heard the answer to the gentleman from Illinois.

Mr. BENNET of New York. A bill containing this exact language, which had another section, was passed in the last days of the session. The other section cured other defects. That bill was amended to cover the court of Cook County, Ill., where they had 20,000 invalid naturalizations. Questions had been raised. The Senate concurred in our action to that extent. At the request of the gentleman from Illinois [Mr. MANN] the committee recommended concurrence and this House concurred. The House has once passed this subject-matter.

Mr. GAINES of West Virginia. Is it not true, then, if we now pass this bill we will be sending over to the Senate precisely the same proposition which the Senate during this Congress rejected?

Mr. BENNET of New York. That is absolutely correct; but we have hopes of changing the mind of the Senate of the United States.

Mr. GAINES of West Virgina. Does not the gentleman then think he is not only asking us to vote to suspend the rules of the House, but to vote to suspend the rules regulating the proprieties of legislative intercourse between the House and the Senate?

Mr. BENNET of New York. Not in the slightest degree.

Mr. GRAHAM. Will the gentleman allow me to interrupt him?

Mr. BENNET of New York. Certainly.

Mr. GRAHAM. If these affidavits are properly filed before the court, what is to prevent the court from sending word to have those certificates brought in and stamped in accordance with the law?

Mr. BENNET of New York. You can not find the people.

Mr. GRAHAM. You can notify the ones they have naturalized.

Mr. BENNET of New York. They do not know where they are now. If a man gets naturalized in Pittsburg and goes out to Oklahoma, and moves to Minnesota——

Mr. OLMSTED. Will the gentleman yield for a moment?

The SPEAKER. The time of the gentleman from New York [Mr. BENNET] has expired.

Mr. BUTLER of Pennsylvania. Mr. Speaker, is it in order to ask unanimous consent that the time may be extended? If so, I ask unanimous consent that time for the discussion of this measure may be continued for twenty minutes.

Mr. OLMSTED. I would like to have five minutes.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I will change my request and ask for half an hour, fifteen minutes to be controlled by the gentleman from New York [Mr. BENNET] and fifteen minutes by the gentleman from Iowa [Mr. HEPBURN].

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. BUTLER] that the time be extended for half an hour, fifteen minutes to be controlled by the gentleman from New York [Mr. BENNET] and fifteen minutes by the gentleman from Iowa [Mr. HEPBURN]. Is there objection?

There was no objection.

Mr. HEPBURN. Mr. Speaker, I will yield to the gentleman from Pennsylvania [Mr. BUTLER] five minutes.

Mr. BUTLER of Pennsylvania. I do not care for five minutes. Mr. Speaker, I would like to state my understanding of this bill. Section 39 of the act of 1903 requires every person who applies for naturalization to do something; and that is, to satisfy the court he is not an anarchist, that he is in sympathy with the Government of the United States. The measure considered here this morning will validate every naturalization certificate without requiring the person who applies to make the affidavit required by the thirty-ninth section of the act of 1903. Assuming that to be so, then those already naturalized, but whose certificates are deficient, will not be required to state their opinions upon the form of our Government and make the affidavit requiring them to subscribe thereto. They will not be required to qualify that they are not anarchists. They will escape the provisions of existing law. These applicants will have their certificates without having complied with the requirements of this section. Furthermore, there is nothing in this act to require their appearance in court. The court of its own motion may validate all of these certificates, and the very person against whom the thirty-ninth section of the act of 1903 was directed will be exempt from its provisions. Mr. Speaker, it seems to me that if this measure should become a law, it will entirely nullify the purpose of section 39, which we were so anxious to have inserted in the act of 1903—to provide against the naturalization of anarchists. That is all the time I care for.

Mr. HEPBURN. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, it seems to me that this is a very important bill and a dangerous one. The report accompanying it sets forth that in violation of the act of 1903 there have been thousands of certificates of naturalization issued which are null and void because there was no compliance with the requirements of that act; that there should be filed an affidavit setting forth, among other things, that the applicant did not possess those disqualifications enumerated in the act which are usually attributed to those persons whom we commonly style anarchists, and also "reciting and affirming the truth of every material fact requisite for naturalization." The certificate issued by the court must show compliance with this requirement.

This bill proposes to make all those illegal naturalization certificates valid just the same as if all the requirements of law had been complied with. To that I am opposed.

It is said in explanation that neither the court nor the applicants were familiar with the provisions of the act of Congress. There is an old legal maxim that "ignorance of the law excuses no man." Certainly it does not excuse a court or an applicant for naturalization. I am one of those who believe that naturalization is a privilege that ought not to be carelessly or illegally conferred——

Mr. BENNET of New York. Will the gentleman yield for a question?

Mr. OLMSTED. Certainly.

Mr. BENNET of New York. Ought a man's transferees of real estate to suffer for the fault of the court when the man is without fault?

Mr. OLMSTED. Mr. Speaker, the man was not without fault—his counsel was not without fault—and whether they were or not he ought not to obtain naturalization without complying with the requirements of law.

It is a very simple matter if the act was complied with and the affidavit filed. In that case it has become part of the records of the court, and it would be a very simple matter to apply to that court and have the proper certificate issued. It is a fact, Mr. Speaker, that the Attorney-General of the United States is now hunting out thousands of cases of fraudulent naturalization. I know one judicial district in which the United States district attorney has been informed by the Department of Justice that there have been some thousands of cases of fraudulent naturalization certificates. He is instructed to look them up. Now, while he is looking them up, while the Department of Justice is prosecuting them, it is proposed by one brief exactment that we shall make them all valid, no matter what the conditions under which they were issued.

Mr. BONYNGE. Will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. BONYNGE. Does the gentleman contend that the passage of this bill will in any way prevent the Attorney-General or the district attorneys in the various districts under the bill passed the last session of Congress from proceeding under the provisions of that bill to have declared null the certificates that were illegal?

Mr. OLMSTED. The trouble with this bill is that it will make them legal, although they are now illegal.

Mr. BONYNGE. Does not the gentleman see that he makes it legal only as to one requirement? The language of the bill is that the certificate which fails to show that the court issuing the certificate complied with the law, but which was other-

wise legally issued, was valid. That is, all the other provisions must be complied with. This examination must have been had, and it is only in cases where the court simply failed to give a certificate showing that it complied with the law that this bill applies, and if passed, it validates those only where the certificates fail to contain the statement required by the act of 1903.

Mr. OLMSTED. Who on earth would investigate each case and find out whether all the other requirements of the law had been complied with? Who would know? Here you propose to enact a general sweeping ratification and validation. There is nobody whose duty it would be to investigate to ascertain whether the other requirements had been complied with. But, Mr. Speaker, this particular requirement was the most important that the law imposed, that there must be an affidavit reciting affirmatively the truth of all the facts necessary to naturalization. If that affidavit has not been filed, they are not entitled to naturalization and never ought to have been granted certificates conferring that right and privilege.

Mr. BONYNGE. The gentleman speaks of the requirement that the affidavit should be filed as the most important requirement. I will agree with him, but this bill does not, as I tried to show to the gentleman, affect that provision of the law. The requirement that the certificate itself should show that the affidavit was filed the gentleman will hardly contend was so important if, as a matter of fact, it was filed. Now, this law simply deals with the certificate and nothing else.

Mr. OLMSTED. The act of 1903 says that all courts shall make an inquiry as to the truth of the facts in addition to the affidavits. This act says that if the certificate fails to show that the affidavit was filed or that the court made the inquiry, nevertheless the certificate shall be valid.

Mr. BONYNGE. If otherwise legal.

Mr. OLMSTED. But where is the evidence that the courts did make the inquiry, if the record does not show it and the certificate does not show it? I submit, Mr. Speaker, that this is a very dangerous bill. It validates thousands of naturalization certificates which never ought to have been issued and are absolutely illegal and void to-day.

[Here the hammer fell.]

Mr. BENNET of New York. I yield five minutes to the gentleman from Ohio [Mr. KEIFER.]

Mr. KEIFER. Mr. Speaker, I think we are running off into side issues somewhat and discussing questions that do not and can not arise under this bill should it become a law. The trouble urged against it is that the immigrant to this country did not come here possessed of knowledge as to the precise terms of a section of an immigration bill that related to naturalization. I make a guess that nine-tenths of the Members of this House, some of whom participated in the passage of that bill, do not remember the terms of that section. I understand that many of the State courts, in all of the States of the Union, forgot or ignored it for a time at least; and to-day we are discussing the question as to whether we shall apply a severe rule to these immigrants because they were not able to advise their attorneys, if they had attorneys, and to advise the courts that they appealed to to grant them naturalization as to what the law of the land was, and they proceeded, under all the solemnity of the old law, and succeeded in getting naturalization certificates that are substantially, if not precisely, in accord with the naturalization certificates issued in the United States for more than one hundred years prior to 1903. And yet we hesitate to say whether persons who have been thus unfortunate shall be in a situation where they can make valid, or where the courts can make valid, their certificates. We hesitate to say that their children, whose naturalization may depend upon this, shall become naturalized, because we imagine that somehow or other these ignorant immigrants could not instruct the State courts and lawyers of this country just how to prepare a certificate that was not in exact accordance with a section, not of a naturalization law, but of an immigration law. There is where we are. I think that is sufficient to be said. There is no attempt by this bill to validate fraudulent naturalization papers, for it is carefully drawn on that subject. It only undertakes to make valid the certificates which are not in form according to section 39 of the immigration law.

Mr. OLMSTED. Will the gentleman from Ohio permit me?

Mr. KEIFER. Certainly.

Mr. OLMSTED. I think the gentleman is mistaken in understanding that this bill relates only to the certificate. The act of 1903 requires an inquiry by the court into all these matters. This bill says that if the courts issuing the certificates have failed to comply with the requirements of that act, nevertheless the certificates shall be valid.

Mr. BONYNGE. Oh, no.

Mr. KEIFER. Read the closing sentence of the bill which you have in your hand.

Mr. LITTLEFIELD. That ought to be read in connection with the beginning of the section. That is, that naturalization certificates issued heretofore, which fail to show, and so forth.

Mr. BONYNGE. It is the naturalization certificate that is validated.

Mr. OLMSTED. Certificates which fail to show that they complied with the requirements of the section?

Mr. KEIFER. Yes.

Mr. OLMSTED. And one of the requirements is not only that the certificate shall show the filing of an affidavit, but that the affidavit shall be filed with the court, and that the court shall make inquiry into all those matters.

Mr. BONYNGE. That is not the effect of it.

Mr. OLMSTED. It is capable of that construction.

Mr. KEIFER. If the gentleman will read the last clause of the bill he will see it is very carefully drawn, and that it does not validate anything save and except the defect in the certificate. I think I am substantially correct in that.

[Here the hammer fell.]

Mr. HEPBURN. I yield five minutes to the gentleman from South Dakota.

Mr. MARTIN. Mr. Speaker, there seems to be some difference of judgment and opinion between Members of the House as to what would be the effect of the passage of this bill. I agree entirely with the general statement of the gentleman from Iowa [Mr. HEPBURN] upon that subject. I believe that the effect of the passage of this bill would be not only to validate certificates in which a mere recital was not made in compliance with section 39, but to validate also the certificates in cases where the other provisions of section 39 were not in fact complied with. In his argument the gentleman from New York [Mr. BENNET] held and takes the other position. The gentleman says, however, that section 39 of the act of March, 1903, is not a section in a naturalization law, but an immigration law, and that many of the courts and the parties applying for naturalization knew nothing about it. It is difficult to conceive of a case where a court has had its attention called to the language of the anti-anarchistic clause and has made the examination required by the section, and yet has failed to recite this fact on the face of the certificate, because the section itself is positive that no certificate shall be valid that does not state that on its face. There is little doubt that in all cases in which the court has actually made the examination and required the person applying for naturalization to give an affidavit that he is in sympathy with the principles of our Constitution and Government the certificate would, in fact, show it. I believe this is a most important provision. I believe in cases in which it has not been complied with the certificates ought not to be validated, and therefore oppose this bill.

As the gentleman from Iowa said, the boon of citizenship in the United States is of sufficient dignity and importance that every important provision that has been made in the statute should be understood by the person applying, and should be obeyed and followed by the court giving its final certificate.

Now, so far as the title to land passed by the Government of the United States under the homestead law is concerned, I will call the attention of the gentleman from Kansas [Mr. CAMPBELL] to the fact that a person does not have to have taken out a final certificate in order to be a valid homesteader, and if the preliminary declaration has been in proper form such a person can still apply and obtain a correct and valid final certificate.

Mr. CAMPBELL of Kansas. If the gentleman will permit me, I will state that that may be true, and I have no doubt it is, as to the certificate of a homesteader. But suppose the naturalized citizen under this law within the last three years has purchased from a citizen a homestead or home, and has since then passed title to another, who was a native-born American citizen, in what way may the defect in the title to that property be cured?

Mr. MARTIN. That would depend entirely upon the statutes of the State in which the transfer was made. But be that as it may, I take the position that since the passage of the act of 1903 no person not examined by the court as to his disposition toward the Constitution and principles of our Government ought to be admitted to citizenship, whatever may be the effect upon the claim of title to any particular piece of land. I take the position that the effect of the passage of this act would be to validate a certificate where the necessary affidavit had not been required and no proper examination made by the court at all, and for that reason I am opposed to it.

Mr. BUTLER of Pennsylvania. Will the gentleman permit me to ask him a question?

Mr. MARTIN. Certainly.

Mr. BUTLER of Pennsylvania. Why can not it be provided in this bill that the applicant whose certificate is not regular in form, because the affidavit was not made at the time he applied—to repeat, why can not we provide that when the applicant makes application for correction of his certificate he should make the affidavit provided for in section 39, and that the affidavit should be filed nunc pro tunc?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HEPBURN. I yield the balance of my time to the gentleman from South Dakota.

Mr. MARTIN. It seems to me that where the court has in fact made the examination there is no need of legislation. If this can be shown, that the court has made the examination and conformed to the law in every respect except as to the form of the certificate, the court could cure the certificate by conforming it to the facts disclosed in the examination.

Mr. BONYNGE. Has the gentleman taken into account the fact that we have taken the jurisdiction away in reference to matters of this kind from the court?

Mr. MARTIN. The effect of that would not be to deprive the court of the right to complete any case in which it originally had jurisdiction. The court would still retain jurisdiction to give a proper certificate.

Mr. BONYNGE. Under the terms of the act the certificate is given of the time of the examination.

Mr. MARTIN. Will the gentleman state that in the cases in which section 39 has been complied with by the making of the affidavit, and where the applicants have been examined by the court, and the section followed in all respects except as to the form of the certificate, that can not be cured by the court?

Mr. BONYNGE. That is my opinion.

Mr. MARTIN. That is not my opinion.

Mr. BONYNGE. It is my opinion further that this bill does not affect any case except those in which the court has complied with all the requirements of the statutes until it comes to the statute affecting the certificate of naturalization.

Mr. MARTIN. It is my opinion that any court that had its attention called to the requirements of this section as to the certificate of naturalization requiring these facts——

Mr. BONYNGE. The clerk issues the certificate, and he had printed forms and used the old forms.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman a question.

Mr. MARTIN. I will yield to the gentleman.

Mr. LACEY. I would like to ask the gentleman this question: Suppose a foreigner comes to the State of South Dakota and takes up a homestead; he has to be naturalized before he can prove up, and his naturalization is defective on account of this certificate.

Mr. MARTIN. He does not have to be naturalized to prove up.

The SPEAKER pro tempore. The time of the gentleman from South Dakota has expired.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent to amend my request by adding, on line 10, page 1 of the bill, after the word "section," the words "so far as rights in real property are concerned."

The SPEAKER pro tempore (Mr. SHERMAN). The gentleman from New York asks unanimous consent to amend the bill.

Mr. BONYNGE. Reserving the right to object, Mr. Speaker, I desire to ask the gentleman a question.

Mr. SHERLEY. Reserving the right to object, I want to learn what the request is.

The SPEAKER pro tempore. Pending the right to object, the gentleman from Colorado and the gentleman from Kentucky desire information.

Mr. BONYNGE. Do I understand the purpose of the gentleman from New York is to simply validate certificates in which the other provisions of the section have been complied with and the only failure was to insert in the certificate the fact that the provisions of the statute are complied with?

Mr. BENNET of New York. Yes; and then only so far as they relate to the rights in real property.

Mr. BONYNGE. The gentleman from New York handed me a suggestion, in which he had scratched out the words "which were otherwise lawfully issued." The request the gentleman now makes does not strike out those words.

Mr. BENNET of New York. It does not.

Mr. BONYNGE. Then I do not object.

Mr. SHERLEY. The gentleman from New York asks permission to amend his request?

Mr. BENNET of New York. I intended to say "amend the bill."

Mr. SHERLEY. Very well. I did not know but that some previous request had been made of which I was not aware. The gentleman desires now to amend the bill to relate to real estate only?

Mr. BENNET of New York. Yes.

Mr. SHERLEY. I shall not object.

Mr. MUDD. Mr. Speaker, I would like to ask the gentleman if his contention is that validating the certificates of naturalization can affect title to real property in the States? I do not think it can myself. That is a matter of legislation which is entirely within the control of the States.

Mr. BENNET of New York. Yes; it can pass a law affecting a man's naturalization, upon which his title to the land depends.

Mr. MUDD. But you can not pass a law here affecting the right to acquire or to hold or in any manner to regulate titles to real estate in the States.

Mr. BENNET of New York. That is true.

Mr. MUDD. You can validate the act of naturalization upon which the State law in relation to real estate titles will take effect automatically and accomplish what is desired in relation thereto, but you can not here by an act of Congress make a partial provision as to naturalization which goes merely to the point of the acquisition or alienation of land.

Mr. BENNET of New York. My motion is to amend the bill by inserting after the word "section," in line 10, the words "so far as rights in real property are concerned."

Mr. MARTIN. I do not think that will accomplish what the gentleman from New York seeks to accomplish.

Mr. BUTLER of Pennsylvania. As I understand, if this should be adopted it will not affect anybody except those who own real estate.

Mr. BENNET of New York. The gentleman is correct. Where men have gone on under the assumption that they were citizens and were not citizens, but aliens, and either they or their heirs or their devisees have taken title, which title is absolutely invalid, then this act legalizes that certificate of naturalization for that purpose.

Mr. KENNEDY of Ohio. Mr. Speaker, I would like to ask the gentleman a question.

Mr. BENNET of New York. I will yield.

Mr. KENNEDY of Ohio. As affecting the real estate in the States, can we pass a retroactive law to make a man a citizen who is an alien?

Mr. LITTLEFIELD. You can relieve the objection of illegal naturalization, so far as that operates.

Mr. KENNEDY of Ohio. I am opposed to this bill. I think it is improper in form and something much better could be framed to accomplish the object. If the record of the court naturalizing the alien shows that all the proceedings were regular, why not provide for the issuance of a transcript; then that would obviate the alien, or the parties who now have the defective certificate, carrying around over the country a paper which does not show whether it is valid or invalid.

Mr. BENNET of New York. The trouble with the suggestion of the gentleman in this, that people get naturalized, for instance, in the courts of Pittsburg, and then move to Oklahoma or Minnesota and other States. Their certificates are burned and destroyed, and you can not obtain again the original certificates.

Mr. KENNEDY of Ohio. The law provides that we can get a transcript at any time from every court.

The SPEAKER pro tempore. Is there objection made to the request of the gentleman from New York?

Mr. GRONNA. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is made.

Mr. BENNET of New York. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, if this bill contemplated to validate certificates of naturalization fraudulently issued, I should certainly vote against it, but as I understand the language of this act, it does no such thing. It merely validates certain certificates of naturalization which are not correct in form, and not because of any fault on the part of the immigrant who sought naturalization, but because of the neglect or oversight of the courts who issued the certificates. Now, the question is, Shall we punish an innocent applicant for a certificate of naturalization whose certificate, in the light of this section in the immigration bill, is now invalid, or shall we state that because of a neglect of the courts these certificates shall be validated?

Mr. BONYNGE. That is all there is to it.

Mr. BARTHOLDT. Mr. Speaker, people who are concerned in fraudulent certificates of naturalization are being prosecuted to-day in all the large cities of the country. In my own city we have sent quite a number of prominent politicians to the penitentiary for fraudulently procuring naturalization pa-

pers for people. But this bill does not apply to that class. It applies to a class of innocent men.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BENNET of New York. How much time have I remaining?

The SPEAKER pro tempore. Three minutes.

Mr. BENNET of New York. I yield three minutes to the gentleman from Missouri.

Mr. BARTHOLDT. Mr. Speaker, I was going to say that it applies to a class of innocent men who were seeking the boon of citizenship of this country, who have come here with the intention of remaining in this country, who have come here with their families, who have come with the purpose of identifying themselves with the institutions of this country. When we investigate as to which party is benefiting most by the process of naturalization, I would say that, in my own humble judgment, both parties are benefited. The country is benefited by granting citizenship to a good man and a good family, and the immigrant is benefited, upon whom is bestowed that boon of which the gentleman from Iowa [Mr. HEPBURN] speaks. Mr. Speaker, I sincerely trust that this bill will pass, and I am glad that the amendment offered by the gentleman from New York [Mr. BENNET] has been objected to, because it would certainly have weakened the bill. It would have included only those who hold property and all the other thousands would hold defective certificates of naturalization, would be excluded from the benefits of this legislation although the issuing of those defective certificates was no fault of theirs.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. HEPBURN) there were—ayes 51, noes 41.

So (two-thirds not voting in favor thereof) the motion to suspend the rules was rejected.

PAY OF OFFICERS AND EMPLOYEES.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 203, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1906, on the 20th day of said month.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent for the present consideration of the House joint resolution 203. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The question was taken; and the joint resolution was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LOUDENSLAGER, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS ALLEGHENY RIVER, PENNSYLVANIA.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21200) to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River, in Allegheny County, Pa., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the county of Allegheny, in the State of Pennsylvania, a municipal corporation organized under the laws of Pennsylvania, its successors and assigns, be, and it is hereby, authorized to construct, maintain, and operate a bridge, and approaches thereto, across the Allegheny River, from a point at or near H street in the borough of Oakmont, Allegheny County, Pa., to Hulton Ferry, in the township of Harmar, in said county and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection?

Mr. GOLDFOGLE. Mr. Speaker, I desire to ask whether it is intended that that bridge shall be used for railroad purposes?

Mr. DALZELL. Why, the bill is in conformity with the general bridge act which we passed at the last Congress and provides for the use of the bridge by all sorts of corporations. It is the ordinary general-corporation act.

Mr. GOLDFOGLE. In other words, this is really a bill for the purpose of permitting some railroad company to use this franchise.

Mr. DALZELL. Not so far as I know; no.

Mr. GOLDFOGLE. What railroad is intending to pass over this bridge?

Mr. DALZELL. No railroad, so far as I know. It is a bridge between two large communities, one on one side of the Allegheny River and the other on the other side, and there is no bridge across within a distance of 8 or 10 miles. It is an ordinary highway bridge built by the county of Allegheny; not a corporation, but a municipality.

Mr. GRAHAM. I would also state it connects Mr. DALZELL's district with mine, and the people all want it.

Mr. GOLDFOGLE. If you two gentlemen desire to get so close together, I shall have no objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS TOMBIGBEE RIVER, ALABAMA.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 21951, and ask its present consideration.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 21951) to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Bigbee River, in the State of Alabama.

Be it enacted, etc., That the Alabama, Tennessee and Northern Railroad Company, a corporation organized under the laws of the State of Alabama, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Bigbee River at or near Stones Ferry, in Pickens County, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment is as follows:

In line 7 strike out "Bigbee" and insert "Tombigbee."

The SPEAKER. Is there objection?

Mr. GOLDFOGLE. Mr. Speaker, I desire to know the name of the railroad corporation which desires to make use of this bridge.

Mr. RICHARDSON of Alabama. It is an ordinary bridge bill in the usual form prescribed by the Committee on Interstate and Foreign Commerce.

Mr. GOLDFOGLE. The question I put was, "What corporation desires to make use of this bridge?"

Mr. RICHARDSON of Alabama. Certainly it is intended to make use of it; that is why it is to be put up.

Mr. GOLDFOGLE. I want to know the name of the railroad that is to pass over it.

Mr. RICHARDSON of Alabama. It is in the bill.

Mr. GOLDFOGLE. It is named in the bill?

Mr. RICHARDSON of Alabama. It is the Alabama, Tennessee and Northern Railroad Company.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows:

To authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River in the State of Alabama.

LIFE-SAVING STATION, ISLES OF SHOALS, PORTSMOUTH, N. H.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

A bill (H. R. 189) to establish a life-saving station at the Isles of Shoals, off Portsmouth, N. H.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a life-saving station at such point on the Isles of Shoals, off Portsmouth, N. H., as the General Superintendent of the Life-Saving Service may recommend.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Indian appropria-

tion bill, and pending that, if the gentleman from Texas is here, let us see what arrangement can be made for general debate.

Mr. STEPHENS of Texas. I have not had any application for time except from one gentleman.

Mr. SHERMAN. And he is not here? What do you say, not to exceed an hour?

Mr. STEPHENS of Texas. Not to exceed one hour.

Mr. SHERMAN. I ask unanimous consent that general debate may be for one hour, one-half to be controlled by myself and one-half by the gentleman from Texas.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the committee resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22580, the Indian appropriation bill, Mr. BOUTELL in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908.

Mr. SHERMAN. I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERMAN. Mr. Chairman, the bill as now presented presents no new feature of administration. It does present certain features of legislation which if any gentleman desires to invoke the rule will necessitate the striking out of the provisions. For instance, it has been the custom for many years to make certain provisions as to the manner in which certain funds should be expended; how they could be changed from expenditure in one location or one avenue to another, and also how certain provisions as to the manner of advertising for bids for supplies and the letting of supplies, etc. These provisions have been carried in the bill ever since I first became connected with the Indian Committee, which is twelve years ago, and I do not know how long prior to that time, and we have in the bill this year made those provisions continuous, so that it will be unnecessary year after year to lumber up this appropriation bill with page after page of these provisions. It will be entirely proper for Congress at any time that it desires to do it to make a change of these provisions. It is apparent from the repeated enactment year after year that this is the will of Congress, and we attempt to shorten the bill by making these provisions continuous.

The policy of the Government in the treatment of the Indians is, as has been the policy for many years, to allot to the Indians as rapidly as possible, and to do away as rapidly as possible with the tribal occupancy of the land, to educate the Indians, to instill habits of industry into them, to enforce labor where it is necessary. Where the treaty provisions are such that the administrative officer can require them to labor for money, rather than issue rations to the Indians, to buy the food, that has been done, and that policy is continued now. And we are educating them not merely in the "three R's," not merely in the day schools, but also in the boarding schools and in the manual training schools, teaching them to be artisans, to be carpenters, blacksmiths, harness makers, and the like of that, and more than that, we are teaching the Indians, not merely the youthful ones, but the older and the middle-aged men and women, in their home, the art of farming, of grazing, of cattle raising, housekeeping, of sewing, and of washing, through the instrumentality of the practical farmers and the matrons who go from reservation to reservation and from home to home. This has been the policy for some years, and this is the policy now. In that way it is believed we will soonest reach the goal which all desire, of making the Indians self-supporting citizens.

As viewed from year to year, no striking advance can be seen in the condition of the Indians, but taking any given period of three or five or ten years, or longer, there is to be seen a very rapid improvement in their general condition. Last year in presenting the bill I read from the report in many States and Territories, from agents, from superintendents, from farmers, and the like, showing the satisfactory condition of the Indians as a whole in these various localities. The reports did not all demonstrate improvement and a satisfactory condition, to be sure, but most of them did, and the one wail that then was general, and that I find in the reports for this year as well, is the introduction of alcoholic liquors among the Indians. That is an evil which has been most instrumental in retarding the progress of the Indians heretofore, and it still exists to a degree, stimulated somewhat by a recent decision of the Supreme Court in reference to the right of Indians after taking allotments and becoming citizens. We attempted in last year's bill, and have repeated in this year's bill, to provide for combating that evil by giving to the Commissioner a very considerable sum of money, $25,000, for reaching without the reservation limits in fighting the introduction of liquor to Indians. Perhaps I can best show the advance of the Indians during a period of a decade or more by quoting a few figures, and I shall not quote a great many. First, the population of the Indians to-day, as shown by the last census and somewhat by agency reports since, and a little bit estimated, outside of the Indian Territory, is 192,442; the population within the Territory, 91,637, making a total Indian population of 284,079. Last year the Indian births exceeded the deaths by 316. There are more Indians in Arizona than are in any other State or Territory. There are 38,000 in Arizona, 19,000 in South Dakota, 18,000 in New Mexico, 15,000 in California, and 9,000 in North Dakota. The total fund which belongs to the Indians, held in trust by the Government for them, is $35,000,000—I give these sums in round figures, as there is no use of particularizing to the dollar and cent—upon which the Government paid last year to the Indians $1,721,000 in interest. To this the Indians added by the payment for their own labor throughout the United States last year $1,331,000. Besides this, the United States is obligated, under its various treaties, to pay to Indians, in round numbers, about three-quarters of a million dollars in various ways—some of it in money, some of it in support of schools, some of it in furnishing rations, and so forth.

The total acreage of lands owned by the Indians, both allotted and not allotted, in the United States, outside of the Indian Territory, is 51,000,000 acres, or an average of 271 acres for every man, woman, and child of the Indian population in this country outside of the Territory.

First, let me say, they cultivated themselves 365,000 acres of land, and from them they produced last year three-fourths of a million of bushels of wheat, a million and a quarter of oats and barley, a million bushels of corn, nearly three-quarters of a million of bushels of vegetables, and half a million tons of hay.

Now, to illustrate the advance of the Indians, let me quote these figures: Fifteen years ago there were 75,000 Indians wearing citizens' dress; ten years ago, 81,000, and the last fiscal year for which we have a full report, 116,000. Ten years ago those who wore citizens' clothing, in part, were 31,000; last year, 43,000. Those who could read the English language fifteen years ago were 27,000; ten years ago, 33,000; last year, 63,000. Those who could speak the English language fifteen years ago, 31,000; ten years ago, 41,000, and at the present time upward of 70,000, the last report showing 70,000. The number of dwellings occupied by the Indians fifteen years ago were 20,000; ten years ago, 23,000; now, 28,000. The number of church buildings fifteen years ago, 198; ten years ago, 371, and now, 390. Church membership has increased during the last ten years from 20,000 to 38,000. So that, as I say, these figures show a reasonably satisfactory progress on the part of the Indians throughout the United States. The school enrollment for the last fiscal year has not increased over the school enrollment of the prior year. The average attendance during the last year is slightly greater than the year before. However, with an enrollment of over 30,000 out of a population of 200,000, it seems to me that we have somewhere near reached the high-water mark in school attendance. The reports from the various school superintendents show a satisfactory condition in reference to the education of the pupils in the various schools and from the various reservations. We have about 300 Indian schools—28 large nonreservation boarding schools, the largest of which is Carlisle, the next Chilocco, and the next Haskell, Kans. Over a thousand pupils are educated at Carlisle. At some of the larger schools the so-called "outing system" is in operation, the results of which are uniformly satisfactory. The Indians during the vacation are farmed out, and farmed out with very great care, to families where they are taught the art of housekeeping and farming and the like from a practical standpoint.

There has been much agitation both in and out of Congress in reference to so-called "contract schools." Congress about ten years ago declared that after a specified time named in the act Congress should no longer appropriate to these contract schools—"sectarian schools," as they were then called. Since 1901 Congress has not so appropriated, but under the direction of the Executive certain treaty funds and certain trust funds have been used for the support of some of these schools. Under a ruling that has been made the treaty funds are no longer used for that purpose. Trust funds are used where the tribes petition that they be so used. At the present time there are con-

tracts with less than half a dozen schools, in which there are educated less than 300 children under these contracts. But there are so-called "sectarian schools" still maintained by various denominations—more by the Catholic Church than by any other denomination—schools in which about 3,500 Indian scholars are educated and supported or maintained by the Catholic Church, Presbyterian Church, Lutherans, Episcopalians, Dutch Reformed, Methodists, and possibly other denominations. The fact is that they do this with money that they raise in their own way, with which Congress has naught to do. Of these schools, I think there are forty-five, and the Catholic Church supports, if I remember correctly, twenty-nine, and the other sixteen are supported by the various other denominations. The care and maintenance of the pupils in these schools is satisfactory.

Now, Mr. Chairman, with this I hope not too lengthy explanation I reserve the balance of my time. When we come to the reading of the bill, I will be glad to explain any item that any Member of the House desires to have information upon.

Mr. LITTLEFIELD. Before the gentleman sits down——

Mr. SHERMAN. If the gentleman will permit me, just one moment. I neglected to take up the report. It discloses these facts: That, first, the total amount that is proposed to be appropriated is $8,200,000. Last year the total amount was $9,400,000. Now, it is proposed to appropriate a sum in excess of the estimates by the Department. We have provided for $300,000 rather than $150,000 estimated for the support of schools in the Indian Territory, and this money is expended not merely for the education of the Indians, but for whites as well, during the transition period from the condition of tribal ownership to coming in under the State government.

These schools, by the way, are contributed to not merely by this appropriation, but also by certain funds that come to the tribe for royalties on certain lands which have been leased, and also from fees for certain court proceedings. So that while the facts are that last year more white people were educated in these schools than Indians, $150,000 was appropriated by Congress, and the balance of better than $400,000 was expended out of the Indian fund. Now, I will yield to the gentleman from Maine.

Mr. LITTLEFIELD. The gentleman referred to a ruling by the Department in relation to treaty funds. Would he be kind enough to state just exactly what the ruling was, so that we can get an idea of the situation.

Mr. SHERMAN. The idea was that the trust funds could be used for the education of the Indian children in any schools that the owners of the fund desired them to be educated in; wherever the Indians of any tribe petition that a portion of their fund should be used for the education of their children in any particular school that it should be so used.

Mr. LITTLEFIELD. But the tribe had to take the initiative?

Mr. SHERMAN. Yes; by petition.

Mr. LITTLEFIELD. The trust funds are being so used, but the treaty funds are not.

Mr. SHERMAN. That is correct.

Mr. LITTLEFIELD. The trust funds are being used for the benefit of the cestui que trusts?

Mr. SHERMAN. Yes. The treaty funds are not used in this way, but when the Indians petition that the trust funds be used in any particular way for educational purposes they are so used.

Mr. LITTLEFIELD. Has there been any ruling in relation to the use of the treaty funds?

Mr. SHERMAN. The ruling has been that they could not be so used.

Mr. LITTLEFIELD. Could not be used on the petition of the tribe?

Mr. SHERMAN. No. The Department has declined so to use the treaty funds.

Mr. LITTLEFIELD. Under what circumstances was that ruling made?

Mr. SHERMAN. There is some action pending in some court, on the application of somebody somewhere, representing one of these schools, for a determination of that question. I have forgotten whether it be in the nature of a mandamus proceeding or an injunction proceeding, but I say there is now pending a proceeding to determine whether or not the Department shall use the treaty funds upon the application of the Indian tribes. Pending the determination of that action, the funds are not being so used.

Mr. LITTLEFIELD. The bill last year from your committee, appropriating for the Indians, as I remember it, carried quite a large increase in salaries and in the number of officers, something in excess of $100,000. Is the gentleman able to state what the fact is in relation to the present bill?

Mr. SHERMAN. The gentleman is in error in his recollection of last year's bill. It did not do anything of the kind.

Mr. LITTLEFIELD. My recollection is that it provided for a large number of extra officers.

Mr. SHERMAN. No.

Mr. LITTLEFIELD. I thought it did.

Mr. SHERMAN. The gentleman's recollection is at fault.

Mr. LITTLEFIELD. What is the fact about this bill so far as the creation of new offices is concerned and the increase of official salaries?

Mr. SHERMAN. We create no new offices. I am glad the gentleman made the inquiry, because it brings to my mind one subject I have not discussed. We have heretofore appropriated specifically for the superintendents of the various schools. We make this change in this bill: We divide the schools into four classes. Class 1 is made up of boarding schools that have 100 students or less; class 2, those having from 100 to 200; class 3, above 200 and below 400; class 4, above 400; and we provide that the salaries of superintendents in class 1 shall be not exceeding $1,200; in class 2, not exceeding $1,600; in class 3, not to exceed $2,000, and in class 4, not to exceed $2,500.

These salaries are to be fixed by the Commissioner of Indian Affairs. The idea was this: Now the superintendent is put at a school, say, with a salary of $1,200. No matter how efficient he may be, that is all he can get in that school, and the only way to give him promotion is to take him to some other school. The Commissioner believed, and the committee thought he was correct in his idea, that to provide this sliding scale, as it were, the Commissioner could bring a new man into the service, put him at a school in class 2, pay him in that school a salary of $1,300 or $1,400, and say: "Now, when you have brought this school up to a higher grade than it now is, when you accomplish a little more than has heretofore been accomplished, I will raise your salary to the maximum of $1,600." In other words, he believed that stimulant before the superintendent will result in the betterment of the service, and the committee thought he was right in that regard.

It does not increase the number of superintendents, but it increases slightly the appropriation, because there are a few schools, two or three, where the number of students is above 400, and the salary now appropriated is less than $2,500. But it does not of necessity follow that the Commissioner will fix the salary at $2,500. For instance, take the Riverside School, California, where there is as efficient and capable and fine a superintendent as in any school in the country, regardless of color of the students, and the salary is $2,250, and as far as I know the superintendent is entirely satisfied. I imagine the Commissioner will not think it necessary to raise that salary above the $2,250, which it is at present. But the maximum is $2,500, and we appropriate the maximum, so that if the Commissioner sees fit to use it he can. But that means all told only twelve or fifteen hundred dollars.

The gentleman from Maine must understand that in this bill we do not appropriate for the officers here in the city of Washington, only the officers in the field. We never do appropriate for the administration in the office at Washington—that is carried in the legislative bill. All this bill cares for is the administration in the field and the obligations of the Government by way of treaty and gratuities.

Mr. LITTLEFIELD. Are there any increases appropriated for in the bill other than those which the gentleman has described?

Mr. SHERMAN. I do not remember now whether we appropriate more for the Indian Territory work than we did last year, but unless we do there is no other increase.

Mr. LITTLEFIELD. That would be in connection with the increased appropriation for schools in the Indian Territory?

Mr. SHERMAN. Yes; my recollection is that we appropriate less for the work in the Indian Territory this year than we did last year, except school work that I spoke of. Mr. Chairman, I reserve the balance of my time.

Mr. STEPHENS of Texas. Mr. Chairman, I think the committee is to be congratulated for the reduction in expenditures in this bill from that of last session. The amount appropriated for 1907 was $9,405,198, and the amount carried in this bill is $8,203,068, making an excess of last year over this year of $1,202,131.

I desire further to state, Mr. Chairman, that there is but little new legislation in this bill. Among the items of new legislation I find this, an item which capitalizes the fund of the Iowa Sac and Fox tribe of Oklahoma, and enables the Secretary of the Treasury to pay the sum of money to their credit on his books, and on which the Government is now paying interest.

Mr. CURTIS. I beg the gentleman's pardon, but these are Kansas Indians and not Oklahoma Indians.

Mr. STEPHENS of Texas. I understand; but it is merely a

provision that enables the money to be paid out according to the indorsement of the Secretary of the Treasury.

Mr. MURDOCK. Mr. Chairman, I should be glad if the gentleman will explain this process of capitalization.

Mr. STEPHENS of Texas. Where a fund has come to the Indians under different treaty stipulations, capitalizing it is putting it all together and paying it off in bulk to the Indians under the direction of the Secretary of the Interior and the Commissioner of Indian Affairs. They get all the money due them, but it is capitalized and paid to them under their instructions, so as to save so much trouble and bookkeeping. It is simply a matter of bookkeeping.

There will be found in the bill a raise of from $150,000 to $300,000 which was appropriated last year for schools in the Indian Territory. We find that the amount we appropriated last year was wholly insufficient for the purpose of carrying on the schools in the country. This is outside of the towns. So we simply doubled it this year and let it carry $300,000.

I disagree with the chairman of the committee and with the majority of the committee, and have for some years, with reference to the use of trust and treaty funds for sectarian schools. I have bills pending to correct that trouble, as I so regard it, but have been unable to get the Committee on Indian Affairs to see these things in the light that I see them. I think all of these trust funds and the treaty funds coming to the Indians should be used in Indian Government schools, and that no part of it should be farmed out to any sectarian school of any kind or character. I believe that the principle is wrong. Another matter to which I desire to call the attention of the House is this: We find a great many Indians who have become citizens of the United States under a recent decision—I believe the Hough case—where an Indian in Kansas had some one sell him whisky. The man who sold the Indian the whisky was prosecuted. He defended on the ground that the Indian was a citizen of the United States, because his land had been allotted to him. He was convicted in the lower court. The case came to the Supreme Court of the United States, and they reversed the lower court and held that after allotment of lands to Indians they become citizens of the United States, and hence it was no offense to sell whisky to a citizen of the United States. I believe it is wrong for Congress and the United States to have to educate children of the citizens of the United States, and I take the broad ground that when these Indians have their lands allotted to them that they do become citizens of the United States and that they should be taken off the General Government and that the States and Territories where they live should provide for educating them; that they should be mixed among the children of the schools of the State or Territory and become part and parcel of the schools of the State or Territory where they reside. I do not think it is fair for the entire United States to be taxed; for the Government of the United States to go into the various States and Territories where these Indian reservations happen to be and appropriate $167 per capita to each one of these Indians for the purpose of educating what are now citizens of the United States simply because they may have one-sixteenth or one-eighth of Indian blood in their veins.

If we adopt this policy when these allotments are made and these people become citizens of the United States, and turn them over to the States or Territories, then we will have this Indian problem solved in a very few years, because we have very justly adopted the policy of allotting the lands to the Indians and making them citizens, and we should let them become a part and parcel of the great body of our citizens. Then the local legislatures of the States or Territories should take control of them, and that would relieve the Congress of the United States from the burden. It would relieve the Treasury of the United States from the burden, and in that way the Indian problem would soon be solved.

Mr. WEBB. Mr. Chairman, I notice that the chairman of the committee, the gentleman from New York [Mr. SHERMAN], stated that there were forty-five sectarian schools in the Territory, twenty-nine of which were Catholic and the others Protestant. Do all of these sectarian schools there share in this trust fund that the gentleman speaks of?

Mr. STEPHENS of Texas. No; that is done in this way. It is done on petition of the tribe, as I understand it, to the Secretary of the Interior to be permitted to use so much of their fund as is available for that year; and they select the school, whether Catholic, Presbyterian, or whatever it may be, to which they desire to send their children. I object to that, for the reason that you will have a petition going the rounds for one kind of school and another for another; as, for instance, for a Presbyterian and for a Catholic school; and you thus have a sectarian trouble among those Indians. I maintain that all of these funds should be used only in Government schools, under the control of the Government, and not under the control of any sectarian teacher whatever.

Mr. WEBB. Is there any one of the churches that receives the largest share of this trust fund?

Mr. STEPHENS of Texas. I think the Catholic Church, as the chairman has stated, has twenty-nine out of forty-five.

Mr. Chairman, I now yield such time as I may have left to the gentleman from New York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Chairman, the bill under consideration for Indian appropriations is absolutely safe in the hands of the Committee on Indian Affairs, and especially as the chairman [Mr. SHERMAN] has the full confidence of every Member of this body. Indeed it would be safe, in my judgment, to adopt the recommendations and approve the bill as a whole without discussion or change of any character. [Applause.]

Therefore I shall devote the period allotted me to the necessity of larger appropriations for the improvement of the nation's waterways, the best and cheapest manner of handling the country's products.

These are nature's common carriers and will solve the vexed problem of transportation and railroad-rate regulation.

A great congress of commercial bodies, representing every section of the country, with an attendance of 1,000 delegates, met in this city December 7 and 8, 1906, to discuss ways and means to bring about the desired results. Speeches were made by distinguished men known for their civic pride and sterling patriotism, resolutions unanimously adopted demanding at lease $50,000,000 annually for river and harbor improvements, and a permanent organization effected, with that zealous and untiring colleague of ours, the gentleman from Louisiana [Mr. RANSDELL], at its head as president.

The country should awaken from its apathy and get behind this grand and praisworthy organization, creating and stimulating a strong active public sentiment in favor of the project advocated. In this way the Congress of the United States, ever responsive to public sentiment, will see to it that a sufficient amount of the annual revenues of the Government is appropriated for this purpose, and that, too, before the moneys are devoted to other and less important objects.

While in favor of a good navy and a well-equipped, limited-in-number army, I do not advocate excessive and yearly increasing appropriations for these objects, and especially not at the expense of the improvement of the great waterways of the country now actually needed to transport the rich products of the farm, the mine, the forest, and the factory.

Representing a district with forty-odd miles of navigable water front and a population of 400,000, I am particularly interested in this matter. This district has such well-known waterways as the Hudson, East, Bronx, and Harlem rivers, Long Island Sound, Westchester and Eastchester creeks, and Bronx Kills, all tidal streams, with an immense traffic; all under improvement by the General Government except the Kills.

What is demanded by my people and those of the Empire State is that the improvements now under way be speedily completed, and not drag along another quarter or half a century in most of the improvements, as has been the case. Take the Harlem River, 8 miles in length and with a commerce the last year of 9,998,021 tons, valued at $270,210,309, and a contiguous population to be benefited of 850,000. It has been under way since 1874, nearly thirty-three years. The Borough of the Bronx, the upper part of the Eighteenth Congressional district, which I have the honor to represent, one of the five great subdivisions of New York City, has a population of over 300,000, an assessed valuation January, 1906, one year ago, of $360,543,727. Its growth is phenomenal, increasing at the rate of 35,000 yearly, due to its great natural advantages. The new buildings erected in 1906 will approximate $40,000,000 in value, mostly homes for the great middle class of our people, who are coming into the borough. New docks are being built and many more in contemplation, eventually making these waterways one solid line of wharfs and storehouses, thus giving relief to the congested state of affairs in the lower part of the city, now the center of great commercial activity. [Applause.]

When it is remembered that more than one-half of the foreign and coastwise trade enters or leaves the port of New York the importance of these waterways will be appreciated.

In addition to all this there will be a largely increased traffic from the Lakes and the great Northwest when the canal system of the State of New York, upon which $101,000,000 is now being expended, is completed, which will be an accomplished fact in the next decade.

I desire to add as a part of my remarks the very able and interesting report made to the Hon. THEODORE E. BURTON, chairman of Rivers and Harbors Committee, under date of December 15, 1906, by the Hon. James L. Wells, of the North

Side Board of Trade, an organization of nearly 500 prominent business men in the Borough of the Bronx. Mr. Wells was for six years the president of this influential body of distinguished citizens and is an acknowledged authority on real estate, taxes, and assessments and the charter of Greater New York, having been one of its framers. [Applause.]

Now, with a growing sentiment all over this land of ours that the railroads are no longer able to carry the products of the country, no longer able to give relief in the way of fuel, as I have observed in the morning papers, in the West, where cities are suffering to-day from the severe cold, because of the inability of the railroads to carry the fuel necessary for those places; inasmuch as so distinguished a gentleman as James J. Hill, president of the Northern Railroad Company, in a recent letter stated that the improvement of our waterways was an absolute necessity if we desired to have the products of the country carried to the markets; if this is the case, and I think it is, the railroads being no longer able to perform the duties for which they were chartered and built, it is time, I should think, my colleagues, to do something to improve and complete the various waterway projects under way in order that these natural channels of commerce and trade may be able to come to the rescue of the railroads, especially in the matter of heavy freight, and be enabled to give what is necessary for the prosperity and comfort of its people. Not only that, but by the river and ocean methods we are enabled to carry freight, particularly heavy freight, so much cheaper—I think about eight times less than it can be done by railroads. Therefore I trust that the recent congress which met here in convention will have a salutary effect upon this body, so that larger sums may be appropriated for the improvement of our rivers and harbors under the direction of that able committee, a committee that has never been charged with any wrongdoing nor lack of interest in the matter, a committee that has given the best of their time and their ability to bring out bills which were for the benefit of the whole country. I trust, therefore, that this Congress will pass a bill during this session that will give the needed relief to the whole nation in the way of larger appropriations for the improvement of our rivers and harbors. [Applause.]

Statement submitted by James L. Wells, representing the North Side Board of Trade of the city of New York, in favor of an appropriation for the completion of the Harlem Ship Canal.

Mr. CHAIRMAN AND GENTLEMEN: The North Side Board of Trade of the city of New York has requested me to respectfully submit for your consideration the following statements in favor of an appropriation for the completion of the Harlem Ship Canal.

1. THE ADVISABILITY OF THE WORK.

The nature of the improvement.—This improvement consists in widening and deepening the channel of the Harlem River and Spuyten Duyvil Creek, in the city of New York, so as to make a continuous ship canal connecting the waters of the Hudson River with those of Long Island Sound.

This is not a new, local, or expensive proposition.—It is one of the oldest and most meritorious projects of its kind in the United States.

Always navigable streams.—Ever since their discovery by the Dutch the Harlem River and Spuyten Duyvil Creek have been regarded as navigable streams. In colonial times and long afterwards they furnished the natural waterway for the farmers of Manhattan and the great territory beyond to transport their products and supplies to and from the city of New York. During our war for independence they were constantly used by the contending armies for the transportation of troops, munitions, and provisions to the numerous forts along their banks.

The available depth of the water in these streams before their improvement by the United States begun was from 8 to 10 feet.

Part of the canal system of New York.—The improvement of these waterways formed an essential part of the original plan of Gouverneur Morris for connecting Lake Erie with the ocean. Governor De Witt Clinton, of New York, gave this project his hearty approval. He formulated the necessary legislation for its accomplishment by the State of New York, and would have secured its enactment had it not been for his untimely death.

An arm of the sea.—In 1837 the learned Chancellor Walworth judicially decided that "the Harlem River is a public highway and an arm of the sea." (Renwick *v.* Morris, 7 Hill, 575.) Vice-Chancellor McGoun in 1839 also decided in the Matter of the Water Commissioners that "the Harlem River is a navigable stream. The tide ebbs and flows through it. It is an arm of the sea." (3 Edwards Chancery Reports, 289–291.) The legislature of the State of New York also finally deemed it to be unwise to subject these waters to the control of private individuals or corporations desiring to improve their navigation and collect tolls.

Comparative availability.—The coast survey hydrographic charts and other official maps established the fact that the natural navigable capacity of the Harlem River compared favorably with any of the harbors on the Atlantic coast from Eastport, Me., to Jacksonville, Fla. Those competent to judge declared that the lower Harlem was a better stream for commercial purposes than the Seine at Paris. (See report of Hon. Andrew H. Green, New York park commissioner, 1868.) Others positively assert that it compared favorably with the Clyde at Glasgow, the Weser at Bremen, and the Elbe at Hamburg.

The public necessity of improving the Harlem River and Spuyten Duyvil Creek, and of converting these streams into a ship canal, was determined by the United States authorities in 1874, more than thirty-two years ago.

A great convenience.—In 1874 Congress made a small appropriation for the survey of these streams. In 1875 Col. John Newton, United States engineer, in charge of the work, in his report to General Humphreys, Chief Engineer, United States Army, recommending the improvement, said "it would, if made, constitute a great convenience for vessels passing through the Harlem to Long Island Sound." He also said in his report, "it must be the depot for vast supplies of lumber, stone, brick, cement, lath, lime, and other building materials."

Official investigations.—Congressional committees, as well as the engineers of the War Department, have frequently examined and reported in favor of the improvement.

A part of New York's harbor.—The Board of Engineers, on December 7, 1892, answering certain questions submitted to them in reference to the improvement, said: "The Harlem River, in its natural and present condition, is a large and important part of New York's harbor, and offers location for wharves, manufactures, and shipyards superior to any unoccupied water fronts on Manhattan Island. The rapidly increasing demands of commerce and navigation preclude the notion that anything should be done to diminish the harbor accommodations." (See report of General Schofield, United States Army, to Senate Committee on Commerce.

Benefits resulting from the work.—Secretaries of War have from time to time officially reported to Congress that the work already done has made a reduction in freight rates, increased the facilities for handling shipments, caused a material saving in the time and cost of transportation, and that the completion of the work would constitute a great convenience to vessels passing through the canal to Long Island Sound.

Indorsements and petitions.—The advisability of this improvement has been indorsed by the legislature of the State of New York, by the legislative department of the city of New York, by chambers of commerce, boards of trade, and other organizations, and by thousands of prominent business men in all the large cities between the Atlantic coast and the Mississippi River. The petitions are matters of official record.

Further discussion unnecessary.—The time has long since elapsed for a further discussion of the advisability of this important project. The General Government is already committed to the prosecution of the work to completion by the large sums of money it has already expended upon it and the heavy expenses it has imposed upon the city of New York.

If this improvement was advisable in 1874 and 1886, when authorized by the Government, it certainly is much more so now, with the extraordinary growth of the city, State, and nation in population, wealth, commerce, and manufacturing enterprises.

The growth of city shows its necessity.—The phenomenal growth of New York City north of Ninety-eighth street shows the necessity of this improvement. This growth alone would justify the most liberal expenditures by the General Government in order to facilitate commerce by the completion of the work.

In 1874, when Colonel Newton's plans were adopted by the War Department, the portion of Manhattan on the southerly and westerly side of the Harlem River was comparatively sparsely settled, and the assessed value of its real estate was only about $70,000,000. Now its population is over 500,000, and the assessed value of its real estate is over $700,000,000.

In 1874 the population of that part of the city of New York north and east of the Harlem River, now called "the Borough of the Bronx," was about 36,000, and the assessed value of its real estate was about $22,000,000. Now upward of 350,000 people have their homes and their business interests in the Bronx, and the assessed value of its taxable real estate was, in January, 1906, $360,543,727.

Since January 1, 1881, the estimated cost of new buildings erected in the Bronx has been approximately $229,000,000. The cost of those erected during the past three years has been approximately $90,000,000.

These figures show a total population on both sides of the Harlem River of over 850,000. This is a population greater than that of any one of sixteen States of the Union and greater than that of five of them combined. This is a population greater than that of the whole State of New York when the Erie Canal was first suggested.

These figures also show that the taxable value of real estate alone contiguous to the Harlem River is greater than the total combined taxable value of all the real and personal property in any one of thirty-four States of the Union and greater than that of eleven of our States together.

A growth so extraordinary as this in itself creates commerce, and the Harlem River, situated, as it is, in the center of this great population, is the natural carrier and its docks the storage and distributing depot for the bulky merchandise of this large and enterprising community.

Why the improvement is advisable.—We hold that the completion of this improvement is advisable for the following, among other, reasons:

1. It is in the interests of commerce, present and prospective, of the whole country, and especially of the Atlantic coast and the Great Lakes.
2. The United States Government is pledged to finish the work expeditiously, and as a condition precedent thereto has required the city of New York to comply with its terms and to expend large sums of money in furtherance of the project.
3. It will afford a new, shorter, and safer route for State and interstate commerce.
4. It will reduce the cost of transportation and save thousands of dollars annually in time and money.
5. It will enlarge the capacity of the harbor of New York by adding to it 8 miles of available water front.
6. It will assist in relieving the congestion of the docks in the lower part of the city of New York.
7. It has already and will continue to cause large transfer freight stations and new commercial and manufacturing interests to locate on either side of the improved ship canal.

2. THE PRACTICABILITY AND PROGRESS OF THE WORK.

The geographical position of the Harlem River demonstrates the practicability as well as the advisability of converting that stream and its natural extensions, Spuyten Duyvil Creek and Bronx Kills into a ship canal.

No great engineering difficulties are connected with the project.

The plans for the project.—The original project was adopted by the War Department in 1874. The existing project was adopted June 18, 1878, and modified and enlarged October 7, 1886. These final plans provide for a continuous channel about 7 miles long, 400 feet wide, and 15 feet deep at mean low water, from the East River to the Hudson River, except about 1,300 feet north of High Bridge, where the width

was made 354 feet, and the rock cut through Dyckmans Meadow, where the width was reduced to 350 feet and the depth increased to 18 feet. (See Annual Report of Chief of Engineers, 1906, Appendix E, p. 129.)

Progress of the work.—Actual work under the existing plan on the improvement began in January, 1888, and has progressed slowly since that time. The work has been confined to the Harlem River and Spuyten Duyvil Creek. No actual work has yet been done on the Bronx Kills.

What has been accomplished.—The most expensive part of the work, namely, the rock cut through Dyckmans Meadow, has been completed. The engineer in charge, in his report for 1906, says work has resulted "in completing a channel 150 to 400 feet wide and 15 feet deep at mean low water from the Hudson River to the East River. From McComb's Dam Bridge to the East River the width varies from 150 to 400 feet wide." (See Annual Report of Chief of Engineers, 1906, Appendix E, p. 129.)

3. ESTIMATED COST OF PROJECT, AMOUNTS HERETOFORE APPROPRIATED, AMOUNTS ALREADY EXPENDED, AMOUNT NECESSARY TO COMPLETE THE IMPROVEMENT.

The estimated cost of the work for the improvement of the Harlem River and Spuyten Duyvil Creek is $2,700,000. (See Annual Report of Chief of Engineers, 1906, Appendix E, p. 129.)

Amounts appropriated.—The appropriation for the improvement of the Harlem River have been made in inadequate installments, averaging about $40,000 per year, as follows:

1874	$11,000
1875	10,000
1878	300,000
1879	100,000
1888	70,000
1890	250,000
1892	175,000
1894	125,000
1896	125,000
1899	100,000
1902	75,000
1905	75,000
Total	1,416,000

(See Report of Chief of Engineers, 1906, Appendix E, p. 956.)

The amount expended on this improvement from 1874 to the close of the fiscal year June 30, 1906, was $1,332,551.91. (See Report of Chief of Engineers, 1906, Appendix E, p. 129.) This has been at the average rate of $41,600 per year.

The amount required to complete the work, according to the report of the Chief of Engineers above mentioned, will be $1,305,000, or less than the one-half of 1 per cent of $270,000,000, the value of the tonnage carried on the Harlem Ship Canal during the year 1905. If appropriations in the future be made at the same average annual amounts as in the past, it will require thirty-one years longer to complete the improvement.

The cost of maintenance.—This con not now be determined, as the improvement is not yet completed. Engineers with whom we have consulted assure us that the cost of maintaining the improvement when finished will be comparatively light.

4. THE CHARACTER, AMOUNT, AND VALUE OF COMMERCE EXISTING OR REASONABLY PROSPECTIVE WHICH WILL BE BENEFITED BY THE COMPLETION OF THE HARLEM SHIP CANAL.

The character of the commerce on the Harlem is shown by the class of vessels using the river and by the great manufacturing establishments, the numerous railroad freight stations, large lumber, brick, coal, and other businesses established in or contiguous to the stream.

Vessels employed in trade on the Harlem, 1905.

Class.	Trips made.	Tonnage.	Draft.
			Feet.
Steamboats	33,882	50 to 541	8 to 15
Sailing vessels	850	90 to 1,000	5 to 22
Barges, canal boats, and lighters	26,051	90 to 700	4 to 30
Total	59,683		

(Report of Chief of Engineers, 1906, Appendix E, p. 957.)

The following statistics compiled from reports of the Chief of Engineers of the War Department show the character of commerce on the Harlem River during the years 1904 and 1905:

	Tonnage, 1904.	Tonnage, 1905.
Ashes, etc	263,495	278,419
Building stone	160,264	136,963
Brick	880,908	310,645
Cement, lime, and sand	193,556	471,600
Coal and other fuel	2,516,288	3,103,738
Fertilizers	14,328	
Fruit and farm products	3,103	5,102
Grain, flour, and feed	377,142	544,134
Hay and straw	72,858	20,836
Ice	172,493	200,402
Iron	25,085	63,198
Lumber and timber	127,216	304,634
Merchandise, general	4,264,077	4,506,500
Petroleum		51,850
Total tonnage	9,130,763	9,998,021

The amount of commerce existing.—The commerce of the Harlem River, which is steadily increasing, is so intimately connected with that belonging to the East River and New York Harbor that a separate statement can not be accurately made. Investigations instituted by the North Side Board of Trade show that the amount is much larger than that stated in the Report of the Secretary of War for the year 1905.

The average increase in the amount of freight handled by the larger shippers on the river who have reported to our board was in 1905 36 per cent over that of 1904.

The amount of tonnage and the value of the same carried on the Harlem River are shown in the following table compiled from the reports of the Chief Engineer of the War Department:

Year.	Tonnage.	Value.
1886	1,663,844	
1887	2,542,155	
1889	3,093,939	
1890	2,384,466	$115,506,425
1893	5,910,376	190,149,712
1895	7,533,594	203,707,376
1903	6,910,386	282,186,100
1904	9,130,763	231,384,004
1905	9,998,021	270,210,309

The value of the tonnage carried on the Harlem in 1905 was $270,210,309, an amount as large as the total combined value of all the taxable real and personal property of six of the States of the Union, and as great as that of the total taxable value of real and personal property in any one of seventeen of them.

Such an amount of commerce justifies every dollar spent upon the improvement of the important waterway. The demands for the completion of the work should not be ignored.

Comparison of tonnage values.—The value of tonnage transported upon the Harlem River in 1905 as compared with the total export and import trade of the United States with other countries during the same time is shown by the following table compiled from the Tribune and World Almanacs for the year 1906, said figures being taken from the Bureau of Statistics, Department of Commerce and Labor:

Great Britain	$698,278,364
Germany	312,637,347
Asia	290,038,894
Harlem River	270,210,309
Mexico and West Indies	250,804,613
France, Spain, Portugal, and Africa	230,977,815
Central America	230,164,294
South America (all countries)	207,661,966
British America	206,672,457
Belgium, Netherlands, Sweden, Norway, and Denmark	191,699,916
Switzerland, Italy, Austria, Turkey, and Russia	163,350,622

The congested condition of the river.—The commerce of the river has increased so rapidly and become so immense that navigation below One hundred and forty-ninth Street Bridge has become dangerously congested and accidents involving serious loss, delay, and inconvenience are of frequent occurrence. The numerous foreign and domestic craft now using the canal are also larger in size than formerly, and they require for their accommodation a channel wider than that which now exists.

5. THE AMOUNT OF COMMERCE REASONABLY PROSPECTIVE WHICH WILL BE BENEFITED BY THE IMPROVEMENT OF THE HARLEM RIVER.

At the inception of the work Colonel Newton in speaking of the advantages of the improvement to commerce said in his report of February 18, 1875: "It is simply impossible to foresee the effects, save in a general way; but it seems to me quite as easy to err by assigning too little as too much importance to the subject." (Annual Report of Chief of Engineers, 1875, Appendix Y, p. 39.) In 1890, two years after the actual work of improvement begun, the freight carried on the Harlem amounted to 2,384,466 tons. In 1905 it was 9,998,021 tons, an increase of over 300 per cent in fifteen years. It is reasonable to assume that with the growth of the city of New York the commerce of the Harlem will continue to increase at the same rate in the future. If it does the tonnage at the end of the next fifteen years, or in 1920, will be over 40,000,000 tons, almost equal to the tonnage of the Great Lakes that passed through the famous St. Marys Canal in 1905. The enlargement of the canals of the State of New York for the passage of 1,000 ton barges, the development of the freight transfer stations of the New York Central, New York and New Haven, Pennsylvania, Baltimore and Ohio, Erie, Lehigh Valley, New Jersey Central, and Lackawanna Railroads already located on the banks of the Harlem, the improvement of Bronx Kills and the general increase in the commerce of the country are indications that the above estimate is not exaggerated.

6. THE UNITED STATES PLEDGED TO COMPLETE THE IMPROVEMENT.

We hold that the National Government is bound to complete the improvement of the Harlem River, Spuyten Duyvil Creek, and Bronx Kills without further delay, for the reason that before commencing the work it imposed upon the State and the city of New York expensive terms and conditions with which they have fully complied.

The terms imposed by the United States are contained in the following extracts from official reports:

In Colonel Newton's report to Gen. A. A. Humphreys, Chief of Engineers, dated February 18, 1875, he says:

"As it may be necessary, in order to carry out the plan of improvement, to encroach upon lands under water, or structures erected upon what was once the bed of the river, it would seem but just that the authority, whether the State of New York or the city, which has made the grant or concession tending to prevent the feasibility or impair the excellence of the improvement of the river should make reparation to the individuals concerned." (Annual Report of Chief of Engineers for 1875, Appendix Y, p. 42.)

In the same report Colonel Newton also recommended:

"If Congress shall deem it advisable to prosecute this improvement, that the Government absolutely forbid the erection of any more bridges having piers within the waterway of the improved rivers, or not constructed of height sufficient to permit navigation without the use of draws; as to existing bridges, except High Bridge, it is recommended they should be got rid of as speedily as the laws under which they have been erected will permit." (Annual Report of Chief of Engineers for 1875, Appendix Y, p. 48.)

In his official report to General Humphreys dated February 10, 1876, Colonel Newton said:

"I beg leave to reiterate the substance of what was said in the previous report of the necessity, before work is actually begun, of a clear understanding and definite agreement concerning the character of future bridges and of the modification of existing ones, the depth at which all tunnels shall be driven, and the settlement of land damages." (See Report of Chief of Engineers, 1876, Appendix D, p. 19.)

The Secretary of War adopted the recommendations of Colonel New-

ton, and decided not to proceed with the work of constructing the ship canal until the State and the city of New York erected proper laws for ceding to the United States the lands necessary for widening the streams and the protection of the improved channel.

In an official report dated January 5, 1880, addressed to Gen. H. G. Wright, Chief of Engineers, United States Army, Colonel Newton said that should the amount then appropriated and available be devoted to the commencement of the work "the very fact pledges the Government to complete it, because an incompleted improvement would be a positive injury to the whole neighborhood."

In commenting upon this letter General Wright, in his report to the Secretary of War, said: "There is much force in Colonel Newton's statement, and if his wishes can be carried out the work will be accomplished with economy and dispatch and in the best possible way for all interests concerned."

Secretary of War Ramsey, in transmitting this correspondence to the United States Senate, said:

"The Department fully coincides with the views of Colonel Newton, and respectfully requests action in accordance with his recommendations."

By chapter 907, United States laws of 1890, the sum of $250,000 was appropriated for continuing the improvement, and "the Secretary of War is directed to cause the low bridges now crossing said Harlem River to be replaced by other bridges at the expense of the owners thereof as soon as the necessary legislation, if any such legislation be necessary, shall have enabled the change in grade to the approaches to said bridges thus required to be made, the owners of said bridges being allowed a reasonable time in which to complete the work necessary for said approaches. Said bridges shall leave a clear space between the under sides thereof at high water of spring tides of 24 feet and shall be provided with draw spans of the width and length to be determined by the Secretary of War, and shall in all respects comply with this law and conform to the requirements of the Secretary of War."

THE STATE OF NEW YORK HAS COMPLIED WITH THESE CONDITIONS.

It was my privilege to represent the upper part of the city of New York in the legislatures of 1879 and 1880 and to introduce and assist in enacting the measures suggested by Colonel Newton and required by the Congress of the United States for the protection of the improved channel of the Harlem River, Bronx Kills, and Spuyten Duyvil Creek. They constitute chapter 345 of the laws of 1879 and chapter 65 of the laws of 1880. These acts authorize and empower the city of New York to cede to the United States free of cost the lands necessary for the enlarged channel and to acquire by condemnation such private property as was necessary for the widened waterways. They granted to the United States concurrent jurisdiction over the aforesaid streams. They also provided that all bridges built across them should be not less than 24 feet above high-water mark of springtide, that the outlines and the size and height of their draws and other details should first be submitted to and approved by the United States engineers in charge of the harbor of New York and by the Secretary of War. The State has also compelled all railroads crossing the Harlem and its extensions to remove their low bridges or to build new and higher ones or tunnels, and to raise or lower their roadbeds. All of these requirements were imperative in order to comply with the plans of the War Department.

NEW YORK'S CONTRIBUTIONS TO COMMERCE.

In addition to this the State of New York has made the most magnificent contributions to the commercial interests of the nation.

Over three-quarters of a century ago the State of New York, at a cost of $7,143,789, constructed the Erie Canal from the Niagara to the Hudson River. Its enlargement in 1836–1862 cost the State $44,465,414. The State has annually expended large sums for its maintenance and improvement. This artificial waterway, 363 miles in length, has furnished cheap and convenient transportation for the products of the great West to the seaboard as well as for those of our own State. This grand artery of commerce is owned by the people. It is operated by the State. It can not be merged into any pool. Neither can its stock be watered.

Ten years ago the people of the State of New York voted to expend $9,000,000 for the improvement of their canals. Up to and including the appropriations of 1895 the total cost of constructing and improving the Erie, Oswego, and Champlain canals has been about $118,000,000.

On November 3, 1903, 673,010 electors of the State of New York, a majority of over 245,000, voted in favor of the proposition to expend $101,000,000 for the enlargement of these canals, so as to permit the passage of 1,000-ton barges. This work will be commenced during the coming year. It is the most stupendous scheme of internal improvement that has ever been proposed in any commonwealth in this country, and it has few parallels in the history of the world.

The city of New York has complied with the contract. The city of New York has complied fully with the terms of the compact since the United States assumed absolute control of these waterways. It has ceded to the United States without cost the lands of the municipality needed for widening the Harlem. (See deed in comptroller's office, New York City, book B, p. 61.) In order to comply with the conditions imposed upon it the city of New York did loan its credit by the issue of bonds for the purchase of private property needed for the improvement. During the past twenty years the city of New York has expended over $12,500,000 in removing existing bridges and constructing new ones across the Harlem River. The cost of these bridges has been largely increased because of the greater width of draws and the increased height of the structures and the approaches thereto to comply with the requirements of the War Department. During the coming twenty years, or even in less time, the city of New York will be required to expend at least $12,500,000 more in order to complete additional new bridges across the Harlem, the expense of which will also be largely enhanced by the requirements of the United States authorities. The city is now spending $2,500,000 in rebuilding a bridge across the Harlem at Madison avenue and a large sum for a bridge at Fordham Heights. It is estimated that the amount annually raised by the city of New York by taxation to pay the interest on bonds issued by it for the construction of new bridges across the Harlem River built in conformity with the plans of the War Department is nine and one-half times the average annual amount appropriated by Congress since 1874 for the improvement of the Harlem Ship Canal.

What property owners have contributed.—The owners of real estate in the upper part of the city of New York contiguous to the Harlem Ship Canal have also contributed largely to the improvement of that waterway in the amounts paid in greatly increased taxation and local assessments, made necessary for the acquisition of and damages done to private property, for the construction of new bridges, viaducts, and approaches, and the reregulating, regrading, and repaving of existing streets and avenues and the opening of new thoroughfares.

Among other things they have suffered their property to be assessed locally over $1,000,000, namely, $258,892 for acquiring private lands necessary for constructing the Harlem Ship Canal (see report and order confirming same, New York county clerk's office in matter petition of U. U. entered July 9, 1886) and $750,000 for a portion of the cost of reregulating and regrading Park or Fourth avenue above One hundred and sixth street in order to enable the New York Central Railroad to cross the river at the elevation required by the War Department.

These large expenditures by the city of New York and its property owners are entitled to the most serious consideration of the Congress of the United States.

7. THE COMPLETION OF THE HARLEM SHIP CANAL IS A MATTER OF GREAT NATIONAL IMPORTANCE FOR THE FOLLOWING REASONS IN ADDITION TO THOSE HERETOFORE MENTIONED IN THIS MEMORANDUM:

1. Because it affects the commercial, agricultural, and manufacturing interests of the whole country. The Harlem is a part of that wonderful center of activity and development, the port of New York, the greatest shipping port of the world. "To this port," to quote the words of a distinguished Secretary of the Treasury, "80,000,000 of people bring $30,000,000 of the surplus products of their farms, $6,000,000 of the surplus of their forests, $30,000,000 of the surplus from their mines, and more than $200,000,000 of their manufactures. From this port the same people carry inland $560,000,000 imports, and to the collector of this port is paid $165,000,000, 65 per cent of the customs duties of the nation."

2. Because the commerce of the Harlem is a large and constantly increasing part of the coastwise trade of the United States, extending along the Atlantic, a trade unequaled anywhere on the waters of the globe and vastly more valuable to our people than all our foreign commerce.

3. Because upon the peaceful waters of that stream there is now carried by the swift steamer, the three-master schooner, and by the commodious lighter, canal boat, and barge the products of the forest, the field, the mine, and the factory amounting in round numbers to 10,000,000 of tons and valued at over $270,000,000.

4. Because the value of the tonnage carried on that busy stream is to-day greater than the value of the whole export and import trade of the United States with any portion of the world except Great Britain, Germany, and Asia, as has already been shown.

5. Because that stream and its natural extensions, Bronx Kills and Spuyten Duyvil Creek, are essential parts of the canal system of the State of New York, that great continuous and free waterway extending from Duluth to the Atlantic.

6. Because nearly a million people—a population greater than that of any one of sixteen States of the Union, and larger than that of five of them combined—have located their homes and business enterprises on the banks of that stream. Situated as it is, in the center of this great population, the most rapidly growing community in the United States, it is the natural carrier for the provisions that feed this people, for the lumber, the iron, the stone, the brick, the lime, and the other materials that enter into their vast building operations, and for the fuel that heats and lights their homes and places of employment and produces the power that turns the wheels of their busy industries and propels their elevated, surface, and underground railway cars. The docks of this stream are the storage and distributing depots of the bulky merchandise that enters into the daily life and activities of this large and enterprising community.

8. FURTHER DELAY UNWISE.

Only a comparatively small expenditure is now necessary to complete the Harlem Ship Canal. More than 60 per cent of the work has been done. (See Annual Report of Chief of Engineers, 1906, Appendix E, p. 956.) The completed improvement will benefit more States and greater agricultural, commercial, and manufacturing interests than the improvement of any similar waterway in the Union.

It would be a parsimonious and shortsighted policy for the National Government to delay any longer the completion of this important commercial artery. The longer it is delayed the greater will be the inconvenience and injustice to the State and to the city of New York and to the varied interests of the whole country.

Mr. STEPHENS of Texas. How much time have I remaining?

The CHAIRMAN. Fifteen minutes.

Mr. STEPHENS of Texas. I yield back that time, as no one desires to speak on this side.

Mr. CURTIS. I yield two minutes to the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. Mr. Chairman, I simply wish to call the attention of the chairman of the committee to this. The bill of last session, which I had in my mind when I made my inquiry of him in reference to the increase of $100,000, it seems upon examination of the RECORD that there was an increase in appropriation of $100,000 in connection with the Indian police, as appears from this colloquy between myself and the chairman.

Mr. CURTIS. But not an increase in the number.

Mr. LITTLEFIELD. Not an increase in the number. [Reading:]

Mr. LITTLEFIELD. That is offset by the salary or wages of the police department.

Mr. SHERMAN. Yes; very largely; an increase of $100,000 for Indian police.

Mr. LITTLEFIELD. Does not that increase the number?

Mr. SHERMAN. No; only the compensation.

Mr. LITTLEFIELD. What is the occasion for that?

Mr. SHERMAN. The occasion of the increased appropriation is that the Commissioner found he could not retain the services of the best men at the former compensation, which was $15 a month for a captain and $10 a month for a private. He recommended the increase so that he could pay $25 a month for a captain and $15 a month for a private.

Mr. LITTLEFIELD. And the aggregate result is $100,000?

Mr. SHERMAN. One hundred thousand dollars; but the gentleman must remember that these officers furnish their own horses. They are largely used to restrain the traffic in liquor.

While I perhaps made an inadvertent reference to that, I wish to explain to the chairman that was the increase I had in mind when I made the inquiry.

Mr. SHERMAN. I was out when the gentleman from Maine began reading. This is no increase in the number.

Mr. LITTLEFIELD. I so understand it.

Mr. SHERMAN. But I notice that I answered you last year that they received nothing other than their monthly stipend; I do not know how I could have made that answer. I was in error in that respect. They are furnished their uniforms, and they are also permitted to get rations at the agencies at cost price.

Mr. LITTLEFIELD. The question and answer that practically covers the whole thing is this:

Mr. LITTLEFIELD. Do they get anything in the way of compensation by the way of being found?
Mr. SHERMAN. No; they are not found.
Mr. LITTLEFIELD. They get their food and supplies at cost price?
Mr. SHERMAN. Yes.

Mr. LITTLEFIELD. So that does cover the food and supplies proposition, and as I understand the gentleman now, they are furnished their uniforms in addition to their compensation.

Mr. SHERMAN. Yes; they are in addition. We did not last year increase the number of officers at all, but we increased the compensation because the Commissioner had found that he could not obtain the best men in the tribe at the old compensation of fifteen and ten dollars.

Mr. LITTLEFIELD. I have been advised since I made the inquiry of the chairman in regard to the increase of officers that there is only one increase of officers provided in the bill, a superintendent.

Mr. SHERMAN. A superintendent of irrigation.

Mr. LITTLEFIELD. Yes.

Mr. SHERMAN. Yes; that is all.

Mr. LITTLEFIELD. What is the salary of that officer?

Mr. SHERMAN. I think it is $3,000.

I ask for the reading of the bill, Mr. Chairman, if the minority have consumed their time.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are specially provided for herein for the service of the fiscal year ending June 30, 1908, namely:

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. The gentleman from New York [Mr. GOULDEN] has, as usual, clearly elucidated the importance of an increased appropriation for rivers and harbors in his speech a few moments ago, and I am going to take a half minute of five minutes of time and ask him a question or two and let him take the balance of my time in answering them. How are we going to get the money now to do all this increased river and harbor work? The gentleman has studied the matter, and I trust he will answer and give to the House and to the country the benefit of his investigations.

Mr. GOULDEN. There are two ways of doing it, and one is by economizing in appropriations and other expenditures of the Government in which I think we are rather lavish.

Mr. GAINES of Tennessee. In what?

Mr. GOULDEN. In yearly amounts for the Army and the Navy, as an illustration; and secondly, by making posterity, which will be largely benefited, assist in paying for a part of these improvements by the issuance of bonds.

Mr. GAINES of Tennessee. Does the gentleman ask a reenactment of the Spanish war tax, or a part of it, to raise a part, at least, of the desired revenue?

Mr. GOULDEN. No.

Mr. GAINES of Tennessee. Does not the gentleman think it would be a good idea to do that?

Mr. GOULDEN. I think it would be an excellent idea to do that rather than to issue bonds.

Mr. GAINES of Tennessee. Does the gentleman remember all of the articles that were taxed in that law?

Mr. GOULDEN. Yes; but allow me to make another suggestion. I think we should favor the enactment of an inheritance tax, as was ably set forth the other day by my colleague from New York [Mr. PERKINS].

Mr. GAINES of Tennessee. We did that in the Spanish war tax and also taxed telegrams and bills of lading, checks, etc., and tried to tax express receipts, but the express companies wormed out of that, and did not pay anything to carry on that war; and in addition we could tax stock-exchange trades that are so often and rapidly made, and a thousand and one things that would not depress the people, and yet the people would get the full benefit of the revenues coming from such a law. In addition to that my idea was——

Mr. GOULDEN. I would say, in reply to the distinguished gentleman from Tennessee [Mr. GAINES], that in the State of New York we tax stock transfers and find it quite a beneficial thing in the way of raising revenues, and I should not oppose it.

Mr. GAINES of Tennessee. Has the gentleman ever found anybody who said that he was oppressed by what is known as the "Spanish war tax?"

Mr. GOULDEN. No; I think not. My only regret is that the express companies escaped that, and they certainly should not be allowed to do so in the future should such a tax be enacted.

Mr. GAINES of Tennessee. Now, if we would reenact at least parts of that tax law and call it a "river and harbor tax" in haec verba, and take the money therefrom and add it to what we usually have for rivers and harbors and what we may economize on and get along the line you have suggested or without that, it does seem to me that in a short while we would accumulate regularly, yearly, an immense fund of money here that could be spent on our rivers and harbors, and when the people saw it going into the rivers and harbors, as they saw fit, as with the rural routes of the country, I think they would be satisfied and quickly and greatly benefited.

Mr. GOULDEN. I agree with my friend from Tennessee, and would say, as an illustration, that the river, the Bronx, which I have been talking about, had a commerce in 1903 valued at $270,000,000, and it was more than thirty-two years since the Government first began the improvement. It was no fault of the River and Harbor Committee of Congress, but that lies with the Congress itself in not appropriating a sufficient sum of money to complete this and other projects that are now under way, and this is one of the most important.

Mr. GAINES of Tennessee. We would save a great deal of money, in the judgment of our engineers, and our own common sense teaches us that if we appropriate enough money to build a lock or dam, if we would continue their building right along without stopping, we would save money, because there is a great deal of money lost by stopping, reemploying labor, and so forth. I know what has occurred down in my State. They have been delaying the locks and dams on the Cumberland River, and I was told by my good friend Mr. Bryan, of Nashville, who is chairman of Cumberland River Association, that the alluvial soil has accumulated by the acre around the locks and dams and a very wise farmer had put a fence around it and is raising crops on it.

Mr. GOULDEN. I heard the statement the farmer was cultivating the soil over and around the dam, and that is costing the Government many thousands of dollars. I agree with the gentleman from Tennessee [Mr. GAINES] that something ought to be done and at once, and in my judgment it's up to this body and the Senate to do it. [Applause.]

The Clerk read as follows:

SECRETARY.

That hereafter no purchase of supplies for which appropriations are made in any Indian appropriation act, exceeding in the aggregate $500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding $3,000 at any one purchase: *Provided*, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *Provided further*, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior.

Mr. MANN. I reserve the point of order upon that paragraph, and would like to inquire of the gentleman in charge of the bill what is the object of carrying this out in the bill?

Mr. SHERMAN. It is made continuous in this bill. If the gentleman had been present when I explained the bill he would have understood what its object was. Year after year this provision and certain others have been carried in the bill relating simply to the current year, and it seemed to us that it lumbered the bill with a lot of stuff after Congress had a dozen or twenty or thirty times decided upon the proposition and set out that provision in the bill. Now, this year by putting in the word "hereafter," if it becomes law, it will not be necessary after this to carry it in the bill.

Mr. MANN. I did not hear the explanation of the gentleman, but it seems a rather serious proposition to give the Secretary of the Interior, as permanent law, power to make these purchases without advertising.

Mr. SHERMAN. Well, that is a limited purpose; limited in amount, you will discover, when contingencies arise where there is not time to advertise; and then he has to make a report to Congress. We have carried that same provision in every appropriation bill for the dozen years that I have had anything to do with it.

Mr. MANN. I understand. I have been inclined to make the

point of order to it in previous years and have called attention to it before. This would put it practically beyond the power of Congress to prevent the Secretary of the Interior from purchasing goods without advertising as he may please.

Mr. SHERMAN. No; because when Congress desires to put that limitation upon an appropriation bill they can do so. But rather than have it in the bill every year, making the bill more lengthy than necessary, we thought it was best to make it continuous. Now, the moment Congress desires that limitation inserted it can do so.

Mr. MANN. What limitation?

Mr. SHERMAN. That this limitation should be taken away, they can reinsert the necessary provision.

Mr. MANN. No; it would be subject to a point of order.

Mr. SHERMAN. Not if it is a limitation.

Mr. MANN. I do not know any form in which you could frame a limitation covering the subject.

Mr. SHERMAN. I think the gentleman would be able to draw a limitation covering any appropriation in the bill for any year. If he can not, I will draw it.

Mr. MANN. I am not only certain that the gentleman or myself can not do it, but I do not think there is a single gentleman who can do it and it not be subject to the point of order.

Mr. SHERMAN. I have been able to do it whenever I thought it was necessary.

Mr. MANN. For the present I will insist upon the point of order.

Mr. SHERMAN. The gentleman does insist upon the point of order?

Mr. MANN. I have no objection to it going in for the year.

Mr. SHERMAN. Well, if the gentleman will move an amendment striking out "hereafter," in line 17, page 2, he accomplishes his purpose.

Mr. MANN. I insist upon the point of order, and the gentleman can offer an amendment and leave out the word "hereafter."

Mr. SHERMAN. Very well; we will have it that way.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERMAN. Then, Mr. Chairman, I move to reinsert the provision striking out the word "hereafter," in line 17, and in line 18 strike out the words "in any Indian appropriation act" and insert in lieu thereof, after the word "made," "hereafter."

The Clerk read as follows:

Reinsert the provision after striking out, in line 17, page 2, the word "hereafter," and in line 18 striking out the words "in any Indian appropriation act" and insert in lieu thereof the word "hereafter."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

That hereafter whenever after advertising for bids for supplies in accordance with the immediately foregoing paragraphs, those received for any article contain conditions detrimental to the interests of the Government, they may be rejected, and the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same, until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made: *Provided*, That so much of the appropriations of any annual Indian appropriation act as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the fiscal year for which such appropriations are made, shall be immediately available, upon the approval of such act, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to the beginning of such fiscal year.

Mr. MANN. I raise, or reserve, the point of order on the paragraph read. The latter part of it I have no objection to, but it seems to me that instead of putting into permanent law some of these provisions of the bill it is desirable that the policy of the Government that goods shall be obtained after advertisement should be adhered to in the Indian Service more fully than it has been in the past.

Mr. SHERMAN. I understand the gentleman to raise the point of order against the paragraph beginning with line 20 on page 4.

Mr. MANN. Yes.

Mr. SHERMAN. Of course it is legislation and was so intended. If the gentleman insists on his point of order, I assume that it will be sustained, and then I shall be obliged to offer, as I did in the other case, the same provision, to apply simply to this year's bill.

Mr. MANN. So far as the latter part of the paragraph is concerned, commencing with the word "*Provided*." I have no desire to raise the point of order on that, if the gentleman cares to except it.

Mr. SHERMAN. Very well, then, make your point of order against the first part of it, if that is your determination.

Mr. MANN. I make the point of order, Mr. Chairman, upon the paragraph commencing with line 20 on page 4 and ending with the word "made" in line 3, page 5.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERMAN. Then, Mr. Chairman, I will offer an amendment to cover that. In this instance, I think, the question is covered by simply striking out the word "hereafter" in line 20. So I move to insert in the bill the provision now covered in lines 20 to 25 on page 4 and lines 1 to 3 on page 5, omitting the word "hereafter" in line 20 on page 4. That makes it apply simply to this year's bill.

Mr. LACEY. Then, Mr. Chairman, I move to insert the word "hereafter" after the word "that," in line 3, page 5. I understand the gentleman from Illinois to make no objection to that.

Mr. SHERMAN. I did not catch what the gentleman from Iowa said.

Mr. LACEY. I move to insert the word "hereafter" after the word "that," in line 3, page 5, so as to have the remainder of the paragraph become a part of the permanent law; so that it will not have to be reenacted every year.

Mr. SHERMAN. Let us get that as a separate amendment.

Mr. LACEY. I understood the gentleman from Illinois to say that he would not object to that.

Mr. MANN. I am inclined to raise the point of order against both of them, as far as that is concerned.

Mr. SHERMAN. My amendment is to reinsert what was stricken out on the point of order, with the exception of the word "hereafter," line 20, page 4.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. MANN. Mr. Chairman, I raise the point of order upon the amendment. It has not yet been reported.

The CHAIRMAN. The Clerk will report the amendment to which the gentleman makes the point of order.

The Clerk read as follows:

Insert in lieu of the matter stricken out the following:

"That whenever, after advertising for bids for supplies in accordance with the immediately foregoing paragraphs, those received for any article contain conditions detrimental to the interests of the Government they may be rejected, and the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same, until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made."

Mr. MANN. Mr. Chairman, I make the point of order that that is out of order, as it changes existing law. If the gentleman desires to state his reasons, I will reserve the point. The fact that this provision is in the current law of course makes no difference. If there is no statute authorizing it, it can not go in.

Mr. SHERMAN. It is a provision which simply relates to the appropriation made for the current year in this bill. Surely the gentleman does not maintain that we can not do that.

Mr. MANN. If the provision would change existing law, then it is subject to the point of order. It is not a limitation, and there can not be any pretense that it is. It is an enlargement of the power of the Secretary and not a limitation upon his power.

Mr. SHERMAN (reading)—

Whenever, after advertising for bids for supplies in accordance with the immediately foregoing paragraphs——

Mr. MANN. It practically amounts to authorizing something which the law does not now permit. If there is any special reason for that, the gentleman may state it. Unless there is some good reason for it, it seems to me to be better when we require Government officials to advertise for bids not to make an exception in favor of certain Government officials as to certain bids.

Mr. SHERMAN. The reason is perfectly plain. It is stated in the terms of the paragraph itself, it seems to me. Whenever, after advertising for bids, those received for any article contain conditions detrimental to the interests of the Government they may be rejected, and before readvertisement for resubmission of the bids such purchases may be made temporarily to supply the temporary necessities of the case.

For instance, the Department advertises for bids supplying vaccine. That is one article appropriated for in this bill. The bid is unsatisfactory and it is rejected. Now, an epidemic of smallpox is on, and is the Secretary or Commissioner to be precluded from buying enough vaccine to be used during the time that he is advertising for new bids?

Mr. MANN. That is covered by the other paragraph we adopted.

Mr. SHERMAN. I do not think so.

Mr. MANN. That provides for the exigency.

Mr. SHERMAN. Where?

Mr. MANN. On page 2, which was adopted. There was an express provision that in case of an exigency he may buy with-

out bids and report to Congress, but here is a provision that he may buy without bids and make no report to Congress.

Mr. BURKE of South Dakota. I desire to ask the gentleman if his attention has been called to the current law as it was enacted in the last appropriation bill?

Mr. MANN. Oh, yes.

Mr. BURKE of South Dakota. Then this is only reenacting a law that has been enacted, is not that true?

Mr. MANN. It is to practically extend for another year what is now the law. That is true; it is not to reenact a law, because if it was a law for the ensuing year it would not need to be in here. What is the purpose of it? I have heard a great many complaints as to the way supplies were purchased by the Indian Department. I do not know whether they were occasioned by this provision or not.

Mr. BURKE of South Dakota. That is not the question; the question is on the point of order.

Mr. MANN. I may say to my distinguished friend from South Dakota that I am willing to submit the point of order without saying anything on my side, because it is so perfectly plain that it ought not to be subject to a point of order.

Mr. SHERMAN. With the preceding provision modified, I must concede that the point of order is well taken against the wording as I presented it. I will withdraw the amendment if there is no objection.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. SHERMAN. Now, Mr. Chairman, I offer this: "That hereafter, whenever after advertising for bids or supplies in accordance with this act those received for any article contain conditions detrimental to the interests of the Government, they may be rejected," etc. I am sure the Chair will hold that that is in order.

Mr. MANN. Has the amendment been reported, or will it be? I will make the point of order on the amendment at the proper time.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Instead of the matter stricken out on the point of order insert the following: "That hereafter, whenever after advertising for bids or supplies in accordance with this act those received for any article contain conditions detrimental to the interests of the Government," etc.

Mr. MANN. That is not a limitation upon the appropriation at all. That is an extension of the power of an officer, a power which he does not now possess; it is not a limitation. Putting something in the bill because it relates to a current provision is equivalent to saying that you can enact any new law, extend the power of an official; that could not be done in an appropriation bill.

As to the first part of the paragraph, I assume that it might not be subject to a point of order because I do not think it changes existing law. They now have the power to rejects bids that they do not like, and have the power to reserve the right to reject bids. It is not necessary to say in the bill that they should have that power to reject bids. It is not necessary to say or to give them the power that where conditions are detrimental to the interests of the Government they may reject the bids. They have that right under the law. The other part of the paragraph, providing that if the bids are not what the Secretary wants he can buy regardless of bids, changes the existing law, and ought not to be inserted unless a good reason is given for it. So far no reason has been given.

Mr. SHERMAN. If the gentleman will excuse me, I stated a reason, but the gentleman from Illinois may not consider it a good reason. I do not care to waste the time, Mr. Chairman, in further discussion on the point of order. I have stated my contention, and I am ready to take the ruling of the Chair on it, whether it be to leave the provision in or strike it out.

Mr. MANN. I would not say, Mr. Chairman, that any reason the gentleman from New York gave was not a good reason. Whatever else I might say, I would never say that anything which the gentleman from Now York said was not good, for he never does anything but the best.

The CHAIRMAN. The Chair is ready to rule. So far as this provision in this amendment is concerned, it gives positive authority to purchase goods in the open market, and it is not to that extent in the nature of a limitation. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $1,300,000.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add in line 17, page 6, the following:

"*Provided*, That nothing contained in this paragraph of the bill shall authorize the money herein appropriated to be expended for the support or education of any children of Indian blood whose parents have become citizens of the United States under existing laws and are no longer the wards of the Government; and the education and maintenance of such children are hereby relegated to the States or Territories where such Indian citizens reside."

Mr. SHERMAN. Mr. Chairman, I make the point of order against that amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I do not think it is subject to the point of order, for the reason that it states simply how this money shall be expended.

The CHAIRMAN. The Chair will sustain the point of order. The Clerk will read.

The Clerk read as follows:

For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, $70,000; *Provided*, That not exceeding $5,000 of this amount may be used, under direction of the Commissioner of Indian Affairs, in the transportation and placing of Indian pupils in positions where remunerative employment can be found for them in industrial pursuits. The provisions of this section shall apply to native pupils brought from Alaska.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill whether it is possible for him at this time to inform us how much of this $5,000 has been used and how much of it was for transporting children from Alaska into this country to obtain remunerative employment in industrial pursuits?

Mr. SHERMAN. Mr. Chairman, I can not state. I have no information before me from which I can give the gentleman the information that he desires.

The Clerk read as follows:

That hereafter all schools for whose support specific appropriations are made in any annual Indian appropriation act shall be classified according to the number of pupils appropriated for therein, as follows: Class 1, where such number is less than 100; class 2, where such number is not less than 100, but not more than 200; class 3, where such number is more than 200, but not more than 400; class 4, where such number is more than 400. The pay of the superintendents of said schools shall be fixed by the Commissioner of Indian Affairs on a scale corresponding to the classification hereinbefore directed, as follows: Superintendents of schools of class 1, not to exceed $1,200 per annum; superintendents of schools of class 2, not to exceed $1,600 per annum; superintendents of schools of class 3, not to exceed $2,000 per annum; superintendents of schools of class 4, not to exceed $2,500 per annum: *Provided*, That the foregoing provision as to pay of superintendents shall not apply to the school at Carlisle, Pa., as long as said school remains under the superintendency of an active army officer: *And provided further*, That the pay of any superintendent who performs agency duties in addition to those of his superintendency may be increased by the Commissioner of Indian Affairs, in his discretion, to an extent not exceeding $300 per annum.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. I would like to ask the gentleman in charge of the bill what would happen in case any pupils at a school should vary?

Mr. SHERMAN. Mr. Chairman, we appropriate for so many pupils in a school. Now, it can not vary above that amount. If we appropriate for 100 pupils the superintendent goes into a class of 100 or under. If we appropriate for 200, of course he goes into the second class. We might appropriate for 210, though we seldom appropriate in that way, for it usually goes by 25 or 50, and the average attendance where 210 is appropriated for might fall below 200, and in that case the superintendent might be in class 2 rather than in class 3.

Mr. MANN. Suppose you appropriate for 150 and there were only 75 there. What would be the classification?

Mr. SHERMAN. Class 1.

Mr. MANN. When is that to be ascertained?

Mr. SHERMAN. The Commissioner ascertains that in his own way.

Mr. MANN. At the beginning of the year or at the end of the year?

Mr. SHERMAN. I do not know how he could determine at the beginning of the year what the average attendance would be during the year.

Mr. MANN. I do not see how he could myself. Therefore I do not see how he could determine what would be the pay the superintendent would get until the end of the year.

Mr. SHERMAN. I assume he would determine the salary of the superintendent on the basis of our appropriation here. In other words, if we appropriated for 210 students or 250, he would hold that the superintendent was in class 3. In every case where we specifically appropriate we appropriate for so many children, and this provision applies only to the specially

appropriated for schools, the twenty-eight nonreservation schools; and had the gentleman been here when the bill was presented in general debate he would have heard what I said in reference to that.

Mr. MANN. I heard what the gentleman said, but I still was not sufficiently enlightened, being a little bit dull.

Mr. SHERMAN. Oh, I do not think the gentleman ought to say that. Nobody in the House will concede that he is correct about that. I will have to take issue with him.

Mr. MANN. I heard both the gentlemen discuss the matter.

Mr. SHERMAN. The salary I assume would be fixed by the Commissioner of Indian Affairs at the beginning of the school year, based upon the number of pupils appropriated for at each school.

Mr. MANN. If the gentleman will pardon me—I do not intend, I will say to the gentleman, now to insist on the point of order—it seems to me that that provision is going to get the whole system into great confusion if it ever goes into law in its present shape.

Mr. SHERMAN. Of course it is legislation. There is no dispute about that, but it is anything but getting the Department into confusion, I think.

Mr. MANN. There is no way of telling under this what the salary of a superintendent at a particular place is going to be.

Mr. SHERMAN. Why, it is certainly the easiest thing in the world. Turn to page 43 of the bill. We say, "For support and education of 700 Indian pupils." Now, that is a school of class 4. You can take page 41, "For support and education of 325 Indian pupils at the Indian school, Fort Totten." Of course that is of class 3. Take the page before that, page 40, "For support and education of 160 pupils at the Indian school at Cherokee, N. C." Of course that is a school of class 2, and so in reference to every one of these schools we appropriate specifically for so many pupils. Do I make myself clear to the gentleman?

Mr. MANN. Perfectly. Now, it will be upon that basis that the salary would be fixed?

Mr. SHERMAN. Undoubtedly.

Mr. MANN. Is there any limitation upon the number of pupils who may attend those schools?

Mr. SHERMAN. No. There is a limitation upon what shall be expended for the support of the children—that they can not expend more than $167 on each pupil. You take a large school like Haskell, for instance, or Carlisle, or Phoenix, it is possible for the superintendent, and he does in fact, maintain more pupils than appropriated for, because it stands to reason that with a large attendance like that the expense per capita would be less than with a small number, like a hundred or a hundred and fifty, for instance.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

That any noncompetent Indian to whom a patent containing restrictions against alienation has been issued for an allotment of land in severalty, under any law or treaty, may sell or convey all or any part of such allotment, on such terms and conditions and under such rules and regulations as the Secretary of the Interior may prescribe, and the proceeds derived therefrom shall be used for the benefit of the allottee so disposing of his land, under the supervision of the Commissioner of Indian Affairs; and any conveyance made hereunder and approved by the Secretary of the Interior shall convey full title, the same as if fee-simple patent had been issued to the allottee.

Mr. JONES of Washington. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee if the words "noncompetent Indian," found in line 23, on page 9, apply to minors; do I understand they would?

Mr. SHERMAN. I can not hear what the gentleman says.

Mr. JONES of Washington. I say the words "noncompetent Indian," on page 9, line 23, would include minor children, would it not, to whom allotments have been made?

Mr. SHERMAN. Certainly; if they were noncompetent.

Mr. JONES of Washington. They would be considered noncompetent within the law, would they not?

Mr. SHERMAN. It applies to noncompetent Indians whether minors or not.

Mr. JONES of Washington. I want to ask the chairman whether or not there is any doubt.

Mr. SHERMAN. No; there can not be any doubt.

Mr. JONES of Washington. That is what I thought. Now, I would like to ask the chairman of the committee if he would object to an amendment something like this in effect. There are a great many minor Indians who are heirs of deceased allottees. There ought to be some way by which their interests in the estate of the decedent could be disposed of without requiring probate court proceedings. I would like to see this amended by inserting on page 10——

Mr. SHERMAN. A bill was passed during last session, which was known as the "Burke bill," which accomplished just what the gentleman desires to have covered. The gentleman from South Dakota, I think, can tell him all about it.

Mr. BURKE of South Dakota. Except, Mr. Chairman, it was thought when that law was enacted we could not legislate to effect anything that was in the past, that there was danger of meeting up with vested rights, and we could not legislate as to Indian allotment where the allotment had been approved, and any legislation that would tend to change that law might interfere with vested rights.

Mr. JONES of Washington. I do not understand the gentleman's bill covered minors. I have had this matter up lately in connection with the Yakima Reservation.

Mr. BURKE of South Dakota. My bill affects children as well as adult Indians that have taken allotment since the passage of that act, and provides that the lands of the deceased Indians may be conveyed to the heirs by name, or the Secretary of the Interior may cause the land to be sold and the Secretary of the Interior shall determine absolutely who the heirs are, and his action shall be in all respects final.

Mr. JONES of Washington. Does it affect the interests of minors also?

Mr. SHERMAN. Let me read the provisions of the Burke bill (reading):

That hereafter when an allotment of land is made to any Indian, and any such Indian dies before the expiration of the trust period, said allotment shall be canceled and the land shall revert to the United States, and the Secretary of the Interior shall ascertain the legal heirs of such Indian, and shall cause to be issued to said heirs and in their names a patent in fee simple for said land, or he may cause the land to be sold as provided by law and issue a patent therefor to the purchaser or purchasers, and pay the net proceeds to the heirs, or their legal representatives, of such deceased Indian.

Mr. JONES of Washington. That does not apply to allotments made prior to that act.

Mr. BURKE of South Dakota. No, sir; it does not.

Mr. SHERMAN. Of course not.

Mr. JONES of Washington. It ought to apply to all allotments which have already been made. On the Yakima Indian Reservation we have many minor heirs of deceased Indians. It seems to me there ought to be some provision by which their interests can be disposed of without their having to go into court.

Mr. CURTIS. There is a provision which authorizes the sale of inherited Indian lands.

Mr. JONES of Washington. It does not touch the interests of minors.

Mr. CURTIS. Yes; it does. The law provides that where there are adult heirs they may sell, and if there are minor heirs their interest may be sold through a guardian, but the conveyance is subject to the approval of the Secretary of the Interior.

Mr. JONES of Washington. What has that got to do with it? Why should it have anything to do with it?

Mr. CURTIS. That provision was put in the bill so that the interest of the minors might be fully protected, and by the proper court in the county in which he lives.

The CHAIRMAN. The time of the gentleman from Washington [Mr. JONES] has expired.

Mr. JONES of Washington. Mr. Chairman, I move to strike out the last two words. Now, I think those provisions that the gentleman has just referred to are included in the regulations of the Department. My recollection of it is that it provides for the disposition of the lands of deceased Indians, and it is a simple provision that these lands may be sold according to such rules and regulations that the Secretary of the Interior may prescribe. Now, if there is a provision that these lands can be sold without the interposition of the probate court, I am certainly satisfied, but I do not want any question about it. I think it ought to be provided in that way, and I was simply going to suggest an amendment here so as to cover the case of the minor heir of any deceased Indian's allotment. I have introduced a bill covering this subject and took the matter up with the Department. They do not understand that the law covers these matters and they are very anxious to have legislation of that character.

Mr. STEPHENS of Texas. Will the gentleman permit me to ask him a question?

Mr. JONES of Washington. Yes; certainly.

Mr. STEPHENS of Texas. I would ask if the gentleman does not understand lines 23 and 24 to mean that this only applies to patent cases containing restrictions?

Mr. JONES of Washington. Certainly.

Mr. STEPHENS of Texas. Patents already issued?

Mr. JONES of Washington. Certainly.

Mr. STEPHENS of Texas. And this provides two ways by which the Indians can alienate their land?

Mr. JONES of Washington. It provides a means by which a minor who has an allotment made to him can alienate his land.

Mr. STEPHENS of Texas. Would not this turn loose some of these Indian lands?

Mr. JONES of Washington. I am in favor of this. But I wanted to see if we could not broaden this a little and provide for the minor of a deceased Indian to sell his interest.

Mr. STEPHENS of Texas. I will suggest to the gentleman that we get what we can.

Mr. JONES of Washington. I suggest that we get this. I would like to ask, Mr. Chairman, that this paragraph be passed with the privilege of returning to it later on, if desired.

The CHAIRMAN. The gentleman from Washington [Mr. JONES] asks unanimous consent to pass this paragraph without prejudice. Is there objection? There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STERLING having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendments joint resolution and concurrent resolution of the following titles:

H. J. Res. 203. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1906, on the 20th day of said month.

House concurrent resolution 45:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, December 20, they stand adjourned until 12 o'clock meridian, January 3, 1907.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

MISCELLANEOUS.

Telegraphing, telephoning, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian Service, including inspection and pay of necessary employees; advertising, at rates not exceeding regular commercial rates, and all other expenses connected therewith, and for telegraphing and telephoning, and for transportation of Indian goods and supplies, including pay and expenses of transportation agents and rent of warehouses, and warehouses for the receipt, storage, and shipping of goods for the Indian Service shall be maintained at the following places: New York, Chicago, Omaha, St. Louis, and San Francisco, $315,000.

Mr. KENNEDY of Nebraska. I move to strike out the last word. I would like to ask the chairman of the committee a question or two with reference to this appropriation. I notice, Mr. Chairman, that the appropriation for the five cities of New York, Chicago, San Francisco, St. Louis, and Omaha is $315,000. I wish to inquire on what basis that appropriation rests, so far as the city of Omaha is concerned?

Mr. SHERMAN. Mr. Chairman, as the bill passed the House last year this item was for telegraphing, telephoning, etc., $260,000. The city of Omaha was specifically appropriated for, I think, on the motion of the gentleman from Nebraska, at $10,000, and $10,000 in another place was inserted for the support of the San Francisco warehouse, and $10,000 for the St. Louis warehouse. In the Senate all of these provisions were stricken out, and this so-called blanket provision, covering all the warehouses, was inserted, and the $30,000 which had been appropriated here for the three warehouses separately were added to the $260,000, as it passed the House, making it in all $290,000. Now, the appropriation this year is for $315,000, with the expectation that it will more than support these three warehouses, but with the expectation also that the transportation of supplies will cost more this year than last year.

Mr. KENNEDY of Nebraska. Then the basis, as applicable to Omaha, is the same as the appropriation of last year?

Mr. SHERMAN. Quite so, and possibly more so, because there was a period during the fiscal year ending July last when, not in Omaha, but in another warehouse, the work had to be suspended because the specific appropriation allowed to that warehouse was exhausted. Now, under this blanket provision the work in no warehouse need be suspended, because there is ample provision to take care of them all; and if it took a little more to sustain the Omaha warehouse than it did at St. Louis, it is the purpose of this provision to provide the funds to carry it on.

Mr. KENNEDY of Nebraska. But the basis on which your bill rests is the same?

Mr. SHERMAN. The basis upon which this appropriation is made is $10,000 for Omaha, the same as specifically provided for in the bill last year.

Mr. KENNEDY of Nebraska. Mr. Chairman, that is satisfactory to me. Because our business is constantly increasing, I was anxious that the amount should not be reduced as to Omaha. I withdraw the pro forma amendment.

Mr. MANN. I renew it. The gentleman in charge of the bill states that the amount was sufficient. Now, as a matter of fact, at one time during the last fiscal year the Indian warehouse at Chicago was almost closed up.

Mr. SHERMAN. Just as I stated. Why?

Mr. MANN. It had not a sufficient amount.

Mr. SHERMAN. That is true. Now, we have increased the amount to $315,000.

Mr. MANN. I understood the gentleman to say that the increase was intended to cover the cost of transportation.

Mr. SHERMAN. Largely so.

Mr. MANN. I wish to inquire if it is not necessary to appropriate a larger sum of money for maintenance?

Mr. SHERMAN. So far as Chicago is concerned, that is correct. Chicago is a very important point; second to none in importance. As I say, it was unfortunate that this appropriation was so nearly exhausted that for a time—only a matter of six or seven weeks—the work had to be very much curtailed. Under this appropriation that condition can not occur again.

The Clerk read as follows:

CONTINGENCIES.

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Commissioner of Indian Affairs, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of special agents, at $2,000 per annum each, $75,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not know whether the gentleman in charge of the bill has the information or not, but I wish to ask him a question. All through this bill, and all through all appropriation bills, we find provisions like the following:

Including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at $3 per day, when actually employed on duty in the field.

The truth is that this has grown to be a great abuse in the Government. There are a great many officials in the Government, employed at salaries fixed by Congress (in this case at $2,000 per annum), who are permanently on duty at places away from home, and who receive an extra compensation of three times $365, making a very large increase in their salaries; and it has come to the point where a good many of the employees in Washington, as well as elsewhere, seek and urge that they be sent to some other place, as on duty there, in order to get the additional compensation of $90 per month; and there are some employees of the Government who receive more in the way of additional allowances away from home than their original compensation amounts to. And the cost of living in many of these cases is no greater than it would be if they were living where they originally were, because they are transferred not for a day, but for months, for seasons, and sometimes for years. I do not know as to these special agents, and I presume there is no way of ascertaining the exact amount that any of them are paid in the way of incidental expenses, which in this case very likely is the correct and proper thing. But if the gentleman from New York happens to have information on the subject, I am sure that it would be of value to the committee.

Mr. SHERMAN. Mr. Chairman, I can not give the exact statement. That is a detail that I did not ask for. I could get it for the gentleman; but I can tell him this, which I suppose will satisfy him, that so far as these five officers are concerned, I think they hardly come within the general class which he criticises, and justly so, I believe. These five agents are seldom in any one place for any great length of time. They are sent hither and thither, and here and there and yonder, from one agency to another, and from one State to another, and I think when they get through paying their expenses they are not able to save any very considerable amount out of the $3 per day that they are allowed for these traveling expenses.

I think I have in mind the class of employees to whom the gentleman particularly refers when he says it is substantially an addition to their salaries. For instance, a pension examiner in the field, who may live in Chicago, may be assigned to duty at Milwaukee, and while at Milwaukee he receives his $3 per day for subsistence, and it is possible for him to spend every Sunday, if he so desires, with his family in Chicago. It is possible for him, as he undoubtedly does, to obtain some comfortable home in a boarding house or with some private family, where his total expense would not, perhaps, exceed $8 or $10 a week; so that it is practically, in a case of that kind, an addition to the salary. But with these special agents in the Indian Service, they do not have any such co-called "soft snap" as that. They are sent to all sorts of outlandish sections of the country, if I may use the word "outlandish," where it is pretty hard for them to get comfortable accommodations at any price, and by the time the year ends I think it will be found that they

have saved no considerable amount out of their per diem allowance, but it will be found that they have drawn that per diem the major part of the year. They are out nearly all the time. Is that what the gentleman desired to know, whether they were out most of the time?

Mr. MANN. Yes.

Mr. SHERMAN. These five agents are out most of the time. From this contingent fund are also paid the traveling expenses of the Commissioner, and they are not inconsiderable, because the Commissioner attends the opening of business and the letting of contracts in Chicago, St. Louis, and San Francisco, and the present Commissioner, particularly, has been visiting a large number of reservations and schools. He was in the field, I think, for perhaps four months last year, and undoubtedly all that travel is expensive. It is not paying simply 3½ cents per mile on the railroad, but it is hiring teams to take him perhaps 30, 60, or 70 miles through a barren country, to reach the headquarters of an agency. So the expenses are large.

From this fund is also taken the pay of certain employees who are not otherwise specifically provided for. For instance, if one farmer is provided for at an agency, and the temporary conditions demand the employment of a second farmer, he can be paid out of this appropriation.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. My purpose in doing so is to answer a criticism made by the gentleman from Illinois [Mr. MANN] as to the abuse which had grown up in some Departments concerning the per diem allowance. So far as the postal service is concerned, it was called to our attention three years ago that inspectors would utilize the $4 per diem allowance when they would be assigned to official headquarters away from their homes, where most of their time would be passed and which was virtually their permanent stopping place. So the postal committee, in a bill reported that year, put a limitation providing that the per diem should not be available unless away from their home, their domicile, or their designated headquarters. It had been shown that prior to the establishment of the per diem allowance and under the old practice the agents in the field were allowed their expenses; that in many cases it would aggregate much more than the $4 daily allowance even if granted for three hundred and thirteen days in the year. Since the placing of the amendment on the statute books there has been no abuse in the postal service to our knowledge, and the postal agents in the field now are only entitled to that amount when away from their homes, their official headquarters, or their domiciles.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk proceeded with the reading of the bill to the close of line 19, on page 15.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Indian appropriation bill and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. DIXON of Montana, by unanimous consent, was given leave of absence indefinitely, on account of important business.

PROMOTIONS IN THE NAVY.

The SPEAKER laid before the House a message from the President of the United States; which was read, and, with accompanying papers, ordered printed, and referred to the Committee on Naval Affairs.

[For message see Senate proceedings of this date.]

PUBLIC LAND LAWS.

The SPEAKER also laid before the House a message from the President of the United States; which was read, ordered printed, and referred to the Committee on Public Lands.

[For message see Senate proceedings of this date.]

PANAMA CANAL.

The SPEAKER also laid before the House a message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

[For message see Senate proceedings of this date.]

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. J. Res. 203. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1906, on the twentieth day of said month.

COMMITTEE APPOINTMENT.

The SPEAKER announced the following committee appointment:

Mr. MOON of Tennessee to the Committee on Rivers and Harbors.

ADJOURNMENT.

Then, on motion of Mr. PAYNE (at 4 o'clock and 33 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of The Trustees of the Ivey Memorial Chapel against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of The Trustees of the Fourmile Creek Baptist Church against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of Commerce and Labor, transmitting a copy of a letter from the Commissioner of Navigation, with draft of proposed legislation with reference to the payment of certain navigation fees—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

A letter from the Secretary of State, transmitting the report of Mr. Samuel J. Barrows, Commissioner of the United States in the International Prison Commission, of the proceedings of the Seventh International Prison Congress—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a draft of a bill to pay certain incapable Indians their shares of the tribal trust funds—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting papers relating to the claim of Pelagio de Leon, of Bulacan, P. I.—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the concurrent resolution of the House (H. C. Res. 42) instructing the Secretary of War to return to the State of Texas the muster rolls of the Texas Rangers in service between February 28, 1855, and June 21, 1860, reported the same with amendment, accompanied by a report (No. 5553); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAYNARD, from the Committee on Industrial Arts and Expositions, to which was referred the bill of the House (H. R. 21949) authorizing the appropriation of the sum of $1,000,000 as a loan to the Jamestown Exposition Company for the purpose of aiding in the payment of the cost of the construction, completion, and opening of the Jamestown Tercentennial Exposition on Hampton Roads, Virginia, on April 26, 1907, and to provide for the protection of the Government and insuring the repayment of the said sum of $1,000,000 by a first lien upon the gross receipts of the said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from the concessions after the opening of said exposition, reported the same with amendment, accompanied by a report (No. 5554); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions,

to which was referred the bill of the House (H. R. 18969) granting an increase of pension to Herman Hagemiller, reported the same with amendment, accompanied by a report (No. 5488); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18322) granting an increase of pension to Hezekiah James, reported the same with amendment, accompanied by a report (No. 5489); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17810) granting a pension to Saul Saulson, reported the same with amendment, accompanied by a report (No. 5490); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19706) granting an increase of pension to Almon Wood, reported the same without amendment, accompanied by a report (No. 5491); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17581) granting an increase of pension to Aquilla Williams, reported the same with amendment, accompanied by a report (No. 5492); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15631) granting an increase of pension to Henry Clay Worley, reported the same with amendment, accompanied by a report (No. 5493); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7555) granting an increase of pension to John S. Roseberry, reported the same with amendment, accompanied by a report (No. 5494); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21767) granting an increase of pension to George Young, reported the same with amendment, accompanied by a report (No. 5495); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21624) granting an increase of pension to William H. Willey, reported the same with amendment, accompanied by a report (No. 5496); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20685) granting an increase of pension to Joseph R. Benham, reported the same without amendment, accompanied by a report (No. 5497); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15139) granting an increase of pension to James P. Mullen, reported the same with amendment, accompanied by a report (No. 5498); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21667) granting an increase of pension to John W. Towle, reported the same with amendment, accompanied by a report (No. 5499); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21535) granting an increase of pension to William E. Feeley, reported the same with amendment, accompanied by a report (No. 5500); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21499) granting an increase of pension to Henry A. Wieand, reported the same with amendment, accompanied by a report (No. 5501); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20927) granting an increase of pension to Benjamin F. Burch, reported the same with amendment, accompanied by a report (No. 5502); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21162) granting an increase of pension to John W. Humphrey, reported the same with amendment, accompanied by a report (No. 5503); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21314) granting an increase of pension to Robert F. Patterson, reported the same with amendment, accompanied by a report (No. 5504); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21277) granting an increase of pension to Robert Martin, reported the same with amendment, accompanied by a report (No. 5505); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21002) granting an increase of pension to William Wiggins, reported the same with amendment, accompanied by a report (No. 5506); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20881) granting an increase of pension to Martha J. Weaverling, reported the same with amendment, accompanied by a report (No. 5507); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20859) granting an increase of pension to Henry C. Hughes, reported the same with amendment, accompanied by a report (No. 5508); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20821) granting an increase of pension to John L. Newman, reported the same without amendment, accompanied by a report (No. 5509); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21079) granting an increase of pension to Patrick Kinney, reported the same with amendment, accompanied by a report (No. 5510); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21161) granting an increase of pension to Henry J. Rhodes, reported the same with amendment, accompanied by a report (No. 5511); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17204) granting a pension to Sarah E. Robey, reported the same with amendment, accompanied by a report (No. 5512); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21325) granting an increase of pension to George O. Tibbitts, reported the same without amendment, accompanied by a report (No. 5513); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21427) granting an increase of pension to Thomas L. Moody, reported the same with amendment, accompanied by a report (No. 5514); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2055) granting an increase of pension to Joanna Cox, reported the same with amendment, accompanied by a report (No. 5515); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13806) granting an increase of pension to John Campbell, reported the same with amendment, accompanied by a report (No. 5516); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21542) granting an increase of pension to Erastus A. Thomas, reported the same with amendment, accompanied by a report (No. 5517); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16698) granting an increase of pension to Henry H. Davis, reported the same without amendment, accompanied by a report (No. 5518); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14884) granting an increase of pension to Henry Stauffer, reported the same

with amendment, accompanied by a report (No. 5519); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10738) granting an increase of pension to Thomas Prosser, reported the same with amendment, accompanied by a report (No. 5520); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17094) granting an increase of pension to James H. Sperry, reported the same with amendment, accompanied by a report (No. 5521); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17483) granting an increase of pension to William H. Loyd, reported the same with amendment, accompanied by a report (No. 5522); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20036) granting an increase of pension to Oliver T. Westmoreland, reported the same with amendment, accompanied by a report (No. 5523); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to whom was referred the bill of the House (H. R. 20000) granting an increase of pension to Thomas R. Elliott, reported the same without amendment, accompanied by a report (No. 5524); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5729) granting an increase of pension to Norman H. Cole, reported the same with amendment, accompanied by a report (No. 5525); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2399) granting an increase of pension to Charles F. Sanscrainte, reported the same with amendment, accompanied by a report (No. 5526); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6894) granting an increase of pension to Daniel O. Corbin, reported the same with amendment, accompanied by a report (No. 5527); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20647) granting an increase of pension to Dominick Garvey, reported the same without amendment, accompanied by a report (No. 5528); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7581) granting an increase of pension to Emile Cloe, reported the same with amendment, accompanied by a report (No. 5529); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15630) granting a pension to Sarah A. Kizer, reported the same with amendment, accompanied by a report (No. 5530); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11174) granting an increase of pension to Isaac Richards, reported the same with amendment, accompanied by a report (No. 5531); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16506) granting an increase of pension to Kate S. T. Church, reported the same with amendment, accompanied by a report (No. 5532); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20731) granting an increase of pension to Peter Buchman, reported the same with amendment, accompanied by a report (No. 5533); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12399) granting an increase of pension to William T. Osborn, reported the same without amendment, accompanied by a report (No. 5534); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20854) granting an increase of pension to Thomas Walsh, reported the same with amendment, accompanied by a report (No. 5535); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20887) granting an increase of pension to Emma Walters, reported the same with amendment, accompanied by a report (No. 5536); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20970) granting an increase of pension to Edgar Weaver, reported the same without amendment, accompanied by a report (No. 5537); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21026) granting a pension to Delia S. Humphrey, reported the same without amendment, accompanied by a report (No. 5538); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21078) granting an increase of pension to Henry C. Davis, reported the same with amendment, accompanied by a report (No. 5539); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21281) granting an increase of pension to Catherine Ludwig, reported the same with amendment, accompanied by a report (No. 5540); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21320) granting an increase of pension to Malinda H. Hitchcock, reported the same with amendment, accompanied by a report (No. 5541); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21355) granting a pension to John Cooper, reported the same with amendment, accompanied by a report (No. 5542); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21354) granting an increase of pension to Mary Shutler, reported the same with amendment, accompanied by a report (No. 5543); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21376) granting an increase of pension to John W. Stichter, reported the same with amendment, accompanied by a report (No. 5544); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21498) granting an increase of pension to Daniel Scheetz, reported the same with amendment, accompanied by a report (No. 5545); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21532) granting an increase of pension to William Dobson, reported the same with amendment, accompanied by a report (No. 5546); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21534) granting an increase of pension to Henry Reed, reported the same with amendment, accompanied by a report (No. 5547); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21543) granting an increase of pension to Addison Thompson, reported the same with amendment, accompanied by a report (No. 5548); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21615) granting an increase of pension to David Yoder, reported the same with amendment, accompanied by a report (No. 5549); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21819) granting an increase of pension to Joseph Peach, reported the same with amendment, accompanied by a report (No. 5550); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 676) granting an increase of pension to Musgrove E. O'Conner, reported the same with amendment, accompanied by a report (No. 5551); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 22652) to make uniform the

law of sales in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 22653) to make uniform the law of warehouse receipts in the District of Columbia—to the Committee on the District of Columbia.

Mr. HULL: A bill (H. R. 22654) providing for transfer of certain ground to the United States—to the Committee on Public Buildings and Grounds.

By Mr. HARDWICK: A bill (H. R. 22655) to provide for the use of the block system for all trains engaged in interstate commerce; to provide for the examination and license of all telegraph operators engaged in handling block signals and telegraphic orders affecting the movement of trains on such railroads, and to provide for the hours of labor to be required of such telegraph operators and their compensation—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: A bill (H. R. 22656) authorizing experimentation by the Secretary of Agriculture in reference to cotton bollworm and cotton wilt disease—to the Committee on Agriculture.

By Mr. HILL of Connecticut: A bill (H. R. 22657) to amend an act entitled "An act for withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906—to the Committee on Ways and Means.

By Mr. TYNDALL: A bill (H. R. 22658) to make available the waters of the James River in the county of Stone, State of Missouri, for electric-power purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS: A bill (H. R. 22659) to amend section 1854 of the Revised Statutes of the United States, restricting appointments to office of members of the legislative assemblies in Territories—to the Committee on the Territories.

By Mr. WASKEY: A bill (H. R. 22660) to relieve the Tanana Mine Railroad, under construction in Alaska, of the licensed tax of $100 per mile per annum—to the Committee on the Territories.

By Mr. WALLACE: A bill (H. R. 22661) authorizing the survey of Red River, Arkansas—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 22662) authorizing examination, etc., of Red River—to the Committee on Rivers and Harbors.

By Mr. GOULDEN: A bill (H. R. 22663) providing for the deepening and widening of the channel between North Brothers Island and South Brothers Island, in the East River of New York Harbor—to the Committee on Rivers and Harbors.

By Mr. HENRY of Texas: A bill (H. R. 22664) increasing salaries of rural free-delivery letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL of Georgia: A bill (H. R. 22665) authorizing the erection of a post-office building at Lawrenceville, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22666) authorizing the erection of a post-office building at Winder, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. MILLER: A bill (H. R. 22667) for the relief of the people of Hartshorne, Ind. T.—to the Committee on the Public Lands.

By Mr. MUDD: A bill (H. R. 22668) for the erection of a public building at Laurel, Md.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22669) for the erection of a public building at Hyattsville, Md.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22670) for the erection of a public building at Ellicott City, Md.—to the Committee on Public Buildings and Grounds.

By Mr. MILLER: A bill (H. R. 22671) to provide for the investigation of the water resources of the United States—to the Committee on Appropriations.

By Mr. WATKINS: A bill (H. R. 22672) to appropriate $50,000 to conduct demonstration farms in the Mexican cotton boll weevil territory—to the Committee on Agriculture.

By Mr. BATES: A bill (H. R. 22673) amending the national banking act of 1864, for the better security of national-bank deposits—to the Committee on Banking and Currency.

By Mr. CLAYTON: A bill (H. R. 22674) to provide pay for rural free-delivery letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. POLLARD: A bill (H. R. 22675) to amend section 51 of the Revised Statutes of the United States, fixing the time Members elected to fill vacancies shall begin—to the Committee on the Judiciary.

By Mr. STEENERSON: A bill (H. R. 22676) forfeiting certain lands heretofore granted to the Minneapolis and Manitoba Railroad Company and providing for the disposal of said forfeited lands to actual settlers—to the Committee on the Public Lands.

By Mr. CURRIER: A bill (H. R. 22677) to provide for selection of site and preparation of plans for a building for the United States Patent Office—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22678) to provide increased force and salaries in the United States Patent Office—to the Committee on Patents.

By Mr. GARDNER of Michigan: A resolution (H. Res. 669) increasing the salary of Bert W. Kennedy, assistant doorkeeper of the House—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. AIKEN: A bill (H. R. 22679) granting a pension to Ida E. Vaughn—to the Committee on Pensions.

By Mr. AMES: A bill (H. R. 22680) granting an increase of pension to Ezekiel R. Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22681) granting an increase of pension to Owen Carroll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22682) granting an increase of pension to Winslow Russell—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 22683) granting a pension to Ruth Boler—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 22684) granting an increase of pension to William Sherk—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 22685) granting an increase of pension to John T. Larkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22686) granting an increase of pension to George Ebert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22687) granting an increase of pension to Margaret Purcell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22688) granting an increase of pension to George A. Hamilton—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 22689) granting an increase of pension to Henry P. Whiteman—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 22690) granting an increase of pension to Matthew J. McRaith—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 22691) for the relief of the estate of Ovid Decuir, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22692) for the relief of Harvilien Norris—to the Committee on War Claims.

Also, a bill (H. R. 22693) for the relief of Paul Duhon—to the Committee on War Claims.

Also, a bill (H. R. 22694) for the relief of the estate of George Sallinger—to the Committee on War Claims.

By Mr. BURKE of South Dakota: A bill (H. R. 22695) for the relief of Rathbun, Beachy & Co., of Webster, S. Dak.—to the Committee on Claims.

By Mr. BURLEIGH: A bill (H. R. 22696) granting a pension to Charles F. Ellingwood—to the Committee on Pensions.

Also, a bill (H. R. 22697) granting a pension to M. Emily Putnam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22698) granting a pension to Sarah R. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22699) granting an increase of pension to Americus Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22700) granting an increase of pension to William McCauley, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22701) granting an increase of pension to James R. Fairbrother—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 22702) granting an increase of pension to Samuel Crews—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 22703) granting a pension to Benjamin F. Richards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22704) granting a pension to Orin S. Smith—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 22705) granting an increase

of pension to William A. Beatty—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 22706) granting an increase of pension to William Smoker—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 22707) granting an increase of pension to Sebastian Gerhardt—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 22708) granting an increase of pension to John Hughes—to the Committee on Invalid Pensions.

By Mr. COCKS: A bill (H. R. 22709) granting a pension to Martha E. Muhlenfeld—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22710) granting an increase of pension to Nelson Cornell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22711) granting an increase of pension to Jacob Kures—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 22712) granting a pension to Lydia B. Fowler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22713) to correct the military record of William H. Creek—to the Committee on Military Affairs.

By Mr. CONNER: A bill (H. R. 22714) granting an increase of pension to Francis Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22715) granting an increase of pension to Terrance Doyle—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 22716) granting an increase of pension to Thomas Mosher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22717) granting an increase of pension to Mary A. Brick—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 22718) granting an increase of pension to William Dean—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 22719) granting an increase of pension to William Hazelbaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22720) granting a pension to Jane M. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22721) granting a pension to Grace C. Cheney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22722) granting a pension to Sarah E. Hiday—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 22723) granting an increase of pension to Harvey Walters—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 22724) granting an increase of pension to Amasa Plastridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22725) granting an increase of pension to Caswell I. Hale—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 22726) granting an increase of pension to Garrett F. Cowan—to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 22727) granting an increase of pension to John Miller—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 22728) granting an increase of pension to Nathan W. Coggburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22729) granting an increase of pension to Robert W. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22730) granting an increase of pension to Francis M. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22731) granting an increase of pension to J. N. Chandler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22732) granting an increase of pension to John N. Ungles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22733) granting an increase of pension to James Fagan—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 22734) granting an increase of pension to Marshall Maier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22735) granting an increase of pension to Julia F. Clevenger—to the Committee on Pensions.

Also, a bill (H. R. 22736) granting an increase of pension to Charles Eberhardt—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 22737) granting a pension to Catherine A. Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22738) granting an increase of pension to Jeremiah Robbins—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 22739) granting an increase of pension to John Layton—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 22740) granting an increase of pension to George W. Nance—to the Committee on Pensions.

Also, a bill (H. R. 22741) granting an increase of pension to William H. Cleveland—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 22742) granting a pension to R. M. Carl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22743) granting an increase of pension to Emmett W. Sherman—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 22744) granting an increase of pension to William M. Deaton—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 22745) granting a pension to Ellen J. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 22746) granting an increase of pension to Felix G. Cobb—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 22747) granting a pension to Celestia E. Outlaw—to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 22748) granting an increase of pension to Willard P. Fisher—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 22749) granting a pension to Della S. Easton—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 22750) granting an increase of pension to William Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22751) granting an increase of pension to William G. Russell—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 22752) granting a pension to G. S. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22753) granting an increase of pension to John H. Zimmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22754) granting an increase of pension to Joseph W. Gale—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 22755) granting an increase of pension to Mary A. Hermance—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 22756) granting an increase of pension to Levi Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22757) granting an increase of pension to Joshua E. Hyatt—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 22758) granting an increase of pension to William Bivens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22759) granting an increase of pension to David R. Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22760) granting an increase of pension to John Cherry—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 22761) for the relief of D. C. Manire—to the Committee on War Claims.

Also, a bill (H. R. 22762) granting an increase of pension to John M. Gilbert—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 22763) granting an increase of pension to Charles H. Slocum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22764) granting an increase of pension to Samuel V. Carr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22765) granting an increase of pension to Charles Hauthorne—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 22766) granting an increase of pension to Soren V. Kalsem—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 22767) granting an increase of pension to Owen T. Edgar—to the Committee on Pensions.

By Mr. CLAUDE KITCHIN: A bill (H. R. 22768) for the relief of Dorsey S. De Lootch—to the Committee on War Claims.

By Mr. CHARLES B. LANDIS: A bill (H. R. 22769) granting an increase of pension to Chauncey W. R. Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22770) granting a pension to Benjamin F. McKey—to the Committee on Invalid Pensions.

By Mr. FREDERICK LANDIS: A bill (H. R. 22771) granting an increase of pension to William J. Courter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22772) granting a pension to Mary S. Sanders—to the Committee on Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 22773) granting an increase of pension to Dora K. Flaherty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22774) granting an increase of pension to Francis Hoey—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 22775) for the relief of Homer B. Galpin, receiver of the firm of Casgrain & McDonald—to the Committee on Claims.

By Mr. McMORRAN: A bill (H. R. 22776) granting an in-

crease of pension to James E. Converse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22777) granting a pension to Jemina Grigg—to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 22778) for the relief of Ruben A. Stern—to the Committee on Claims.

Also, a bill (H. R. 22779) granting an increase of pension to J. C. Baldridge—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 22780) granting an increase of pension to David Sloss—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 22781) granting a pension to Benjamin F. Dwinell—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 22782) granting an increase of pension to Jane Simpson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22783) granting an increase of pension to John J. Goodson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22784) granting an increase of pension to Ellery P. Willett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22785) granting an increase of pension to Morton A. Pratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22786) granting an increase of pension to John Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22787) granting an increase of pension to Elijah Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22788) granting an increase of pension to I. B. Gilmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22789) granting an increase of pension to James W. George—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22790) granting an increase of pension to James Call—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22791) granting an increase of pension to Robert S. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22792) granting an increase of pension to Samuel Gilpen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22793) granting an increase of pension to Chancy Buckingham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22794) granting an increase of pension to David Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22795) granting an increase of pension to Thomas C. Danford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22796) granting an increase of pension to Jonathan Duer—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 22797) granting an increase of pension to Charles F. Campbell—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 22798) granting an increase of pension to George W. Robinson—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 22799) granting an increase of pension to William E. White—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 22800) granting an increase of pension to George S. Clark—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 22801) granting an increase of pension to Robert McMillen—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 22802) granting an increase of pension to Louise Eagleson—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 22803) granting a pension to Emaline Tabler—to the Committee on Pensions.

Also, a bill (H. R. 22804) granting a pension to Aaron Cohen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22805) granting a pension to Amanda Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22806) granting a pension to R. E. Pelham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22807) granting an increase of pension to David R. Lindsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22808) granting an increase of pension to William L. Herron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22809) granting an increase of pension to Isaac M. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22810) granting an increase of pension to Elijah M. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22811) granting an increase of pension to Alonzo M. Hannaford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22812) granting an increase of pension to Hiram E. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22813) granting an increase of pension to David Winn—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 22814) to correct the military record of Francis Treas—to the Committee on Military Affairs.

By Mr. SAMUEL W. SMITH: A bill (H. R. 22815) granting an increase of pension to Catherine Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22816) granting an increase of pension to Abram G. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22817) granting an increase of pension to Moretta Wiser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22818) granting an increase of pension to James R. Hutton—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 22819) granting a pension to Helen D. Ferguson—to the Committee on Invalid Pensions.

By Mr. SMYSER: A bill (H. R. 22820) granting an increase of pension to George S. Schmutz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22821) granting an increase of pension to Jesse T. Reese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22822) granting an increase of pension to Christian Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22823) granting an increase of pension to John Tipton—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 22824) granting an increase of pension to W. R. Morsee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22825) granting an increase of pension to Samuel G. Kinder—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 22826) granting an increase of pension to James O'Neal—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 22827) granting an increase of pension to Mary Kirk—to the Committee on Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 22828) granting a pension to Mary M. Humbarger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22829) granting an increase of pension to George Spalding—to the Committee on Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 22830) granting a pension to William H. Brown—to the Committee on Pensions.

Also, a bill (H. R. 22831) granting a pension to Rhoda Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22832) granting a pension to William H. McConnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22833) granting a pension to Louisa F. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22834) granting a pension to Jane E. Chapel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22835) granting an increase of pension to John Trims—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22836) granting an increase of pension to John Bergin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22837) granting an increase of pension to Homer C. Reid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22838) granting an increase of pension to W. Ira Tempelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22839) granting an increase of pension to A. D. Baird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22840) granting an increase of pension to John Egan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22841) granting an increase of pension to Henry F. Sager—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22842) granting an increase of pension to William H. Hodges—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22843) granting an increase of pension to John A. Chaffee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22844) granting an increase of pension to Avery Truesdale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22845) granting an increase of pension to Elizabeth M. Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22846) granting an increase of pension to Martin Holmes, alias George Langin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22847) granting an increase of pension to Henry C. Rood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22848) granting an increase of pension to Sherman B. Northway—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 22849) granting a pension to Isham Handy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22850) granting a pension to James A. House—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22851) granting a pension to William F. Cummins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22852) granting an increase of pension to Walter L. Todd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22853) granting an increase of pension to Burden H. Barrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22854) granting an increase of pension to George Pollard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22855) granting an increase of pension to Benjamin L. Shepard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22856) granting an increase of pension to Charlottie A. Randolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22857) granting an increase of pension to Henry W. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22858) granting an increase of pension to John A. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22859) granting an increase of pension to Samuel Boyd—to the Committee on Pensions.

Also, a bill (H. R. 22860) granting an increase of pension to Silvanis Kessee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22861) granting an increase of pension to Christopher S. Alvord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22862) granting an increase of pension to Phlemon Devereux—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 22863) granting an increase of pension to Oscar A. Fuller—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 22864) granting an increase of pension to Grace T. Train—to the Committee on Pensions.

By Mr. WATKINS: A bill (H. R. 22865) for the relief of C. A. Sarpy—to the Committee on War Claims.

Also, a bill (H. R. 22866) for the relief of H. N. Sarpy—to the Committee on War Claims.

Also, a bill (H. R. 22867) for the relief of the heirs of Joseph and Antoinette Metoyer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22868) for the relief of the heirs of Francois F. Metoyer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22869) for the relief of the heirs of J. B. P. Rachal, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22870) for the relief of the estate of Chestan Metoyer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22871) for the relief of the estate of Florentin Conaut, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22872) for the relief of the estates of William Robinson and Emily Bartell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22873) for the relief of the estates of Theofile Metoyer and Elena Metoyer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22874) for the relief of the estate of J. Valcour Metoyer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22875) for the relief of the estate of Joseph E. Dupre, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22876) for the relief of the estate of Charles Christophe, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22877) for the relief of the estate of Artemise Metoyer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22878) for the relief of the estate of Ozam D. Metoyer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22879) for the relief of the estate of Francois Florival Metoyer, deceased—to the Committee on War Claims.

By Mr. WEISSE: A bill (H. R. 22880) granting an increase of pension to John Nuss—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 22881) granting an increase of pension to Thomas L. Williams—to the Committee on Pensions.

By Mr. ZENOR: A bill (H. R. 22882) granting an increase of pension to John W. Hougland—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 20417) granting an increase of pension to Andrew J. Brown, and it was referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By the SPEAKER: Petition of members of the Western College for Women, at Oxford, Ohio, for investigation of the industrial, social, moral, educational, and physical condition of women and child workers in the United States—to the Committee on Labor.

By Mr. AMES: Petition of Wool Sorters Union No. 349, of Lawrence, Mass., for legislation that will compel the use of American material in shipbuilding needed for our foreign commerce—to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDREWS: Petition of Jesus Belarde and 490 others, against religious legislation in the District of Columbia (bill H. R. 16483)—to the Committee on the District of Columbia.

By Mr. BARTLETT: Resolutions of the Board of Trade of Savannah, Ga., and the Savannah Clearing Association, for legislation regulating bills of lading so as to safeguard the interests of all parties interested in them—to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM: Petition of the New Century Club, of Philadelphia, for repeal of the duty on works of art—to the Committee on Ways and Means.

Also, petition of Puritan Council, No. 185, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BONYNGE: Petition of Henry McKluck, of Denver, Colo., for free art legislation as per bill H. R. 15268—to the Committee on Ways and Means.

Also, petition of Division No. 35, Order of Railway Conductors, against the La Follette bill relative to arbitrary limitation of hours of service by railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. BROUSSARD: Papers to accompany bills for relief of estate of Ovid Decuir, Harvilien Norris, Paul Duhon, and estate of George Sallinger—to the Committee on War Claims.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Samuel Crews—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Paper to accompany bill for relief of Benjamin F. Gray—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: Petition of Harvey Rice Council, No. 211, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Orin M. Smith—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Versa Hatton (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, paper to accompany bill for relief of Benjamin F. Richards—to the Committee on ———.

Also, paper to accompany bill for relief of William H. Webb—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of the American Civic Association, for the forest-reserve bill—to the Committee on Agriculture.

Also, paper to accompany bill for relief of A. Beatty—to the Committee on Invalid Pensions.

Also, petition of the governors of the several New England States and others, for the establishment of two forest reserves in the East—to the Committee on Agriculture.

Also, petition of Dr. Benjamin F. Tefft, jr., of Anthony, R. I., and J. H. Smith, of Phenix, R. I., for the passage of the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CASSEL: Resolutions of Joy Council, No. 1003, of Shoff, Pa.; General Cameron Council, No. 851, of Mount Joy, Pa., Junior Order United American Mechanics, and Peerless Council, No. 189, of Columbia, Pa., Daughters of Liberty, in favor of the passage of the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CROMER: Petitions of the Daily News, Anderson, Ind., and the Banner, Bluffton, Ind., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DALE: Paper to accompany bill for relief of John Miller—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of Vine Cliff Council, No. 107, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. DOVENER: Paper to accompany bill for relief of Duncan Cunningham—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Camp No. 44, Department of New York, United Spanish War Veterans, of Poughkeepsie, N. Y., for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. FITZGERALD: Petition of William Lloyd Garrison Post, No. 207, Grand Army of the Republic, of Kings County, Department of New York, for restoration of the Army canteen in Soldiers' Homes—to the Committee on Military Affairs.

Also, petition of a Brooklyn missionary mass meeting, for investigation of the conditions in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Ellen Jane Johnson—to the Committee on Pensions.

Also, paper to accompany bill for relief of Felix G. Cobb—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Ellen Jane Johnson—to the Committee on Invalid Pensions.

By Mr. GARNER: Paper to accompany bill for relief of Celestia E. Outlaw—to the Committee on Pensions.

By Mr. GOULDEN: Petition of the Baptist, Methodist, and Presbyterian churches of Williamsbridge, New York City, for investigation into affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. GRONNA: Petition of the Commercial Club of Minot, N. Dak., for passage of the Wilson bill relative to an increase of salaries for postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petitions of Abraham Lincoln Council, No. 2, of San Francisco, Cal., and U. S. Grant Council, No. 19, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HEPBURN: Petition of Iowa soldiers, for legislation that shall increase pensions to ex-Union soldiers and sailors of the civil war—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of Levi Curtis, of Woodbury, Conn.—to the Committee on Invalid Pensions.

Also, petition of Ben Miller Council, No. 11, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Bridgewater (Conn.) Grange, No. 153, against free seed distribution—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Joshua E. Hyatt—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of Martha Washington Council, No. 2, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Nebraska: Petition of North Platte Division, No. 35, Order of Railway Conductors, against the La Follett bill limiting hours of continuous employment by railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of Railway Conductors, Division No. 33, of North Platte, Nebr., against arbitrary limitation of hours of labor on railways—to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Paper to accompany bill for relief of T. T. Tate—to the Committee on Invalid Pensions.

By Mr. LEVER: Petition of the R. L. Boyan Company, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Council No. 7, Junior Order United American Mechanics, of Sumter, S. C., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LILLEY: Papers to accompany bills for relief of Dora K. Flaherty and Francis Hoey—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of J. Eaton, for forest reserve in the White Mountains and the Southern Appalachians—to the Committee on Agriculture.

Also, petition of Hamilton Council, No. 35, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LIVINGSTON: Petitions of the Watson Jeffersonian Magazine and the New Rochelle Paragraph, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LLOYD: Paper to accompany bill for relief of William Hardesty (previously referred to the Committee on Invalid Pensions)—referred to the Committee on Pensions.

By Mr. McMORRAN: Paper to accompany bill for relief of James E. Converse—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Jemina Griggs—to the Committee on Invalid Pensions.

By Mr. MANN: Paper to accompany bill for relief of David Sloss—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the United Spanish War Veterans, of Fresno, Cal., Camp No. 6, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of Thomas Horner—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of W. S. Noe—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of Spanish War Veterans of Auburn, N. Y., for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. POLLARD: Paper to accompany bill for relief of Robert McMillen—to the Committee on Invalid Pensions.

Also, petition of Division No. 35, Order of Railway Conductors, of North Platte, Nebr., expressing unalterable opposition to the bill limiting continuous hours of labor by railway employees—to the Committee on Interstate and Foreign Commerce.

Also, petition of the library board of the State University of Nebraska, against any change in the copyright law relative to importation of books in the English language—to the Committee on Patents.

By Mr. SAMUEL: Petition of Bloomsburg Council, No. 81, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SMYSER: Petitions of Wayne Council, No. 42, of Wooster, Ohio; Coshocton Council, No. 65, and Goodwill Lodge, No. 178, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Petition of Bridgewater (Conn.) Grange, No. 153, against free Government seeds—to the Committee on Agriculture.

Also, petition of the Evening Leader, New Haven, Conn., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STERLING: Paper to accompany bill for relief of Robert Beardsley—to the Committee on Invalid Pensions.

By Mr. WATKINS: Papers to accompany bills for relief of C. A. Sarpy, estate of Chestan Metoyer, estate of Florentin Conaut, estates of William Robinson and Emily Bartell, H. N. Sarpy, estates of Theofile Metoyer and Elena Metoyer, heirs of Joseph Metoyer and Antoinette Metoyer, estate of J. Valcour Metoyer, heirs of François F. G. Metoyer, estate of Joseph E. Dupre, estate of Charles Christophe, estate of Artemise Metoyer, estate of Oram D. Metoyer, estate of François Florival Metoyer, and heirs of J. B. P. Rachal—to the Committee on War Claims.

SENATE.

TUESDAY, *December 18, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PAYMENT OF INDIAN FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting a draft of a bill authorizing the payment to any Indian who is blind, crippled, decrepit or helpless from old age, etc., his or her share of the tribal trust funds in the Treasury, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

EXPERIMENTS WITH CHOLERA VIRUS IN THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in further response to the resolution of the 12th instant, additional information relative to experiments with cholera virus upon prisoners in Bilibid Prison, at Manila; which was referred to the Committee on the Philippines, and ordered to be printed.

INTERNATIONAL PRISON COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a report prepared by Samuel J. Barrows, Commissioner for the United States on the International Prison Commission, of the proceedings of the Seventh International Prison Congress, held at Budapest September 3–9, 1906; which, with the accompanying papers, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 189. An act to establish a life-saving station at the Isles of Shoals, off Portsmouth, N. H.;

H. R. 21200. An act to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River, in Allegheny County, Pa.; and

H. R. 21951. An act to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River, in the State of Alabama.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 203) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December on the 20th day of said month; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to provide for the appointment of commercial attachés to the consulate at Yokohama and Shanghai; which was referred to the Committee on Commerce.

He also presented resolutions adopted by the American Federation of Catholic Societies, relative to the action of the French Government toward the Catholic Church; which were referred to the Committee on Foreign Relations.

Mr. FRYE presented the petition of Rev. J. Chester Hyde and 112 other citizens of Dexter, Me., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a memorial of the Southern Illinois Conference of the Seventh-Day Adventists, of Springfield, Ill., remonstrating against the enactment of legislation requiring the closing on Sunday of certain places of business in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a petition of the Business Men's Association, of the Northeast Citizens' Association, and of the Brightwood Citizens' Association, of Washington, D. C., praying for the enactment of legislation to increase the salaries of the park policemen in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DEPEW presented the memorial of J. G. White and 9 other citizens of Fultonville, N. Y., remonstrating against the enactment of legislation authorizing the closing of certain places of business in the District of Columbia on Sunday; which was referred to the Committee on the District of Columbia.

Mr. FLINT presented a petition of sundry citizens of Imperial, Calexico, Brawley, Holtville, and El Centro, all in the State of California, praying that an appropriation be made to repair the break in the Colorado River in that State; which was referred to the Committee on Appropriations.

He also presented a petition of the Board of Trade of Pasadena, Cal., praying for the enactment of legislation to increase the salaries of post-office clerks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented sundry affidavits in support of the bill (S. 6963) granting an increase of pension to William B. Sayles; which were referred to the Committee on Pensions.

Mr. WARNER presented a petition of the congregation of the Church of the Living God, of Kansas City, Mo., praying for the enactment of legislation setting apart a State or Territory in which its members may settle for the fostering of their religious creeds; which was referred to the Committee on Education and Labor.

He also presented sundry petitions of D. R. Thomas, chairman and treasurer of the Organizing Committee of the United States, praying for the establishment in Africa of an independent government for ex-slaves and their offspring under the protection of the United States; which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Hamilton, Mo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of St. Louis, Sparta, Houston, Kell, Carthage, Marissa, Cutler, Pinckneyville, Tilden, and Oakdale, all in the State of Missouri, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. FULTON presented a memorial of sundry citizens of Milwaukee, Oreg., remonstrating against the enactment of legislation authorizing the closing of certain places of business in the District of Columbia on Sunday; which was referred to the Committee on the District of Columbia.

Mr. TELLER presented a petition of sundry representatives of the Choctaw and Chickasaw Indians, of Coalgate, Ind. T., praying for the enactment of legislation providing for the immediate sale to actual settlers of the surplus segregated coal and asphalt lands in that Territory; which was referred to the Committee on Indian Affairs.

Mr. KNOX presented petitions of S. M. Watson, Danville; Rev. James E. Hutchison, Danville; Nellie B. Mershon, East Springfield; W. M. Gaylor, Renovo; William H. Rishel, Danville; Rev. L. M. Wecksol, Renovo; Caroline S. Sinclair, Philadelphia; Fanny C. Soutter, Philadelphia; Northeast Branch, Philadelphia Christian Endeavor Union, Philadelphia; West Philadelphia Branch, Christian Endeavor Union, Philadelphia; Dr. A. E. Heimbach, Renovo; C. R. James, Renovo, and sundry citizens of Philadelphia and vicinity, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Pittsburg, Mercer, Quarryville, New Kingston, Cochranton, Homer City, Houston, and Adamsville, of Bishop Darlington, of Harrisburg, and F. N. Hoffstot, Pittsburg, all in the State of Pennsylvania, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Harrisburg, Pa., praying for the enactment of legislation to increase the salaries of postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Retail Merchants' Association of Pennsylvania, of Erie, Pa., praying for the enactment of legislation providing for a 1-cent postage rate; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Free Library of Philadelphia, of Philadelphia; Carnegie Free Library, of Braddock; Drexel Institute Library, of Philadelphia; Library of Haverford College, of Haverford; Dickinson College Library, of Carlisle; Lafayette College Library, of Easton; Dimmick Memorial Library, of Mauchchunk, and the Lehigh University Library, of South Bethlehem, all in the State of Pennsylvania, remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which were referred to the Committee on Patents.

He also presented a petition of the Lumbermen's Exchange of Philadelphia, Pa., praying for the enactment of legislation to promote the growth of the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of General George A. McCall Post, No. 31, Department of Pennsylvania, Grand Army of the Republic, of Westchester, Pa., praying for the enactment of legislation granting a pension to all soldiers and sailors of the war of the rebellion and a uniform pension to widows of soldiers and sailors of that war; which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Warren, Pa., and a memorial of sundry citizens of Pottsville, Pa., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. HALE presented a memorial of the Copper River Railway Company, of the Territory of Alaska, remonstrating against the enactment of legislation to aid in the construction of a railroad, telegraph, and telephone line in that Territory; which was referred to the Committee on Territories.

REPORTS OF COMMITTEES.

Mr. McCUMBER (for Mr. BURNHAM), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3763) granting an increase of pension to Mary A. Baker;

A bill (S. 5573) granting an increase of pension to Gustavus A. Thompson;

A bill (S. 6581) granting an increase of pension to Joseph W. Lowell;

A bill (S. 6585) granting an increase of pension to Amos Ham;

A bill (S. 6583) granting an increase of pension to Abram P. Colby; and

A bill (S. 6591) granting an increase of pension to Henry Campbell.

Mr. McCUMBER (for Mr. BURNHAM), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3931) granting an increase of pension to Fanny A. Pearsons;

A bill (S. 6596) granting an increase of pension to Cyrus W. Cobb;

A bill (S. 6597) granting an increase of pension to Frank H. Read;

A bill (S. 6163) granting an increase of pension to William H. Westcott;

A bill (S. 5599) granting an increase of pension to Dennis Flaherty;

A bill (S. 5041) granting an increase of pension to George A. Tucker;

A bill (S. 6833) granting an increase of pension to Bettie Vose; and

A bill (S. 7065) granting an increase of pension to Lovisa Donaldson.

Mr. McCUMBER (for Mr. BURNHAM), from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6505) granting an increase of pension to Theodore Morgan Benton;

A bill (S. 4127) granting an increase of pension to Samuel D. Payne;

A bill (S. 6514) granting an increase of pension to Alfred Augustus Stocker; and

A bill (S. 6885) granting an increase of pension to William H. Anderson.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7213) providing for the establishment of a public park at Langdon, in the District of Columbia, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I report back from the Committee on Appropriations, without amendment, the bill (H. R. 22584) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes, and I ask for its consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT ON INDIAN SCHOOLS FOR 1906.

Mr. PLATT, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates 1,500 additional copies of the Report of the Superintendent of Indian Schools for 1906, for the use of the Department of the Interior.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 7301) to authorize the Secretary of the Treasury to pay to the heirs of Claude M. Johnson, of the county of Fayette and State of Kentucky, and of Rosa Vertner Jeffrey, of the same county and State, claim for cotton; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER (by request) introduced a bill (S. 7302) to incorporate the American Medical Union; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. NELSON introduced a bill (S. 7303) granting an increase of pension to B. H. Randall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 7304) granting an increase of pension to George Riel; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7305) granting an increase of pension to R. K. Leech; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 7306) granting an increase of pension to Anna Cochran; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LONG (for Mr. DOLLIVER) introduced a bill (S. 7307) granting an increase of pension to John Atchison; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 7308) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 7309) granting an increase of pension to Mary Douglas; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7310) granting an increase of pension to James C. Himes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 7311) to amend section 5153 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Finance.

Mr. FLINT introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7312) granting an increase of pension to R. M. Robberson;

A bill (S. 7313) granting an increase of pension to Albert Sarum; and

A bill (S. 7314) granting an increase of pension to Elisha Bridges.

Mr. SMOOT introduced a bill (S. 7315) granting an increase of pension to Elizabeth F. Beals; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DU PONT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7316) granting an increase of pension to Addie B. Thomas; and

A bill (S. 7317) granting an increase of pension to Joseph H. Chambers.

Mr. CULBERSON (by request) introduced a bill (S. 7318) for the relief of J. P. Dieter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 7319) for the relief of William J. Briggs; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7320) granting a pension to Frank B. Nofsinger;

A bill (S. 7321) granting an increase of pension to John W. Dennis;

A bill (S. 7322) granting an increase of pension to John Marshall;

A bill (S. 7323) granting an increase of pension to Falis H. Castone;

A bill (S. 7324) granting an increase of pension to Frances Logan; and

A bill (S. 7325) granting an increase of pension to William W. Cooper.

Mr. HANSBROUGH introduced a bill (S. 7326) to amend an act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 7327) providing for the leasing of coal, lignite, petroleum, and natural gas deposits belonging to the United States; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 7328) to authorize the allotment of 80 acres of land to each Indian belonging on and occupying the Fort Berthold Reservation, N. Dak., now living and to whom no allotment has been made, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. HEYBURN introduced a bill (S. 7329) granting an increase of pension to Nathaniel L. Turner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 7330) to regulate and equalize the pay of officers of the Army, Navy, Marine Corps, and the Revenue-Marine Service; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7331) for the relief of Louisa G. Smithson, administratrix of the estate of Villo R. Smithson, deceased; and

A bill (S. 7332) for the relief of the trustees of the Baptist Church at Gallipolis, Ohio.

Mr. KNOX introduced a bill (S. 7333) granting an increase of pension to James E. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced the following bills; which were sever-

ally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7334) granting an increase of pension to Joshua F. Jellison;

A bill (S. 7335) granting an increase of pension to Charles C. Burt (with accompanying papers); and

A bill (S. 7336) granting an increase of pension to Freeland Young (with accompanying papers).

Mr. GALLINGER introduced a bill (S. 7337) granting a pension to Henry W. Blair; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 7338) for the relief of the Columbus Gas and Fuel Company; which was read twice by its title, and referred to the Committee on Finance.

Mr. MONEY introduced a bill (S. 7339) granting a pension to Julia C. R. Baird; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7340) granting an increase of pension to Horatio G. Foster;

A bill (S. 7341) granting a pension to Menzo S. Bishop (with an accompanying paper); and

A bill (S. 7342) granting a pension to Nathaniel M. Smith (with an accompanying paper).

Mr. SPOONER introduced a bill (S. 7343) granting an increase of pension to Caroline A. Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia; which was ordered to lie on the table and to be printed in the RECORD, as follows:

Substitute for section 1:

"That no child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, saloon, hotel, apartment house, pool room, theater, or bowling alley, nor during school hours in the distribution or transmission of merchandise or messages, selling newspapers, or doing other light outdoor work, nor shall such child be employed before the hour of 6 o'clock in the morning or after the hour of 7 o'clock in the evening: *Provided*, That the provisions of this act shall not apply to children between the ages of 12 and 16 years employed in the Senate and House of Representatives, nor to children between such ages who are regularly engaged in learning a trade."

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia; which was ordered to lie on the table and be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia; which was ordered to lie on the table and be printed.

OMNIBUS CLAIMS BILL.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 20888) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and to provide for the payment of French spoliation claims recommended by the Court of Claims, under the provisions of the acts approved January 20, 1885, and March 3, 1891, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

RURAL FREE-DELIVERY CARRIERS.

On motion of Mr. GALLINGER, it was

Ordered, That the bill (S. 6903) to increase the salaries of rural free-delivery carriers be reprinted, and that 500 additional copies be printed for the Senate document room.

THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

On motion of Mr. FORAKER, it was

Ordered, That 500 copies of Senate Document No. 107, Fifty-ninth Congress, second session, be printed for the use of the Senate.

MESSENGER FOR COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. SCOTT submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Buildings and Grounds be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate at the rate of $1,440 per annum, until otherwise provided for.

THE KONGO FREE STATE.

Mr. PATTERSON submitted the following resolution; which was referred to the Committee on Foreign Relations:

Whereas statements have appeared in a reputable New York journal and in reputable journals of other sections of the country that a lobby, alleged to have been maintained by a foreign government, was engaged during the last session of Congress in attempting to influence Senators in their official action upon matters pertaining to the Kongo Free State; and

Whereas a duly accredited consular official is accused in these publications of having sent communications to Senators in an effort to influence their official action: Therefore, be it

Resolved, That the Committee on Foreign Relations be, and are hereby, instructed to investigate all facts in connection with the aforesaid charges and the truth of the same; and that the committee promptly report the result of said investigation to the Senate.

LOAN TO JAMESTOWN EXPOSITION COMPANY.

Mr. DANIEL. I ask the Senate to take up Senate bill 6896, proposing a loan to the Jamestown Exposition Company. I observe that the Senator from Maine [Mr. HALE] is not at this moment in his seat. He asked that the bill might lie over until to-day, but I am authorized by him to state that he has examined it and has no objection to it.

Mr. GALLINGER. I will not, of course, object to the request made by the Senator from Virginia, but I wish to give notice that when the bill he calls up has been considered I shall ask that the regular order be proceeded with, which will be the Calendar under Rule VIII.

The VICE-PRESIDENT. The Secretary will read the bill called up by the Senator from Virginia.

The Secretary read the bill (S. 6896) appropriating the sum of $1,000,000 as a loan to the Jamestown Exposition Company for the purpose of aiding in the payment of the cost of the construction, completion, and opening of the Jamestown Tercentennial Exposition on Hampton Roads, Virginia, on April 26, 1907, and to provide for the protection of the Government and insuring the repayment of the said sum of $1,000,000 by a first lien upon the gross receipts of the said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from concessions after the opening of said exposition, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Select Committee on Industrial Expositions with amendments.

The first amendment was, in section 1, page 2, line 13, to strike out the word "applications" and insert "application;" so as to read:

That for the purpose of aiding in the payment of the cost of the construction, completion, and opening of the Jamestown Tercentennial Exposition on Hampton Roads, Virginia, on April 26, 1907, the sum of $1,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the said sum to be paid to the Jamestown Exposition Company on the request of the president of said company in amounts as follows: Two hundred and fifty thousand dollars upon the passage of this act, $250,000 during the month of January, $200,000 during the month of February, $200,000 during the month of March, and $100,000 during the month of April, 1907. That to insure the application of all said moneys to the purposes for which the same is appropriated the Secretary of the Treasury shall appoint a suitable person or persons whose duty it shall be to supervise the disbursement of the same when paid, as herein provided, and to make a full and complete report thereof to him as he may require.

The amendment was agreed to.

The next amendment was, in section 1, page 3, line 13, after the word "dispose," to insert "of;" so as to read:

Provided, That the amount hereby appropriated when paid to the Jamestown Exposition Company, as herein provided, shall constitute an indebtedness of the said company to the Government of the United States and shall be repaid by said company to the Treasury of the United States. That for the purpose of protecting the Government and insuring the repayment of said sum of $1,000,000 the Government shall have the first lien upon the gross receipts of said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from concessions after the opening of said exposition. That before any part of this appropriation is paid, as hereinbefore provided, the said Jamestown Exposition Company shall execute, to the satisfaction of the Secretary of the Treasury, an instrument in writing giving and securing to the Government a first lien upon its said gross receipts, and said exposition company shall at the same time guarantee to the said Government, under suitable penalties, that the said gross receipts are then entirely free from liens, mortgages, or other incumbrances, and that it will not pledge or in any way encumber or dispose of the said receipts so as to injure or affect the right of the Government to first receive therefrom the amount to be returned to the Treasury, as herein provided.

The amendment was agreed to.

The next amendment was, in section 1, page 3, line 21, after the word "detail," to insert the word "the;" on page 4, line 4, before the word "last," to insert the word "the;" and in line 5, after the word "respectively," to strike out the words "and in the same manner;" so as to read:

The said Jamestown Exposition Company shall repay into the Treasury of the United States the said sum of $1,000,000 as follows: On the 31st day of May, 1907, said Jamestown Exposition Company shall report to the Secretary of the Treasury in detail the total amount of

all said gross receipts received by said company from April 26 to May 31, both inclusive, and 40 per cent of such receipts shall at the same time be paid to the Secretary of the Treasury, and thereafter, during said exposition and until the sum of $1,000,000 shall have been fully paid, as herein provided, a like detailed report of said gross receipts shall be made by said Jamestown Exposition Company on the 15th day and the last day of each month, respectively, and at the same time 40 per cent of said gross receipts shall be paid by the said company to said Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 1, page 4, line 10, after the word "paid," to insert "each of;" in the same line, before the word "last," to insert the word "the;" and in line 11, after the word "month," to strike out "of 40 per cent of said gross receipts" and insert "respectively;" so as to make the proviso read:

Provided, That from and after the 15th day of July, 1907, and until the said sum of $1,000,000 shall have been fully paid, each of the said payments on the 15th and the last day of each and every month, respectively, shall not be less than $100,000.

The amendment was agreed to.

The next amendment was, in section 1, page 4, line 17, after the word "case," to strike out the words:

The Secretary of the Treasury is hereby authorized to supervise the collection and take possession of all said gross receipts and continue such supervision and collection until the full sum of said $1,000,000 has been collected and repaid into the Treasury of the United States, as herein provided.

And to insert:

The Secretary of the Treasury is hereby authorized by his agents and representatives, by him selected and appointed, to collect, receive, and control the said gross receipts until the full sum of said $1,000,000 has been collected and repaid into the Treasury of the United States, as herein provided, and shall have access to and control of all books of accounts and contracts of said company. And said Secretary of the Treasury shall in such case first pay out of the money so collected such operating expenses as in his judgment and discretion are necessary and appropriate.

So as to make the additional proviso read:

Provided further, That if at any time after said exposition company has received the amount hereby appropriated it makes default in the application or in the repayment of said sum, or any part thereof, as herein required, then and in that case the Secretary of the Treasury is hereby authorized by his agents and representatives, by him selected and appointed, to collect, receive, and control the said gross receipts until the full sum of said $1,000,000 has been collected and repaid into the Treasury of the United States, as herein provided, and shall have access to and control of all books of accounts and contracts of said company. And said Secretary of the Treasury shall in such case first pay out of the money so collected such operating expenses as in his judgment and discretion are necessary and appropriate. In accepting the amount hereby appropriated the said Jamestown Exposition Company shall be taken and held to agree to all the terms and conditions upon which the same is made and upon which the same is to be repaid into the Treasury of the United States.

Mr. LODGE. I am not sure that I understand the amendment, and before it is agreed to I should like to have it stated again. It appears to me to change the character of the bill very much.

The VICE-PRESIDENT. The amendment will be again stated.

The Secretary again read the amendment.

Mr. LODGE. It seems to me that in line 24 it should read "all the said gross receipts," to correspond with what is stricken out.

The VICE-PRESIDENT. Does the Senator from Massachusetts propose that as an amendment to the amendment?

Mr. LODGE. I do.

The VICE-PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. After the word "control," in line 24, page 4, insert "all;" so as to read "and control all the said gross receipts."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 2. That April 26, 1907, is hereby fixed as the date for the opening of said celebration inaugurated by the act of Congress approved March 3, 1905, and that November 30, 1907, is hereby fixed as the date for the closing of the said celebration, and said dates shall apply to the participation of the United States and foreign countries in said celebration and in said exposition, as provided for by acts of Congress approved March 3, 1905, and June 30, 1906.

The amendment was agreed to.

The VICE-PRESIDENT. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate.

Mr. DANIEL. Before the amendments are disposed of I beg leave to call the attention of the Senator from Massachusetts to the fact that the amendment of the committee he referred to was one drawn and submitted by the Jamestown Tercentennial Commission, consisting of Messrs. Shaw, Taft, and Bonaparte. He will find the statement in their report. I did not quite apprehend the verbal amendment which the Senator from Massachusetts offered. I beg leave to have it read again.

The VICE-PRESIDENT. The Secretary will again read the amendment to the amendment.

The SECRETARY. In line 24, page 4, after the word "control," insert the word "all;" so as to read:

The Secretary of the Treasury is hereby authorized by his agents and representatives, by him selected and appointed, to collect, receive, and control all the said gross receipts, etc.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill appropriating the sum of $1,000,000 as a loan to the Jamestown Exposition Company for the purpose of aiding in the payment of the cost of the construction, completion, and opening of the Jamestown Tercentennial Exposition on Hampton Roads, Virginia, on April 26, 1907, and to provide for the protection of the Government and insuring the repayment of the said sum of $1,000,000 by a first lien upon the gross receipts of the said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from concessions after the opening of said exposition, and fixing the dates for the opening and closing thereof."

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 189. An act to establish a life-saving station at the Isles of Shoals, off Portsmouth, N. H.;

H. R. 21200. An act to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Allegheny County, Pa.; and

H. R. 21951. An act to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River in the State of Alabama.

JAPANESE IN SAN FRANCISCO PUBLIC SCHOOLS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. PERKINS, it was, with the accompanying paper and illustrations, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I inclose herewith for your information the final report made to me personally by Secretary Metcalf on the situation affecting the Japanese in San Francisco. The report deals with three matters of controversy—first, the exclusion of the Japanese children from the San Francisco schools; second, the boycotting of Japanese restaurants, and third, acts of violence committed against the Japanese.

As to the first matter I call your especial attention to the very small number of Japanese children who attend school, to the testimony as to the brightness, cleanliness, and good behavior of these Japanese children in the schools, and to the fact that, owing to their being scattered throughout the city, the requirements for them all to go to one special school is impossible of fulfillment, and means that they can not have school facilities. Let me point out further that there would be no objection whatever to excluding from the schools any Japanese on the score of age. It is obviously not desirable that young men should go to school with children. The only point is the exclusion of the children themselves. The number of Japanese children attending the public schools in San Francisco was very small. The Government has already directed that suit be brought to test the constitutionality of the act in question, but my very earnest hope is that such suit will not be necessary, and that as a matter of comity the citizens of San Francisco will refuse to deprive these young Japanese children of education and will permit them to go to the schools.

The question as to the violence against the Japanese is most admirably put by Secretary Metcalf, and I have nothing to add to his statement. I am entirely confident that, as Secretary Metcalf says, the overwhelming sentiment of the State of California is for law and order and for the protection of the Japanese in their persons and property. Both the chief of police and the acting mayor of San Francisco assured Secretary Metcalf that everything possible would be done to protect the Japanese in the city. I authorized and directed Secretary Metcalf to state that if there was failure to protect persons and property, then the entire power of the Federal Government within the limits of the Constitution would be used promptly and vigorously to enforce the observance of our treaty, the supreme law of the land, which treaty guaranteed to Japanese residents everywhere in the Union full and perfect protection for their persons and property; and to this end everything in my power would be done, and all the forces of the United States, both civil and military, which I could lawfully employ, would be employed. I call especial attention to the concluding sentence of Secretary Metcalf's report of November 26, 1906.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 18, 1906.*

LEASES IN YELLOWSTONE NATIONAL PARK.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

The bill (S. 4433) to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park," was announced as first in order on the Calendar.

The VICE-PRESIDENT. This bill was passed April 20, 1906; the vote on its passage was reconsidered and it was amended, and on the 10th instant it was again considered and amended. The bill is in the Senate and open to amendment.

Mr. HEYBURN. I will ask if that is the first bill on the Calendar under Rule VIII?

The VICE-PRESIDENT. It is the first bill on the Calendar under Rule VIII.

Mr. HEYBURN. I notice that the Senator from Montana [Mr. CARTER] is not present. When the matter was up on a former occasion he stated that he would rather that it should go over than that the amendment which I had offered should be adopted. As he is not here, I suggest that the bill go over until he is present.

The VICE-PRESIDENT. The bill will lie over without prejudice.

PENSIONS FOR NINETY DAYS' SERVICE.

The bill (S. 976) granting pensions to certain enlisted men, soldiers, and officers who served in the war of the rebellion was announced as next in order.

Mr. McCUMBER. That bill was passed over when my attention was not called to it. I wish to say briefly in reference to the bill that I hope we shall have an early vote upon the measure, and that I may receive consent to make it the unfinished business at some time in the early part of January. I give notice now that I shall move to take up the bill for consideration on the 3d day of January after the morning business.

The VICE-PRESIDENT. The bill will lie over without prejudice.

AGREEMENT WITH YANKTON SIOUX INDIANS.

The bill (S. 2993) to ratify an agreement with the Yankton Sioux Indians of South Dakota, and making appropriation to carry the same into effect was announced as next in order.

The VICE-PRESIDENT. On the 10th instant this bill was passed and the vote by which it was passed was afterwards reconsidered.

Mr. NELSON. Let the bill go over.

The VICE-PRESIDENT. The bill will lie over without prejudice.

ADMINISTRATION OF RECLAMATION ACT.

The bill (H. R. 17833) providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the reclamation act, was announced as next in order.

The VICE-PRESIDENT. The Chair will call the attention of the Senator from Montana [Mr. CARTER] to this bill. The bill was on a former occasion read at length and the amendments of the Committee on Irrigation were agreed to. The bill is in the Senate as in Committee of the Whole and open to amendment. If no further amendments be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. HEYBURN. The bill is open to amendment now in the Senate.

The VICE-PRESIDENT. It is open to amendment, but before an amendment is proposed the Chair will, without objection, put the question on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. HEYBURN. On page 2 of the bill, line 8, I move to strike out the word "professional" before "experts."

Mr. SPOONER. I should like to inquire of the Senator from Idaho what the bill is—what it relates to?

Mr. HEYBURN. It is a bill to amend the reclamation act, and the term "professional experts" is used. The Senate amendment reads in this way:

And he shall, subject to the approval of the Secretary of the Interior, select and appoint the scientific, professional, and technical employees of the Service exclusively for their qualifications as professional experts.

It should read "exclusively for their qualifications as experts." "Professional experts" is a self-applied term.

Mr. SPOONER. The Senator need not argue that with me, as far as I am concerned.

Mr. HEYBURN. I desired to explain it.

The VICE-PRESIDENT. Is there objection to the amendment proposed by the Senator from Idaho? The Chair hears none, and it is agreed to.

Mr. HEYBURN. Mr. President, I desire to propose a further amendment to the bill by striking out section 5.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. It is proposed to strike out section 5 of the bill in the following words:

SEC. 5. That until the President appoints a Director of the Reclamation Service, as provided herein, the duties of said office shall be performed by the present Director of the Geological Survey, who shall receive for such services, in addition to any other official salary he may be receiving, a sum not to exceed $4,000 per annum, to be determined by the President and paid from the reclamation fund, said additional sum to be paid to said Director notwithstanding section 1765 of the Revised Statutes or section 3 of the act of June 20, 1874, chapter 328.

Mr. HEYBURN. Mr. President, I desire to call the attention of the Senate to the character of this section. The salary of the Director of the Geological Survey is fixed by law. This section proposes that he shall fill two offices by appointment and receive two salaries. It occurs to me that that is not in keeping with either the law or with any previous action by Congress; and so I think that section should be stricken out. It provides that the Director shall receive an additional salary of $4,000 a year by reason of filling two offices by appointment.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Has the Senator from Idaho concluded his statement, I desire to inquire?

Mr. HEYBURN. I thought the Senator from Montana rose to ask me a question.

Mr. CARTER. No; I desire to make a statement, if the Senator from Idaho has concluded.

Mr. HEYBURN. I will at this time content myself with having pointed out my objection to this section.

Mr. CARTER. Mr. President, for the information of the Senate I will make the statement generally that this bill does not in any essential particular change existing law with reference to the collection of the fund for the Reclamation Service. It does not provide for the application of any moneys collected from any source to the Reclamation Service other than the provisions now existing. It does, however, provide, and, I think, very properly, that the fund known as the "reclamation fund" shall henceforth be appropriated on estimates in detail, just as other appropriations are made.

In the original law it will be remembered that the proceeds of the sale of public lands are applied to the Reclamation Service as a separate fund created for that purpose, to be increased from time to time by the deposit therein of the proceeds of public-land sales. No provision was made for any recourse to Congress after the passage of the original law for any appropriation whatever. Consequently the Reclamation Service, under the direction of the Secretary of the Interior, became possessed of a constantly increasing fund, which, I believe, now amounts to about $30,000,000, to be disposed of according to the judgment of the Reclamation Service and the Department of which it constitutes a portion.

It seemed to the committee that the Reclamation Service should submit in advance to Congress a statement of its proposed projects and invite the judgment of that body upon the question of expenditure.

Mr. HALE. Mr. President, what the Senator says on this bill is very important, and the feature which he has reference to and is describing is a very essential feature. I wish the Senator would read that part of the bill which provides for appropriation.

Mr. CARTER. Section 4 reads:

That through the Secretary of the Interior the Director of the Reclamation Service shall submit in the Annual Book of Estimates, under the head of Irrigation of Arid Lands, a statement of the amounts proposed to be expended during the succeeding year, under the provisions of the reclamation act, for examinations and surveys, for construction, for operation and maintenance, and for general expenses, including traveling expenses to be separately stated; also the number of persons employed in the Reclamation Service in the city of Washington and elsewhere and the rate of compensation paid to each during the fiscal year next preceding the fiscal year for which estimates are submitted, excluding temporary employees and laborers. The expenditures made in pursuance of such estimates shall be dependent upon conditions of practicability, as developed by the surveys and investigations and upon compliance with the provisions of the said reclamation act and of any act amendatory thereof or supplementary thereto.

Mr. HALE. That is sufficient, so far as I am concerned. That is the best part of the bill.

Mr. CARTER. The remainder of the bill, I will say to the Senator from Maine, contemplates a unification of the Service and a greater efficiency through elimination of divided counsel. The portion to which the proposed amendment of the Senator from Idaho [Mr. HEYBURN] is directed is not uncommon, as I understand it, in legislation.

At the present time the Director of the Geological Survey is ex officio Director of the Reclamation Service, made so by the terms of existing law. The section proposed to be amended by the Senator from Idaho contemplates the continuance of the Director as the head of the Reclamation Service until such time as the President may, in his discretion, appoint a successor. In the absence of this provision of law in the proposed act we should have the anomalous condition of an active business, involving a daily expenditure of large sums of money, left without a director or a head of any kind. The bill guarantees us against that unfortunate condition of affairs.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. Certainly.

Mr. GALLINGER. How long does the Senator from Montana think it would take the President to find a Director of the Reclamation Service? I presume he is already selected in the minds of certain gentlemen; is he not?

Mr. CARTER. I sincerely hope that the present head of the Service will be continued under the provisions of this bill.

Mr. GALLINGER. So that it is scarcely necessary to duplicate a salary, is it, to an official now in the Service?

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. Certainly.

Mr. HALE. The last section of the bill provides for a duplication of salary to be given to one man in the Service.

Mr. CARTER. The Director of the Geological Survey receives, I believe, $6,000 a year. The committee were unanimously of the opinion that the salary provided for the Director of the Geological Survey was not an excessive salary for the duties performed in relation to geological work. This Reclamation Service more than duplicates the duties of that officer. It furnishes a task of the gravest responsibility, requiring constant and assiduous attention. The committee believed that so long as the Director was continued in the position of Director of the Reclamation Service, it was but fair and just that he should be paid from the reclamation fund something commensurate with the value of the service rendered to that department.

Mr. HALE. What would that aggregate?

Mr. GALLINGER. Ten thousand dollars a year.

Mr. HALE. How would the piling up of the salary of the Director, according to this bill, compare with the salary of a Cabinet minister, who has the control of an entire Department?

Mr. CARTER. I understand that it would exceed that of a Cabinet minister; and yet, Mr. President, the fact is that we are paying now to an engineer in the Reclamation Service $10,000 a year—the identical sum proposed to be paid here.

Mr. HALE. What I wish to call the attention of the Senator to is the fact that by this little scheme for the duplication of salary the Director of the Geological Survey would be receiving a salary $2,000 larger than that of any Cabinet minister. I think the Senate ought to know that before it votes on that proposition.

Mr. CARTER. I understand we shall be permitted in the near future to increase, if we think proper, the salary of Cabinet officers to $12,000 a year, and I will say now that I am in favor of that measure, which I believe has passed elsewhere.

Mr. NELSON. Mr. President, I desire to ask the Senator from Montana a question.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. Assuredly.

Mr. HALE. Before the Senator from Minnesota puts his question, I wish to ask the Senator from Montana a question. The $12,000 provision for the salary of Cabinet officers has not, as I understand, yet become existing law.

Mr. CARTER. It has not become existing law; but I have suggested that we shall have an opportunity here in the very near future to make it such, and I stated that I hoped when the effort shall be made that it will prevail.

Mr. NELSON. The question I wish to ask the Senator from Montana is, whether under existing law the money expended by the Reclamation Service is provided for through an appropriation of money in an appropriation bill or is the money taken out of the reclamation fund generally, without any appropriation in an appropriation bill?

Mr. CARTER. It is money for the conduct of the Service, and every part of it is now taken out of the fund known as the "reclamation fund."

Mr. NELSON. Without its being specifically appropriated?

Mr. CARTER. Without being specifically appropriated by Congress.

Mr. NELSON. Then, I ask the Senator, ought not section 4 of the bill be amended so as to require that none of this fund shall be expended except through an appropriation? If the Director is to send to the Treasury Department an estimate of the work for each year, ought there not to be an appropriation of the money by Congress to that extent? What is the good of providing for the sending of estimates here unless we follow it up with the requirement that an appropriation shall be made? Unless we do so, could not the Department still go on and expend without limit each year what they saw fit to expend?

Mr. CARTER. My impression is that if the statement is made to Congress as suggested, it would lead either to an appropriation or to a negative of the proposed work. If the Senator thinks it necessary to add a specific requirement that no expenditure shall be made on the estimates until the amount shall have been appropriated by Congress from the reclamation fund, I should have no objection to that kind of an amendment.

Mr. NELSON. I think an amendment to that effect should be made.

Mr. HEYBURN. Mr. President, I believe that during the last session I offered an amendment providing that no portion of the fund known as the reclamation fund should be expended or paid out except by authority of Congress acting upon estimates.

I should like to call the attention of the Senator from Montana to the section of the Revised Statutes referred to in section 5 of the bill, which is really the section now under consideration.

Mr. CARTER. Very well.

Mr. HEYBURN. That section specifically provides:

SEC. 1765. No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.

Now, I call the Senator's attention to the language of section 5, which I have proposed to strike out. It reads:

SEC. 5. That until the President appoints a Director of the Reclamation Service, as provided herein, the duties of said office shall be performed by the present Director of the Geological Survey, who shall receive for such services, in addition to any other official salary he may be receiving, a sum not to exceed $4,000 per annum, to be determined by the President—

Not by law, as prescribed in the statutes, but the amount of salary—

to be determined by the President and paid—

Not by appropriation, as the statute says, but—

from the reclamation fund.

That is not consistent with the existing statute. It is not within the exception contained within the existing statute either as to the amount to be paid or as to the fund. The statute provides that the amount shall be fixed by law and that it shall be paid from the Treasury of the United States, in effect as other salaries are paid.

It would seem to me that to enact a law fixing an indefinite, undetermined salary for a public officer already receiving $6,000 a year and to provide that it shall be paid without an appropriation is in direct violation of that section of the statute. I have no doubt that Congress has the power to do it; but the question in my mind is, Should we select one officer of the Government for such special favors, allowing this officer, now receiving $6,000 a year, to add $4,000, or any part of it that the President may see fit by Executive order to determine as his salary, to the $6,000 a year, not to be paid out of the Treasury, as the $6,000 are paid, pursuant to an act of Congress, but to be paid out of a fund that is held without responsibility and which it was sought to control by an amendment which I have heretofore proposed—I think to the agricultural appropriation bill—providing that none of this reclamation fund should be expended except pursuant to an appropriation?

I am in thorough sympathy, I will say to the Senator, with the proposition that estimates should be furnished to Congress, and I would go as far as is suggested by the Senator from Minnesota [Mr. NELSON] to provide that the money should not be paid out at all except pursuant to an appropriation. I do not believe in Executive orders disbursing the public funds of the United States.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. I will yield in a moment; but I should be glad first to reply briefly to what has been stated by the Senator from Idaho [Mr. HEYBURN].

Section 1765 of the Revised Statutes, referred to by the Senator from Idaho, does, as he states, relate to payments out of the general fund in the Treasury, but I do not assume that that makes the section itself so sacred that we can not invoke a different rule or apply the same rule to another fund. The Senator realizes that, with the amendment proposed by the Senator from Minnesota [Mr. NELSON], all sums paid out of the reclamation fund will henceforth be paid only on appropriations by Congress, and the item here referred to, to wit, the salary of the Director, will of course be subject to the same rule as all other items of expense incurred chargeable to that fund.

Mr. HEYBURN. I should like right there to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. GALLINGER. I rise to a question of order, Mr. President.

The VICE-PRESIDENT. The Senator from New Hampshire will state his question of order.

Mr. GALLINGER. I am interested in this debate, but I beg to call attention to the fact that we are proceeding under Rule VIII, and that indefinite discussion is not in order.

The VICE-PRESIDENT. The Senator from New Hampshire is correct.

Mr. GALLINGER. The five-minute rule is in force.

The VICE-PRESIDENT. The five-minute rule applies.

Mr. HEYBURN. I submit to the five-minute rule. Mr. President, I desire to call the attention of the Senator from Montana [Mr. CARTER] to this anomalous condition——

The VICE-PRESIDENT. The Chair would call the attention of the Senator from Idaho to the fact that he can only proceed now by unanimous consent, as Rule VIII limits each Senator to one speech not exceeding five minutes.

Mr. HEYBURN. I am speaking to the amendment.

The VICE-PRESIDENT. The Chair understands the rule to be as stated.

Mr. HEYBURN. That does not apply to an interruption if a Senator has the floor.

Mr. CARTER. It being quite evident that I have exhausted my five minutes, I surrender the floor to the Senator from Idaho [Mr. HEYBURN].

Mr. HEYBURN. With the permission of the Senate——

The VICE-PRESIDENT. Is there objection to the Senator from Idaho proceeding? The Chair hears none.

Mr. HEYBURN. Mr. President, I do not desire to extend my remarks beyond the necessity of understanding the position of the Senator who reported the bill. He suggests now that the amendment to be proposed by the Senator from Minnesota [Mr. NELSON], and which he intimates will be acceptable to the committee, will cure the evil. That would be true if it were not for the latitude given the President to fix an indefinite salary. It is impossible for us to make an indefinite appropriation.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Yes.

Mr. LODGE. The last section would go out, whether the amendment suggested by the Senator from Minnesota be adopted or not.

Mr. HEYBURN. For that reason I was directing attention to the inconsistency of allowing the section to remain in the bill. The amendment to section 4 is all right. It applies, in part, to section 4, but section 5 must go out.

Mr. FULTON. Mr. President, I desire to suggest to the Senator from Montana [Mr. CARTER], who has this bill in charge, that I hope he will not accept the amendment suggested by the Senator from Minnesota and incorporate it herewith as a part of this bill. I do not believe that that change in the irrigation law should be made without very considerable consideration. The fund at the present time is at the disposal of the irrigation service to expend for the particular purposes which Congress has directed. I am impressed with the belief that if it shall require a separate appropriation before any work can be entered upon, it will delay unnecessarily the work of reclamation.

This fund has been created for a specific purpose. It differs from ordinary work where the appropriation has to come from the general fund in the Treasury. Here is a fund created for a specific purpose, namely, to be devoted entirely to the reclamation of arid lands. I do not think that an appropriation should be required out of that fund every time any work is to be entered upon, because the fund has already been appropriated, set aside, and devoted to that purpose.

I am not prepared at this time to enter fully upon a discussion of that proposition. I only say that I think wisdom suggests that we do not take up so important a question as that simply as an amendment to a pending bill, but let it come from a committee after it has been considered by it.

Mr. HALE. Let the whole bill go over.

Mr. FULTON. I am perfectly willing that the whole bill shall go over, so far as I am concerned. I have not studied it sufficiently to say whether I favor the bill as it stands or not, but I am decidedly against changing an existing law under which we have been working for years in the irrigation system by an amendment sprung right here at this moment.

Mr. TELLER. This is a very important bill, and I do not think we can discuss it properly under the five-minute rule. Therefore I object to its further consideration.

The VICE-PRESIDENT. Objection being made, the bill will lie over without prejudice.

Mr. HALE. I present and should like to have printed a proposed amendment to the reclamation bill.

The VICE-PRESIDENT. The amendment intended to be proposed will be printed and lie on the table.

CHILD LABOR IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia was announced as next in order.

Mr. NELSON. I ask that that bill lie over.

Mr. LODGE. I think the bill had better go over. The Senator in charge of it is not present. But I ask to present a substitute for the first section of the Senate amendment, which I think meets the objection to it. The first section of the Senate amendment as it now stands seems confused.

The VICE-PRESIDENT. Does the Senator desire the proposed substitute for the first section read?

Mr. LODGE. It need not be read. I ask that it be printed and go over.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. GALLINGER. I likewise offer a substitute for the first section of the bill, which I ask to have printed.

The VICE-PRESIDENT. The proposed substitute to section 1 will be printed and lie on the table.

Mr. HEYBURN. I also offer an amendment to the child-labor bill, and ask that it be printed.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. GALLINGER. Mr. President, for the information of the Senate, with reference to the child-labor bill, I ask that there be printed in the RECORD a table which is found in Bulletin 68 of the Department of Commerce and Labor, showing the percentage of child labor in the various cities in the country. The table is on page 10 of the bulletin.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and it is so ordered.

The table referred to is as follows:

Comparison with other cities.—The table below gives number and percentage of breadwinners comprised in the child population 10 to 15 years of age for each city that had a total population of over 50,000 at the Twelfth Census. This table has been introduced in order that the figures for the District of Columbia may be readily compared with those for other cities. It is noticeable that the District has the same percentage of child breadwinners as the city of Boston, Mass. There are 12 cities in this list which have a smaller percentage than that of the District of Columbia. These 12 cities are: Cambridge, Mass.; Denver, Colo.; Duluth, Minn.; Grand Rapids, Mich.; Los Angeles, Cal.; Lynn, Mass.; Minneapolis, Minn.; Oakland, Cal.; Portland, Me.; Salt Lake City, Utah; San Antonio, Tex., and Somerville, Mass.

Number and percentage of breadwinners among children 10 to 15 years of age, classified by sex, for cities having at least 50,000 inhabitants: 1900.

City.	Children 10 to 15 years of age: 1900.								
	Both sexes.			Males.			Females.		
	Total.	Breadwinners.		Total.	Breadwinners.		Total.	Breadwinners.	
		Number.	Per cent.		Number.	Per cent.		Number.	Per cent.
Albany, N. Y.	9,905	1,243	12.5	4,938	801	16.2	4,967	442	8.9
Allegheny, Pa.	14,220	2,460	17.3	7,034	1,665	23.7	7,186	795	11.1
Atlanta, Ga.	10,833	1,774	16.4	5,143	1,102	21.4	5,690	672	11.8
Baltimore, Md.	58,662	10,247	17.5	28,704	5,909	20.6	29,958	4,338	14.5
Boston, Mass.	50,275	3,926	7.8	25,060	2,386	9.5	25,215	1,540	6.1
Bridgeport, Conn.	6,742	1,186	17.6	3,267	674	20.6	3,475	512	14.7
Buffalo, N. Y.	42,439	5,168	12.2	20,958	3,244	15.5	21,481	1,924	9.0
Cambridge, Mass.	8,673	660	7.6	4,268	410	9.6	4,405	250	5.7
Camden, N. J.	8,480	1,637	19.3	4,121	910	22.1	4,359	727	16.7
Charleston, S. C.	6,904	763	11.1	3,329	447	13.4	3,575	316	8.8
Chicago, Ill.	190,220	27,527	14.5	93,943	15,680	16.7	96,277	11,847	12.3

Number and percentage of breadwinners among children 10 to 15 years of age, classified by sex, for cities having at least 50,000 inhabitants: 1900—Continued.

City.	Children 10 to 15 years of age: 1900.								
	Both sexes.			Males.			Females.		
	Total.	Breadwinners.		Total.	Breadwinners.		Total.	Breadwinners.	
		Number.	Per cent.		Number.	Per cent.		Number.	Per cent.
Cincinnati, Ohio	36,790	6,203	16.9	18,478	3,577	19.4	18,312	2,626	14.3
Cleveland, Ohio	43,430	5,243	12.1	21,439	3,155	14.7	21,991	2,088	9.5
Columbus, Ohio	13,260	1,353	10.2	6,630	917	13.8	6,630	436	6.6
Dayton, Ohio	9,187	996	10.8	4,539	601	13.2	4,648	395	8.5
Denver, Colo	13,574	866	6.4	6,722	589	8.8	6,852	277	4.0
Des Moines, Iowa	6,563	515	7.8	3,260	358	10.8	3,303	162	4.9
Detroit, Mich	33,407	5,236	15.7	16,522	2,843	17.2	16,885	2,393	14.2
Duluth, Minn	5,339	372	7.0	2,584	235	9.1	2,755	137	5.0
Elizabeth, N. J	5,821	689	11.8	2,928	412	14.1	2,893	277	9.6
Erie, Pa	6,027	829	13.8	2,985	608	20.4	3,042	221	7.3
Evansville, Ind	6,800	853	12.5	3,294	541	16.4	3,506	312	8.9
Fall River, Mass	12,898	3,098	24.0	6,264	1,540	24.6	6,634	1,558	23.5
Grand Rapids, Mich	9,764	641	6.6	4,708	389	8.3	5,056	252	5.0
Harrisburg, Pa	5,581	815	14.6	2,743	540	19.7	2,838	275	9.7
Hartford, Conn	7,049	930	13.2	3,568	609	17.1	3,481	321	9.2
Hoboken, N. J	6,743	1,141	16.9	3,367	665	19.8	3,376	476	14.1
Indianapolis, Ind	17,054	1,689	9.9	8,212	1,123	13.7	8,842	566	6.4
Jersey City, N. J	22,539	2,829	12.6	11,092	1,769	15.9	11,447	1,060	9.3
Kansas City, Kans	5,962	589	9.9	2,973	444	14.9	2,989	145	4.9
Kansas City, Mo	16,548	1,523	9.2	8,088	1,048	13.0	8,460	475	5.6
Lawrence, Mass	6,366	1,322	20.8	3,226	737	22.8	3,140	585	18.6
Los Angeles, Cal	10,428	733	7.0	5,007	540	10.8	5,421	193	3.6
Louisville, Ky	22,529	3,424	15.2	11,190	2,173	19.4	11,339	1,251	11.0
Lowell, Mass	9,400	1,805	19.2	4,573	977	21.4	4,827	828	17.2
Lynn, Mass	6,167	419	6.8	3,033	270	8.9	3,134	149	4.8
Manchester, N. H	5,946	1,172	19.7	2,948	570	19.3	2,998	602	20.1
Memphis, Tenn	10,669	1,642	15.4	5,226	1,042	19.9	5,443	600	11.0
Milwaukee, Wis	36,412	6,195	17.0	17,693	3,319	18.8	18,719	2,876	15.4
Minneapolis, Minn	21,464	1,459	6.8	10,634	850	8.0	10,830	609	5.6
Nashville, Tenn	9,286	1,044	11.2	4,502	682	15.1	4,784	362	7.6
Newark, N. J	26,575	5,121	19.3	13,044	3,042	23.3	13,531	2,079	15.4
New Bedford, Mass	6,824	1,324	19.4	3,293	683	20.7	3,531	641	18.2
New Haven, Conn	10,701	1,289	12.0	5,345	712	13.3	5,356	577	10.8
New Orleans, La	34,975	3,917	11.2	16,989	2,459	14.5	17,986	1,458	8.1
New York, N. Y	359,465	52,739	14.7	178,569	29,871	16.7	180,896	22,868	12.6
Oakland, Cal	7,057	482	6.8	3,461	338	9.8	3,596	144	4.0
Omaha, Nebr	10,745	1,044	9.7	5,328	639	12.0	5,417	405	7.5
Paterson, N. J	11,791	2,988	25.3	5,832	1,678	28.8	5,959	1,310	22.0
Peoria, Ill	5,825	629	10.8	2,922	397	13.6	2,903	232	8.0
Philadelphia, Pa	131,364	26,455	20.1	65,449	15,170	23.2	65,915	11,285	17.1
Pittsburg, Pa	35,415	5,131	14.5	17,644	3,718	21.1	17,771	1,413	8.0
Portland, Me	4,268	276	6.5	2,186	210	9.6	2,082	66	3.2
Portland, Oreg	8,106	643	7.9	4,063	440	10.8	4,043	203	5.0
Providence, R. I	16,812	3,220	19.2	8,321	1,922	23.1	8,491	1,298	15.3
Reading, Pa	9,160	2,320	25.3	4,640	1,357	29.2	4,520	963	21.3
Richmond, Va	9,435	1,360	14.4	4,470	829	18.5	4,965	531	10.7
Rochester, N. Y	18,489	2,927	15.8	9,234	1,663	18.0	9,255	1,264	13.7
St. Joseph, Mo	11,913	1,168	9.8	6,103	738	12.1	5,810	430	7.4
St. Louis, Mo	65,614	12,705	19.4	32,328	8,348	25.8	33,286	4,357	13.1
St. Paul, Minn	18,108	1,921	10.6	8,875	1,092	12.3	9,233	829	9.0
Salt Lake City, Utah	6,679	445	6.7	3,241	334	10.3	3,438	111	3.2
San Antonio, Tex	6,900	449	6.5	3,377	311	9.2	3,523	138	3.9
San Francisco, Cal	29,610	3,378	11.4	14,520	2,456	16.9	15,090	922	6.1
Savannah, Ga	5,667	780	13.8	2,639	479	18.2	3,028	301	9.9
Scranton, Pa	12,448	2,799	22.5	6,169	1,824	29.6	6,279	975	15.5
Seattle, Wash	5,938	492	8.2	2,942	392	13.3	3,056	100	3.3
Somerville, Mass	5,659	274	4.8	2,839	193	6.8	2,820	81	2.9
Springfield, Mass	5,825	551	9.5	2,875	311	10.8	2,950	240	8.1
Syracuse, N. Y	11,494	1,288	11.2	5,670	745	13.1	5,824	543	9.3
Toledo, Ohio	15,015	1,580	10.5	7,488	932	12.4	7,527	648	8.6
Trenton, N. J	8,114	1,481	18.3	4,117	949	23.1	3,997	532	13.3
Troy, N. Y	6,401	1,096	17.1	3,171	520	16.4	3,230	576	17.8
Utica, N. Y	5,899	876	14.8	2,926	479	16.4	2,973	397	13.4
Washington, D. C	27,319	2,144	7.8	13,126	1,365	10.4	14,193	779	5.5
Wilkes-Barre, Pa	6,299	1,256	19.9	3,111	787	25.3	3,188	469	14.7
Wilmington, Del	8,313	1,490	17.9	4,096	919	22.4	4,217	571	13.5
Worcester, Mass	11,750	1,018	8.7	5,883	634	10.8	5,867	384	6.5

BILLS PASSED OVER.

The bill (S. 1336) providing for the allotment and distribution of the tribal funds of the Yankton tribe of Sioux Indians in the State of South Dakota was announced as next in order.

Mr. GAMBLE. Mr. President, a House bill general in its provisions and covering the same subject has been reported from the Committee on Indian Affairs. The bill, the title of which has been read, applies to a particular tribe. I therefore ask that it be passed over and be placed on the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX at the request of the Senator from South Dakota.

The bill (S. 1337) providing for the allotment and distribution of the tribal funds of the Sisseton and Wahpeton tribes of Sioux Indians in the State of South Dakota was announced as next in order.

Mr. GAMBLE. Mr. President, the statement made by me in regard to the preceding bill applies also to this bill, because the facts are the same. These bills on the Calendar simply apply to particular tribes, while the House bill, to which I have referred as having been reported from the committee, is general in its application.

The VICE-PRESIDENT. The bill will be passed over and placed on the Calendar under Rule IX.

Senate concurrent resolution No. 24, in relation to Federal aid in the restoration of San Francisco, was announced as next in order.

Mr. GALLINGER. Let that be passed over. It is an adverse report.

The VICE-PRESIDENT. The resolution will be passed over without prejudice.

ARMY VETERINARY SERVICE.

The bill (S. 3927) to increase the efficiency of the veterinary service in the Army was announced as next in order.

Mr. WARREN. That bill has been read, and I should like to occupy the floor for two or three moments to explain, briefly, what the bill provides. It relates to the veterinary service of the Army. Formerly veterinary surgeons were either taken from the enlisted force or the Department hired as many "horse doctors," as they were termed, as were necessary to supply the regiments of cavalry and artillery. That was found to be a poor policy, because the men hired for that purpose were not sufficiently educated and capable. A few years ago a law was enacted which provided that a certain number of the veterinary surgeons should have the pay and allowances of second lieutenants, and outside of that number a certain number of others should be employed at $75 a month. That plan has been found to be inefficient, and is growing more and more so. To-day

horses are high in price and hard to get. They should have good care or we lose a great deal of the money invested in them, because of the ravages of disease and death. There is a great demand for good veterinary surgeons. There is also a great demand for veterinarians with sufficient scientific education to enable them to act as inspectors in the Department of Agriculture. We have, by recent legislation, made it necessary for that Department to hire many hundreds of such men in the inspection of meats and for inspection service concerning our domestic animals.

Now, the pending bill proposes to take the old force now in Army service and discharge them all, except such as have been found satisfactory and efficient and have been in the service fifteen years; these to be commissioned as first lieutenants without further examination, they having had fifteen years' service and been found satisfactory. Then so many of the other old employees as may pass the examination, physical, mental, and otherwise, may be admitted. To make up the balance of the force necessary, citizens of the United States, between the ages of 21 and 27, single, and graduates of veterinary colleges, may apply, and, upon passing the examination, receive commissions and all the pay and allowances of second lieutenants. But they do not have the rank. After ten years' satisfactory service these men receiving pay and allowances of second lieutenants may be promoted to the pay and allowances of first lieutenants, and they may also have at the end of their active service, when 64 years old, retirement as first lieutenants. That is really all there is to the bill.

In other words, the force will be composed of, first, the old men who have put in fifteen years of good service who will have the pay and allowances of first lieutenants. The old men with less than fifteen years' service can take examinations and, if they pass, be admitted with the new men and come in as second lieutenants and serve a number of years, after which time they will receive the pay and allowances of first lieutenants. They will all be subject to the laws, rules, and regulations of the Army and the Department. They will have the pay and allowances, retirement, pensionable status, etc., and will be short merely in the matter of rank.

Mr. HALE. I am not sure, after the explanation made by the Senator from Wyoming, that this bill does not either establish in terms a new corps—a veterinary corps in the Army—or make such provision that the inevitable result will be the establishment of such a corps. I am not yet ready to agree to swelling the Army by the increase of different corps or departments in that branch of the service. Therefore I must for the present ask that the bill go over.

Mr. LODGE. Before the bill goes over, I merely wish to say that when we had up here some years ago a bill for the creation of a veterinary corps, with colonels and majors, and giving them rank, I was entirely opposed to it, and did everything I could to defeat it. It was defeated in the Senate by a very narrow margin indeed. This bill, if I comprehend it—it was gone over very carefully in committee—establishes no corps and confers no rank.

Mr. WARREN. It does not even squint at the establishment of a corps.

Mr. LODGE. Not in the least. There is no possibility of establishing a corps under it. It simply provides what the pay and allowances shall be of men who have given faithful service in the now existing department, and who do not receive proper pay and allowances. It is drawn with the utmost care to avoid the creation of a corps and so as not to confer any rank. It would not have received my support if it had not.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

Mr. WARREN. Just a moment, if I may be allowed a word. I have no objection to the bill going over, as I desire that the Senator from Maine, and every other Senator, may become well acquainted with its terms.

I wish to say, however, in the same line with the remarks of the Senator from Massachusetts [Mr. LODGE] that this bill establishes no corps. In fact, it seeks to avoid anything of that kind. It is a bill which, in my judgment, will pay for itself many times over in the money which it will save to the United States.

I am willing that the bill shall go over, but I will say that I expect soon to call it up and get an expression and, I hope, final passage.

Mr. HALE. That course is eminently fair. One reason why I want more opportunity to examine the bill is that when the old veterinary corps bill was before the Senate, to which and to his opposition to it the Senator from Massachusetts [Mr. LODGE] has referred, I was unwarily led to favor it. I found out afterwards that I was wrong; that I ought not to have favored it. The Senator from Massachusetts and the other Senators who acted with him and voted with him were right and I was wrong, and that has led me to give more thought, perhaps, and investigation to the subject than I otherwise would have done.

If I am convinced by examination that this class of employees in the War Department is needed and that the bill does not either provide for or lay the foundation of an additional corps I shall not, when the Senator calls it up hereafter, make any further objection to it. But in the meantime I wish to look at it a little further.

The VICE-PRESIDENT. The bill will go over.

Mr. SPOONER. Before this matter passes from the consideration of the Senate, I should like to ask a question of the Senator from Wyoming [Mr. WARREN] for information. I understood the Senator from Wyoming to say that the bill provides that after the veterinary surgeons have been commissioned, and after they have reached the age of 64, receiving the pay of first lieutenants—second lieutenants first, and then promoted to the pay of first lieutenants—they shall be placed on the retired list. Is that correct?

Mr. WARREN. That is correct.

Mr. SPOONER. Then I desire to ask the Senator if there is now any provision of law under which a person, who has no rank in the Army, can go upon the retired list and, if in that respect, the bill is not an innovation? I am asking only for information, and am not antagonizing the bill.

Mr. WARREN. I may say the present law as to veterinarians is an innovation in that the compensation is measured as being equal to that attaching to the rank of second lieutenants, etc., though the rank is differently conferred. The proposition in this bill is exactly the same, except that it has been found necessary to provide better compensation, and it is added in two ways: First, that after ten years of satisfactory service they may receive the pay, etc., of first lieutenants, and going in as they do, between the ages of 21 and 27 years, they may have before them the certainty of retired pay at three-quarters of their salary in active service as first lieutenants when they get to be 64 years of age.

Mr. SPOONER. It was the matter of retired pay which attracted my attention and led me to propound to the Senator from Wyoming the interrogatory which he has not answered, but which I know he can answer, whether under any law heretofore passed there can be placed on the retired list of either the Army or the Navy a person who has had no rank in either?

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. SPOONER. Certainly.

Mr. NELSON. If the Senator will allow me to interrupt him for a moment. I understand that under the law there are only two classes in the Army, one class known as "commissioned officers" and the other as "enlisted men;" that the veterinary surgeons, so called, now in the Army come under the head of enlisted men and are not commissioned officers, and would not be entitled to any pension or be entitled to be put on the retired list.

Mr. SPOONER. That was my understanding, but——

Mr. WARREN. No, Mr. President, at the present time a certain percentage of the veterinarians in the Army are commissioned as veterinarians, with the pay and allowances of second lieutenants; the balance are simply employed civilians.

Mr. SPOONER. Yes.

Mr. PROCTOR. But not with the rank.

Mr. WARREN. Not with the rank. This bill proposes, instead of having part of them hired men, if you please, and the other part second lieutenants, that they shall all start with the pay and allowances of second lieutenants. This bill simply adds two features, one that they shall go to the pay of first lieutenants after ten years' service and the other that they shall have, after they are 64 years old, three-quarters of that pay.

If the Senator means that there is some general statute to which this bill is repugnant, I think an examination will convince him it is a matter of legislation whether we pay three-quarters retired pay, and if we say in this measuere they shall have three-quarters pay, that is all there is to it. It is not repugnant to any legislation we now have on the statute books.

Mr. SPOONER. The Senator must understand my question. Here is the word "retire." Is that the word used in the bill, or is it the word the Senator from Wyoming used?

Mr. GALLINGER. The bill says—

The President may, and he is hereby, authorized to appoint and immediately retire them.

Mr. WARREN. I will say that that applies to two men, one seventy-odd years old and the other 67 years old, who,

notwithstanding the fact that they have long since passed the age at which Army officers may be retired, are in the service because the United States has been compelled to avail itself of their services. That merely applies to two individuals.

Mr. SPOONER. I am not sure that I object to that, but what I want to get at is whether this is not entirely an innovation; whether there has ever been a case——

Mr. WARREN. In one sense it is an innovation, and innovations have been made many times by legislation when we have placed men individually upon the retired list who would not have been entitled to it except by the act itself.

Mr. SPOONER. But never, I guess, unless they were men who had had rank in the Army or Navy?

Mr. WARREN. Possibly; but we make the rank or not, as seems best, by legislation, and the same as to retirement.

Mr. SPOONER. Here are men who have no rank, who are given the title of first and second lieutenants in order to measure their compensation, and it is provided that when they shall have reached a certain age they shall be retired (of course, that is pensioned) on three-quarters of their pay.

Mr. HALE. That is a new feature.

Mr. WARREN. Whether it is new or not I see nothing objectionable in it any more than in retiring judges and others and Army and Navy enlisted men as well as commissioned officers.

Mr. SPOONER. I am not discussing the merits of it. I am talking about the fact.

Mr. WARREN. And it is the fact that the principle is not new.

The VICE-PRESIDENT. The Chair will state that this discussion is proceeding by unanimous consent.

Mr. PROCTOR. We have a law, well understood, in regard to the retirement of commissioned officers. We have another one in regard to the retirement of enlisted men. Ought we not to keep those classes distinct, just as they are now under the general law, and if we see fit to add any for special service by name, as has sometnmes been done, it can be done? But it seems to me that any change adding a class to either is of doubtful policy. I think the two lines ought to be kept clear and distinct and separate as they are now.

The VICE-PRESIDENT. The bill will go over, under objection. The next case on the Calendar will be stated.

THE PANAMA CANAL.

The bill (S. 5965) to establish the plan of a ship canal to be constructed in the Panama Canal Zone, ceded to the United States by the Republic of Panama under the provisions of the treaty promulgated on the 26th day of February, 1904, was announced as the next business in order on the Calendar.

Mr. HALE. Let the bill go over.

The VICE-PRESIDENT. The bill will lie over without prejudice.

Mr. MORGAN. Mr. President, the bill, of course, will go over, as it has gone over, but I will venture just a word. It is a bill that I reported as a minority of the Committee on Interoceanic Canals for the establishment of a canal in the Canal Zone, two-thirds of which, or three-fourths of which would be a sea-level canal, leaving a lock-level canal between Gamboa and Pedro Miguel, to go through the Culebra cut, etc.

I observe that in the President's message on yesterday he has admitted, if I understand his message at all, that there is a great state of doubt, in his mind at least, about the permanency of the dam at Gatun. The least doubt about that destroys any possible committal of the Government of the United States to its construction until that doubt is solved, for on the plan proposed and acted upon at the last session of this Congress, when the sea-level canal was rejected by a small majority, the Gatun dam was then and is now and will forever be the absolute key to the construction of a lock canal through the Isthmus Zone.

I had the honor to suggest, merely for the purpose of attracting the attention of the Congress of the United States to it, a plan that would make a sea-level canal from Gamboa to the Caribbean Sea and a sea-level canal from Pedro Miguel to the Panama Bay. I proved by every engineer who was examined that not only was it practical and feasible, but an excellent arrangement—a perfectly safe arrangement in the opinion of every one of them. But it did not come from an engineer; it came from a layman. It had no acceptance amongst the gentlemen of learning and skill who so far have done no more, in my judgment, than to confuse the country, and especially to confuse Congress, in regard to the proper type of canal to be located through the Isthmus.

Mr. President, when the President of the United States comes out, after his earnest demand upon Congress for the passage of the bill of the minority of the committee locating the dam at Gatun, and expresses a doubt about that, we can only say, "Your doubt is too late, Mr. President, to save your reputation as an engineer officer, but it may be in time to save this Government from enormous loss."

JOHN T. RENNIE.

The bill (S. 5283) for the relief of John T. Rennie was considered as in Committee of the Whole. It proposes to pay to John T. Rennie $353.23, on account of expenses incurred as United States consular agent at Durbin, Natal, South Africa, in the transshipment and handling of a cargo of coal being shipped to Cavite, P. I., for the Navy Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF PUBLIC LANDS FOR CEMETERY PURPOSES.

The bill (S. 6229) to authorize the sale of public lands for cemetery purposes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, in line 11, before the word "one," to insert "not less than;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell and convey to any municipal corporation, religious or fraternal association, or private corporation, empowered by the laws under which such corporation or association is organized or incorporated to hold real estate, not to exceed 40 acres of any unappropriated public lands of the United States for cemetery purposes, upon the payment therefor by such corporation or association of the sum of not less than $1.25 per acre.

The amendment was agreed to.

Mr. CARTER. I suggest that immediately following the word "unappropriated," in line 8, the word "nonmineral" be inserted.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. It is proposed, after the word "unappropriated," in line 8, to insert the word "nonmineral;" so as to read:

Forty acres of any unappropriated nonmineral public lands.

The amendment was agreed to.

Mr. HEYBURN. It occurs to me that after the words "real estate" in line 7 there should be inserted the words "for each purpose." As the bill now reads it provides that a "private corporation, empowered by the laws under which such corporation or association is organized or incorporated to hold real estate," may receive this grant. It should be a corporation authorized to hold real estate for cemetery purposes only. I have in point a case that has recently arisen, of two rival towns, each of them striving to outdo the other in growth. One of them conceived the idea of establishing a cemetery in the enemy's ground, so as to make it unattractive as a place of business and residence, and they were getting along pretty rapidly with their attempt until their motive was discovered and headed off.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Idaho.

The SECRETARY. In line 7, after the word "estate," it is proposed to insert the words "for such purpose."

Mr. GALLINGER. I think that will not accomplish the desired result. Except in the title of the bill, its purpose has not been stated up to that point, and I think if the Senator from Idaho will read the bill in full he will find that where in line 9 the words "for cemetery purposes" occur it covers it absolutely.

Mr. HEYBURN. One applies to the use of the land and the other applies to the character of the corporation. My amendment goes to the character of the corporation, and the language referred to by the Senator applies to the use of the land.

Mr. GALLINGER. Then instead of "for such purposes" the Senator would have it read "for cemetery purposes," because the purpose has not been stated in the bill up to that point.

Mr. HEYBURN. Every corporation is organized for a purpose expressed in the articles of incorporation. A corporation organized for the purpose of manufacturing ought not to be allowed to purchase land, even to be used for cemetery purposes. It should be a corporation that would be amenable to the laws and restrictions and limitations of the State regarding the class of corporations that might hold this land.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho.

Mr. GALLINGER. I move to amend it by inserting "for cemetery purposes" instead of the words used by the Senator from Idaho.

Mr. HEYBURN. It is immaterial. I accept the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REMISSION OF TAXES TO CERTAIN INSTITUTIONS.

The bill (S. 3702) for the relief of the Gurley Memorial Presbyterian Church, of the District of Columbia, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the trustees, or other authorized representatives, of the various religious and educational institutions mentioned herein, the sums set forth in their respective cases, said amounts having been heretofore erroneously paid by the said religious and educational institutions on account of special assessments or taxes levied against such religious and educational institutions, and which character of assessments or taxes the court of appeals of the District of Columbia heretofore held, in the case of the District of Columbia against Sisters of the Visitation, of Washington, reported in volume 15, Tucker's Reports, page 300 et seq., to be illegal and void and not a charge against such property.

Educational properties: Corcoran Gallery of Art, $161.53; Columbian University, $135.05; medical and dental department, National University, $77.38; Howard University, $613.14.

RELIGIOUS PROPERTIES: Church of the Covenant, $167.01; Shiloh Baptist Church, $9.70; Gunton-Temple Memorial Presbyterian Church, $214.32; St. Matthew's Church, $300.48; All Souls Church, $114.32; Epiphany Church, $12.23; Fourth Baptist Church, $66.18; Universalist General Convention, $76.95; St. Paul's English Lutheran Church, $145.52; Marvin Methodist Episcopal Church, $17.94; Westminster Presbyterian Church, $44.76; Lutheran Church, $16.18; Mount Moriah Baptist Church, $48.60; Gonzaga College (St. Aloysius Church), $79.40; vestry of St. Mark's Parish, $41.31; Metropolitan Presbyterian Church, $70.21; German Baptist Brethren Church, $44.45; Mount Jezriel Church, $12.85; Washington Seventh Day Adventist Church, $49.56; Ninth Street Christian Church, $52.27; Douglas Memorial Methodist Episcopal Church, $23.05; Israel Baptist Church, $14.48; Missionary Board Brethren Church, $22.96; St. Cyprian's Church, $82.66; East Washington Station Colored Methodist Episcopal Church, $20.30; Methodist Protestant Church, $192.95; First Colored Baptist Church, $25.83; Ebenezer African Methodist Episcopal Church, $24.72; B. T. McCoy and others, trustees of church, $90; First Baptist Church, Mount Pleasant, $375; Mount Pleasant Congregational Society, $79.96; vestry of Tacoma Parish, $35.69; Memorial Church of the United Brethren in Christ, of Washington, D. C., $69.19; Gurley Memorial Presbyterian Church, $200.24; Presbyterian Alliance, $86.07; St. Anthony's Church, $122.50; Brookland Baptist Church, $35.85; vestry Emanuel Protestant Episcopal Church, $35.60.

Provided, That the amounts herein authorized and directed to be paid shall be payable out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. The title should be amended by inserting after the words "District of Columbia" the words "and for other purposes," as the bill originally covered one church only, whereas other institutions have been added.

The title was amended so as to read: "A bill for the relief of the Gurley Memorial Presbyterian Church, of the District of Columbia, and for other purposes."

COAL-LAND LOCATIONS IN ALASKA.

The bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska, was announced as the next business in order on the Calendar.

Mr. KEAN. I see that a motion to reconsider has been entered in this case, although I do not know by whom, and I think the bill had better go over.

The VICE-PRESIDENT. The question is on the motion to reconsider.

Mr. KEAN. I think it had better go over.

The VICE-PRESIDENT. The Chair invites the attention of the Senator from Wisconsin [Mr. SPOONER] to the fact that he entered a motion to reconsider the vote by which the bill was passed.

Mr. SPOONER. I am not ready to take that up to-day, Mr. President.

The VICE-PRESIDENT. Under objection, the bill will lie over without prejudice.

NORTH DAKOTA STATE HISTORICAL SOCIETY.

The bill (S. 6134) providing for the conveying to the State of North Dakota of certain tracts of land for the use and benefit of the North Dakota State Historical Society was announced as next in order on the Calendar.

Mr. KEAN. I do not see the Senator from North Dakota [Mr. HANSBROUGH] present, and I think the bill had better go over.

The VICE-PRESIDENT. At the suggestion of the Senator from New Jersey the bill will lie over, without prejudice.

INFORMATION CONCERNING CROPS BY DEPARTMENTAL OFFICERS.

The bill (S. 6248) to amend section 5501 of the Revised Statutes of the United States was announced as next in order.

The VICE-PRESIDENT. At a previous session the Senator from Maine [Mr. HALE] objected to the consideration of this bill.

Mr. HALE. Let it go over for the present.

The VICE-PRESIDENT. The bill will lie over without prejudice.

PENSIONS TO SOLDIERS AND SAILORS OF INDIAN WARS.

The bill (S. 2887) granting increase of pensions to soldiers and sailors of the Indian wars under the acts of July 27, 1892, and June 27, 1902, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE-PRESIDENT. The bill will lie over without prejudice.

JAMESTOWN TERCENTENNIAL EXPOSITION.

The bill (S. 5825) to authorize the United States Government to participate in the Jamestown Tercentennial Exposition on the shores of Hampton Roads, in Norfolk County, Va., in the year 1907, and to appropriate money in aid thereof, was announced as next in order.

Mr. LODGE. That matter has been passed upon already, I think, on the appropriation bill. That is the old original bill.

Mr. MARTIN. It may as well be indefinitely postponed.

Mr. LODGE. Let it be indefinitely postponed.

The VICE-PRESIDENT. Without objection, the bill will be indefinitely postponed.

CAPT. WILLIAM N. HUGHES.

The bill (S. 5660) for the relief of Capt. William N. Hughes was considered as in Committee of the Whole. It provides that Capt. William N. Hughes, United States Army, retired, detailed July 14, 1902, for duty at East Florida Seminary, Gainesville, Fla., shall be held and considered as having been detailed under the act of November 3, 1893.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC ADMINISTRATORS IN INDIAN TERRITORY.

The bill (S. 3237) providing for public administrators in Indian Territory, and for other purposes, was announced as next in order.

Mr. McCUMBER. I ask that the bill may go over, the Senator from Minnesota [Mr. CLAPP] not being present.

The VICE-PRESIDENT. On the suggestion of the Senator from North Dakota, the bill will lie over without prejudice.

SENATOR FROM UTAH.

The next business on the Calendar was the resolution reported from the Committee on Privileges and Elections "That REED SMOOT is not entitled to a seat in the Senate as a Senator from the State of Utah."

Mr. GALLINGER. Let that go to Rule IX.

Mr. LODGE. As it is liable to give rise to some debate, I think it had better go over under Rule IX.

The VICE-PRESIDENT. The resolution will go to the Calender under Rule IX.

CLAIMS OF MAIL CONTRACTORS.

The bill (S. 5951) to repeal section 3480 of the Revised Statutes of the United States was announced as next in order.

Mr. HALE. Let the bill go over.

The VICE-PRESIDENT. It is so ordered, and the bill will lie over without prejudice.

ROBERT D. BENEDICT.

The bill (S. 2385) for the payment of Robert D. Benedict for services rendered was read.

Mr. CLAY. The bill covers a small item, but it is undoubtedly a bad precedent. It provides for the payment of legal expenses for a clerk of a district court in defending an individual case brought against him. I should like to ask if there is any report accompanying the bill?

Mr. LODGE. Yes; there is a report accompanying it.

Mr. CLAY. It is a small matter, but it is a bad precedent.

Mr. CULLOM. Let the report be read.

The VICE-PRESIDENT. There is a report accompanying the bill. Does the Senator from Georgia object to the present consideration of the bill?

Mr. CLAY. Is the report long or short?

The VICE-PRESIDENT. It is a very long report.

Mr. CLAY. I think the bill had better go over. It is such a small item that I regret to object to it, but still it is a bad precedent.

The VICE-PRESIDENT. The bill will lie over without prejudice.

RAILROAD LINE, ETC., IN ALASKA.

The bill (S. 6358) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska was announced as next in order.

Mr. LODGE. I think the bill had better go over. It is a very important measure.

The VICE-PRESIDENT. The bill will lie over without prejudice.

THE FIVE CIVILIZED TRIBES.

The bill (S. 6255) to amend section 4 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906, was announced as next in order.

Mr. McCUMBER. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will lie over without prejudice.

PROOF OF CITIZENSHIP IN LAND ENTRIES.

The bill (S. 2527) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary, with amendments.

Mr. McCUMBER. As there is no written report accompanying the bill, I simply desire to state briefly what its object is.

When we had our political judges and clerks during Territorial days the records were not always kept with a great deal of care. It was a time when the public lands were being taken up very rapidly in the Red River Valley, and a great many people of foreign birth were settling in the country at that time. Before final proof could be made upon any land it was necessary that the claimant should be admitted to full citizenship. A great many of the claimants presented themselves and were duly admitted—that is, the testimony of two witnesses was taken in open court, the parties were sworn, the testimony of the applicant was also taken, and the party admitted to full citizenship.

But in making the record, instead of making the usual entry that such a party appeared and was duly sworn and testimony was taken, and that upon the hearing the party was admitted to full citizenship in the United States, blank forms were kept for that purpose, and such blank forms contained an affidavit for each witness, also the affidavit of the party desiring to become a citizen, and also the judgment of the court. It was a blank form in a book kept for that purpose.

In making up the entries the names of the parties were placed in these records, the names of the witnesses, and the fact that they were duly sworn, but there is no record in any of the cases this bill is sought to cover that shows the seal of the court or shows a single jurat. So when a party desires to get a record of his citizenship in the court he does not get a certified copy of the record declaring that he was admitted to citizenship, but all that he can get from the records is this blank form filled in with his name, without the judge's signature, without the signature of the clerk, and without the seal of the court attached.

This court was necessarily abolished when the Territory was admitted to statehood. There was a successor of the record, but no successor of the particular court, as the functions of that court ceased upon statehood. So in order to get a record of citizenship it is necessary for this record to be corrected, or a showing to be made by the claimant who claims that he was a citizen that as a matter of fact his testimony was taken and that the testimony of his witnesses was taken, and judgment was really directed by the judge in open court, and the clerk of the court failed to make the proper entries. That judgment, in my mind, absolutely admitted the claimant to citizenship without any question, but he has no complete record of it.

Mr. HALE. Let me ask the Senator from North Dakota——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maine?

Mr. McCUMBER. With pleasure.

Mr. HALE. Is this bill to the same effect as a bill on the subject which failed to pass the House yesterday, or has it nothing to do with it?

Mr. McCUMBER. I do not think it has anything to do with it.

Mr. SPOONER. To what bill does the Senator from Maine refer?

Mr. HALE. A bill making good certificates of naturalization where the facts are not stated. The House had quite an extensive debate upon a bill of the kind, and it failed to pass the House; but I think that is a measure more general than this one.

Mr. McCUMBER. This is a bill to cover certain cases. It has been reported twice from the Committee on the Judiciary, the first time by the late Senator Hoar, and it failed of consideration during that Congress; the second time by the Senator from Alabama [Mr. PETTUS].

Mr. HALE. Is it general in its application?

Mr. McCUMBER. While it is general in its application, it can only apply to these specific cases. The bill is so drawn that it will apply to those specific cases; and if any question should ever arise as to the title of the land taken from the Government, the person will have the record of the court to show that he in fact was a citizen at that time.

Mr. CARTER. I ask the Senator from North Dakota if he will have any objection to amending the bill by inserting, after the word "applicant," the words "in the Territory of Dakota?"

Mr. McCUMBER. Not at all.

Mr. CARTER. I then move to amend by inserting, in line 3, page 1, after the word "applicant," the words "in the Territory of Dakota."

The amendment was agreed to.

Mr. McCUMBER. I should like to have a disagreement to the amendment, on page 4 of the bill, striking out the word "citizenship" and inserting the word "qualification." There can be no question but what under the terms of the bill the party will be compelled to establish to the satisfaction of the court which corrects the record the fact that he was admitted to full citizenship. That is a part of the bill, and the bill would be of little value unless he could establish the fact that he was a citizen at that time. This amendment undoubtedly was made, it seems to me, without a great deal of thought of the first section of the bill and upon the supposition that the claimant might not have been a citizen, but merely qualified for citizenship.

The VICE-PRESIDENT. Without objection, the amendment of the committee striking out "citizenship" and inserting "qualification" will be disagreed to. The first amendment reported by the Committee on the Judiciary will be stated.

The first amendment of the Committee on the Judiciary was, in section 1, page 2, line 3, after the word "thereof," to strike out the word "or," and in line 13, after the word "citizenship," to strike out the words:

But such applicant is hereby declared to have been duly admitted to citizenship, notwithstanding such failure or neglect.

So as to make the section read:

That in any case where an applicant to become a citizen of the United States has heretofore taken the oath provided in the second subdivision of section 2165 of the Revised Statutes of the United States, and has complied with the third subdivision of said section, and his said oath or affidavit, or the oaths or affidavits of his witnesses, have been taken in good faith for the purpose of admitting him to citizenship of the United States, and in open court before either the clerk of such court as is mentioned in said action or before the judge thereof, such oath administered by either the clerk of said court or the judge thereof in open court, shall be deemed a full compliance with subdivisions 2 and 3 of said sections; and the failure of the judge or clerk of said court, by reason of neglect or inadvertence, to affix his signature to the jurat of the record, oath, or affidavit of the said applicant, or of his said witnesses, or the failure of the judge or clerk to sign or affix the seal of said court to the judgment or order admitting such applicant to citizenship, shall not be deemed to have invalidated the proceedings for such citizenship.

The amendment was agreed to.

The next amendment was to add at the end of the bill the following proviso:

Provided, That the record of the citizenship of the person making such entry or final proof shall be established as provided in this act within twelve months from the time the validity of such admission to citizenship is challenged.

The amendment was agreed to.

Mr. SPOONER. I think the Senator from North Dakota, if he will look at the context on pages 3 and 4, will come to the conclusion that the amendment reported by the Judiciary Committee ought not to be disagreed to. The court is obliged, upon certain proof, to order entry of judgment, reciting such facts and the date of the proceedings of the applicant for admission to citizenship, and adjudging that the said applicant was admitted to be a citizen of the United States on the date of the said proceedings therefor, reciting such date. Such judgment shall be attested by the clerk of said court and under the seal thereof, and shall be entered and docketed as other judgments of said court, and the same shall be evidence of the facts therein recited, and conclusive evidence of the qualification of the said applicant at the date of such proceedings to become a citizen, as recited in said judgment.

Mr. McCUMBER. Certainly.

Mr. SPOONER. The judgment establishes the citizenship.

Mr. McCUMBER. That is, the prior judgment establishes the citizenship.

Mr. SPOONER. The judgment to be entered.

Mr. McCUMBER. It shows the fact that the party was made a citizen at the time and date at which he appeared before the court.

Mr. SPOONER. On "conclusive evidence of the qualification."

Mr. McCUMBER. Yes; and that he was duly qualified.

Mr. SPOONER. Now he enters a judgment that the said applicant was admitted to be a citizen on the date named. It makes conclusive, or was intended by the committee to make conclusive, the qualification—that is, the basis upon which the judgment was entered—in order that in a contest for land and otherwise it shall never be open to challenge that the person was qualified to become a citizen.

Mr. McCUMBER. But that has already been declared in the portion the Senator has already read on page 3. That is already declared in the judgment that is to be entered. By striking out the word "citizenship," on page 4, it would indicate that the intention was that the judgment should be that he was qualified for citizenship.

EMPLOYERS' LIABILITY BILL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

CONSIDERATION OF THE CALENDAR.

Mr. GALLINGER. I ask unanimous consent that the consideration of the Calendar may be continued under Rule VIII.

Mr. HALE. Unobjected cases.

Mr. GALLINGER. Unobjected cases.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the Senate shall continue the consideration of the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

PROOF OF CITIZENSHIP IN LAND ENTRIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2527) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship.

Mr. McCUMBER. In reading the bill over carefully I think it is proper to reconsider the vote by which the amendment of the committee inserting the word "qualification" was disagreed to, and to allow that amendment to be made. But to make it clear, I move to add at the end of line 10 the following:

And his admission to citizenship on said date.

The VICE-PRESIDENT. Without objection, the vote by which the amendment was disagreed to is reconsidered.

Mr. GALLINGER. And the amendment of the committee agreed to.

The VICE-PRESIDENT. And the amendment of the committee agreed to.

Mr. McCUMBER. Now I move, as a further amendment, to insert, at the end of line 10, on page 4, a comma and the words "and his admission to citizenship on said date."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROHIBITION OF SALE OF INTOXICATING LIQUORS.

The bill (S. 4267) to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District almshouse was considered as in Committee of the Whole. It provides that it shall be unlawful to sell, either by wholesale or retail, intoxicating liquor of any kind at any point between the Government Hospital for the Insane and the District almshouse, or within a radius of one-half mile of the boundaries of either of the said properties.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WOMAN AND CHILD WORKERS.

The bill (S. 5469) to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on Education and Labor with an amendment, on page 2, to strike out from line 3 to line 12, in the following words:

That to enable the Secretary of Commerce and Labor to make this investigation he is hereby authorized to expend the sum of $300,000, or so much thereof as may be necessary, for per diem in lieu of subsistence of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $3 per day and for their transportation, and for the employment of experts and temporary assistants, and for the purchase of materials necessary for said report.

So as to make the section read:

SEC. 2. And for the purposes of this act the Secretary of Commerce and Labor is hereby directed to utilize in so far as they may be adequate the forces of the Bureau of Labor and Bureau of Census.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF ANIMALS, ETC., IN FOREST RESERVES.

The bill (S. 6119) for the protection of animals, birds, and fish in the forest reserves of California, and for other purposes, was considered as in Committee of the Whole.

Mr. McCUMBER. Mr. President, I should like a little explanation of this bill from the Senator from California [Mr. PERKINS]. I notice that the bill prohibits the taking of these animals and fish in certain areas, but that it allows the Secretary of Agriculture, by rules and regulations, to make the law as extensive as he sees fit or to limit it as much as he sees fit. It seems to me that it is rather a dangerous practice to enact punishment for an offense when we do not even know what the gravity of the offense may be, as it may be limited or extended by departmental regulation.

Mr. PERKINS. The report on this bill is very short, and I ask that it may be read.

The VICE-PRESIDENT. The Secretary will read the report, as requested by the Senator from California.

The Secretary read the report submitted by Mr. PERKINS June 11, 1906, as follows:

The Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 6119) for the protection of animals, birds, and fish in the forest reserves of California, and for other purposes, herewith report it back without amendment and recommend that it do pass.

This bill is one of very great importance, if we are to prevent the extinction within a very few years of our game birds, animals, and fish. At present there is practically no place where they can be safe from sportsmen and where they can breed in peace. The bill in question simply authorizes that certain portions of public reserve lands may be set apart for the protection of animals, birds, and fish, which reserves shall be recognized as breeding places and protected against incursions of sportsmen. Natural history societies throughout the country, which realize the rapidity with which our wild game is being killed off, favor the measure. The President has set aside, at the request of the Audubon societies of the United States, six barren islands which are used as breeding places for water birds and are good for no other purpose, but there is at present no law which gives authority to protect the breeding birds thereon. The bill herewith reported is principally for the purpose of authorizing the wardens of the Audubon societies to prevent injury to the birds, which have had these places of refuge set aside for them, and as it is in the public interest that such protection be given, the passage of the bill is recommended.

Mr. TELLER. I understand the Senate is now proceeding under Rule VIII?

The VICE-PRESIDENT. The Senator is correct.

Mr. TELLER. And under that rule we are limited to five minutes in the discussion of a measure?

The VICE-PRESIDENT. That is the rule.

Mr. TELLER. Mr. President, I have not had an opportunity to examine this bill. While I am in favor of protecting birds and game, I am not in favor of the General Government attempting to do so within the boundaries of the States. That is a matter which belongs to the States. I do not know whether the islands referred to are within the borders of any State, and for that reason, and as the bill can not properly be discussed under the five-minute rule, I wish to make an objection to its consideration at this time.

Mr. PERKINS. Mr. President, I think the Senator from Colorado will withdraw his objection to this bill—as it relates only to California and the reservations are within our State—with this explanation: First, we have excellent laws in California for the protection of our birds and game, but there are some persons there who desire to stock up some of the forest reserves with antelope, partridges, and pheasants. Indeed, there is one person who stands ready to contribute several thousand dollars, if necessary, toward stocking up one forest reserve. Heretofore we have had no protection whatever for game in our forest reserves, for the reason that poachers from other States can easily

pass into the boundaries of the reservation. Therefore I submit that this proposition, to which the committee have given careful consideration and reported favorably upon it, should be adopted.

The expense which is objected to by my friend from North Dakota [Mr. MCCUMBER] can be but nominal, as we now have forest rangers there in the employ of the Government.

Mr. MCCUMBER. Let me correct the Senator.

Mr. PERKINS. Certainly.

Mr. MCCUMBER. The Senator from California is in error. I have said nothing whatever about the expense; but what seems to me to be rather incongruous is that we should fix a punishment for the disobedience of a law and then provide that the Secretary of Agriculture should practically make the law, without our passing upon the character of the punishment for it. What I wanted was to have the Senator from California explain what rules and regulations the Secretary of Agriculture could make without practically making the law itself.

Mr. PERKINS. Mr. President, this bill provides that there shall be no interference whatever with the provisions of the game laws of our State. I understand the application of this law would be governed entirely by our State laws. A forest ranger attempting to arrest poachers upon a range would make complaint before any competent court having jurisdiction of the subject.

The bill makes no reference to any islands. I will say to my friend from Colorado the report simply refers to the fact that those who are interested in societies for the protection of game have induced the President to set aside and reserve these islands.

Mr. MCCUMBER. I simply want to call the attention of the Senator from California to the declaration in the bill that the act of taking or hunting these animals shall be unlawful, except under regulations to be prescribed by the Secretary of Agriculture. Under that declaration the Secretary of Agriculture could make so many exceptions that they would amount to a prohibition, or he could make so many exceptions to the punishment and to the rules that it would allow such practices to be almost free. It seems to me that it is putting into the hands of the Secretary of Agriculture and not into the hands of Congress the right to determine what shall be the policy in reference to the destruction of those animals, birds, and fish.

Mr. TELLER. Mr. President, it is immaterial to me that this bill only applies to California. My objection to it is that the Government of the United States has nothing to do with the subject; that it is a matter for each State to determine for itself, and we certainly can not debate the bill under the five-minute rule. Therefore I insist on my objection to it.

The PRESIDING OFFICER (Mr. CLAY in the chair). The bill will go over under the rule.

SURVEY OF FLORIDA EVERGLADES.

Mr. HALE. As I am called from the Chamber, I ask that Order of Business 4335, being the joint resolution (S. R. 65) directing the Secretary of Agriculture to cause a survey of the Everglades of Florida to determine the feasibility and cost of draining said Everglades, and for other purposes, go to the Calendar under Rule IX.

The PRESIDING OFFICER. The joint resolution will go to the Calendar under Rule IX at the request of the Senator from Maine.

WILLIAM R. LITTLE.

The bill (S. 6384) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to examine the accounts of William R. Little, formerly a trader at the Sac and Fox Agency in Oklahoma, and to pay to him, or his heirs, such sums as he may be satisfied are equitably due from Indian members of the Sac and Fox tribe to the extent of any funds in his hands or to come into his hands and control belonging, respectively, to such Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALARIES OF LETTER CARRIERS.

The bill (S. 6075) to regulate the salaries of letter carriers in free-delivery offices was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That after June 30, 1906, the pay of letter carriers in cities containing a population of 75,000 and over shall be in seven grades, as follows: Carriers of the seventh grade, being those in the first year of service, who shall receive an annual salary of $600; carriers of the sixth grade, being those who have served one year, who shall receive $700 per annum; carriers of the fifth grade, being those who have served two years, who shall receive $800 per annum; carriers of the fourth grade, being those who have served three years, who shall receive $900 per annum; carriers of the third grade, being those who have served four years, who shall receive $1,000 per annum; carriers of the second grade, being those who have served five years, who shall receive $1,100 per annum; carriers of the first grade, being those who have served six years, who shall receive $1,200 per annum for each year of service thereafter.

SEC. 2. That in cities and towns containing a population of less than 75,000 the letter carriers at free-delivery offices shall consist of five grades, as follows: Carriers of the fifth grade, being those in the first year of their service, who shall receive an annual salary of $600; carriers of the fourth grade, being those who have served one year, who shall receive $700 per annum; carriers of the third grade, being those who have served two years, who shall receive $800 per annum; carriers of the second grade, being those who have served three years, who shall receive $900 per annum; carriers of the first grade, being those who have served four years, who shall receive $1,000 per annum for each year of service thereafter.

SEC. 3. That all acts or parts of acts inconsistent with this act are hereby repealed.

Mr. GALLINGER. Mr. President, I have an amendment that I desire to offer, to be known as "section 3;" and after its adoption section 3 may be changed to section 4.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 3. Rural free-delivery carriers shall receive salaries at the rate of $900 per annum.

The amendment was agreed to.

Mr. KEAN. Mr. President, the bill provides that the increased salaries shall take effect "after June 30, 1906." I move to strike out "six" and insert "seven;" so as to read:

That after June 30, 1907, etc.

The amendment was agreed to.

Mr. MCCUMBER. Mr. President, I do not know what Senator is in charge of this bill, but I confess that I am unable to understand why one person for carrying the mails should receive a thousand dollars a year, while another person carrying the mails should receive but $600 a year. The character of the service is not of such a nature that an additional year or two makes the services of one man worth $400 more than the services of another man. The man, it seems to me, who carries the mail between certain points and does the work properly, though it is his first year, should receive exactly as much as some other man who would do that work who happened to be in his second or in his third year. I should like to have some reasonable explanation, before voting on this bill, as to why we should make the distinction that is made here between the several classes of one, two, three, and four year men.

Mr. PENROSE. Mr. President, I did not expect this bill to come up to-day and have not with me the data which I had intended to present to the Senate in full explanation of it. The bill, however, has the substantial support of the Committee on Post-Offices and Post-Roads of the Senate, and I understand that in the House of Representatives a similar sentiment prevails in favor of this increase. There is no intention to discriminate against any other class or branch of the postal service. It may be that there are other classes that merit an increase of compensation, but the case of the letter carriers appeals to everyone conversant with our postal system as preeminently meritorious. The men have not had their wages increased in a great many years. They are located chiefly in cities, where the cost of living has admittedly increased very greatly. Whatever opposition there might have existed to this legislation in past Congresses, so far as my observation goes, has entirely disappeared, and there is now a practical unanimity in favor of this increase.

Mr. MCCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from North Dakota?

Mr. PENROSE. I do.

Mr. MCCUMBER. I call the attention of the Senator from Pennsylvania to the fact that the cost of living has increased just as much to the $600 man as it has to the $1,000 man. I see no reason—and that is what I want information about—if an employee is required to serve a certain section of a city this year and he receives $600, why the next year some other man transferred from another part of the city, doing the same character of work, should receive a thousand dollars, without adding in the slightest degree to the burden or to the character of the work done, simply because he has put in one or two or three years more of the same kind of work.

Mr. PENROSE. Mr. President, while the cost of living may have increased in rural sections, yet I think it has increased perhaps more rapidly and in greater proportion in the congested places.

Mr. MCCUMBER. The Senator does not understand me. The point I make is that it has increased just as much to the carrier receiving $600 in the city as it has to the one to whom you pro-

pose to give a thousand dollars in the city. It is making a distinction between a year's or two or three years' service for exactly the same kind of work. I am aware that that practice is followed to a great extent in the Government Departments and that a $600 clerk does exactly the same kind of work as a $1,200 clerk, but it has never appeared to me to be just.

Mr. PENROSE. Mr. President, it is a question of grading. You have to draw the line somewhere, and the line has been drawn in this instance as indicated in the bill. I have no doubt that the claims of the other classes referred to by the Senator from North Dakota [Mr. MCCUMBER] are very meritorious and ought to be considered, and if he will prepare an amendment I should be willing to have it considered; but you have to draw the line somewhere in this character of legislation. There are unquestionably men in the various Departments of the Government at a thousand dollars a year who do more efficient and intelligent work than men getting four or five times that amount; but you can not make a sweeping increase, and this is a conservative measure and in a good direction.

So far as I am concerned, I shall be very glad to take up with the Senator from North Dakota and have carefully considered by the committee any further legislation in this direction that he may desire to present to the Senate.

Mr. MCCUMBER. I ask that the bill go over. I certainly will prepare an amendment placing all exactly upon the same level so far as salary is concerned.

Mr. CLAY. Mr. President, does the Senator mean to say that all post-office employees ought to be placed in the same grade? If the Senator will run through the workings of the Post-Office Department, he will find that men generally start in at $600 a year and after working for some years are promoted to $700 or $800 or $900 or $1,000, and even to a higher sum. The Senator would not contend, would he, that when an employee begins at the bottom he ought to receive the same salary as the man receives who has been working for ten or fifteen years in the Department? I hardly think the Senator means to say that.

Mr. MCCUMBER obtained the floor.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Pennsylvania?

Mr. MCCUMBER. Certainly.

Mr. PENROSE. I was going to say to the Senator that if he will withdraw his opposition to this bill at this time I will take up with him, in a serious way, the suggestions he has made in connection with the general appropriation bill for the Post-Office Department. He can offer his amendment to the appropriation bill, and, so far as I am concerned, I will see that it is given every consideration and that some effort is made in good faith to carry out his views.

Mr. MCCUMBER. Mr. President, it seems to me that this bill would be a great deal more just if it placed all the carriers, say, at $75 a month than to place some at $50 and others at $83⅓ a month.

Answering the question of the Senator from Georgia [Mr. CLAY], I will simply say that in the Departments the new clerk is supposed to do that labor which requires no particular experience, and as the years give additional experience and add to his efficiency, it is but proper that he should receive more, as he does a different character of work or does more work or does the same work better. But if I were hiring a man to go into the woods and chop wood, I would not pay one man $50 a month and another a $100 a month simply because he had worked a longer time, unless he could do twice as much work. The work that is performed by these carriers is all of the same character. There is no question but that a man who is able to read and understand the direction of letters can do just as good work the first year as he can do after he has been in the service ten or fifteen years, and if he does just as good work, I see no reason why he should not have just exactly the same pay. I believe in paying them all fairly and justly. I certainly am in harmony with the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] fixing the salaries of the rural-delivery carriers at $900. A rural carrier has to have a team and two horses and he must give his time from early morning until sometimes late at night in order to do his work properly. I think his wages should be raised; but when we come to the rural free-delivery carriers, I would not be willing that we should pay one man $75 a month and because some other man, doing exactly the same character of work or running upon another route, has worked two years instead of one year, he should receive $150 a month. There is just as much reason for making a distinction between the rural-delivery carriers as there is for making distinctions between the carriers in the cities.

The VICE-PRESIDENT. Does the Senator from North Dakota object to the consideration of the bill?

Mr. MCCUMBER. I ask that it go over. It will come up again very shortly.

The VICE-PRESIDENT. Under objection of the Senator from North Dakota, the bill will go over without prejudice.

PHILLIP LONEY.

The bill (S. 2781) for the relief of Phillip Loney was announced as next in order.

Mr. SPOONER. Let that bill go over, Mr. President.

The VICE-PRESIDENT. Under objection, the bill will go over.

LEGAL REPRESENTATIVES OF SAMUEL LEE, DECEASED.

The bill (H. R. 850) making appropriation to pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein was announced as next in order.

Mr. MCCUMBER. There is an amendment on the table, which I ask to have read.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from North Dakota.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That there be paid, out of any money in the Treasury not otherwise appropriated, to the Washington Loan and Trust Company, of Washington, D. C., administrator of the estate of Samuel Lee, deceased, the sum of $10,482.80, the same being in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein.

Mr. ALDRICH. That bill had better go over, Mr. President.

The VICE-PRESIDENT. Under objection, the bill will go over without prejudice.

JOHN SCOTT.

The bill (S. 2951) for the relief of John Scott was announced as next in order.

Mr. CULLOM. Is there a report with that bill?

The VICE-PRESIDENT. There is a report accompanying the bill.

Mr. CULLOM. I think, Mr. President, that the bill had better go over.

The VICE-PRESIDENT. Under objection, the bill will go over without prejudice.

REFUND OF EXCESS DUTIES.

The bill (S. 2416) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to refund to Messrs. Luyties Brothers, of New York, $3,830.50, for certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898.

Mr. SPOONER. It appears that this bill came from the Finance Committee. There is no report with it. I ask the Senator from Rhode Island [Mr. ALDRICH] if he knows anything about it?

The VICE-PRESIDENT. The bill was reported by the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. ALDRICH. I did not understand the Senator from Wisconsin.

Mr. SPOONER. This is a bill to refund excess duties. I was going to inquire why they were not collected under protest in the usual way. It may be they were not paid under protest. If we begin to refund duties that were not paid under protest, it will bankrupt the Government. Let the bill go over, Mr. President.

The VICE-PRESIDENT. Under objection, the bill will lie over without prejudice.

ADDITIONAL RECORDING DISTRICT IN THE INDIAN TERRITORY.

The bill (S. 6418) to establish an additional recording district in the Indian Territory was announced as the next business in order on the Calendar.

Mr. KEAN. As the State of Oklahoma is to embrace the Indian Territory, there is no necessity for the establishment of a court there at this time. Let the bill go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from New Jersey.

ARTILLERY OF THE UNITED STATES ARMY.

The bill (S. 3923) to reorganize and to increase the efficiency of the artillery of the United States Army was announced as the

next business in order on the Calendar; and the Secretary proceeded to read the bill.

Mr. SPOONER. Let the bill go over. It is a long bill and will probably elicit some debate.

The VICE-PRESIDENT. Under objection, the bill will lie over without prejudice.

Mr. WARREN. If the Senator from Wisconsin will withdraw his objection for a moment, I should like to make a statement, and then the bill may go over.

Mr. SPOONER. Certainly; I withdraw the objection.

Mr. WARREN. Mr. President, I consider this one of the most important bills we shall have to consider at the present session. I do not want to hurry it, but I do want Senators to give it attention and examine it thoroughly, for our conditions are these: We have appropriated nearly a hundred million dollars in carrying out the Endicott Board suggestions regarding the fortifications of our seacoast lines. We have expensive emplacements, expensive guns, and no men, or a grossly inadequate number of men, with which to man them. As an actual fact, the guns already in place are nearly three times as many as there are men to handle and man them for service.

Mr. HALE. The Senator ought to remember that we have no enemies.

Mr. WARREN. That is true. So far as we know, we have no enemies. But I want to suggest this: If we have no enemies and are not to have any guns or emplacements, why do we appropriate in the regular fortifications bill from six to fifteen million dollars every year for fortifications? That is a nut I want the Senate to take into consideration, and crack it if it can.

I am called upon here under my duties as a member of the subcommittee on the fortifications appropriation bill to assent year after year to appropriations for these emplacements and these guns. Then after they are placed they are greased over, sewed up in canvas, and left to lie perfectly useless; and if we had war we would have no men to man them.

With the present mode of warfare, the present management as to loading, training, firing, and handling, the operating of these guns requires men who have had technical education and experience.

They may be educated after they are enlisted, but it takes time. Therefore, raw recruits—State militia and even cavalry and infantry men—are almost useless, because without education or experience in handling heavy coast artillery. This branch is for defense alone and differs widely from small-arms and mobile forces. I am not in any hurry to spend money for these guns and emplacements, but I do insist that it is time for the Congress of the United States to halt in such expenditures of money if we do not intend to provide for the manning and proper use of what we have already laid out in the way of emplacements and guns.

As the bill is to go over under objection, I will merely say now that I shall undertake to call it up at some early date, when I will state with more particularity the condition we are in and what this bill proposes to do, and will ask the Senate to pass upon it "yes" or "no;" and I hope to get this consideration before I and others with me are called upon to pass upon the regular annual fortifications bill and before we fool away, if you please, any more money for something which we do not propose to utilize after the expenditure is made.

Mr. HALE. Mr. President, there is a good deal of force in what the Senator from Wyoming says. Congress has been treated for years to the proposition, first, that it is no use to have an army unless you have guns and fortifications, and when we appropriate liberally for fortifications and guns, then the Army turns about and says, "What is the use of having guns and fortifications unless you have men," and we travel on with military expenditures in that way. There is a constant pressure on the part of the Army to aggrandize itself, first for men, then for guns, and then guns and then men, and there is no end to it. I do not say that this bill has not some good features, but in time it will be realized by the Senate and by Congress that the Army, the military establishments, that side of the Government, are constantly engaged in putting forth propositions for increase, first one corps, then another corps——

Mr. WARREN. Will the Senator from Maine permit me?

Mr. HALE. Certainly.

Mr. WARREN. While the Senator is upon that question, while he speaks of the Military Establishment, I should like to have him take up the other branch, if he will—the Navy. Here we have a Navy that is increasing annually, at a jump, by ten to twenty million dollars of appropriations year after year—a hundred and odd millions last year, a hundred and sixteen or a hundred and twenty the year before, and the Lord only knows how much the present year, while the Army appropriations decrease, and yet we find the Navy passing over to the Army part of its duties. We find that lately the torpedo and submarine branch work, which ought, in my judgment, to be navy work, has been passed over and charged up against the very artillery arm of the Army which we are seeking to protect with more men or else to relieve of some of the responsibility of keeping up these coast defenses.

Mr. HALE. Mr. President, the Senator from Wyoming is right. The disease is just as deep in the Navy as, and I am inclined to think deeper than, it is in the Army. I have been trying for years, and shall try again this year, to keep down naval expenditures. The military establishments are alike. Each is seeking to aggrandize itself, and each sees nothing in the disposition of the revenues of the Government except to increase expenditures. I do not suppose the people appreciate (I do not know that the Senate does) that two-thirds of the revenues of the Government to-day is devoted to the payment of inheritances from past wars, like pensions, which nobody can stop, and expenditures in view of future wars. Of all the taxes that are laid and all the revenues collected nearly two-thirds are expended for the military in a broad way.

We can get no appropriation for the merchant marine of the country for shipping; river and harbor bills are arrested; public buildings bills are arrested, all because we must spend so much money and such a proportion of the Public Treasury for the military. Senators ought to appreciate that and realize, when they seek appropriations for other purposes, that they are necessarily limited because we are devoting so much of the Public Treasury to military expenditures.

I merely call attention to this incidentally, because it ought to be borne in mind when we are constantly asked to increase these establishments; and I do not take to myself, representing the Senate upon the Naval Committee, any reproach or blame that the naval appropriations are just as extravagant, just as enormous, and just as much a drain on the Public Treasury as the Army expenditures.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Certainly.

Mr. WARREN. I think the Senator from Maine, who is always fair, will agree with me that the Army and, indeed, the Navy are doing a great deal of work and service for this country aside from matters of war. For instance, take the rivers and harbors which the Senator mentioned. All of that work is done under the supervision and direction of the Army of the United States.

Mr. HALE. Undoubtedly.

Mr. WARREN. Take these outside matters, such as the Panama Canal, etc., the cleaning up of Habana, driving disease out of Cuba, etc. First, the discoveries as to how it all shall be done and then how to handle and do it, such as the extermination of yellow fever, etc., came from the Army and Army officers, and the execution of the work has largely been by them. Indeed, we had in San Francisco very lately an example of what the Army is called upon to do.

The Navy is engaged in certain surveys and certain duties. So it is hardly fair to say that the Army and Navy do not contribute in a quite large degree to the economies and industries of the nation outside of their regular duties in war.

Mr. HALE. That is all incidental. The appropriations for rivers and harbors, expended by the Engineer Bureau of the War Department, are in another bill. I do not reckon them in these items of military expenditure which aggregate such a vast proportion. It is undoubtedly the fact that the officers of the Army and of the Navy are accomplished men, educated men, and if we had a war they would be good fighters. But they all see but one thing, and that is the constant, ever-recurring, everlasting aggrandizement of their different departments.

Mr. SCOTT. Mr. President, I should like to have just a moment. Since the adjournment last summer and up until we convened I visited nine different fortifications in various parts of the country, and I have no doubt that if the Senator from Maine [Mr. HALE] had gone to his near-by fort at home he would have found the same conditions that I found at the different forts I visited.

You will find there, Mr. President, guns which cost this Government perhaps $150,000 to build, and they are greased over with vaseline or beeswax, and possibly are lying in the weeds; and you will find the Army has not men enough to care for the guns already mounted. There are plenty of fortifications which have been laid out, for which gun carriages have been built, and the engineers are going ahead building additional emplace-

ments. The Ordnance Department is going ahead building these large gun carriages. The gun factories of the United States are going ahead building these large guns.

Mr. President, I ask any Senator on this floor if he would manage his own business in any such manner—expend thousands and hundreds of thousands of dollars for material that is absolutely going to waste, going to destruction simply for the lack of men to care for it, to say nothing about our condition in case of war. There has been added to the artillery branch of the service the planting of torpedoes; there has been added the placing of mines; different and additional duties. I have tried for two or three years to lessen the number of cavalry by five regiments and authorize them to be artillery. But just as sure, Senators, as we are on this floor, you must do something to bring about economy and to care for the guns and fortifications that we now have in this country. It does not matter whether we have any war or not, we must stop the appropriation for these expenditures for guns and fortifications; and if you stopped to-day you would not have men enough to care for what you already have. Fortifications are not like a stable, which you can lock up and go off and leave to take care of itself. There are a number of fortifications and forts which have been left in the hands of a sergeant and three or four men to care for where there is perhaps a half million or a million dollars' worth of Government property.

It certainly strikes me that if we are going to have an artillery corps at all, if we are going to have coast defenses, we must have these additional men to care for the guns, and, as the Senator from Wyoming [Mr. WARREN] very truly said, it requires a higher type of man in the artillery service than it does in the other branches. They have to be good mathematicians; they have to be electricians.

I hope that at some early day, if the Senate will not consider the bill to-day, it will take up and discuss this measure and finish it; and I now give notice that I shall vote against any bill or appropriation for fortifications or for guns unless we are to have men to care for property for which we have already spent money.

The VICE-PRESIDENT. The bill will lie over, retaining its place on the Calendar.

PUBLIC PARK IN THE DISTRICT OF COLUMBIA.

The bill (S. 6322) providing for the purchase of a reservation for a public park in the District of Columbia was considered as in Committee of the Whole. It directs the Commissioners of the District of Columbia to purchase, for the purpose of providing a reservation for a public park, the several parcels of ground in the District of Columbia lying near the intersection of Branch avenue and Pennsylvania avenue SE., known as the Carpenter tract and the Pennsylvania Avenue Heights tract. For this purpose the bill appropriates $210,000, or so much thereof as may be necessary, one-half of which shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF GEORGE W. SOULE.

The bill (S. 188) for the relief of the legal representatives of George W. Soule was announced as the next business in order on the Calendar.

Mr. KEAN. Let it go over, Mr. President.

The VICE-PRESIDENT. It will lie over without prejudice.

DISTRICT STREET-RAILWAY TRACKS TO UNION STATION.

The bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments.

Mr. GALLINGER. The bill has been read, Mr. President.

The VICE-PRESIDENT. It has been read.

Mr. GALLINGER. There are certain committee amendments.

The VICE-PRESIDENT. The question is on agreeing to the first amendment reported by the committee, which will be stated.

The SECRETARY. In section 1, at the end of line 6, on page 1, it is proposed to insert:

With such northerly deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance to the Union Station.

So as to read:

That the City and Suburban Railway, of Washington, be, and it hereby is, authorized and required to construct a double-track extension of its lines from New Jersey avenue and G street NW. eastwardly to and along Massachusetts avenue with such northerly deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance to the Union Station to junctions with the existing tracks at Third and D streets NE. and at the northwest corner Stanton square, etc.

Mr. ALDRICH. Mr. President, I shall not interpose an objection to the consideration of this bill, but I do not like the habit the Senate has gotten into of late of having bills passed without being read at the time they are under consideration. I have noticed several times to-day that bills have been passed without having been read, simply upon the statement of the clerk or somebody else that the bill has heretofore been read. While we are considering bills subject to objection, they ought to be read in the hearing of the Senate for the purpose of receiving such objection, because no Senator can tell what the purpose or effect of a bill is if the bill is not read at the time.

I assume that this bill has been properly considered, and I shall not interpose an objection in this case, but I shall hereafter.

The VICE-PRESIDENT. Does the Senator from Rhode Island desire to have the bill read?

Mr. GALLINGER. I will say for the information of the Senate that the bill proposes to extend the existing street railway lines to the Union Station. It is a very important matter, and it was pretty freely discussed during the last session. I hope its passage will be facilitated, because that station will soon be ready to receive passengers. It necessitates the expenditure of about a million dollars on the part of the street railway companies of the District. They will get no benefit whatever from it. I hope no opposition whatever will develop to the passage of the bill.

Mr. CULLOM. Can the Senator from New Hampshire tell us how soon the Union Station will be finished?

Mr. GALLINGER. I think in about one year. In fact, it has been suggested that if they had had this accommodation, the Baltimore and Ohio Railroad would probably have been depositing passengers there even as early as the present time. There are certain changes which the Baltimore and Ohio road will have to make in connection with their tracks, and if they can get street railway accommodations they will place their passengers in that station before it is fully completed.

The station will be completed, I will say to the Senator, within the limit of time allowed by law, which is February, 1908. It will be completed within that limit of time without a doubt.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been stated.

Mr. BACON. Let the title of the bill be read, please.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. A bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes.

Mr. CARTER. I desire to ask the Senator in charge of the bill if this is the bill to which the Senator from North Dakota [Mr. HANSBROUGH] offered objection at a former session?

Mr. GALLINGER. I will say to the Senator that it is, and will also say that the Senator from North Dakota is not going to offer objections to-day to the consideration or passage of the bill.

Mr. CARTER. The Senator from North Dakota, I understand, made quite an elaborate report on the bill and displayed considerable interest at the time.

Mr. GALLINGER. And the Senator from North Dakota, I will say to the Senator from Montana, if he concludes that it is desirable will endeavor later on to get, separate from this bill, legislation covering the points that he made.

Mr. CARTER. Yes.

I desire to ask the Senator from New Hampshire another question. I understand the fact to be that certain accommodations were provided for at the junction of Fifteenth street and H street, or possibly Fifteenth street and the Avenue, with what is known as the "herdic line."

Mr. GALLINGER. Yes.

Mr. CARTER. It contemplated an improvement of the service of the herdic line by substituting for the present ungainly busses running upon Fifteenth street, Massachusetts avenue, and Sixteenth street certain electrical wagons or busses. I was informed by some one representing the herdic company that the only obstacle in the way of a betterment of that service rested in the refusal of the street railway companies to exchange tickets; that unless a permanent system of exchange could be secured it would be impossible to secure the capital for the necessary betterments and improvements of that service.

I think it is a matter of common knowledge here that the service referred to—the herdic service—ought either to be abolished or improved. It is thoroughly undesirable as it is. The old busses are ungainly; the service is slow and unsatisfactory,

and the people along the line have been in hopes for years that something would be done to insure the betterment of that particular transportation service. Now, does this bill provide for the exchange of tickets?

Mr. GALLINGER. It does not, Mr. President; but I will say to the Senator that there has never been any trouble on that point. They have always had an exchange of tickets. They have never been refused that privilege notwithstanding the rattletrap conveyances they have. The railroad company exchanges tickets constantly with them without any objection from any source. And the railroad company tell me there never will be any trouble about that at all; that they are glad to exchange tickets.

Mr. CARTER. My understanding is, that while expressing a willingness to exchange the street car companies will not enter into any contract whereby exchanges will be made, and thus the herdic company is dependent upon their sweet will from day to day as to whether the exchanges will be allowed.

If any amendment should be offered here, I would insist that the amendment require a very radical improvement in the herdic service by the substitution for the present power of electric or some power other than the horses.

I am astonished that the Humane Society does not interpose an objection to the continuance of these busses, drawn by old crowbait horses, which we are compelled to see painfully laboring along the streets from day to day, hauling the busses after them.

Mr. GALLINGER. The Senator is right about that. I fully sympathize with him as a humane man. That company has never been required to pay taxes. I do not know but that has been all right. It does not pay any taxes on its equipment as the railroad companies do.

Mr. CARTER. The horses certainly would not warrant any taxes.

Mr. GALLINGER. No. I can assure the Senator that, even if an amendment is not placed in this bill, there will be no trouble about that. I am sure that the corporations in this District as well as the citizens would welcome an improvement in that service. But how it will result in an improvement to put a provision in this bill compelling the railroad corporations to exchange tickets with them when they are doing it now and have done it for the last five, six, seven, or eight years, and without any complaint, surpasses my comprehension.

Mr. CARTER. I can not conceive that the desired amendment can be framed so as to become a part of this bill upon the spur of the moment, but I do hope the Committee on the District of Columbia will see to it that a bill is reported here or that an amendment to the District appropriation bill is presented which will fix a limit of time beyond which the herdics as at present conducted can not occupy the public streets as a means of public conveyance.

Mr. GALLINGER. If the Senator will prepare such a bill, I assure him that the committee will take it up.

Mr. CARTER. Furthermore, I think the railway companies should be compelled, in the same bill, to provide permanent exchanges when such motive power may be provided as the Commissioners of the District will approve as satisfactory.

Mr. HALE. Let me ask the Senator from New Hampshire if there is anything in this bill that by any possibility would authorize the companies running these cars to make new locations upon streets which are not already occupied by the different companies?

Mr. GALLINGER. In answer to that, Mr. President, I will say that the bill does authorize some such extensions, they being absolutely necessary for the companies to reach the Union Station. The Senator is aware of the fact that the lines of neither of these railway companies go very close to the new Union Station. They were built to accommodate travel to and from the two existing railroad stations, and now it is proposed to compel them—they are not asking for this, but we are compelling them—to extend their lines to the new Union Station. We have very carefully examined the streets over which it will be necessary for them to go, and we are satisfied that the routes are designed to accommodate travel and to do injustice to nobody. The necessity exists for extending these lines along certain streets that are not now occupied by street railways.

Mr. HALE. I expected that answer. I suppose it is a necessity that the lines should be extended from where they now run for comparatively short spaces in order to reach the great station. But is there anything in the bill aside from that which authorizes any of these companies to change their existing routes or to add to them by occupying any streets except where it is necessary for the present lines to be extended to reach the station?

Mr. GALLINGER. Nothing whatever. I will say to the Senator there is no provision of that kind in the bill.

Mr. HALE. What is the longest space upon new streets that any company is authorized by this bill to occupy in order to reach the depot?

Mr. GALLINGER. Offhand I am unable to state that to the Senator; but the Capital Traction Company especially has to travel quite a little distance to cross to the station. The other company has got to extend its lines, I think, at two different points. The distance I can not give the Senator definitely. I will say to the Senator that a careful inquiry concerning this matter of persons who are supposed to know something about it reveals the fact that it will involve an expenditure of some nine or ten hundred thousand dollars on the part of these companies. That may be slightly excessive, but that is the information I gather.

Mr. HALE. Can the Senator tell us what extension is contemplated by this act for the Capital Traction Company—not perhaps in distance, but where does it apply?

Mr. GALLINGER. If the Secretary will read the provision relating to the extension of the Capital Traction Company it will reveal what the Senator from Maine desires to have information concerning.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. HALE. Before the Secretary begins I suppose the Senator, with his great knowledge, more than all of us possess on the subject, sees what I am after. I do not want to find afterwards that there has crept into this bill—I know it would not by consent of the Senator—any provision that allows any of these companies to parallel their lines and to make what is called "a new cross-town road."

Mr. GALLINGER. No; there is nothing whatever of that kind. On the contrary, these companies naturally want to build as short extensions as possible. There is no provision for a new railroad, I will state to the Senator.

Mr. HALE. Nor for the occupation of any of the streets——

Mr. GALLINGER. Nothing whatever, except extensions on streets that are absolutely essential.

Mr. HALE. That it is so important to retain for general travel. Not many streets have been allowed to be left for general travel. The different street railroad companies in the city have grasped and gobbled up almost all of them, and there are only a few cross-town streets—K, L, M, N, and one or two others—that are left. I do not propose that any of these shall be confiscated further for railway purposes, so far as I am concerned, if I can prevent it.

Mr. CULLOM. And Massachusetts avenue.

Mr. HALE. And Massachusetts avenue, some part of which is already occupied. I am glad to have the assurance of the Senator that he has so carefully scrutinized the bill that under no circumstances can these companies claim that any of the aggressions to which I have alluded are justified and authorized by the bill.

Mr. GALLINGER. The Senator is assured on that point. I remember the fact that some of us did at one time advocate a cross-town line coming down M street. That has not only been abandoned by those who were promoting it outside, but it has been abandoned by the committee. There is nothing in this bill that could be objected to on that point.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. MALLORY. Has the bill been read?

The VICE-PRESIDENT. It was read, and the request was made that the Secretary should reread a certain portion of the bill.

Mr. MALLORY. I should like to hear the whole bill read.

Mr. GALLINGER. Let it be again read.

The VICE-PRESIDENT. Without objection, the Secretary will read again the bill.

The Secretary again read the bill.

Mr. CARTER. Mr. President, in line with the suggestion made by the Senator from Maine, I desire to call attention to the fact that New Jersey avenue will be about the only unobstructed driveway leading from the new Union Station. That avenue extends northwesterly, and it is provided here that a double-track railway shall be constructed along New Jersey avenue from the circle at Massachusetts avenue a mile or more to the northwest in the center of New Jersey avenue. I should like very much to see that great avenue preserved, or some outlet at least preserved unobstructed by street-railway tracks for persons desiring to get to the station by some other line of conveyance. Massachusets avenue, extending northwest, is now obstructed by railway tracks. G street will likewise be obstructed.

Mr. HALE. It is now.

Mr. CARTER. It is now to an extent. The avenues to the

south, as we know, are obstructed by street-railway tracks, and this bill provides that the only outlet on which a carriage can be driven from the new station, to wit, New Jersey avenue, in a northwesterly direction is to have a double street-railway track constructed through it up to Florida avenue, which it intersects, I think, a mile or more to the northwest. I do believe that avenue should be protected from this invasion.

It seems to me that it would be only proper to require these railroad companies to run out Massachusetts avenue on existing tracks two or three blocks and then to run directly north on some of the unoccupied streets, if need be. But the question raised by the Senator from Maine leads to a comment upon exactly what this bill provides for, and it provides in this particular for just what the Senator from Maine desires to avoid.

Mr. MALLORY. I should like to inquire why is this extension of New Jersey avenue sought by the railroad companies. My impression, when I first had my attention called to the bill—and that was while I was a member of the Committee on the District of Columbia—was that they simply wished to connect the Union Depot with their present lines and not to build any additional lines taking up any streets of the city that had not heretofore been occupied by their tracks.

Now, from what the Senator from Montana [Mr. CARTER] says it appears that there is incorporated in the bill a purpose to take up the only broad thoroughfare that is left leading from the Union Depot to the northwest and to block it by a set of double tracks. I do not think that that matter has been thoroughly understood, and unless there is some good reason shown why that provision of the bill should stand I would oppose it.

Mr. GALLINGER. If the Senator will permit me, the reason is that there is a railroad terminus at Seventh street and Florida avenue, and the people reaching that point desiring to get to the Union Station in a direct line would necessarily have to be accommodated in this way. That is the reason for it. It may not be an adequate reason, but that is the only reason I can give the Senator. If this extension is not authorized they will be compelled to go long distances out of their way to reach the Union Station.

I will suggest further, Mr. President, that if the company should be denied the privilege of laying a track on New Jersey avenue there will be the usual disturbance on the part of the residents on any narrow street that it may be proposed to occupy. Senators know what that means. The Committee on the District of Columbia certainly understands what it means, and have been obstructed at almost every point in attempting to get necessary accommodations to the people of the District of Columbia by protests from citizens along the narrow streets where it has been attempted to lay a railroad track.

The VICE-PRESIDENT. The amendments of the Committee on the District of Columbia will be stated.

The first amendment was, in section 1, after the word "avenue," at the end of line 6, page 1, to insert:

With such northerly deviation as may be necessary to bring the tracks immediately in front of, and adjacent to, the main entrance to the Union Station.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 14, after the word "authorized," to insert:

Also a double-track loop on the Union Station plaza connecting with the four tracks provided for in section 6.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 22, after the words "Union Station," to strike out "thence across said plaza to Massachusetts avenue" and insert:

Together with a double-track loop passing in front of the station on said plaza.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 5, after the word "avenue," to insert:

Also a double-track extension for connecting its lines from First and B streets NE. southerly along First street to B street SE.

Mr. CARTER. Mr. President, I disclaim familiarity with this bill, but I so heartily agree with the proposition of the Senator from Maine [Mr. HALE] that I think it is well for the judgment of the Senate to be invoked on the question of granting street-extension privileges to the railroads in order to let them into the Union Station.

The Senator from New Hampshire [Mr. GALLINGER] is correct in saying that this bill does not authorize any street-railway extension except in connection with the Union Station; but, Mr. President, if you will read the lines from line 25, on page 2, to line 8, on page 3, you will find that this is about the largest street-extension privilege given to the railway corporations in the District in a decade. It connects of course with the Union Station precisely as a mile of railroad out in California connect with the railroad in New York by having switches put in.

I do think that in order to get more mature consideration of this subject the amendment just read should be disagreed to. If that be the view of the Senate (and I think that view is founded on good sound public policy), at the proper time I shall move to strike out all after the word "avenue" in line 25 to and including the word "avenue" in line 5, page 3, so as to actually cut out of the bill these extensive privileges not necessary to reach the Union Station.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. GALLINGER. Mr. President, I ask unanimous consent to withdraw any further consideration of this bill to-day.

The VICE-PRESIDENT. The bill will lie over without prejudice.

Mr. GALLINGER. I wish, as chairman of the Committee on the District of Columbia, to say a word before the bill is laid over. This bill has had the most careful consideration of the Commissioners of the District of Columbia, and particularly of the Engineer Commissioner of the District of Columbia, who is one of the most careful and conscientious officials that any municipality ever had; and the committee have given a great deal of thought and time to the subject. They believe it is a public necessity; but if for any reason the Senate of the United States thinks otherwise, and it is deemed desirable that we shall have a Union Station and not have adequate means of reaching it, it makes quite as little difference to me as it possibly can to any other Senator.

The VICE-PRESIDENT. The bill goes over without prejudice. The next bill on the Calendar will be stated.

INSPECTION OF CERTAIN AGRICULTURAL PRODUCTS.

The bill (S. 5945) providing for an inspection of certain agricultural products, and for other purposes, was announced as next in order.

Mr. HALE. Mr. President, this is a bill of very vast comprehension, and I think it had better go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Maine.

AUTHORITY OVER INSURANCE BUSINESS.

The next business in order was the resolution introduced by Mr. CULBERSON, directing the Judiciary Committee to consider and report to the Senate whether Congress has authority under the Constitution to supervise and regulate business of marine, fire, or life insurance.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. SPOONER. When was that resolution introduced, Mr. President?

The VICE-PRESIDENT. It was introduced December 6, 1905, and reported by the Senator from Wisconsin [Mr. SPOONER] on June 25, 1906.

Mr. SPOONER. Well, Mr. President, a written report was submitted from the Judiciary Committee expressing the opinion that Congress possessed no such power, and informing the Senate that the views of the committee would be later more fully presented. So I think the resolution had better go to the Calendar under Rule IX.

The VICE-PRESIDENT. The resolution will go to the Calendar under Rule IX, at the request of the Senator from Wisconsin.

PANAMA RAILROAD.

The bill (S. 6539) to control the direction and management of the Panama Railroad was announced as next in order.

Mr. MORGAN. I ask that the bill may go over without prejudice, and give notice that at a very early day, on the reassembling of Congress after the holidays, I will call it up and ask the Senate to take action upon it, merely remarking now, if the Senate will permit me, that the legislation of Congress is more needed in the enactment of this bill or some bill of that kind than it is needed on any other subject in regard to the Panama Canal, both for the purpose of saving the credit and honor of the Government and saving vast unnecessary expenditures in the construction of the canal, and for the express purpose of getting within the control and direction of the Canal Commission all the facilities that the Government may exercise in connection with canal construction, so that there shall be no hang-on of any other corporation or any other power which hitherto has been and at present is a dead drag on the canal construction and has been cause of waste, if not other worse dispositions, of large sums of money.

The VICE-PRESIDENT. At the request of the Senator from Alabama, the bill will go over without prejudice.

AMENDMENT TO THE RULES—CONFERENCE REPORTS.

The next business in order was an amendment reported by Mr. BAILEY, from the Committee on Rules, relating to points of order on new matter that may be included in conference reports, etc.

Mr. GALLINGER. Let that go over.

The VICE-PRESIDENT. The proposed amendment to the rules will lie over.

HOT SPRINGS MOUNTAIN RESERVATION, ARK.

The bill (S. 6498) to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904, was considered as in Committee of the Whole. It proposes to amend section 6 of the act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904, so as to read as follows:

SEC. 6. That any United States commissioner, duly appointed by the United States circuit court for the eastern district of Arkansas, and residing in said district, shall have power and jurisdiction to hear and act upon all complaints made of any and all violations of this act, or of the rules and regulations of the Secretary of the Interior, referred to therein. That such commissioner shall have power, upon sworn complaint, to issue process in the name of the United States for the arrest of any person charged with the doing, otherwise than in compliance with the rules and regulations of the Secretary of the Interior, of any act with reference to the matters which the Secretary of the Interior in section 4 of this act is authorized to regulate, or in violation of such rules and regulations, or in violation of any provision of this act, or with any misdemeanor or other like offense the punishment provided for which does not exceed a fine of $100, to try the person thus charged, and if found guilty, to impose the penalty prescribed. In all cases of conviction an appeal shall lie from the judgment of any such commissioner to the United States district court for the eastern district of Arkansas. The said United States district court shall prescribe rules of procedure and practice for such commissioners in the trial of cases and with reference to said appeals.

Section 2 proposes to amend section 7 of the act by striking out the words "said commissioner," in the first line thereof, and inserting in lieu thereof the words "any such commissioner."

Mr. BERRY. From what committee does that bill come?

The VICE-PRESIDENT. It was reported by the Committee on the Judiciary.

Mr. HEYBURN. I should like to make an inquiry of the chairman of the committee as to whether or not it was the intention of the committee and thought by them to be proper for Congress to provide that rules or regulations made by the Secretary of the Interior should have the force and effect of law to the extent that a criminal prosecution should be based upon them?

Mr. CLARK of Wyoming. The answer to the inquiry of the Senator from Idaho is that this is not an original proposition. It is simply an amendment of existing law in force in that reservation, so as to confer jurisdiction upon a United States commissioner to act in certain cases of violation of the law. The old law does not, as a matter of fact, designate the commissioner. This is a reenactment of the old law, except the old law says that "said commissioner shall have power," etc., to do certain acts, but that was the first mention of the commissioner in the old act. The amendment proposed by the present bill defines the commissioner and confers jurisdiction upon any commissioner of the United States circuit court for the eastern district of Arkansas.

Mr. HEYBURN. Mr. President, I think a bad practice has grown up in conferring legislative powers upon the Secretary of the Interior through the making of rules and regulations that shall have the force and effect of law, in that a criminal prosecution may be based upon their violation. The commissioner should have power to enforce laws, he being to a certain extent a judicial officer. That is correct and consistent with the system of our Government; but this proposition is not so at all. The practice should be abolished; that is to say, it should no longer be countenanced or recognized as one of the functions of an executive or administrative officer of the Government to enact criminal statutes. It is a dangerous power to place in their hands.

I notice that this amendment places the rules and regulations of the commissioner upon exactly the same footing as a criminal statute enacted by Congress. It is a bad precedent. The precedent has been established; it exists; but it ought not to exist. Those rules and regulations ought not to have the force and effect of a criminal statute. They can be enforced through the commissioner, but a law can be enacted covering the whole subject, and that law can be enforced, the initiative being taken through the commissioner, and the crime of a party charged with violating the law can be punished the same as any other crime.

Mr. CLARK of Wyoming. As a general proposition I am entirely in accord with the Senator from Idaho; but the Senator will understand that in this particular case under the circumstances it would be absolutely impossible for Congress to enter into all the details of the management of the Hot Springs reservation.

Years ago we passed a statute in regard to the Yellowstone National Park reserve, giving the United States commissioner there authority to execute the laws as regards certain misdemeanors. The regulations were made by the Secretary of the Interior. In that particular instance they have worked remarkably well, and the reservation has been well governed.

In many respects the Hot Springs reservation might be in the same class. There are one hundred and one infractions of law and order there the punishment for which can not possibly be provided for in a legislative enactment. The reservation is under the control of the Secretary of the Interior, and he is given authority to make certain rules and regulations.

The question does not come up for the first time in this bill. The authority is given in the old act of 1894. This is simply a statute which, instead of saying "said commissioner," provides that "any such commissioner" shall act.

The bill was reported to the Senate without amendment.

Mr. BERRY. I should like to ask the Senator from Wyoming what powers are given by this bill that were not given in the original act?

Mr. CLARK of Wyoming. I do not think any.

Mr. BERRY. Then what is the difficulty? Have the courts decided that there was something in the former act which Congress was not authorized to enact?

Mr. CLARK of Wyoming. Not at all. Authority was given, as stated, in section 4, prescribing the official who was to administer this law. It says in section 4 that "said commissioner shall have power," etc. Evidently the person who drew the law omitted in the former part of it to insert the words "United States commissioner for the eastern district of Arkansas." The object of this bill is to cure that defect.

Mr. BERRY. Do I understand that there are no additional powers or authority given by this bill that are not contained in the original law?

Mr. CLARK of Wyoming. Not so far as I know, and none so far as indicated by letters received from the Department of the Interior regarding the bill.

Mr. BERRY. It only gives power to the United States commissioner on the reservation as to offenses committed there?

Mr. CLARK of Wyoming. That is all.

Mr. BERRY. I never heard of the bill before.

Mr. CLARK of Wyoming. A law has been in operation for two or three years, but it has the defect which it is proposed to cure by this bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION AND MILITARY-RECORD BILLS.

Mr. McCUMBER. Mr. President, as some Senators desire a brief executive session this afternoon, and as it is now nearly 4 o'clock, I should like to ask unanimous consent at this time that to-morrow morning, after the routine morning business, the Senate proceed to the consideration of unobjected pension bills and bills to correct military records on the Calendar.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that after the conclusion of the routine morning business to-morrow the Senate proceed to the consideration of unobjected pension bills and bills to correct military records. Is there objection?

Mr. SPOONER. May I inquire of the Senator from North Dakota how long that will take?

Mr. McCUMBER. I think in the neighborhood of an hour and a half or two hours—probably not more than an hour and a half. I think we shall certainly be through with the bills referred to before 2 o'clock.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and that order is made.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 19, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 18, 1906.

COLLECTOR OF CUSTOMS.

Russell H. Dunn, of Texas, to be collector of customs for the district of Sabine, in the State of Texas. New office, created by act of Congress approved June 19, 1906.

PROMOTIONS IN THE PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

To be captains.

First Lieut. William S. Woodruff, Porto Rico Provisional Regiment of Infantry, from November 20, 1906, vice Field, appointed adjutant.

First Lieut. Laurance Angel, Porto Rico Provisional Regiment of Infantry, from November 20, 1906, vice Graham, appointed commissary.

CHAPLAIN IN NAVY ON RETIRED LIST WITH RANK OF REAR-ADMIRAL.

Chaplain Frank B. Rose, United States Navy, retired, with the rank of captain, to be a chaplain on the retired list of officers of the Navy with the rank of rear-admiral from the 29th day of June, 1906, in accordance with a provision contained in the naval appropriation act approved June 29, 1906.

RECEIVERS OF PUBLIC MONEYS.

Charles Walter, of Independence, Cal., to be receiver of public moneys at Independence, Cal., vice Richard Fysh, term expired.

William Ashley, jr., of Rathdrum, Idaho, to be receiver of public moneys at Coeur d'Alene, Idaho, vice Charles D. Warner, term expired.

Fred C. Bradley, of Hailey, Idaho, to be receiver of public moneys at Hailey, Idaho, vice William A. Hodgman, resigned.

Benjamin C. Barbor, of Nezperce, Idaho, to be receiver of public moneys at Lewiston, Idaho, vice Charles H. Garby, term expired.

REGISTERS OF LAND OFFICES.

John F. Armstrong, of California, to be register of the land office at Sacramento, Cal., his term having expired. (Reappointment.)

Henry W. Kiefer, of Idaho Falls, Idaho, to be register of the land office at Blackfoot, Idaho, vice Lorenzo R. Thomas, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 18, 1906.

SOLICITOR OF THE DEPARTMENT OF COMMERCE AND LABOR.

Charles Earl, of Maryland, to be Solicitor of the Department of Commerce and Labor.

JUDGE OF THE UNITED STATES COURT FOR CHINA.

Lebbeus R. Wilfley, of Missouri, to be judge of the United States court for China.

MARSHALS.

Arthur W. Merrifield, of Montana, to be United States marshal for the district of Montana.

Edson S. Bishop, of Connecticut, to be United States marshal for the district of Connecticut.

PROMOTIONS IN THE NAVY.

Midshipman Francis J. Cleary to be an ensign in the Navy from the 3d day of February, 1905, in accordance with the provisions of an act of Congress approved June 30, 1906.

Assistant engineers with the rank of lieutenant (junior grade) to be passed assistant engineers with the rank of lieutenant (junior grade) on the retired list.

Henry D. Sellman,
Alexander H. Price,
Joseph S. Greene,
Daniel A. Sawyer,
James W. Patterson,
James G. Littig,
William G. McEwan,
William H. Platt, and
George C. Drinen.

Col. Robert L. Meade, of the Marine Corps, to be a brigadier-general on the retired list of officers of the Marine Corps, from the 29th day of June, 1906, in accordance with a provision contained in the naval appropriation act approved on that date.

POSTMASTERS.

ALASKA.

Robert H. Hubbard to be postmaster at Douglas, Alaska.

COLORADO.

R. Lincoln Pence to be postmaster at Ault, in the county of Weld and State of Colorado.

ILLINOIS.

Joseph H. Coffman to be postmaster at Augusta, in the county of Hancock and State of Illinois.

Silas H. Aldridge to be postmaster at Plymouth, in the county of Hancock and State of Illinois.

INDIANA.

John Sharp to be postmaster at Frankton, in the county of Madison and State of Indiana.

IOWA.

Le Roy E. Cox to be postmaster at Belle Plaine, in the county of Benton and State of Iowa.

Charles H. Smith to be postmaster at Marshalltown, in the county of Marshall and State of Iowa.

KANSAS.

Cyrus McN. Scott to be postmaster at Arkansas City, in the county of Cowley and State of Kansas.

MAINE.

Lewis C. Flagg to be postmaster at Berwick, in the county of York and State of Maine.

Joshua W. Black to be postmaster at Searsport, in the county of Waldo and State of Maine.

MICHIGAN.

Orrin T. Hoover to be postmaster at Chelsea, in the county of Washtenaw and State of Michigan.

Milo N. Johnson to be postmaster at Northville, in the county of Wayne and State of Michigan.

Everett N. Clark to be postmaster at Wyandotte, in the county of Wayne and State of Michigan.

Charles H. Pulver to be postmaster at Dundee, in the county of Monroe and State of Michigan.

NEW YORK.

Arthur H. Goldsmith to be postmaster at Floral Park, in the country of Nassau and State of New York.

Fred A. Edwards to be postmaster at Holley, in the county of Orleans and State of New York.

John F. Kelley to be postmaster at Kings Park, in the county of Suffolk and State of New York.

Malcolm C. Judson to be postmaster at Norfolk, in the county of St. Lawrence and State of New York.

Adolph Bluestone to be postmaster at Canaseraga, in the county of Allegheny and State of New York.

Frank B. Barnard to be postmaster at Dunkirk, in the county of Chautauqua and State of New York.

Selah H. Van Duzer to be postmaster at Horseheads, in the county of Chemung and State of New York.

Frederick R. Smith to be postmaster at Norwood, in the county of St. Lawrence and State of New York.

Samuel R. Riley to be postmaster at Bronxville, in the county of Westchester and State of New York.

PENNSYLVANIA.

Sallie M. McNitt to be postmaster at Mifflin, in the county of Juniata and State of Pennsylvania.

Claude H. Heath to be postmaster at Eldred, in the county of McKean and State of Pennsylvania.

James M. Worrall to be postmaster at Kennett Square, in the county of Chester and State of Pennsylvania.

RHODE ISLAND.

Jonathan Bateman to be postmaster at Manville, in the county of Providence and State of Rhode Island.

Albert C. Landers to be postmaster at Newport, in the county of Newport and State of Rhode Island.

Arthur W. Stedman to be postmaster at Wakefield, in the county of Washington and State of Rhode Island.

VERMONT.

Georgia E. Lewis to be postmaster at North Troy, in the county of Orleans and State of Vermont.

WYOMING.

William Rogers to be postmaster at Green River, in the county of Sweetwater and State of Wyoming.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 18, 1906.*

The House met at 12 o'clock m.

Prayer by Rev. Dr. M. L. LEVY, of San Francisco.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION AS MEMBER OF COMMITTEE.

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will read.

The Clerk read as follows:

COMMITTEE ON THE TERRITORIES,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., December 16, 1906.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives United States.

DEAR SIR: I hereby tender my resignation as a member of the Committee on the Territories, to take effect at once.

Very truly, JOHN A. MOON.

The SPEAKER. Without objection, Mr. MOON will be relieved from service on the Committee on the Territories.

There was no objection.

POSTAL FRAUD ORDERS.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 16548 and the report thereon, the bill providing for a judicial review of fraud orders.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SHOSHONE INDIAN RESERVATION.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21202) fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on the same, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That homestead entrymen on lands formerly embraced in the Wind River or Shoshone Indian Reservation, in Wyoming, which were opened to entry under the provisions of the act approved March 3, 1905, shall have six months after the date of filing upon their lands, or until May 15, 1907, to establish residence upon the lands entered by them.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Wyoming why this time needs to be extended. The other day we passed a similar bill, and now we are asked to pass a bill of similar import. Is the fault the fault of Congress in enacting legislation or the fault of the administrative branch of the Government administering the law?

Mr. MONDELL. Mr. Speaker, it is not anyone's fault. It is a condition. These lands were opened to entry on the 15th of August. Under the homestead law and regulations the homestead entrymen must establish residence within six months of the date of entry. The expiration of the six months occurs on the 15th of February, midwinter. This is a region in which it was impossible for the settlers when they first made entry to establish their homes and the intent of the legislation is to give them until May 15, a reasonable time in the spring, within which to build their houses to establish themselves permanently upon their lands.

Mr. MANN. I understand that, but here is a law which requires that the entrymen shall enter upon the land within six months of the entry, as I understand it.

Mr. MONDELL. Yes; and a wise law it is.

Mr. MANN. Thereupon the administrative branch of the Government fixes it so that entries shall be filed in August, making it impossible for most people who desire to enter upon the land to comply with the provisions of the law and enter upon it in midwinter, thereby giving a species of favoritism to certain people who may be able to make entries and trust to some Member of Congress or to the mercy of Congress itself to give him a special privilege and extension of time.

Mr. MONDELL. Mr. Speaker, the gentleman unintentionally misstates the case. The provisions of the homestead law and the decisions under it which make it necessary that settlers shall establish residence upon their entry within six months are wise, but in opening Indian reservations to entry the time when filings may be made is set by the Congress with a view of accommodating intending settlers from all parts of the Union. In this particular case it was first provided by law that the first entries should be made on the 15th of June, but the railways building to that region, over which intending settlers from Illinois and Iowa and elsewhere must travel going to the reservations, were unable to complete their extensions into the region, and it became necessary, in order to make it possible for intending settlers from all over the country to reach the region, to delay the date of entry two months, and settlers from all the Union were given an equal opportunity to participate in the drawing, and then, if they were fortunate enough to secure a low number, to make a filing, which many of them did.

But it occurred that this delay brought the six months in midwinter. Now, surely no harm is done by giving all of those settlers who made their entries under the law until the springtime within which to establish their residence on the desert lands, where, until they have constructed their canals, it is impossible for them to grow crops.

Mr. MANN. If the gentleman will pardon me, I am informed, I do not know how reliably, various people who would have entered upon this land did not complete the filing of their papers for the very reason that under the law they would be required to enter upon the actual physical possession of the land in midwinter. It seems to me everybody ought to be on the same plane.

Mr. MONDELL. Mr. Speaker, if there was any qualified entryman who failed to file on his land for that reason, I never heard of him. It has been the practice of Congress for years, known of all men everywhere, and particularly to men who go to openings of Indian reservations——

Mr. MANN. Particularly to men from Wyoming.

Mr. MONDELL. That this body always extends the time where the expiration of the six months falls in midwinter. It has been done in a multitude of cases. It has been done on every Indian reservation that I know of where that condition has existed for years past.

Mr. MANN. I may say to the gentleman it may be known to all men, but there is at least one man who did not know it, and, on the contrary, when I was asked by some people of my city in reference to it, I did not know there was any such custom or regulation, and so informed them.

Mr. MONDELL. I did not suppose there was any such ignorant individual as that in the State of Illinois.

Mr. MANN. I did not hear the gentleman.

Mr. MONDELL. I did not know the State of Illinois harbored an individual so ignorant of the usual action of Congress in such cases.

Mr. MANN. The State of Illinois does. We appreciate in the State of Illinois that all wisdom lies in the State of Wyoming.

Mr. BURKE of South Dakota. Will the gentleman yield to me for a statement?

Mr. MONDELL. I will be pleased to do so.

Mr. BURKE of South Dakota. I would like to state for the benefit of the gentleman from Illinois that the law does not provide that a homestead settler has six months within which to establish a residence, but the law has been construed that if a settler establishes a residence within six months he is within the law; but the law itself does not state that after an entryman makes his entry he has six months within which to establish a residence thereon, but the prevailing opinion of the people generally in the country is, the law having been so administered, that they have in fact six months to establish their residence.

Mr. MANN. The gentleman speaks of the prevailing opinion. That is what I am complaining of. It is knowledge which the people of some particular States have which is not shared by the people of the rest of the country.

Mr. BURKE of South Dakota. Now, personally I have never advocated any legislation granting an extension of time to homestead settlers that fail to establish their residence within six months, but it is a fact that since I have been in Congress bills similar to this have been passed, and only the other day we passed one, I believe, for the Crow Reservation, in Montana, exactly on the same basis on which this stands, and a similar bill was passed affecting the Rosebud settlers, of South Dakota, and one affecting the settlers in the Devils Lake Reservation, in South Dakota, in the last Congress, and, as the gentleman from Wyoming has stated, we have established a precedent for extending the time until spring where an opening occurred so late in the season that the six months expired in the winter months. Now I yield to the gentleman from Illinois [Mr. STERLING].

Mr. STERLING. Has it ever occurred that acts have been passed extending the time for persons entering other lands than Indian reservations? Why can not it apply to all settlers? I know a dozen persons in my county who went to South Dakota last July or August and entered land and have been trying to get an extension through the Department of the Interior, and can not, of course, under the law. Why can not a law of this kind be applied to persons on other lands?

Mr. MONDELL. Let me answer the gentleman's question.

Mr. BURKE of South Dakota. There is no reason that I know of why it can not be done if it is done in one case.

Mr. STERLING. Has it ever been done in any case except on Indian reservations?

Mr. BURKE of South Dakota. Not to my knowledge; but the conditions are somewhat different. These reservation lands are being sold for the benefit of the Indians, and in many instances the price paid for the land is considerable, whereas

under the general land laws the homestead settlers can get title to their land simply by residence and improvement and are not required to pay anything if they comply with the law as to improvement and residence.

Mr. MONDELL. I want to say to the gentleman that there is another and altogether more important difference; that in the case of the gentleman my friend refers to they could have filed upon their lands at any time; they could have title in May or July as well as in August; but these men could not make a filing until the 15th day of August, and they must make a filing by the 15th day of August or else not secure their lands at all.

Mr. STERLING. Let me ask the gentleman a question. Does the gentleman know of any instances where time has been extended other than on Indian reservations that have been sold?

Mr. MONDELL. It has been customary to extend the time wherever public lands were opened—and, of course, the opening of public lands means generally the opening of Indian lands—wherever the opening of public lands occurs at a given date and the expiration of the six months from that day occurs in midwinter, giving the settler until the spring within which to establish his residence upon his land; and that has been the almost uniform practice of the House. It has occurred in many, many instances.

Mr. PAYNE. May I ask the gentleman a question?

Mr. MONDELL. Certainly.

Mr. PAYNE. The date of the opening of these lands is fixed in the original act, I suppose?

Mr. MONDELL. It is.

Mr. PAYNE. So it would be entirely competent for Congress to take into consideration when the original act was passed and fix the date, so that they would not have to take up these entries and hold them during the winter months. For instance, we might have made the date on the 1st of May next, instead of making it last August, and then the necessity for this legislation would be entirely obviated. May I ask the gentleman—he has had more or less to do with this class of legislation—why the committee, and he, as the originator of the bill, have not before this seen to it that the date was fixed in the spring for the opening, in order to facilitate the settlers in acquiring these lands?

Mr. MONDELL. I said a moment ago that in the original bill, which I had the honor to introduce, this opening was provided for on the 15th of June, which would give the entryman some four or five months before the oncoming of winter in which to build his house; but owing to the fact that railways building to the reservation were delayed in construction, so that intending settlers could not reach the regions the 15th of June, Congress extended the time until the 15th of August, at which time the railroads will reach that region.

Mr. PAYNE. I think we carry the doctrine that everybody understands what the law is to a pretty extreme limit. A bill was beaten in the House yesterday because it was alleged an alien ought to know more than the court did about our laws in regard to naturalization. That was the principal argument made against the bill. Now, you come in with this extreme argument to-day that these people not only know what the law is, but know what it is to be; that Congress has had a uniform habit of extending the time whenever the time expired during the winter months, and that, therefore, they have relied upon this habit of Congress and have been negligent about putting up houses, which, I suppose, it takes a week to construct on those reservations, and for this reason these bills ought to pass. I have not objected to these bills before, and I am not going to object to-day, but it seems to me we have reached the extreme limit of where we ought to presume that the people not only know what the law is, but what the law is to be.

Mr. BABCOCK. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BABCOCK. Mr. Speaker, I would like to know how long a request for unanimous consent is entitled to the floor?

The SPEAKER. Until somebody demands the regular order.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask the gentleman from Wyoming a question. Why is it necessary to present this bill? Is it not a fact that you can apply to the Secretary of the Interior and have this law extended, as he has done in the Oklahoma Indian pasture case?

Mr. MONDELL. That is not possible.

Mr. STEPHENS of Texas. Your bill is the same kind of a bill and on all fours with the act opening the Kiowa and Comanche Indian Reservation, in Oklahoma, which act provided that the Secretary of the Interior should dispose of these lands before the 6th day of December. He has refused to obey this law, and by some Executive order he has, I understand, extended the time until April next. There was no authority under that act for the Secretary to extend the time beyond December 6, and I do not see why he can not, by issuing a similar order, extend the time in the case covered by your bill.

Mr. RUCKER. If the gentleman will allow me, I will say that I have just received a reply to a letter of a constituent who wanted to go on this land. I had a letter from the Commissioner, who stated that it could not be done, and that he must get out before the 15th of February.

Mr. GAINES of Tennessee. That is a very remarkable proposition—that the Secretary of the Interior can do away with the law—as suggested by the gentleman from Texas.

Mr. STEPHENS of Texas. There is no question about the correctness of my statement. The law required the sale of these Indian pasture lands to be made before December 6, and they were not made, and he has extended the time specified by Congress, I understand, until April next. He has also withdrawn about 4,000,000 acres from allotment in the Choctaw Nation—land belonging to the Choctaws—and has refused to carry out an act of Congress requiring him to allot these lands; and if he has refused in these two instances to carry out an act of Congress, why does not the gentleman apply to the Secretary of the Interior for relief, and not to Congress?

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Reserving the right to object, I will say to the gentleman from Wyoming, now, you know we have in our committee hearings about the coal and timber lands, showing that there has been a great deal of fever in trying to steal lands, and trying to run off with them; and I earnestly ask the gentleman whether or not this statute will cover any coal lands and would extend to or interfere at all with the timber lands, which, under the policy of the President, we are trying to protect in the future?

Mr. MONDELL. I have never heard anyone suggest that this covers any timber or coal lands.

Mr. GAINES of Tennessee. Do you know anything about it?

Mr. MONDELL. I do not. This is the usual legislation, time and time again passed, referring to homestead settlers in the western wilderness who are not able to construct their homes in midwinter.

Mr. STEPHENS of Texas. Is it not a fact that some of the 4,000,000 acres of Choctaw Indian lands that have been withdrawn from allotment in the Indian Territory are pine timber and coal lands?

Mr. MONDELL. I do not know. These are lands in Wyoming.

Mr. STEPHENS of Texas. Does not the gentleman know that these Choctaw lands that have been withdrawn are being sought by the railroad, coal, lumber, and oil trusts?

Mr. MONDELL. I know nothing about that.

Mr. FITZGERALD. I will ask the gentleman, has the Secretary of the Interior asked for this?

Mr. MONDELL. I do not think the Secretary has asked for it.

Mr. FITZGERALD. What has he done?

Mr. MONDELL. I do not think he has done anything.

Mr. FITZGERALD. Has his opinion been asked?

Mr. MONDELL. No.

Mr. FITZGERALD. Then I object.

The SPEAKER. The gentleman from New York objects.

EXTENSION OF TWENTY-THIRD STREET NW. TO KALORAMA ROAD.

Mr. BABCOCK. Mr. Speaker, I ask for present consideration of the Senate bill 133; and, Mr. Speaker, I ask unanimous consent that the Clerk read the substitute instead of the original bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (S. 133) authorizing the extension of Twenty-third street NW. to Kalorama road.

Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Twenty-third street NW. from U street to Kalorama road, so as to include so much of lots 9 and 24, L. R. Tuttle's subdivision, and lots 1 and 18, block 20, Kalorama Heights subdivision, as lie between two parallel curved lines 50 feet apart, the easterly of which begins at a point on north line of lot 9, L. R. Tuttle's subdivision, and 50 feet easterly from the northwest corner thereof, and which passes thence in a southeasterly direction on a circular arc with a radius of 512 feet, more or less, to a point on the west line of lot 24 of said subdivision, and 55 feet, more or less, from the southwestern corner of said lot.

SEC. 2. That assessments shall be made by the jury as benefits, as contemplated in section 491g of the subchapter of the code hereinbefore

referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Mr. BABCOCK. Mr. Speaker, I wish to say that this bill provides for connection between Kalorama avenue and Twenty-third street.

Mr. WILLIAMS. Does it make any expense on the District?

Mr. BABCOCK. It does not.

The SPEAKER. The Chair is under the impression that on District day this bill is in order. Without a full examination of the precedents, the Chair will hold that the bill can be called up on District day.

Mr. BABCOCK. I wish to say, Mr. Speaker, that the opening of this short street does not require the expenditure of a single penny of the District or the United States' money. It is to be paid for entirely by the property benefited, and the entire amount is to be assessed as benefits.

Mr. PAYNE. May I ask the gentleman a question?

Mr. BABCOCK. Certainly.

Mr. PAYNE. I notice that the third section appropriates $600 to pay the expenses of condemnation of this land, but it is to be paid out of the District revenues.

Mr. BABCOCK. But that is to be assessed on the property benefited in that particular section.

Mr. PAYNE. It is to be collected back afterwards. I did not raise the point that it ought to be considered in Committee of the Whole, because it was appropriated from the District revenues and not from the money of the United States, and it might therefore be properly on the House Calendar; but there is an appropriation out of the District revenues of $600 in the first instance.

Mr. BABCOCK. I will say to the gentleman from New York that all street-opening bills carry an appropriation for condemnation proceedings, and it carries an appropriation for payment of damages, but this is assessed upon the property and paid for in equal annual payments. If there be no further questions, I will ask for a vote.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken; and the substitute was agreed to.

Mr. PAYNE. Mr. Speaker, I want to suggest to the House that this seems to be a new departure on the part of the Committee on the District of Columbia in the form of the bill, which I am very glad to see.

Mr. BABCOCK. Oh, no.

Mr. PAYNE. Well, it is comparatively new. The original bill was drawn in a different manner.

Mr. BABCOCK. Yes.

Mr. PAYNE. This proposes that the condemnation proceedings shall determine the amount to be paid for the land condemned, and also the expenses of those proceedings in addition are to be assessed upon the property. If I was allowed to criticise the action of so great a committee as that on the District of Columbia, I would say that the provisions are clumsily expressed, but I think they carry out that object. I think if the gentleman had gone to the statutes of some of the States—for instance, the State of New York—he would have found a little better method. There we provide that the condemnation shall first take place by a jury, but the jury do not fix the amount of the assessment afterwards. The jury ascertain the amount and the costs of the condemnation and then find that the amount shall be assessed upon the property according to the benefits, ratably, but the whole amount is assessed by the assessors of the municipality, so that there are two separate tribunals—one to fix the amount of the damages and another to fix the pro rata assessment of damages upon the property. I only throw this out as a suggestion to this committee, that in the future, perhaps, they may get a system that shall be a little more clearly expressed than it seems to be in this bill. I commend the object of the bill, and I think that it will work out all right in the end; but I think it would be better if we separated these tribunals.

Mr. BABCOCK. Mr. Speaker, I want to say to the gentleman from New York that these bills which will be presented to the House this morning have been delayed for more than one year, awaiting the action of Congress and a subcommittee of the Committee on the District of Columbia, upon which a distinguished gentleman from New York served. He thought, and that committee thought, that they improved on the New York plan, instead of having two tribunals, in only having one and closing it all up. Now, this Congress passed a law which provides for the opening of all streets. Our street-opening bills are very short now, except where there are unusual conditions. The law provides that the assessments shall be made for damages and benefits, and if the benefits are not sufficient, then the difference shall be paid by the District of Columbia; but these bills that we are reporting this morning provide that the property benefited must pay all, for the reason that the property owners interested and the Commissioners have all agreed to it. They say, "Open this street and we will pay all the expenses. All we ask is authority from Congress to do it."

Mr. PAYNE. Then this is a new departure.

Mr. BABCOCK. We passed one bill at the last session.

Mr. PAYNE. I understood the gentleman to say it was not a new departure.

Mr. BABCOCK. Oh, no. We passed a bill under the present statute at the last session.

Mr. PAYNE. Only one bill; so that it is a new departure.

Mr. BABCOCK. The gentleman may term it so.

Mr. PAYNE. I am very glad to see that, but I hope the committee will reconsider the form of their bill in connection with the New York law, and notwithstanding the distinguished character of the committee and their judgment, I think that they could largely improve upon it if they would still further study the law of New York or of some other State—because the laws of the States are generally similar upon these subjects—and separate these tribunals, and let the damages first be assessed and afterwards the tax be laid upon the premises.

Mr. BABCOCK. I realize, Mr. Speaker, that it is the New York idea to have as many tribunals as possible. In Congress here we try to simplify it and boil it down to one. Instead of a six or eight page bill, we do it all on one page.

Mr. PAYNE. I want to say to the gentleman that in New York, after there is an award of damages, we do not hear so much complaint about people getting together and putting up the damages as we do in the District of Columbia, especially where the Government tries to condemn a site for a public building. We do not have so much scandal about the amount of the award and about the people standing by each other in order to mulct the Government in an undue amount of damages. I commend to the gentleman a review of this subject in connection with the practice of the State of New York, or some other State that has a similar excellent statute upon this subject.

Mr. HEPBURN. Mr. Speaker, will the gentleman yield to me for a question?

Mr. BABCOCK. Certainly.

Mr. HEPBURN. Mr. Speaker, I notice that section 2 contains a proviso—

That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

There is a limitation upon a jury called to assess certain sums that are to be paid by an adjacent owner. I want to ask the gentleman if that matter has received the attention of the committee as to whether or not it is competent for Congress to impose a limitation of that kind? Here is a jury called to assess damages, and the further duty is imposed upon them to provide for the expenses, and the method selected is to impose a burden on the adjacent owners equal to the value of this land that is to be assessed.

Now, I commend the committee for its efforts in this direction. I think it is a great improvement on the old method. I have no doubt but that the beneficiaries, the men who are to be benefited by opening up the new territory, ought to pay the expenses, but I want to know if the committee has considered this question as to power. It looks to me to be important.

Mr. BABCOCK. I will say to the gentleman from Iowa that Congress has passed a great number of bills with this same proviso, that all the cost shall be assessed to the property benefited. The courts have never set it aside, and I should think that that was the best answer that could be given the gentleman from Iowa.

Mr. HEPBURN. Has there been any litigation about the matter?

Mr. BABCOCK. For years there has been litigation about street-opening matters, and they were constantly set aside until Congress perfected these measures. But this is one provision that has not been set aside.

Mr. HEPBURN. I have no doubt about its being competent for Congress to say that a street shall not be opened until all the expenses have been paid, but here is a new departure, as far as I understand it, as to the method of raising that fund.

Mr. BABCOCK. No; this section is not a new departure.

Mr. HEPBURN. I do not know that I have seen any legislation of that kind with that limitation on the tribunal.

Mr. BABCOCK. In every bill passed there has been a provision that the amount awarded as damages should be paid for either one-half by the Government and one-half by the District, or at least one-half assessed as benefits and the balance paid by the District, or the whole to be borne by the property benefited. Mr. Speaker, I ask for a vote.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

WIDENING BLADENSBURG ROAD.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (S. 55) for the widening of Bladensburg road, and for other purposes, and I ask unanimous consent that the substitute be read instead of the Senate bill.

The SPEAKER. The gentleman asks unanimous consent that the substitute be read instead of the original bill. Is there objection?

There was no objection.

The Clerk read the substitute, as follows:

Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the dedication to the District of Columbia of two-thirds of the land necessary for the widening of the Bladensburg road in the District of Columbia from H or Boundary street to the District of Columbia line, according to the street-extension plans of said District, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to complete the widening of said road to a width of 90 feet between the limits named.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the Code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $600, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill as amended was ordered to be read a third time; was read the third time, and passed.

EXTENSION OF GENESEO PLACE AND SUMMIT PLACE.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (S. 5246) to provide for the extension of Geneseo place and Summit place, District of Columbia, and I ask unanimous consent that the substitute be read instead of the original.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute be read instead of the original. Is there objection?

There was no objection.

The Clerk read the substitute, as follows:

Be it enacted, etc., That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Geneseo place, Lanier Heights NW., in said District, in a southwesterly direction in prolongation of its present lines and to extend Summit place in an easterly direction with a width of 40 feet to connect with said extension of Geneseo place, said extension of Summit place to be north of the northerly line of lot 198 of Lanier Heights and said line extended, the name of Geneseo place to be changed to Summit place.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the Code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

EXTENSION OF W AND ADAMS STREETS.

Mr. BABCOCK. Mr. Speaker, I now call up the bill (S. 5119) authorizing the extension of W and Adams streets NW., and I ask unanimous consent that the substitute be read instead of the original.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute be read in place of the original. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of W and Adams streets NW. east to North Capitol street, W street to be 80 feet and Adams street to be 90 feet wide.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected; and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

An act (S. 7040) to provide for the erection of a District of Columbia building and an appropriate exhibit therein at the Jamestown Tercentennial Exposition, and for other purposes; and

Joint resolution (S. R. 76) providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

The message also announced that the Senate had passed without amendment bill of the following title:

An act (H. R. 22584) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

EXTENSION OF SEVENTH AND FRANKLIN STREETS NE.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 64) for the extension of Seventh street and Franklin street NE., and for other purposes, and I ask unanimous consent that the substitute may be read in lieu of the original bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute be read in lieu of the original bill. Is there objection?

There was no objection.

The Clerk read as follows:

That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Seventh street NE. southward from its present termination near its intersection with Channing street, on a line parallel with the Metropolitan Railroad, to Rhode Island avenue, Sixth street southward to Central avenue, and also Franklin street NE. from Central avenue eastward to the Metropolitan Railroad, and westward from its present termination between Fifth and Sixth streets to Fourth street NE., and also to straighten the western line of Seventh street between Hamlin and Irving streets NE.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected; and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The SPEAKER. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, read the third time, and passed.

EXTENSION OF SECOND AND W STREETS NW.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 2098) authorizing the extension of Second street NW. from Elm street NW. to Bryant street, of W street from its present terminus west of Flagler place to Second street, and of W street west of Second street eastwardly to Second street, which I send

to the desk and ask to have read; and I ask unanimous consent that the substitute therefor may be read in lieu of the original bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute may be read in lieu of the original bill. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Second street NW. from Elm street northward to Bryant street, with a width of 90 feet, and of W street from its present terminus west of Flagler place to Second street, with a width of 80 feet, and of W street west of Second street eastward to Second street, with a width of 50 feet.

SEC. 2. That assessments shall be made by the jury as benefits, as contemplated in section 491g of the subchapter of the Code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $600, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment of benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The SPEAKER. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, read the third time, and passed.

EXTENSION OF MERIDIAN PLACE NW.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 2260), authorizing the extension of Meridian place NW., which I send to the desk, and I ask that the substitute may be read in lieu of the original bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute be read in lieu of the original bill. Is there objection?

There was no objection.

The Clerk read as follows:

That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Meridian place NW. from its present terminus east of Center street, Mount Pleasant, to Fourteenth street NW., with a width of 50 feet.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the Code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $600, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected; and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The SPEAKER. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, read the third time, and passed.

OPENING OF MACOMB STREET NW.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 20069) for the opening of Macomb street NW., District of Columbia, which I send to the desk, and I ask unanimous consent that the substitute may be read in lieu of the original bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute may be read in lieu of the original bill. Is there objection?

There was no objection.

The Clerk read as follows:

That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the opening of Macomb, formerly Milwaukee, street from the east boundary line of Cleveland Heights subdivision to the west boundary line of Cleveland Park, according to the permanent system of highway plans adopted in and for the District of Columbia.

SEC. 2. That assessments shall be made by the jury as benefits, as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected; and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The SPEAKER. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and the third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

Subsequently,

Mr. BABCOCK. Mr. Speaker, I ask to refer back to House bill 20069, to correct an error of the print of one word. On page 3, line 5, the word "juries" is used instead of the word "jury." I ask unanimous consent that that typographical error may be corrected.

The SPEAKER. The gentleman asks unanimous consent that the vote by which the bill was passed and the vote by which it was ordered to be engrossed and read a third time may be vacated, in order that he may offer an amendment to the bill. Is there objection?

There was no objection.

The SPEAKER. The gentleman will offer his amendment.

Mr. BABCOCK. Mr. Speaker, I will send the amendment to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, in line 5, change the word "juries" to "jury."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

OPENING OF FESSENDEN STREET NW.

Mr. BABCOCK. Mr. Speaker, I now call up the bill (H. R. 8435) for the opening of Fessenden street NW., District of Columbia, which I send to the desk, and I ask unanimous consent that the substitute be read in lieu of the original bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute be read in lieu of the original bill. Is there objection?

There was no objection.

The Clerk read as follows:

That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the opening of Fessenden, formerly Flint, street from Wisconsin avenue to River road, and also through the small undedicated parcel of land westward of and adjacent to said River road, with the uniform width of 120 feet according to the permanent system of highway plans adopted in and for the District of Columbia.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $500, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The SPEAKER. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be read a third time, read the third time, and passed.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6228. An act granting a pension to Betsey Hattery;

S. 6197. An act granting an increase of pension to Charles E. Henry;

S. 6151. An act granting an increase of pension to Mark Ham;

S. 6148. An act granting an increase of pension to James S. Whitlock;

S. 5637. An act granting an increase of pension to Margaret Himmel;

S. 5994. An act granting an increase of pension to John Dickey;

S. 5710. An act granting an increase of pension to Samuel M. Daughenbaugh;

S. 5547. An act granting an increase of pension to Hillary Beyer;

S. 5545. An act granting an increase of pension to Margaret Brannon;

S. 5402. An act granting an increase of pension to Charles M. Lyon;

S. 5081. An act granting a pension to Lucy Florette Nichols;

S. 5042. An act granting an increase of pension to Josephine S. Jones;

S. 4991. An act granting an increase of pension to Lycurgus D. Riggs;

S. 4695. An act granting an increase of pension to John H. Mullen;

S. 4366. An act granting an increase of pension to Henry B. Willhelmy;

S. 4365. An act granting an increase of pension to Mathew Kerwin;

S. 4345. An act granting an increase of pension to J. Dillon Turner;

S. 4235. An act granting an increase of pension to Daniel Sullivan;

S. 4174. An act granting an increase of pension to Joseph P. Garland;

S. 2880. An act granting an increase of pension to James C. Coad;

S. 2225. An act granting an increase of pension to Samuel White;

S. 158. An act granting an increase of pension to John Ard Gordon;

S. 6339. An act granting an increase of pension to James Dearey;

S. 6259. An act granting an increase of pension to Oakaley Randall; and

S. 6521. An act granting a pension to Abbie J. Daniels.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7040. An act to provide for the erection of a District of Columbia building and an appropriate exhibit therein at the Jamestown Tercentennial Exposition, and for other purposes—to the Committee on the District of Columbia.

S. R. 76. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.—to the Committee on the District of Columbia.

EXTENSION OF PROSPECT STREET NW.

Mr. BABCOCK. Mr. Speaker, I ask the present consideration of the bill H. R. 7039, and ask that the substitute be read in lieu of the bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the substitute.

The Clerk read as follows:

A bill (H. R. 7039) authorizing the extension of Prospect street NW.

Be it enacted, etc., That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Prospect street from Thirty-eighth street to the Canal road, with a width of 60 feet.

SEC. 2. That the assessments shall be made by the jury as benefits, as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $600, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF KENYON STREET NW.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill H. R. 10843, and ask that the substitute be read in lieu of the bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the substitute.

The Clerk read as follows:

A bill (H. R. 10843) authorizing the extension of Kenyon street NW.

Be it enacted, etc., That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, to include all of lot 90 of Denison & Leighton's subdivision, and so much of lot 1, Ingleside, as lies south of the north line of lot 90 of Denison & Leighton's subdivision extended westward to Seventeenth street.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF FOURTH STREET NE.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill H. R. 14900, and ask that the substitute be read in lieu of the bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the substitute.

The Clerk read as follows:

A bill (H. R. 14900) to extend Fourth, Sixth, and other streets northeast.

Be it enacted, etc., That, under and inaccordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Fourth street NE. northward from its present termination near Franklin street extended, through the Frederick Rose tract to Hamlin street extended.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits: *And provided further*, That the jury, in their assessments of damages and benefits, shall consider the circumstances and conditions under which an alleged dedication was made through what was known as the Frederick Rose property, being parts of lots 8 and 9, Metropolis View, and shall further consider the fact that certain improvements were made by the District of Columbia because of the alleged dedication through said property, and shall also consider the benefits to said property by reason of said improvements.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected; and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To extend Fourth street NE."

EXTENSION OF MONROE STREET NE.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill H. R. 10703, and ask that the substitute be read in lieu of the bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute may be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the substitute.

The Clerk read as follows:

A bill (H. R. 10703) authorizing the extension of Monroe street NE.

Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to extend, with a width of 90 feet, Monroe street NE., from Seventh street NE. to Michigan avenue, formerly the Bunker Hill road.

SEC. 2. That assessments shall be made by the jury as benefits as

contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits, and, as condemnation of the said extension is for the purpose of eliminating grade crossings in this section upon a practicable grade, the jury is hereby directed to consider such plan in the assessment of benefits for this extension.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF T STREET NW.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill H. R. 5971, and ask that the substitute be read in lieu of the bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute may be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the substitute.

The Clerk read as follows:

A bill (H. R. 5971) authorizing the extension of T street (formerly W street) NW.

Be it enacted, etc., That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of T street from Thirty-fifth street to Wisconsin avenue, formerly High or Thirty-second street west, with a width of 60 feet.

SEC. 2. That assessment shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF SEVENTEENTH STREET NW.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill H. R. 121, and I ask that the substitute may be read in lieu of the bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute may be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the substitute.

The Clerk read as follows:

A bill (H. R. 121) authorizing the extension of Seventeenth street NW.

Be it enacted, etc., That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the pasage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Seventeenth street from Kenyon street to Irving street, with a width of 90 feet.

SEC. 2. That the assessments shall be made by the jury as benefits, as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $500, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the District of Columbia to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF HARVARD STREET, COLUMBIA HEIGHTS.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill H. R. 14815, and ask that the substitute may be read in lieu of the bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute may be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the substitute.

The Clerk read as follows:

A bill (H. R. 14815) for the extension of Harvard street, Columbia Heights, District of Columbia.

Be it enacted, etc., That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Harvard street, Columbia Heights, in a straight line, with a width of 60 feet, more or less, to Sixteenth street NW., upon such lines as the Commissioners of the District of Columbia may deem most advantageous to the abutting property.

SEC. 2. That assessments shall be made by the jury as benefits, as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HIGHWAY BETWEEN WATER SIDE DRIVE AND PARK ROAD.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill H. R. 128, and I ask that the substitute may be read in lieu of the bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the substitute may be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the substitute.

The Clerk read as follows:

A bill (H. R. 128) for the opening of a connecting highway between Water Side drive and Park road, District of Columbia.

Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for connecting the north end of Water Side drive, in Kalorama Heights, just above Q street, with the south end of Park road, in Belair Heights, by a highway 60 feet wide, all in accordance with plans on file in the office of the Engineer Commissioner, District of Columbia.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the Code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $600, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WIDENING COLUMBIA ROAD EAST OF SIXTEENTH STREET.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (S. 68) for the widening of a section of Columbia road east of Sixteenth street, and ask unanimous consent that the substitute be read in lieu of the bill.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] calls up the bill S. 68, and asks for the reading of the substitute in lieu of the bill. Is there objection?

There was no objection.

The Clerk read as follows:

That, under and in accordance with the provisions of sections 491 a to 491 n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to widen Columbia road between the east side of Sixteenth street extended and the western limit of the subdivision of the north grounds of Columbia College to a total width of 60 feet, concentric with the present improved roadway on such street.

SEC. 2. That assessments shall be made by the jury as benefits, as contemplated in section 491 g of the subchapter of the Code hereinbefore referred to: *Provided*, That at least one-half of the amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of

the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Mr. HEPBURN. Mr. Speaker, I want to ask the gentleman why it is that in this bill, differing from all of the others, the proviso of section 2 reads:

That at least one-half of the amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

Mr. BABCOCK. Because this small piece of road is a public improvement more than a private one, as the other cases were.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken; and the substitute was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the letter of the Commissioners be printed in the RECORD in connection with this bill.

The SPEAKER. Is there objection?

Mr. SIMS. Mr. Speaker, I want the report and letter.

Mr. BABCOCK. There is no objection to that.

The SPEAKER. Is there objection to the printing of the report and the letter referred to?

There was no objection.

The report, including the letter, is as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 68) for the widening of a section of Columbia road east of Sixteenth street, report the same back to the House with the recommendation that it do pass when amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to widen Columbia road between the east side of Sixteenth street extended and the western limit of the subdivision of the north grounds of Columbia College to a total width of 60 feet, concentric with the present improved roadway on such street.

"SEC. 2. That assessments shall be made by the jury as benefits, as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That at least one-half of the amount found to be due and awarded as damages, plus the cost and expenses of the proceedings shall be assessed by the said jury as benefits.

"SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia."

The amendment recommended by your committee, in the nature of a substitute for the Senate bill, is for the purpose of bringing the proposed legislation in harmony with sections 491a to 491n of the Code of Law for the District of Columbia, these sections regulating the proceedings for the condemnation of land for streets.

Provision has been made in section 2 of the substitute recommended by your committee so that at least one-half of the amount found to be due and awarded as damages, together with the costs and expenses of the condemnation proceedings, shall be assessed as benefits on adjacent property that will derive an advantage from this improvement. It is believed that the general public is as much interested in the widening of Columbia road as the immediate property holders; hence the above provision.

This measure was prepared by the Commissioners of the District of Columbia and introduced at their request, as will be seen by the following letter, in which the necessity for this improvement is fully explained:

"OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
"*Washington, November 22, 1905.*

"DEAR SIR: The Commissioners of the District of Columbia have the honor to forward herewith a bill for the widening of a section of Columbia road east of Sixteenth street, also a plat showing in red the proposed widening, with the recommendation that the bill be enacted.

"The bill was introduced at the last session of Congress as H. R. 18328, but failed of passage. It was not initiated by the Commissioners, but they made a favorable report thereon. The Commissioners believe, however, that the matter is one of such wide public interest that it should be passed at as early a date as practicable.

"At present Columbia road between the limits of the proposed widening, a distance of about 450 feet, is but 33 feet wide. The portion of the road east of these limits is 60 feet wide, and the portion west is 100 feet wide. The present roadway along the portion proposed to be widened is paved with a width of 30 feet, but what sidewalk exists there is almost entirely on private property. Columbia road is an important highway, and the benefits to be derived from the proposed extension are of a public nature as well as an improvement to the surrounding property. The estimated cost of the widening is $14,000. The bill provides that at least one half of the amount of damages awarded shall be assessed as benefits on the adjacent property and the other half to be borne as general taxation. The reason for this provision is, as stated, that the public is as much interested in the extension as the immediate property owners.

"Very respectfully, HENRY B. F. MACFARLAND,
"*President Board of Commissioners District of Columbia.*

"Hon. J. H. GALLINGER,
"*Chairman of Committee on District of Columbia,*
"*United States Senate.*"

WASHINGTON MARKET COMPANY.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 20178) in relation to the Washington Market Company.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] asks for the present consideration of the bill H. R. 20178, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Washington Market Company be, and hereby is, authorized, in connection with the refrigeration of produce stored or sold at Center Market, to manufacture ice at any suitable place within the District of Columbia.

Mr. MANN rose.

The SPEAKER. Does the gentleman from Wisconsin [Mr. BABCOCK] yield to the gentleman from Illinois [Mr. MANN]?

Mr. BABCOCK. Certainly.

Mr. MANN. I would like to have some explanation of this bill, which seems rather remarkable on its face.

Mr. BABCOCK. I would be very glad to hear from, and will yield to, the gentleman from Michigan [Mr. SAMUEL W. SMITH], who reported the bill.

Mr. SAMUEL W. SMITH. What does the gentleman desire?

Mr. MANN. I would like to know, first, if the gentleman will permit me to make an inquiry, something about the Washington Market Company; and, secondly, why they should be given an extension of their franchise without any special reason for it, so far as we know; and, third, why should they be permitted to manufacture ice in any place they please in the District of Columbia?

Mr. SAMUEL W. SMITH. The Washington Market Company was organized for the purpose of carrying on a general market business, and in the articles of incorporation, when they were incorporated, in 1870, there was some doubt about their having the power to incorporate away from their present location of business; and, thirdly, I see no reason why they should not have this right, as I think everybody will be pleased to have them do it and make ice cheaper, if possible.

Mr. MANN. The answer that it had been incorporated in 1870 is hardly satisfactory to me, at least.

Mr. SAMUEL W. SMITH. I said they were incorporated to carry on a general market business. They are located here at the Center Market, as I understand.

Mr. MANN. It is a private corporation run for profit?

Mr. SAMUEL W. SMITH. I expect so.

Mr. MANN. With a market upon ground that belongs to the public?

Mr. SAMUEL W. SMITH. I understand so.

Mr. MANN. Does not the gentleman think it proper that Congress should be informed as to the conditions of the business, and so forth, when they want an extension of franchise?

Mr. SAMUEL W. SMITH. Does the gentleman mean by that that Congress should be informed about how much dividend they are paying?

Mr. MANN. I think we are entitled to know, if they are occupying our property and want an extension of authority—a corporation that is semipublic—something with reference to the business.

Mr. SAMUEL W. SMITH. I am frank to say to the gentleman that I do not know what dividends they are paying.

Mr. MANN. I remember that the gentleman has been very much opposed at times to some of the semipublic corporations having extensions unless we should know what dividends they were paying or what profits they were making. Does anybody know in reference to the business of this company, which is using public property and which now wants an extension of its power?

Mr. SAMUEL W. SMITH. I could not inform the gentleman myself as to what dividends they are paying.

Mr. BABCOCK. Mr. Speaker, if the gentleman will permit me, I will read the bill, which provides:

That the Washington Market Company be, and hereby is, authorized, in connection with the refrigeration of produce stored or sold at Center Market, to manufacture ice at any suitable place in the District of Columbia.

Now, they need more ice. They can not make enough in their refrigerating plant to take care of the increase of business of that company, and the question has arisen, under their charter, whether they can go across the street and make ice without authority from Congress. That is all there is in it.

Mr. MANN. Does the gentleman think that under this bill they can go across the street and manufacture ice?

Mr. BABCOCK. It says in the bill that they can manufacture ice in connection with the refrigeration of produce stores sold at that market.

Mr. MANN. Yes; the purpose is to manufacture ice—not to manufacture ice in connection with the refrigeration of produce

stored at the Center Market, because they can not manufacture ice in connection with refrigerated produce stored in the market.

Mr. BABCOCK. Anybody has the right to manufacture ice. The gentleman from Illinois has the same right as any American citizen to buy a lot in the District of Columbia and go to freezing water if he so desires, and there is nothing to prevent it.

Mr. MANN. I do not know whether there is anything in the statute preventing anybody from manufacturing ice in the District or not, but I know if it is the law the gentleman ought to bring in a bill to change it.

Mr. BABCOCK. Of course they would be subject to the police regulations made by the Commissioners as to the particular location of their plant.

Mr. MANN. Not at all. The statute overrides the police regulations. This wipes out of existence the police regulations, and that is the very reason objection is raised to it. Other people can not manufacture ice any place in the District they please; but under this bill the Washington Market Company, having already received favor, being in use of public property, obtains permission to do what nobody else can do—manufacture ice in any place it pleases in the District of Columbia without any limitation as to place or time.

Mr. BABCOCK. I call the attention of the gentleman to the fact that this specifically gives them special authority to put up a plant, but they still remain under the police regulations.

Mr. MANN. This does not simply apply to the building of a plant to manufacture ice, but it is at any suitable place in the District of Columbia. I say it overrides the police regulations in the manufacture of ice.

Mr. SAMUEL W. SMITH. What objection can there be to the manufacture of ice in any suitable place?

Mr. MANN. I do not know what would be the suitable place; but nobody else would have the right to determine whether the place was suitable or not except the Washington Market Company. I do not believe they ought to be able to get rights in the District of Columbia that no one else can, and be given authority that no one else has had so far. I do not see why they can not tell us where they want to manufacture the ice.

Mr. BABCOCK. Under their charter it is specified as to what they are authorized to do, and the opinion of their attorney is that they need additional power under that charter to do what you or I might do.

Mr. MANN. And hence you propose to give them the right to do that which neither you nor I can do.

Mr. BABCOCK. No, sir; it simply gives them authority under their charter to make additional ice. If I was running that market, I should go on and make the ice and not come to Congress for the authority.

Mr. MANN. I am willing to take the gentleman's judgment in preference to the judgment of the attorney of the market company, and let them go on and make the ice in any place they please, and their right can be tested in the courts afterwards.

Mr. BABCOCK. They do claim they have the right to do it under their charter.

Mr. MANN. Well, I hope the gentleman will not press this bill to-day, until Members have had an opportunity to ascertain more in reference to it.

Mr. BABCOCK. If the gentleman raises objection to the bill, I will ask unanimous consent to withdraw it for the present.

The SPEAKER. The gentleman from Wisconsin withdraws the bill.

EMPLOYMENT AGENCIES.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 21408) to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906.

The bill was read, as follows:

Be it enacted, etc., That section 11 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906, be, and the same is hereby, amended by inserting after the words "at least six months from the date of revocation of such license" the words "every violation of any provision of this act, except as provided in section 10, shall be punishable by a fine not to exceed $25, and in default thereof the person or persons so offending shall be committed for a period not to exceed thirty days, and this penalty shall also include such violations of section 10 for which no penalty is prescribed in said section 10."

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

CHILD LABOR.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (S. 6364) to incorporate the National Child Labor Committee.

The SPEAKER. The gentleman from Wisconsin calls up the following Senate bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That Felix Adler, Francis G. Caffey, Robert W. de Forest, Edward T. Devine, Homer Folks, William E. Harmon, John S. Huyler, Mrs. Florence Kelley, James H. Kirkland, V. Everit Macy, Edgar Gardner Murphy, Isaac N. Seligman, Miss Lillian D. Wald, Paul M. Warburg, and John W. Wood, and their successors and associates, be, and they hereby are, constituted a body corporate of the District of Columbia; that the name of such body corporate shall be National Child Labor Committee, and that by such name the said persons, or a majority of them, shall hold a meeting and adopt a constitution and by-laws, and shall have power to amend the same at pleasure: *Provided*, That such constitution or by-laws, or any amendments thereof, do not conflict with the laws of the United States and of the District of Columbia; and that they may use a common seal and alter and change the same at pleasure, and may take, receive, hold, and convey real and personal estate necessary for the purposes of the organization.

SEC. 2. That the objects of the said corporation shall be: To promote the welfare of society with respect to the employment of children in gainful occupations; to investigate and report the facts concerning child labor; to raise the standard of parental responsibility with respect to the employment of children; to assist in protecting children, by suitable legislation, against premature or otherwise injurious employment, and thus to aid in securing for them an opportunity for elementary education and physical development sufficient for the demands of citizenship and the requirements of industrial efficiency; to aid in promoting the enforcement of laws relating to child labor; to coordinate, unify, and supplement the work of State or local child-labor committees, and encourage the formation of such committees where they do not exist.

SEC. 3. That said corporation shall have a right to hold its meetings at any place in the United States as may be best suited or most advantageous for the carrying out of the purposes for which this corporation is formed.

SEC. 4. That said corporation shall not engage in any business for gain, the purposes of said corporation being educational and philanthropic.

SEC. 5. That this charter shall be subject to alteration, amendment, or repeal at the pleasure of the Congress of the United States.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. Is it too late to raise the question of consideration?

The SPEAKER. It is not too late.

Mr. GARRETT. I raise the question of consideration.

The SPEAKER. The gentleman raises the question of consideration upon this bill. The question is, Will the House consider the bill?

The question being taken, the House refused to consider the bill.

CERTAIN ALLEYS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for present consideration of the bill (S. 5565) to close certain alleys in the District of Columbia, and I ask unanimous consent that it may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of this bill, and that the same be considered in the House as in Committee of the Whole under the five-minute rule. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill.

Mr. FITZGERALD. Mr. Speaker, I ask the gentleman to explain the purpose of the bill. As I understand, it transfers the title of an alley from the District of Columbia to certain private owners.

Mr. BABCOCK. I yield to the gentleman from Tennessee [Mr. SIMS], who reported the bill.

Mr. SIMS. Mr. Speaker, I will ask the Clerk to read the letter from the Commissioners of the District, which explains the bill more fully than I can.

The Clerk read as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 5, 1906.

SENATOR: The Commissioners of the District of Columbia have the honor to submit the following on Senate bill 5565, Fifty-ninth Congress, first session, "to close certain alleys in the District of Columbia," which you referred to them for report touching the merits of the bill and the propriety of its passage.

A plat is inclosed showing the alleys proposed to be closed, which are in squares 330 and 547. The nature of the rights of the District and the United States in and to the alleys in the two squares are different. In square 330 the alley was dedicated when the square was subdivided into lots, and under the form of dedication the District of Columbia acquired merely an easement or right of way over the alley, the fee remaining in the abutting property. In the case of the alley in square 547 the United States holds the title in fee to the ground contained in the alley, as this was one of the alleys laid out in the square in the original subdivision of the city of Washington into streets, avenues, lots, and squares, and the title to the ground in these original alleys is the same as that in the streets of the city, namely, that the United States holds the title in fee.

In square 330 a portion of the alley is occupied by buildings belonging to a street railroad company, the area occupied by the buildings being shown in green on the plat. The portion of the square not occupied by buildings is fenced in and the alley does not physically exist, being merely shown as an alley on the records in the surveyor's office. The Commissioners know of no reason for further continuing this space as an alley, as its use would be necessary only to the street car

company, which occupies the whole square and which it is understood does not desire the alley. The Commissioners are therefore in favor of the first section of the bill as at present worded.

Square 547 is occupied by buildings of a street railroad company, as shown in green on the plat. The portion of the square not covered by buildings is inclosed by a fence, so that this alley does not physically exist, although it is shown on the records in the surveyor's office. The recorded alley contains 13,773 square feet, and as the title to the same is in the United States the Commissioners believe that the value of the ground contained in the alley should be paid by the owner or owners of the lots in the square before the alley is abandoned and closed. They therefore recommend that section 2 of the bill be amended by adding the following proviso thereto:

"*Provided*, That the present owner or owners of the lots in said square shall pay to the collector of taxes of the District of Columbia the true value of the land contained in said alley as said true value shall be determined by the board of assistant assessors of the District of Columbia, the sum so deposited to be credited one-half to the United States and one-half to the District of Columbia; and upon such payment the Commissioners of the District of Columbia are hereby authorized to convey the title to the land in said alley to such owner or owners (the said Commissioners being hereby vested with power and authority so to do)."

Also strike out the word "revert," in line 16, and insert in lieu thereof the words "be conveyed."

Also insert, after the word "of," in said line 16, the words "all of the lots in."

So that the said section 2 will read as follows:

"SEC. 2. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to abandon and close all alleys in square No. 547, lying between O and P streets, Four-and-a-half street, and Delaware avenue SW., in the city of Washington, D. C., the land in said alleys to be conveyed to the present owner or owners of all of the lots in the said square: *Provided*, That the present owner or owners of the lots in said square shall pay to the collector of taxes of the District of Columbia the true value of the land contained in said alley as said true value shall be determined by the board of assistant assessors of the District of Columbia, the sum so deposited to be credited one-half to the United States and one-half to the District of Columbia, and upon such payment the Commissioners of the District of Columbia are hereby authorized to convey the title to the land in said alleys to such owner or owners (the said Commissioners being hereby vested with power and authority so to do)."

A bill amended as suggested herein is inclosed, and the Commissioners recommend the passage of the bill as amended.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

The Clerk read the following amendments recommended by the committee:

Page 2, line 1, insert before the word "the" the following: "which in no event shall be less than the average value of the abutting property."

Page 2, strike out all after the word 'owners," in line 11, and insert the following: " : *Provided further*, That the Commissioners are hereby authorized to reject the appraisement if in their opinion such appraisement is less than the value of said property."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be read a third time; was read the third time, and passed.

CONNECTING PARKWAY BETWEEN SIXTEENTH STREET AND ROCK CREEK PARK.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 129) for the opening of a connecting parkway along Piney Branch, between Sixteenth street and Rock Creek Park, District of Columbia, and I ask unanimous consent that the same may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill, and to consider the same in the House as in Committee of the Whole under the five-minute rule.

Mr. MANN. Mr. Speaker, I would like to have the bill read first.

Mr. SIMS. Mr. Speaker, this is rather an important bill, and there is a considerable amount of money involved. This is a very thin House, and I believe that it should not be considered at such a time, and I will ask the chairman of the committee to withhold it until after the holidays. There is nothing pressing about the bill. It is a very important bill, and I think the House ought to know more about it. There are not many Members here to-day, and I would be glad to have it go over until after the holidays.

Mr. BABCOCK. I will yield to the gentleman from Kansas [Mr. CAMPBELL] who has charge of the measure.

Mr. CAMPBELL of Kansas. Mr. Speaker, I have no particular anxiety as to the immediate consideration of the bill. The bill was introduced a year ago and has been before the committee ever since. It has been recently amended and reported with a favorable recommendation. But in view of the size of the attendance of the House to-day, I will withdraw the bill from consideration to-dav

LEAVE OF ABSENCE.

Mr. MICHALEK, by unanimous consent, was granted leave of absence indefinitely, on account of illness.

CHANGE OF REFERENCE.

By unanimous consent, the reference of the bill (H. R. 22671) to provide for the investigation of the water resources of the United States was changed from the Committee on Appropriations to the Committee on Mines and Mining.

EXCLUSION OF JAPANESE PUPILS FROM SCHOOLS IN SAN FRANCISCO.

The SPEAKER laid before the House a message from the President of the United States, which, with accompanying papers, was read, ordered printed, and referred to the Committee on Foreign Affairs.

[For message see Senate proceedings of this date.]

REPRINT OF A BILL.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 22476) to amend the act to regulate commerce, so as to provide that publishers of newspapers and periodicals may enter into advertising contracts with common carriers and receive pay for such advertisements in transportation. The print has become exhausted.

The question was taken; and there was no objection.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, with Mr. BOUTELL in the chair.

The Clerk read as follows:

Removal of intruders, Five Civilized Tribes: For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, to be expended under the direction of the Secretary of the Interior, $15,000.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman in charge of the bill a question in regard to the last paragraph. This is with reference to the pay of $15,000 for the removal of intruders, Five Civilized Tribes. Would that term "intruder" mean an Indian family?

Mr. SHERMAN. No; that refers to white people unlawfully upon the allotment of Indians.

Mr. STEPHENS of Texas. Then suppose an Indian was living upon land belonging to his tribe and was demanding to have his lands allotted to himself. Would the Secretary use this money for the purpose of driving that Indian off that homestead?

Mr. CURTIS. No; it is not the purpose of this provision to remove Indians. The law provides a way for the settlement of a contest between Indians who claim the same allotment.

Mr. STEPHENS of Texas. That is not what I was trying to get at. But this is what I am calling attention to: In the Choctaw country, Indian Territory, there are about 4,000,000 acres of land that the Secretary of the Interior by some kind of an order made to the Dawes Commission has reserved from allotment, and many of the Indians are now living on that land. They are asking the Secretary of the Interior to have these lands allotted to them. It is their home and has been from time immemorial. They were born there, and everything that they hold sacred is there. The Secretary is now refusing to allot 4,000,000 acres of these lands to these Indians; and I am not willing to vote money to take these Indians off these lands by force.

Mr. CURTIS. This item does not apply to them at all. The Indian has a right to make his own selection. If he refuses to make it within a given time, the Secretary or the Commissioner to the Five Civilized Tribes has the right to make the selection for him.

Mr. STEPHENS of Texas. Is the gentleman from Kansas advised as to why the Secretary has made this order withdrawing this 4,000,000 acres of Choctaw lands from allotment?

Mr. CURTIS. I know nothing about that except what I have read in the newspapers.

Mr. STEPHENS of Texas. I think it is an outrage that he should make such an order. I believe the Indians should have the lands allotted to them, as Congress has by law ordered him to do, and if I knew of some way by which I could reach him, I would do so by a resolution of some kind in the most drastic form.

The Clerk read as follows:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Sac and

Fox Indians of the Missouri the sum of $100,400, the balance of the amount due the tribe under the second article of the treaty of October 21, 1837 (7 Stat. L., p. 540), and said sum shall draw interest at the rate of 5 per cent per annum, and the Secretary of the Interior is authorized to pay per capita to the Sac and Fox Indians of the Missouri tribe the said sum in the same manner as provided by the act of April 21, 1904 (33 Stat. L., p. 201);

In all, $8,070.

Mr. SHERMAN. Mr. Chairman, I move to strike out line 26, "in all, $8,070," which is an error of the Printing Office.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

For the completion of the Zuni dam and irrigation project in New Mexico, $30,000.

Mr. STEPHENS of Texas. Mr. Chairman, to go back a few lines, I would like to ask the chairman of the committee if he thinks this language in lines 6 and 7, page 38, "see Arizona for 'support and civilization of the Apache, etc.,' in Arizona and New Mexico," had not better be changed, so as to have named all of the Indians. I do not like the word "etc." The Indians referred to, I presume, are the Zuni and the Pueblo.

Mr. SHERMAN. The appropriation is made under the head of Arizona, and it is made in a way that covers the Apache and other Indians in Arizona and New Mexico. That reference is made on page 38 simply to show that it is cared for in another place.

Mr. STEPHENS of Texas. Then the other place explains it?

Mr. SHERMAN. Yes.

The Clerk read as follows:

OSAGES. (TREATY.)

Mr. SHERMAN. Mr. Chairman, by direction of the committee, I offer the following amendment to follow the word "treaty," in line 15, page 43.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 43, after line 15, following the word "treaty," insert:

"That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Osage tribe of Indians in Oklahoma the sum of $69,120, the amount due the tribe under the sixth article of the treaty of June 2, 1825 (7 Stat. L., p. 153), being the value of 54 sections of land set apart by said treaty for educational purposes, per Senate resolution of January 9, 1838, and said sum shall draw interest at 5 per cent per annum."

Mr. SHERMAN. Mr. Chairman, the interest on this sum has been paid annually under the treaty for a good many years to the Osage Indians. Under the act of last June we provided that all lands and all property of the Osage Indians should be segregated and placed to their credit, and that makes it necessary to make the appropriations so that can be carried out, and I will have printed in the RECORD a statement of the Secretary in reference to it.

Mr. STEPHENS of Texas. This, I understand, is in accordance with a treaty that has already been made; it is a treaty stipulation.

Mr. SHERMAN. It is a treaty stipulation and the money has never been appropriated. We have been paying them, as we have the right to do under the treaty, the interest. Now, in the bill of last June we provided the property should be segregated, and that makes necessary this appropriation.

Mr. STEPHENS of Texas. It is simply to carry out a treaty?

Mr. SHERMAN. Yes, sir.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For clerical work and stationery in the office of the United States surveyor-general required on surveys within the Pine Ridge Reservation, S. Dak., $500.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 13, page 51, insert:

"To enable the Commissioner of Indian Affairs to complete the payment for surveying the Pine Ridge Reservation, S. Dak., $1,888.10, to be immediately available."

Mr. BURKE of South Dakota. This amendment is simply to provide money to pay for a survey which has been made and the fund is short the amount stated, and I desire to print in the RECORD a letter to my colleague on this subject from the Department.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 14, 1906.

Hon. EBEN W. MARTIN,
House of Representatives.

SIR: In reply to your letter of the 8th instant, relating to the account of Orville H. Southmayd, United States deputy surveyor for surveys within the Pine Ridge Indian Reservation, S. Dak., executed under contract No. 157, dated April 18, 1904, I have the honor to state that said account was examined and approved by this Office November 9, 1906, in the sum of $3,903.04, and the same was transmitted to the Commissioner of Indian Affairs for his action.

Referring to the above account, in a letter to this Office, dated December 10, 1906, the Acting Commissioner of Indian Affairs states:

"In connection therewith you are informed that the appropriation 'Surveying Pine Ridge and Standing Rock reservations,' available, and out of which you recommend payment, is exhausted, with the exception of $2,014.94; and in view of said fact Mr. Southmayd's claim will be allowed by this Office for the amount of the appropriation available, and the balance, $1,888.10, will be suspended until appropriation is made for same by Congress."

Contracts for the survey of lands within Indian reservations are made under the direction of this office, as authorized by the Secretary of the Interior, the appropriation for payment of same being under the supervision of the Indian Office.

From the statement quoted above, it appears that the appropriation to which contract No. 157 is chargeable has been exhausted with the payment of $2,014.94 to Mr. Southmayd, leaving a balance of $1,888.10 due him for work authorized and executed under his contract.

This is an equitable claim against the United States, and the above facts will be reported to the Secretary of the Interior, with recommendation that Congress be asked for a special appropriation to pay the same.

Very respectfully, W. A. RICHARDS, *Commissioner.*

Mr. SHERMAN. The Department recommends the appropriation be made?

Mr. BURKE of South Dakota. Yes, sir.

Mr. STEPHENS of Texas. Has not this reservation heretofore been surveyed?

Mr. BURKE of South Dakota. No, sir; it was an original survey and completes the survey.

Mr. STEPHENS of Texas. How has the Indian Department heretofore ascertained where the Indian lands were without a survey?

Mr. SHERMAN. The survey has been completed, as I understood the gentleman from South Dakota to say, but there is a shortage in the payment therefor, and this comes in in the nature of a deficiency of $1,800 to pay the balance that is due for work already completed.

Mr. STEPHENS of Texas. Then the reservation has heretofore been surveyed, if I understand it aright?

Mr. SHERMAN. Oh, yes.

Mr. STEPHENS of Texas. But not paid for?

Mr. SHERMAN. This is a little balance still due on the survey.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, $5,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 53, line 24, strike out the word "five" and insert the word "seven;" so as to read "seven thousand dollars."

Mr. SHERMAN. I would like to ask the gentleman from Washington the occasion for offering this amendment?

Mr. HUMPHREY of Washington. The purpose for which I offer this amendment is in order to get $2,000 additional to supply machinery for a sawmill on the Tulalip Indian Reservation. They have a sawmill on the reservation that was built in 1853, and the present machinery was put in about 1865. They have plenty of power and plenty of labor and they have timber growing on the reservation, and if this additional appropriation was made, so that they could have a sawmill installed, it would enable them to cut up their own timber and construct their own houses, and it would be not only a financial saving to the school, but it would also teach the Indians how to construct their own buildings and how to run a sawmill.

When the Commissioner of Indian Affairs was there last summer he investigated the matter personally and recommended it. I have a letter now from the Department recommending it.

Mr. SHERMAN. It was not estimated for.

Mr. HUMPHREY of Washington. No; it was not estimated for.

Mr. SHERMAN. The appropriation here is what was asked for in the estimates. The Washington Indians are about as forward in civilization as any of the country. Why could not they construct their own sawmill?

Mr. HUMPHREY of Washington. They only ask for sufficient to purchase the machinery. They do not ask that we construct a sawmill. It is simply $2,000 for the purchase of machinery, and they will construct their own mill if the machinery is purchased.

Mr. SHERMAN. I understand the gentleman to say the Commissioner, after making a personal investigation, has communicated with him and asked that he present this amendment?

Mr. HUMPHREY of Washington. The Commissioner, after making a personal investigation, indorsed the proposition; but he was not in his office this morning when I called him up, but I have this letter from the Acting Commissioner——

Mr. SHERMAN. The gentleman need not read the letter. If he simply states that either the Commissioner or Acting Commissioner recommended this appropriation be made, it will be sufficient.

Mr. HUMPHREY of Washington. Both of them have recommended it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The question was taken; and the amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to strike out the word "treaty" in line 3, page 56. The word "treaty" ought not to be there. The provision following it is not a treaty provision.

The CHAIRMAN. Without objection, the correction will be made by the Clerk.

Mr. SHERMAN. Mr. Chairman, we passed over a provision by unanimous consent.

Mr. JONES of Washington. Pages 9 and 10, and I desire to offer an amendment to the paragraphs.

The CHAIRMAN. The gentleman from Washington [Mr. JONES] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment page 10.

After "treaty," line 1, insert "or who may have an interest in any allotment by inheritance."
In line 2, after "allotment," insert "or such inherited interest."
Line 5 insert "or heir."
Line 6, after "land," insert "or interest."
Line 9, after "title," insert "to the land or interest so sold."

Mr. JONES of Washington. Mr. Chairman, I will state that this amendment has been submitted to the chairman of the committee.

Mr. SHERMAN. I consent to the amendment, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. JONES].

The question was taken; and the amendment was agreed to.

Mr. CURTIS. Mr. Chairman, I ask unanimous consent to return to page 23 for the purpose of offering an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kansas [Mr. CURTIS] asks unanimous consent to return to page 23 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 23, line 14, insert:
"The Attorney-General be, and he is hereby, authorized to make all necessary arrangements for the transfer from the clerks of the United States courts in the Indian Territory and their deputies, in their capacities as clerks and as ex officio recorders, to the proper State or county officials of the State of Oklahoma, when organized, all records, papers, and files now in the custody of said clerks and their deputies, and he is authorized to pay the necessary expense incident thereto out of the excess of emoluments earned by said clerks or as ex officio recorders of deeds and other instruments during the calendar years 1906 and 1907, notwithstanding the act of February 19, 1903 (32 Stat. L., p. 842).

Mr. STEPHENS of Texas. Mr. Chairman, I would like to ask if the gentleman from Kansas can or will state to us what the probable amount of the funds would be that are proposed to be used for this purpose?

Mr. CURTIS. That is impossible to tell. They will simply pay for copying all the records that must be turned over to the officers of the new State, all of the probate records and all of the court records which must be turned over, and this authorizes the Attorney-General to have the work done and pay for it out of the fees that are now paid in to clerks and turned into the Treasury of the United States.

Mr. STEPHENS of Texas. Has the gentleman any assurance that the amount will be sufficient to pay for this clerical work?

Mr. CURTIS. There is no question about that; there will be quite a large amount left. It will not take over 20 per cent.

Mr. STEPHENS of Texas. It is very necessary that this work be done and that the transfers be made properly, but I would rather appropriate the funds direct from the Treasury.

Mr. CURTIS. There will be plenty of money to cover the expense.

Mr. STEPHENS of Texas. It seems to me it would be better legislation to let that money go under the old law where it was directed to go and let us make a direct appropriation.

Mr. CURTIS. Only a part of that goes into the school fund. The greater bulk of it goes into the Treasury now every year.

Mr. STEPHENS of Texas. Into the Treasury of the United States?

Mr. CURTIS. Yes.

Mr. STEPHENS of Texas. Would there be any difference in cost in taking it out of the Treasury direct and paying for it rather than doing it this way, taking it on the wing?

Mr. CURTIS. It was thought better to let the expense be paid out of the fees. I hope the gentleman will not object to the amendment.

Mr. STEPHENS of Texas. My object is to have the transfer made in the most direct manner.

Mr. CURTIS. There was no estimate made as to the cost of this transfer, and we thought it should be provided out of the fees, because there will be an ample amount of fees collected to pay all the expenses. We did not know just how much it would cost, and it would be almost impossible to estimate the cost.

Mr. STEPHENS of Texas. You have considered the matter fully, and believe that this is sufficient to cover the cost?

Mr. CURTIS. I believe it is ample.

The question was taken; and the amendment was agreed to.

Mr. SHERMAN. Mr. Chairman, on yesterday the gentleman from Illinois [Mr. MANN] asked me what proportion of the appropriation carried on page 7 of the bill, appropriating $5,000 to pay for the transportation of Indian pupils to positions where they could receive remunerative employment, had been paid for the transportation of Alaskan Indians. I was not able to state at that time, because I had not the data before me, but yesterday evening I found that $49 of the $5,000 had been expended for it this year. His inquiry was how much had there been expended for this purpose in the last fiscal year. There was no such provision in the last appropriation bill, and up to date $49 has been paid for the transportation of one Alaskan pupil this year to California, where a position was awaiting him.

I now move that the committee rise and report the bill to the House with a recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 22580, the Indian appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon the amendments? If not, the vote will be taken on the amendments in gross.

No separate vote was demanded.

The question was taken; and the amendments were agreed to in gross.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEE APPOINTMENTS.

The SPEAKER announced the following committee appointments:

Mr. SAUNDERS, to the Committee on Elections No. 1 and Committee on Mines and Mining.

Mr. OVERSTREET of Georgia, to the Committee on the Territories and Committee on Expenditures in the State Department.

Mr. RIORDAN, to the Committee on Coinage, Weights, and Measures and Committee on Expenditures in the Department of Commerce and Labor.

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 51 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for the Iowa and Sac and Fox tribes of Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Kennebec River from the mouth to Gardiner, Me.—to the Committee on Rivers and Harbors, and ordered to be printed, with accompanying illustrations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under caluse 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BUTLER of Pennsylvania, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 17875) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce, reported the same without amendment, accompanied by a report (No. 5555); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DIXON of Montana: A bill (H. R. 22883) to provide for the erection of a public building in the city of Bozeman, Mont.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22884) appropriating money for the survey and construction of a wagon road within the Yellowstone National Park—to the Committee on Appropriations.

By Mr. DALE: A bill (H. R. 22885) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes—to the Committee on the Territories.

By Mr. SMITH of Texas: A bill (H. R. 22886) to provide for a public building at Mineral Wells, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. RANDELL of Texas: A bill (H. R. 22887) for the improvement of upper Red River between Fulton, Ark., and Denison, Tex.—to the Committee on Rivers and Harbors.

By Mr. GRAFF: A bill (H. R. 22888) to authorize a buoy tender in the fifteenth light-house district—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: A bill (H. R. 22889) for cleaning, clearing, and putting in navigable condition Red River above Fulton, Ark.—to the Committee on Rivers and Harbors.

By Mr. GAINES of Tennessee: A bill (H. R. 22890) to better regulate the attendance of Senators, Representatives, and Delegates in Congress and refix their salaries—to the Committee on Appropriations.

By Mr. LIVINGSTON: A bill (H. R. 22891) for the maintenance of agricultural colleges in Congressional districts—to the Committee on Agriculture.

By Mr. DUNWELL: A bill (H. R. 22892) to equalize the salary of the deputy collectors and the deputy surveyors at the port of New York—to the Committee on Ways and Means.

By Mr. WANGER: A concurrent resolution (H. C. Res. 46) providing for the printing of 4,700 copies of the Report on Russian Medical and Sanitary Features of the Russo-Japanese War—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 22893) granting a pension to Thomas E. Clark—to the Committee on Pensions.

By Mr. BEALL of Texas: A bill (H. R. 22894) granting an increase of pension to Louisa Berry—to the Committee on Pensions.

By Mr. BEDE: A bill (H. R. 22895) granting an increase of pension to Edward G. Reynolds—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 22896) granting an increase of pension to Leroy S. Smith—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 22897) for the relief of Amanda Richards—to the Committee on Military Affairs.

Also, a bill (H. R. 22898) for the relief of Henry C. Prater—to the Committee on Military Affairs.

Also, a bill (H. R. 22899) for the relief of Henry Taylor—to the Committee on Military Affairs.

Also, a bill (H. R. 22900) granting a pension to John M. Liles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22901) granting a pension to Elizabeth May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22902) granting an increase of pension to Edmond Ward, alias John Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22903) granting an increase of pension to William L. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22904) granting an increase of pension to Alonzo Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22905) granting an increase of pension to Rufus White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22906) granting an increase of pension to James Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22907) granting an increase of pension to William Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22908) granting an increase of pension to William A. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22909) granting an increase of pension to Joseph Renchen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22910) granting an increase of pension to Major M. Virgin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22911) granting an increase of pension to Harrison Fetters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22912) granting an increase of pension to William McGinnis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22913) granting an increase of pension to John Riddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22914) granting an increase of pension to Lemeul S. Hite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22915) granting an increase of pension to James McAlister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22916) granting an increase of pension to Cornelius Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22917) granting an increase of pension to J. N. Formon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22918) granting an increase of pension to Mary E. Ellis—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 22919) granting an increase of pension to Anne E. Duff—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 22920) to authorize James Pitts to select land in lieu of land lost by means of the act of June 3, 1856, granting lands to certain railroad companies—to the Committee on the Public Lands.

By Mr. CALDER: A bill (H. R. 22921) for the relief of Henry Metz—to the Committee on Military Affairs.

Also, a bill (H. R. 22922) granting an increase of pension to William H. Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22923) granting an increase of pension to Horace K. Stille—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 22924) granting an increase of pension to Lewis Hizer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22925) granting a pension to Pearl Newcomb—to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 22926) granting a pension to Louisa Bartlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22927) granting an increase of pension to William A. Leach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22928) granting an increase of pension to Sarah J. Boots—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22929) granting an increase of pension to John O. McNabb—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 22930) granting an increase of pension to James E. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22931) granting an increase of pension to Shannon S. Bailey—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 22932) granting an increase of pension to Bryngel Severson—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 22933) for the relief of Joseph Labarge, jr.—to the Committee on Claims.

Also, a bill (H. R. 22934) for the relief of James Clarkson, of Company C, Sixty-ninth Regiment Ohio Infantry—to the Committee on War Claims.

Also, a bill (H. R. 22935) for the relief of Charles W. Howard—to the Committee on Military Affairs.

Also, a bill (H. R. 22936) for the relief of Bartholomew Buckley—to the Committee on Military Affairs.

Also, a bill (H. R. 22937) granting an increase of pension to Edward Murphy—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 22938) granting an increase of pension to Abram B. Herman—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 22939) granting an increase of pension to Oley F. Johnson—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 22940) granting an increase of pension to William N. Bronson—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 22941) granting an increase of pension to Lucinda Davidson—to the Committee on Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 22942) granting an increase of pension to James L. Prentice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22943) granting an increase of pension to Wiley Kinnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22944) granting an increase of pension to John Wiles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22945) granting an increase of pension to John Biesen—to the Committee on Pensions.

Also, a bill (H. R. 22946) granting an increase of pension to William F. Vance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22947) granting an increase of pension to Benjamin F. Sibert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22948) granting an increase of pension to William A. Stow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22949) granting an increase of pension to George W. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22950) granting an increase of pension to Hezekiah Poffenberger—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 22951) granting an increase of pension to Alice E. Ragan—to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 22952) for the relief of Warren O. Anderson—to the Committee on Military Affairs.

Also, a bill (H. R. 22953) for the relief of the trustees of Laurel Seminary, now London Graded Common School, of London, Laurel County, Ky.—to the Committee on Claims.

Also, a bill (H. R. 22954) granting a pension to George W. Estep, alias Milton Pickles—to the Committee on Pensions.

Also, a bill (H. R. 22955) granting an increase of pension to George B. Hail—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22956) granting an increase of pension to Henry Lemmert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22957) granting an increase of pension to James H. Carr, alias Joseph Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22958) granting an increase of pension to James McKelvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22959) granting an increase of pension to Abner Dicken—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22960) granting an increase of pension to McKager Lawhorn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22961) granting an increase of pension to William Thrasher—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 22962) granting an increase of pension to Margaret Baber—to the Committee on Pensions.

By Mr. FLACK: A bill (H. R. 22963) granting an increase of pension to William Keenan—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 22964) granting an increase of pension to Eudocia Arnett—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 22965) granting an increase of pension to John Pifer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22966) granting an increase of pension to Sylvester S. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22967) granting an increase of pension to Edward S. Johns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22968) granting an increase of pension to Frederick Brodt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22969) granting an increase of pension to Martin A. Didion—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 22970) for the relief of D. M. Sprague and William Tilton—to the Committee on War Claims.

By Mr. HINSHAW: A bill (H. R. 22971) granting an increase of pension to McLin P. Wilson—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 22972) granting a pension to Allen L. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22973) granting an increase of pension to John H. Girt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22974) granting an increase of pension to Ephriam W. Biddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22975) granting an increase of pension to John H. Renegar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22976) granting an increase of pension to Milton Stevens—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 22977) for the relief of A. G. Duncan—to the Committee on War Claims.

By Mr. JONES of Virginia: A bill (H. R. 22978) granting an increase of pension to Thomas Adams—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 22979) to provide for the submission to the Court of Claims of the claims against the Mississippi Choctaws of Joseph W. Gillett, J. M. McMurty, W. N. Vernon, T. A. Bounds, William C. Thompson, sr., and the Tuskarora Land and Investment Company, assignee of James E. Arnold, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation—to the Committee on Indian Affairs.

Also, a bill (H. R. 22980) to provide for the final disposition of the enrollment of members of the Choctaw and Chickasaw tribes—to the Committee on Indian Affairs.

Also, a bill (H. R. 22981) to provide for the final disposition of the affairs of the Mississippi Choctaws, and making appropriation for expenses of their removal from Mississippi to Indian Territory, and for their enrollment and settlement in Indian Territory—to the Committee on Indian Affairs.

By Mr. CLAUDE KITCHIN: A bill (H. R. 22982) for the relief of Dorsey S. De Loatch—to the Committee on War Claims.

By Mr. LAW: A bill (H. R. 22983) granting a pension to Mary C. Leavens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22984) granting an increase of pension to Charles M. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22985) granting an increase of pension to Henry Bauerlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22986) granting an increase of pension to George W. Beeny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22987) granting an increase of pension to John D. Lane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22988) granting an increase of pension to Benjamin F. Horton—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 22989) granting an increase of pension to Gardner W. Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22990) granting an increase of pension to Francis A. Lander—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 22991) granting a pension to Martha S. Davis—to the Committee on Pensions.

Also, a bill (H. R. 22992) granting a pension to Thomas L. Darden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22993) granting an increase of pension to Emily Hebernia Trabue—to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 22994) granting an increase of pension to Lucinda C. Musgrove—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 22995) granting an increase of pension to Nathaniel Y. Buck—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee (by request): A bill (H. R. 22996) for the relief of Michael Silke—to the Committee on Claims.

By Mr. NEEDHAM: A bill (H. R. 22997) granting an increase of pension to Edmond D. Doud—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 22998) granting an increase of pension to James F. Cantrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22999) granting an increase of pension to Jennie D. Bigelow—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 23000) granting an increase of pension to George W. McKim—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23001) granting an increase of pension to Louis M. Franklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23002) granting an increase of pension to Matthew G. McKelvey—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 23003) for the relief of the vestry of St. Peter's Church, of Beallsville, Montgomery County, Md.—to the Committee on War Claims.

Also, a bill (H. R. 23004) for the relief of the guards at the house of detention in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ROBINSON of Arkansas: A bill (H. R. 23005) granting an increase of pension to Mattie C. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23006) to authorize the sale to and the purchase by the city of Hot Springs, Ark., of lot 3, block 115, in the city of Hot Springs, Ark., to be used in maintaining a fire company—to the Committee on the Public Lands.

By Mr. SAMUEL: A bill (H. R. 23007) granting a pension to Michael S. Deitrick—to the Committee on Pensions.

By Mr. SCROGGY: A bill (H. R. 23008) granting a pension to Jane Swisshelm Main—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23009) to refer to the Court of Claims the claim of Mary Galley for loss of real and personal property in 1864—to the Committee on Claims.

Also, a bill (H. R. 23010) to refer to the Court of Claims the claim of John C. Galley for compensation for loss of personal propetry in 1864—to the Committee on Claims.

By Mr. SMITH of California: A bill (H. R. 23011) granting an increase of pension to Hans F. Hirte—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 23012) granting an increase of pension to William Lance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23013) granting an increase of pension to William M. Aiken—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23014) for the relief of the officers of the One hundred and twenty-eighth Regiment Illinois Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. SMITH of Pennsylvania: A bill (H. R. 23015) granting a pension to Elijah D. Smith—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 23016) granting an increase of pension to Laura A. Mikesell—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 22416) granting an increase of pension to Barbara E. Schwab—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Division No. 156, Order of Railway Conductors, against legislation to limit hours of labor by railway employees—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Federation of Catholic Societies, on the subject of the relation of the French Government with the churches in that nation—to the Committee on Foreign Affairs.

By Mr. ANDRUS: Petitions of Charles D. Haton and the Jersey City Printing Company, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the New Rochelle (N. Y.) Paragraph, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BARTLETT: Petition of the Macon News, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Louisa Berry—to the Committee on Pensions.

By Mr. BEDE: Paper to accompany bill for relief of Edward G. Reynolds—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: Papers to accompany bills for relief of John Richards, Henry C. Prater, and Henry Tailor—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of John M. Siles, Edward Ward, William L. Evans, Alonzo Davis, Rufus White, James Miller, William Thompson, William A. Morris, Joseph Ranchen, Major M. Virgin, Harrison Fetters, William McGinnis, Anna E. May, John Riddle, Lemuel S. Hite, James McAlister, and Cornelius Eliott—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mary E. Ellis—to the Committee on Pensions.

By Mr. BRADLEY: Petition of the Fishkill Daily Herald, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BROWNLOW: Petition of Jonesboro Council, No. 111, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Granville Council, No. 22, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petition of C. M. Day, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CALDER: Petitions of Virginia Dare Council, No. 79, Daughters of Liberty, and Benjamin Harrison Council, No. 61, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. CALDERHEAD: Petition of the Clay County Fair Association, against free distribution of garden seeds—to the Committee on Agriculture.

By Mr. DALZELL: Petition of Oakland (Pittsburg) Board of Trade, for increased pay for letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of the Iowa Academy of Sciences, of Des Moines, Iowa, for the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. EDWARDS: Paper to accompany bill for relief of George W. Estepp, alias Milton Pickles—to the Committee on Pensions.

Also, paper to accompany bill for relief of Pleasant Thomas—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of Henry Lemmert, Henry Dicken, William Thrasher, McKager Lowhorn, Nathaniel J. Smith, Francis J. Taylor, Campbell Cowan, Margaret Nelson, John Sadler, Jonathan Kelley, and Aquilla B. Gilliland—to the Committee on Invalid Pensions.

Also, petition of Sloan Valley Council, No. 58, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. ELLIS: Paper to accompany bill for relief of Margaret Baber—to the Committee on Pensions.

Also, petition of the Lecheman Printing Company, of Kansas City, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Isaac G. McGibbon—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Samuel Keller, Charles Sells, and Elizabeth L. Riley—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of Post No. 10, Grand Army of the Republic, of Kings County, N. Y., for restoration of canteen at Soldiers' Homes—to the Committee on Military Affairs.

By Mr. FLACK: Paper to accompany bill for relief of William Keenan—to the Committee on Invalid Pensions.

By Mr. FLOYD: Petition of citizens of Arkansas, for legislation granting right to firms to make available for electric power purposes waters of the White River—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of George W. Nance—to the Committee on Pensions.

Also, paper to accompany bill for relief of William H. Cleveland—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of Warren Shedd Post, No. 212, of Aledo, Ill., for bill granting additional pensions to prisoners of war—to the Committee on Invalid Pensions.

Also, petition of E. F. Case & Son, of Waterville, Mich.—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of the Methodist Church of Cliffwood, N. J., urging passage of bill S. 7118, to limit effect of the regulation of commerce between the several States and Territories in certain cases—to the Committee on Alcoholic Liquor Traffic.

By Mr. HOWELL of Utah: Paper to accompany bill for relief of Adolph Lachwetz—to the Committee on Pensions.

By Mr. JONES of Virginia: Paper to accompany bill for relief of Thomas Adams—to the Committee on Invalid Pensions.

By Mr. LAW: Petitions of Excelsior Council, No. 108, and East End Council, No. 47, Junior Order United American Mechanics, and Mizpah Council, No. 49, Daughters of Liberty, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LEVER: Paper to accompany bill for relief of Charlotte S. O. Neall—to the Committee on Pensions.

By Mr. HAMILTON: Petition of the National Fruit Growers, of St. Joseph, Mich, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of the Monmouth Commercial Club, for improvement of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. MAYNARD: Petition of Burke & Gregory, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Willa Fyffe—to the Committee on Invalid Pensions.

By Mr. OLCOTT: Petition of the citizens' committee of the District of Columbia on school affairs, showing operation of the public school system of the District of Columbia—to the Committee on the District of Columbia.

Also, petition of American Council, No. 18, Daughters of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. RIORDAN: Petition of Richmond Council, No. 19, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Bar Association of Seward, Alaska, for legislation creating a fourth judicial division of the court, with headquarters at Seward or Valdez—to the Committee on the Judiciary.

By Mr. SAMUEL: Petition of Walmeta Council, No. 73, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Pennsylvania: Petition of Sargeant Wiant Council, No. 399, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. STERLING: Paper to accompany bill for relief of James O'Neal—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of the Intelligencer, of Doylestown, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILEY of New Jersey: Petition of citizens of East Orange and Orange, N. J., and members of the Woman's Club of Orange, against the duty on works of art—to the Committee on Ways and Means.

By Mr. WILLIAMS: Petition of the American, against tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *December 19, 1906.*

Prayer by Rev. MERRIMAN COLBERT HARRIS, D. D., missionary bishop of the Methodist Episcopal Church for Japan and Korea.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ANNUAL REPORT OF THE INTERSTATE COMMERCE COMMISSION.

The VICE-PRESIDENT laid before the Senate the Twentieth Annual Report of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 55. An act for the widening of Bladensburg road, and for other purposes;

S. 64. An act for the extension of Seventh street and Franklin street NE., and for other purposes;

S. 68. An act for the widening of a section of Columbia road east of Sixteenth street;

S. 133. An act authorizing the extension of Twenty-third street NW. to Kalorama road;

S. 2098. An act authorizing the extension of Second street NW. from Elm street north to Bryant street, of W street from its present terminus west of Flagler place to Second street, and of W street west of Second street eastwardly to Second street;

S. 2260. An act authorizing the extension of Meridian place NW.;

S. 5119. An act authorizing the extension of W and Adams streets NW.;

S. 5246. An act to provide for the extension of Geneseo place and Summit place, District of Columbia; and

S. 5565. An act to close certain alleys in the District of Columbia.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 121. An act authorizing the extension of Seventeenth street NW.;

H. R. 128. An act for the opening of a connecting highway between Water Side drive and Park road, District of Columbia;

H. R. 5971. An act authorizing the extension of T street (formerly W street) NW.;

H. R. 7039. An act authorizing the extension of Prospect street NW.;

H. R. 8435. An act for the opening of Fessenden street NW., District of Columbia;

H. R. 10703. An act authorizing the extension of Monroe street NE.;

H. R. 10843. An act authorizing the extension of Kenyon street NW.;

H. R. 14815. An act for the extension of Harvard street, Columbia Heights, District of Columbia;

H. R. 14900. An act to extend Fourth street NE.;

H. R. 20069. An act for the opening of Macomb street NW., District of Columbia;

H. R. 21408. An act to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906; and

H. R. 22580. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 158. An act granting an increase of pension to John Ord Gordon;

S. 2225. An act granting an increase of pension to Samuel White;

S. 2880. An act granting an increase of pension to James C. Coad;

S. 4174. An act granting an increase of pension to Joseph P. Garland;

S. 4235. An act granting an increase of pension to Daniel Sullivan;

S. 4345. An act granting an increase of pension to J. Dillen Turner;

S. 4365. An act granting an increase of pension to Mathew Kerwin;

S. 4366. An act granting an increase of pension to Henry B. Willhelmy;

S. 4695. An act granting an increase of pension to John H. Mullen;

S. 4991. An act granting an increase of pension to Lycurgus D. Riggs;

S. 5042. An act granting an increase of pension to Josephine S. Jones;

S. 5081. An act granting a pension to Lucy Florette Nichols;

S. 5402. An act granting an increase of pension to Charles M. Lyon;

S. 5545. An act granting an increase of pension to Margaret Brannon;

S. 5547. An act granting an increase of pension to Hillary Beyer;

S. 5637. An act granting an increase of pension to Margaret Hemmel;

S. 5710. An act granting an increase of pension to Samuel M. Daughenbaugh;

S. 5994. An act granting an increase of pension to John Dickey;

S. 6148. An act granting an increase of pension to James S. Whitlock;

S. 6151. An act granting an increase of pension to Mark Ham;

S. 6197. An act granting an increase of pension to Charles E. Henry;

S. 6228. An act granting a pension to Betsey Hattery;

S. 6259. An act granting an increase of pension to Oakaley Randall;

S. 6339. An act granting an increase of pension to James Dearey;

S. 6521. An act granting a pension to Abbie J. Daniels; and

H. R. 22584. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. BENSON presented memorials of sundry citizens of Eureka, Moline, Mineral, Franklin County, and Cherokee County, all in the State of Kansas, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. GEARIN presented memorials of sundry citizens of Portland and Multnomah County, in the State of Oregon, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. KEAN presented a petition of sundry citizens of Camden,

N. J., praying that an investigation be made into the recent discharge of Companies B, C, and D, of the Twenty-fifth Infantry, and that justice be accorded them; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Cliffwood, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. SCOTT presented a memorial of sundry citizens of Pleasants, W. Va., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. BURKETT presented sundry affidavits to accompany the bill (S. 7292) granting an increase of pension to Stephen Prior; which were referred to the Committee on Pensions.

Mr. LODGE presented the memorial of Horace Mann, of Athol, Mass., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. BULKELEY presented a memorial of Admiral Foote Post, No. 17, Grand Army of the Republic, of New Haven, Conn., remonstrating against the enactment of legislation providing for a discontinuance of the canteen at the National Soldiers' Homes; which was referred to the Committee on Military Affairs.

He also presented a memorial of 20 citizens of South Windham, North Windham, and Willimantic, all in the State of Connecticut, remonstrating against the enactment of legislation requiring the closing of certain places of business in the District of Columbia on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of Local Grange No. 153, Patrons of Husbandry, of Bridgewater, Conn., remonstrating against any further appropriation for the free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

Mr. BERRY presented a petition of the Board of Trade of Batesville, Ark., praying that an appropriation of $10,000 be made for the improvement of the Upper White River in that State; which was referred to the Committee on Commerce.

WITHDRAWAL OF CHOCTAW INDIAN LANDS FROM ALLOTMENT.

Mr. BERRY. Mr. President, I have a number of telegrams all relating to the withdrawal of lands from allotment in Indian Territory. One of them states:

In the withdrawal of lands in the Choctaw Nation from allotments, as per the telegraphic orders of Secretary Hitchcock, December 12, an irreparable injury is done not only Arkansas and Fort Smith, but also Indian Territory and many towns situated therein. Acordingly we enter a vigorous protest and ask that the lands in question be restored to their former status.

This was adopted by the Commercial Club of Fort Smith, Ark., and sent to me by the president of the club.

If I may have unanimous consent, I should like to say that I do not know by what authority the Secretary of the Interior has withdrawn a part of the lands in the Indian Territory from allotment, the law of Congress expressly providing that they shall be allotted. It is said that it is contemplated to make a forest reserve in the Indian Territory. Whether it is expected to place in a forest reserve these lands, which belong to the Indians and not to the Government, by Executive order or by act of Congress I am not advised, but it seems to me a most remarkable proceeding in either case and utterly inexcusable from any standpoint. I hope the Committee on Indian Affairs will investigate the matter and report at an early date. I ask that these petitions be referred to that committee.

The VICE-PRESIDENT. The petitions will be referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 20988) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903;

A bill (H. R. 19523) to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River; and

A bill (H. R. 21951) to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River, in the State of Alabama.

Mr. DICK, from the Committee on Territories, to whom was referred the bill (H. R. 13675) to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma, and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Okla., and making appropriation therefor, reported it without amendment, and submitted a report thereon.

ALLEGHENY RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 21200) to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River, in Allegheny County, Pa., to report it favorably without amendment.

Mr. KNOX. I ask unanimous consent to take up presently for consideration the bill just reported from the Committee on Commerce.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE AT FORT SNELLING, MINN.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 196) relating to the construction of a bridge at Fort Snelling, Minn., to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WHYTE introduced a bill (S. 7344) granting an increase of pension to Clara P. Coleman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims.

A bill (S. 7345) for the relief of the trustees of the Reformed Church of Burkettsville, Md.;

A bill (S. 7346) for relief of the council of Zion Evangelical Lutheran Church, of Williamsport, Md.;

A bill (S. 7347) for the relief of the Frederick Academy of the Visitation, of Frederick, Md.; and

A bill (S. 7348) for the relief of the trustees of the Presbyterian Church of Hancock, Md.

Mr. DILLINGHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7349) granting an increase of pension to Luke M. Lewis; and

A bill (S. 7350) granting an increase of pension to Richard Dodge.

Mr. GAMBLE introduced a bill (S. 7351) granting a pension to Benjamin Westermann; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DRYDEN introduced a bill (S. 7352) granting a pension to Eliza W. Newell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 7353) granting an increase of pension to Augusta T. Eichholtz; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 7354) for the establishment of a park at the junction of Maryland avenue, Fifteenth street, and H street NE., Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. KITTREDGE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7355) granting an increase of pension to William McHenry Plotner; and

A bill (S. 7356) granting an increase of pension to Henry Schlosser.

Mr. GALLINGER introduced a bill (S. 7357) granting an increase of pension to Levi S. Bailey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 7358) granting an in-

crease of pension to David Turner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 7359) to provide for the investigation of the water resources in the United States; which was read twice by its title, and referred to the Committee on the Geological Survey.

He also introduced a bill (S. 7360) for the relief of Lucy L. Bane; which was read twice by its title, and referred to the Committee on Claims.

Mr. BENSON introduced a bill (S. 7361) granting an increase of pension to George Downing; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SMOOT introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7362) granting an increase of pension to Joseph D. Richardson; and

A bill (S. 7363) granting an increase of pension to William J. Showaker.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7364) for the relief of the estate of Charles Christophe, deceased;

A bill (S. 7365) for the relief of the estate of Joseph E. Dupre, deceased;

A bill (S. 7366) for the relief of the heirs of J. P. B. Rachal, deceased;

A bill (S. 7367) for the relief of the estates of William Robinson and Emily Bartell, deceased;

A bill (S. 7368) for the relief of the heirs of Francois F. G. Metoyer, deceased;

A bill (S. 7369) for the relief of the estate of Chestan Metoyer, deceased;

A bill (S. 7370) for the relief of the heirs of Joseph Metoyer and Antoinette Metoyer, deceased; and

A bill (S. 7371) for the relief of the estate of Florentin Conaut, deceased.

Mr. HALE introduced a bill (S. 7372) to authorize the acceptance by the Secretary of the Navy, as a gift, of a sail boat for use of the midshipmen at the Naval Academy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. NELSON introduced a bill (S. 7373) granting an increase of pension to Jeremiah Thomas; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 7374) for the relief of Julius A. Kaiser; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 7375) to correct the military record of Dennis O'Brien; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. ELKINS introduced a bill (S. 7376) to amend section 5153 of the Revised Statutes of the United States; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. ELKINS. I move that the document accompanying the bill be printed, as it explains the amendments to the existing law proposed to be made by the bill.

The motion was agreed to.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7377) granting an increase of pension to Martha J. Callins;

A bill (S. 7378) granting a pension to Giles M. Caton; and

A bill (S. 7379) granting a pension to Mary E. Dougherty.

Mr. ANKENY introduced a bill (S. 7380) granting an increase of pension to Andrew J. Harris; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. PENROSE submitted an amendment proposing to appropriate an additional sum of $15,000 for the contingent expenses of the New Mexico Territorial legislature, intended to be proposed by him to the legislative, etc., appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Territories.

ESTATE OF SAMUEL E. BRATTON, DECEASED.

On motion of Mr. BACON, it was

Ordered, That permission be, and hereby is, granted for the withdrawal of the affidavits and papers relating to the claim of the estate of Samuel E. Bratton, deceased, now on file in the office of the clerk of the Committee on Claims of the Senate.

THE PANAMA CANAL.

On motion of Mr. KITTREDGE, it was

Ordered, That there be printed for the use of the Senate and delivered to the Senate document room 2,000 copies of the message of the President of the United States concerning the Panama Canal communicated to the Senate December 17, 1906.

Mr. LODGE. In regard to the message of the President concerning the Panama Canal, it was printed, I see, in the reform spelling. Since then the Executive order has been withdrawn and the House of Representatives passed a resolution. The sense of the House is that the documents printed by order of Congress shall be in what I may call "normal" spelling. I suggest, as we are ordering additional copies of this message, the Executive order having been withdrawn, that it be printed normally.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Massachusetts? The Chair hears none, and it is so ordered.

WEBB C. MAGLATHLIN.

Mr. LODGE. I ask unanimous consent to take from the Calendar the bill (S. 6729) authorizing the President to appoint Webb C. Maglathlin a second assistant engineer in the Revenue-Cutter Service.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President of the United States to appoint Webb C. Maglathlin a second assistant engineer in the United States Revenue-Cutter Service upon the occurring of the first vacancy after the passage of this act in the grade of second assistant engineer in that Service, provided that Webb C. Maglathlin passes satisfactorily the physical examination required by the regulations of that Service.

Mr. SCOTT. I should like to have the Senator from Massachusetts explain the bill. I have no objection to its consideration.

Mr. LODGE. It is a unanimous report from the Committee on Commerce. The case is a very simple one. This young man had gone through the usual training at school for the Revenue-Marine Service; he passed all his examinations, and was just about to receive his appointment when Congress changed the age law, which put him just two months out of the age. It is thought by the Department to be a very hard case indeed, he having passed all his examinations, after having been prepared at school; and it can only be cured by an act of Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT YANKTON, S. DAK.

Mr. FORAKER. I ask for the present consideration of the bill (S. 6872) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak."

Mr. McCUMBER. There was unanimous consent given yesterday that we would take up the pension bills after the close of the morning business. I simply wish to suggest to Senators that following the rule we have heretofore followed, when unanimous consent is given to take up certain bills it justifies the absence of Senators who are not interested in those bills and there being very few Senators present this morning it would seem inappropriate to change the unanimous-consent order at this time to go to the consideration of other bills. I have no objection to the bill called up by the Senator from Ohio, but I am anxious to have the bills on the Pension Calendar disposed of.

Mr. FORAKER. I did not have in mind at the moment the consent agreement of yesterday, and I was not aware that the morning routine business had been declared by the Chair to be closed. The bill I have called up, I may say, is one of only a few lines, for the extension of time in which to commence the construction of a bridge, and I wish to get it to the other House.

Mr. McCUMBER. I do not make any objection to the consideration of the bill. I merely made a suggestion.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SPOONER. I believe it has been the custom to incorporate in such bills a provision reserving the right to alter or repeal the act.

Mr. BERRY. This merely extends the time.

Mr. SPOONER. That provision is in the original act?

Mr. BERRY. It is in the original act.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

The VICE-PRESIDENT. Under the unanimous-consent agreement, the Secretary will read the bills on the Pension Calendar in their order.

WILLIAM COLVIN.

The bill (H. R. 19293) granting an increase of pension to William Colvin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Colvin, late of Company D, Twelfth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH M'BRIDE.

The bill (H. R. 16856) granting an increase of pension to Joseph McBride was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph McBride, late of Company E, Eleventh Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENE A. MYERS.

The bill (H. R. 10814) granting a pension to Eugene A. Myers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eugene A. Myers, helpless and dependent son of Benjamin H. Myers, late lieutenant-colonel Eighty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE BOSWORTH.

The bill (S. 6814) granting a pension to Alice Bosworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice Bosworth, widow of Franklin H. Bosworth, late commissary-sergeant Ninety-fifth Regiment Illinois Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NELSON BIGALOW.

The bill (S. 6819) granting an increase of pension to Nelson Bigalow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nelson Bigalow, late of Company A, Seventy-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT G. PEABODY, JR.

The bill (S. 677) granting an increase of pension to Albert G. Peabody, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert G. Peabody, jr., late of Company A, Thirtieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS M. ROBERTS.

The bill (S. 6825) granting an increase of pension to Thomas M. Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas M. Roberts, late of Company F, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KATE M. MINER.

The bill (S. 6239) granting an increase of pension to Kate M. Miner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Kate M. Miner, widow of Nelson H. Miner, late of Company E, Hatch's battalion Minnesota Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE PORTER.

The bill (S. 6569) granting an increase of pension to George Porter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Porter, late of Company F, Eleventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILBUR F. HODGE.

The bill (S. 6568) granting an increase of pension to Wilbur F. Hodge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilbur F. Hodge, late first lieutenant Company H, Eighty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL G. SMITH.

The bill (S. 5073) granting an increase of pension to Daniel G. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel G. Smith, late of Company G, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC G. CLARK.

The bill (S. 831) granting an increase of pension to Isaac G. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac G. Clark, late of Company D, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS KELLY.

The bill (S. 679) granting an increase of pension to Thomas Kelly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Kelly, late of Company B, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6822) granting an increase of pension to Christopher Christopherson was announced as next in order.

Mr. McCUMBER. I ask that this bill and the succeeding one, the bill (S. 6821) granting an increase of pension to Jonathan M. Adams, be passed over for the present.

The VICE-PRESIDENT. The bills will be passed over for the present.

REUBEN SMALLEY.

The bill (S. 4182) granting an increase of pension to Reuben Smalley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben Smalley, late of Company F, Eighty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM E. REDMOND.

The bill (S. 6052) granting an increase of pension to William E. Redmond was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Redmond, late of Company I, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL MEYERS.

The bill (S. 6576) granting an increase of pension to Michael Meyers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Meyers, late of Company B, Thirteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARCUS WOOD.

The bill (S. 5493) granting an increase of pension to Marcus Wood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcus Wood, late of Company I, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMELIA M. HAWES.

The bill (S. 5741) granting an increase of pension to Amelia M. Hawes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "captain" and insert "second lieutenant;" and in line 9, before the word "dollars," to strike out "twenty" and insert "fifteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amelia M. Hawes, widow of Patrick O. Hawes, late second lieutenant Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD R. CUNNINGHAM.

The bill (S. 6347) granting an increase of pension to Edward R. Cunningham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" and in line 8, before the word "dollars," to strike out "fifty" and insert "forty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward R. Cunningham, late first lieutenant Company D, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $46 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELLIE PAXTON.

The bill (S. 6230) granting an increase of pension to Nellie Paxton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the words "United States," to insert "Third Regiment;" and in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie Paxton, widow of William Paxton, late of Company A, Third Regiment United States Dragoons, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA LAMAR WALKER.

The bill (H. R. 19357) granting an increase of pension to Anna Lamar Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna Lamar Walker, widow of Nathaniel G. W. Walker, late of Captain Allen's company, Colonel Brisbane's regiment South Carolina Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA F. WADSWORTH.

The bill (H. R. 17481) granting a pension to Eliza F. Wadsworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza F. Wadsworth, widow of Charles C. Wadsworth, late of Company G, Fourth Regiment Maryland Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA M. SEES.

The bill (H. R. 18113) granting an increase of pension to Louisa M. Sees was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa M. Sees, widow of Jacob A. Sees, late of Battery D, Second Regiment United States Artillery, Texas and New Mexico Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTONIO MACELLO.

The bill (H. R. 19416) granting an increase of pension to Antonio Macello was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Antonio Macello, late of Company M, Thirteenth Regiment New York Volunteer Cavalry, and Company I, Third Regiment New York Provisional Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID S. JONES.

The bill (H. R. 19503) granting an increase of pension to David S. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David S. Jones, late of Company A, Sixty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. KINGSBURY.

The bill (H. R. 19601) granting an increase of pension to John E. Kingsbury was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of John E. Kingsbury, late of Company D, Eighty-first Regiment New York Volunteer Infantry, and Eighty-ninth Company, Second Battalion Veteran Reserve Corps, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. WEBER.

The bill (H. R. 12667) granting an increase of pension to Charles W. Weber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Weber, late of Company I, Twenty-third Regiment Kentucky Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEAL O'DONNEL PARKS.

The bill (H. R. 16169) granting a pension to Neal O'Donnel Parks was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Neal O'Donnel Parks, late acting assistant surgeon, United States Army, and private, Company B, Second Battalion, Twenty-sixth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE W. BLAIR.

The bill (S. 6561) granting an increase of pension to George W. Blair was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Blair, late of Tenth Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGUSTA P. MORGAN.

The bill (S. 6723) granting an increase of pension to Agusta P. Morgan was announced as next in order.

Mr. McCUMBER. I ask that the bill may be passed over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will be passed over.

FRANCES A. JEPSON.

The bill (S. 6131) granting an increase of pension to Frances A. Jepson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Frances A. Jepson, widow of Leonard Jepson, late of Company K, Tenth Regiment, and Companies A and K, Twenty-ninth Regiment, Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA W. POLLARD.

The bill (S. 1347) granting a pension to Martha W. Pollard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha W. Pollard, widow of Edward Pollard, late captain Company H, Twenty-fourth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL COOK.

The bill (S. 6485) granting an increase of pension to Samuel Cook was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Cook, late of Company A, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. GIRVAN.

The bill (H. R. 16741) granting an increase of pension to William J. Girvan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Girvan, late of Company F, Eleventh Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSEANNA HUGHES.

The bill (H. R. 17874) granting an increase of pension to Roseanna Hughes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Roseanna Hughes, widow of James Hughes, late second lieutenant Company E, First Battalion Louisiana Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE F. FITZGERALD.

The bill (H. R. 18227) granting an increase of pension to Catharine F. Fitzgerald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine F. Fitzgerald, widow of John G. Fitzgerald, late of Company I, Sixty-fifth Regiment New York Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA A. PATNAUDE.

The bill (H. R. 19483) granting a pension to Lydia A. Patnaude was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia A. Patnaude, widow of Alfred Patnaude, alias Alfred Putnam, late of Company A, Seventeenth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REUBEN D. DODGE.

The bill (S. 6560) granting an increase of pension to Reuben D. Dodge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reuben D. Dodge, late of Battery D, First Regiment Rhode Island Volunteer Light Artillery, and Company F, Third Regiment Rhode Island Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLA B. GREEN.

The bill (S. 6580) granting an increase of pension to Ella B. Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella B. Green, widow of Charles L. Green, late of Company B, Fourteenth Regiment, and Company A, Eighteenth Regiment, New Hampshire Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

EZEKIEL MORRILL.

The bill (S. 6579) granting an increase of pension to Ezekiel Morrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ezekiel Morrill, late assistant surgeon Thirteenth Regiment New Hampshire Volunteer Infantry and surgeon First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WESLEY J. LADD.

The bill (S. 6586) granting an increase of pension to Wesley J. Ladd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wesley J. Ladd, late of U. S. steamers *Rodolph* and *Vermont*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS W. CROMMETT.

The bill (S. 6203) granting an increase of pension to Francis W. Crommett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis W. Crommett, late of Company C, Twenty-fourth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROSWELL PRESCOTT.

The bill (S. 10) granting an increase of pension to Roswell Prescott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Roswell Prescott, late of Company A, Twenty-seventh Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUCIUS RUMRILL.

The bill (S. 5727) granting an increase of pension to Lucius Rumrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucius Rumrill, late of Company B, Fourteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD L. CARPENTER.

The bill (S. 1425) granting an increase of pension to Edward L. Carpenter was announced as next in order.

Mr. McCUMBER. I ask that the bill be passed over, retaining its place on the Calendar, without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

PATRICK O'DAY.

The bill (S. 1257) granting an increase of pension to Patrick O'Day was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick O'Day, late of Company G, Seventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS P. CHENEY.

The bill (S. 6829) granting an increase of pension to Thomas P. Cheney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "first;" and in the same line, after the word "Company," to strike out the letter "E" and insert "A;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas P. Cheney, late first lieutenant Company A, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLORENCE B. PLATO.

The bill (S. 4389) granting an increase of pension to Florence Plato was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence B. Plato, widow of Nelson Plato, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Florence B. Plato."

ALONZO S. PRATHER.

The bill (S. 5725) granting an increase of pension to Alonzo S. Prather was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo S. Prather, late second lieutenant Company B, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. RHOADS.

The bill (S. 768) granting an increase of pension to William H. Rhoads was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private;" in the same line, after the word "unassigned," to strike out "in the;" and in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Rhoads, late unassigned, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES D. MERRILL.

The bill (S. 5443) granting an increase of pension to James D. Merrill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" and in line 8, before the word "Infantry," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Merrill, late second lieutenant Company D, One hundred and twelfth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB SMITH.

The bill (S. 5980) granting an increase of pension to Jacob Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out "I, Third," and insert "F, Forty-third;" and in line 7, be-

fore the word "and," to strike out "Cavalry" and insert "Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Smith, late of Company F, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMANDA W. RITCHIE.

The bill (H. R. 4205) granting an increase of pension to Amanda W. Ritchie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amanda W. Ritchie, widow of William Ritchie, late first lieutenant and captain Company C, Fourth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. KELLEY.

The bill (H. R. 4292) granting a pension to George W. Kelley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Kelley, late second-class apprentice U. S. S. *New Hampshire*, United States Navy, and to pay him a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HARVEY.

The bill (H. R. 5728) granting an increase of pension to William Harvey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Harvey, late of Company G, Third Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY L. JOHNSON.

The bill (H. R. 6956) granting an increase of pension to Henry L. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry L. Johnson, late of Company H, Sixth Regiment United States Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD CALLAGHAN.

The bill (H. R. 8481) granting an increase of pension to Richard Callaghan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard Callaghan, late of Company A, Thirty-fifth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOB B. CRABTREE.

The bill (H. R. 19298) granting an increase of pension to Job B. Crabtree, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Job B. Crabtree, late of Company F, First Regiment Tennessee Volunteer Cavalry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI BRADER.

The bill (H. R. 19359) granting an increase of pension to Levi Brader was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi Brader, late of Company B, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONAS M. SEES.

The bill (H. R. 17675) granting an increase of pension to Jonas M. Sees was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonas M. Sees, late of Company E, First Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN EWING.

The bill (H. R. 14199) granting an increase of pension to John Ewing was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Ewing, late lieutenant-colonel One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT B. CRAWFORD.

The bill (H. R. 14537) granting an increase of pension to Robert B. Crawford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert B. Crawford, late of Company C, Thirty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER DIXSON.

The bill (H. R. 19511) granting an increase of pension to Alexander Dixson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Dixson, late of Company A, Fifth Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB KINKERLY.

The bill (H. R. 19611) granting an increase of pension to Jacob Kinkerly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Kinkerly, late of Company A, Twelfth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DENNIS A. LITZINGER.

The bill (H. R. 12128) granting an increase of pension to Dennis A. Litzinger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dennis A. Litzinger, late of Company D, Second Regiment Pennsylvania Volunteers, war with Mexico, and captain Company D, Third Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES T. MURRAY.

The bill (H. R. 12339) granting an increase of pension to Charles T. Murray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles T. Murray, late of Company E, Thirtieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL B. M'LEAN.

The bill (H. R. 12482) granting an increase of pension to Samuel B. McLean was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel B. McLean, late of Company C, Ringgold Battalion Pennsylvania Volunteer Cavalry, and Company D, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MIRANDA BIRKHEAD.

The bill (H. R. 2315) granting a pension to Miranda Birkhead was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Miranda Birkhead, widow of William O. Birkhead, late acting second assistant engineer, United States Navy, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. PITMAN.

The bill (H. R. 4707) granting an increase of pension to John H. Pitman was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of John H. Pitman, late acting master's mate, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. STEWART.

The bill (H. R. 7580) granting an increase of pension to James W. Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Stewart, late of Company L, Sixth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGET M. DUFFY.

The bill (H. R. 16513) granting an increase of pension to Bridget M. Duffy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bridget M. Duffy, widow of Peter J. Duffy, late captain Company G, Sixty-first Regiment Ohio Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. REEDER.

The bill (H. R. 18493) granting an increase of pension to George H. Reeder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Reeder, late of Company B, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA NILES.

The bill (H. R. 11483) granting a pension to Maria Niles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria Niles, widow of John D. Niles, late of Company B, One hundred and first Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. ESTLOW.

The bill (S. 6186) granting an increase of pension to James L. Estlow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Estlow, late of Company A, Third Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA J. HALLER.

The bill (S. 6438) granting an increase of pension to Martha J. Haller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Haller, widow of William W. Haller, late of Company K, Twelfth Regiment Ohio Volunteer Infantry, and second lieutenant Company H, One hundred and sixty-eighth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY L. BEARDSLEY.

The bill (S. 6429) granting an increase of pension to Mary L. Beardsley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Beardsley, widow of William P. Beardsley, late of Company C, Fifth Regiment, and Company E, Sixth Regiment, New York Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC C. PHILLIPS.

The bill (S. 5826) granting an increase of pension to Isaac C. Phillips was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac C. Phillips, late of Company B, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELVIRA A. KELLY.

The bill (S. 1941) granting an increase of pension to Elvira A. Kelley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elvira A. Kelly, widow of Ozial H. Kelly, late of Company C, Eighteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elvira A. Kelly."

WILLIAM VANTILBURGH.

The bill (S. 1857) granting an increase of pension to William Van Tilburgh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the words "late," to strike out the name "Van Tilburgh" and insert "Vantilburgh;" and in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Vantilburgh, late of Company G, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William Vantilburgh."

ALONZO COOPER.

The bill (H. R. 1871) granting an increase of pension to Alonzo Cooper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alonzo Cooper, late second lieutenant Company I and first lieutenant Company F, Twelfth Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. PEARSON.

The bill (H. R. 8273) granting an increase of pension to John M. Pearson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Pearson, late of Company A, Second Regiment Mississippi Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. TURNER.

The bill (H. R. 19321) granting an increase of pension to Mary E. Turner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Turner, widow of Joshua Turner, late of Company F, First

Regiment Mississippi Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ISABELLA RYKARD.

The bill (H. R. 19322) granting an increase of pension to Mary Isabella Rykard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Isabella Rykard, widow of Levi Harris Rykard, late of Capt. Robert Child's company, South Carolina Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORLANDO L. LEVY.

The bill (H. R. 19323) granting an increase of pension to Orlando L. Levy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orlando L. Levy, late of Company F, First Regiment South Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLIE WILLIAMS.

The bill (H. R. 16397) granting an increase of pension to Allie Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allie Williams, widow of Joseph M. Williams, late of Company B, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and Company C, Tenth Regiment Kentucky Volunteer Cavalry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHERMAN JACOBS.

The bill (H. R. 16747) granting a pension to Sherman Jacobs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sherman Jacobs, late of Company A, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCIUS C. FLETCHER.

The bill (H. R. 16748) granting an increase of pension to Lucius C. Fletcher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucius C. Fletcher, late of Company K, Fourth Regiment Vermont Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID MITCHELL.

The bill (H. R. 18429) granting an increase of pension to David Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Mitchell, late of Company D, Eighty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. ANDERSON.

The bill (H. R. 18860) granting an increase of pension to Andrew J. Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Anderson, late of Troop E, Third Regiment United States Cavalry, war with Spain, and to pay him a pension of $10 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN M. OSBORN.

The bill (H. R. 19119) granting an increase of pension to Susan M. Osborn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan M. Osborn, widow of William R. Osborn, late of Captain Mann's company, Wood's battalion, Third Brigade Georgia Volunteer Infantry, Creek Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES S. SALSBERRY.

The bill (H. R. 13057) granting an increase of pension to James S. Salsberry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Salsberry, late of Company B, One hundred and eleventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BETSEY A. HODGES.

The bill (S. 6538) granting an increase of pension to Betsey A. Hodges was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Betsey A. Hodges, widow of Seaborn R. Hodges, late of Captain William C. Newbern's company, Georgia Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE METTS.

The bill (S. 5138) granting a pension to Jane Metts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Metts, widow of Thomas J. Metts, alias Jefferson Metts, late of Captain James A. Pickett's company, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DOLORES S. FOSTER.

The bill (S. 6353) granting an increase of pension to Dolores S. Foster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "widow of," to strike out "Major;" in the same line, after the word "late," to strike out "of" and insert "captain Company D;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dolores S. Foster, widow of Davis Foster, late captain Company D, Twenty-Fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH MADDOX.

The bill (H. R. 19528) granting an increase of pension to Elizabeth Maddox was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "widow of," to strike out the name "Harry" and insert "Harvy;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Maddox, widow of Harvy S. Maddox, late of Captain Taylor's company, First Regiment Arkansas Volunteer Cavalry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN H. BROOKS.

The bill (S. 2749) granting an increase of pension to John H. Brooks was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Brooks, late of Company B, Thirty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHEBE EASLEY.

The bill (H. R. 19300) granting an increase of pension to Phebe Easley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Phebe Easley, widow of William Easley, late of Captain Dunlap's independent company, Illinois Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. HENRIE.

The bill (H. R. 17691) granting an increase of pension to George W. Henrie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Henrie, late major, Twelfth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALDEN KELLY.

The bill (H. R. 18193) granting an increase of pension to Walden Kelly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walden Kelly, late captain Company F, Twenty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY JANE RAGAN.

The bill (H. R. 18403) granting an increase of pension to Mary Jane Ragan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Jane Ragan, widow of David C. Ragan, late of Company A, Fourth Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK FIENOP.

The bill (H. R. 19080) granting an increase of pension to Frederick Fienop was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Fienop, late of Company B, Second Regiment Missouri Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. MOORE.

The bill (H. R. 14480) granting an increase of pension to Mary C. Moore was considered as in Committee on the Whole. It proposes to place on the pension roll the name of Mary C. Moore, widow of Thomas Moore, late colonel One hundred and sixty-seventh Regiment Ohio National Guard Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA ANN JONES.

The bill (H. R. 19587) granting an increase of pension to Martha Ann Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Ann Jones, widow of Washington Jones, late of Company G, Captain Standefer's company, Second Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. FARRAR.

The bill (H. R. 9262) granting an increase of pension to Thomas J. Farrar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Farrar, late of Captain Johnson's company, Bell's regiment, Texas Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL MOSER.

The bill (S. 6466) granting an increase of pension to Samuel Moser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Moser, late of Company G, Fifteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DENIS A. MANNING.

The bill (S. 6267) granting an increase of pension to Dennis A. Manning was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out the name "Dennis" and insert "Denis;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Denis A. Manning, late of Company I, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Denis A. Manning."

SUSAN N. FOWLER.

The bill (S. 4406) granting an increase of pension to Susan N. Fowler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Regiment," to strike out "Thirteenth" and insert "Thirtieth;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan N. Fowler, widow of Jasper N. Fowler, late of Company C, Thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW J. GROVER.

The bill (S. 6636) granting an increase of pension to Andrew J. Grover was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Grover, late major, First Regiment Vermont Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. SMITH.

The bill (S. 4053) granting an increase of pension to William A. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Smith, late first lieutenant Company H, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALICE G. CLARK.

The bill (S. 6250) granting a pension to Alice G. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" in line 9, before the word "dollars," to strike out "twenty-four" and insert "fifteen;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice G. Clark, widow of Zerah P. Clark, late second lieutenant Company G, First Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alice G. Clark."

DAVID EVANS.

The bill (H. R. 18018) granting an increase of pension to David Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Evans, late of Company F, Thirty-sixth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER M. FERGUS.

The bill (H. R. 18066) granting an increase of pension to Alexander M. Fergus was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander M. Fergus, late of Company F, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMPSON PARKER.

The bill (H. R. 14680) granting an increase of pension to Sampson Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sampson Parker, late of Company A, First Regiment Indiana Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'QUADE.

The bill (H. R. 11142) granting an increase of pension to James McQuade was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James McQuade, late acting third assistant engineer, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES MARTINE.

The bill (H. R. 2715) granting an increase of pension to Charles Martine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Martine, late of Company D, Sixty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES VAN TINE.

The bill (H. R. 19162) granting an increase of pension to Charles Van Tine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Van Tine, late of Company F, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCUS D. TENNEY.

The bill (H. R. 19161) granting an increase of pension to Marcus D. Tenney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marcus D. Tenney, late captain First Battery, Kansas Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA FOSTER.

The bill (H. R. 16342) granting a pension to Matilda Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matilda Foster, widow of Rufus D. Foster, late of Company I, One hundred and forty-third Regiment Illinois Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILTON R. DUNGAN.

The bill (H. R. 12190) granting an increase of pension to Milton R. Dungan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton R. Dungan, late of Company C, Seventh Regiment United States Infantry, war with Mexico, Companies D and E, Eighth Regiment Indiana Volunteer Infantry, and Company F, One hundred and fifty-first Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS L. HOLBROOK.

The bill (S. 6718) granting an increase of pension to Augustus L. Holbrook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus L. Holbrook, late of Company H, Fourteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOLMES CLAYTON.

The bill (S. 6705) granting an increase of pension to Holmes Clayton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Holmes Clayton, late of Company A, Eighty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN E. LEMON.

The bill (S. 6707) granting an increase of pension to Stephen E. Lemon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen E. Lemon, late of Company I, Twenty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL SHAWVER.

The bill (S. 6709) granting an increase of pension to Samuel Shawver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Shawver, late of Company B, Eleventh Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MANASA T. HOUSER.

The bill (S. 6717) granting an increase of pension to Manasa T. Houser was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty," and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Manasa T. Houser, late of Company G, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SILAS A. REYNOLDS.

The bill (S. 480) granting an increase of pension to Silas A. Reynolds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Regiment," to strike out "Fifteenth" and insert "Twentieth;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas A. Reynolds, late of Company F, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES F. M. MORGAN.

The bill (S. 1891) granting an increase of pension to Charles F. M. Morgan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. M. Morgan, late of Company B, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS C. JANES.

The bill (S. 5176) granting an increase of pension to Louis C. Janes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis C. Janes, late of Company H, Thirteenth Regiment Michigan Volunteer Infantry, and Company D, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lewis C. Janes."

JAMES REEDER.

The bill (H. R. 4689) granting an increase of pension to James Reeder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Reeder, late of Company G, Seventy-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. SLINGER.

The bill (H. R. 4690) granting an increase of pension to Andrew J. Slinger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Slinger, late first lieutenant Company I, Sixty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE FETTERMAN.

The bill (H. R. 7719) granting an increase of pension to George Fetterman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Fetterman, late of Company D, Forty-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS S. FALKENBURG.

The bill (H. R. 19404) granting an increase of pension to Elias S. Falkenburg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias S. Falkenburg, late of Company M, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. WEBB.

The bill (H. R. 18045) granting an increase of pension to John M. Webb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Webb, late of Company H, Forty-seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN INGRAM.

The bill (H. R. 18214) granting an increase of pension to John Ingram was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Ingram, late of Company G, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and Company L, Tenth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. P. M'MICHAEL.

The bill (H. R. 19743) granting an increase of pension to W. P. McMichael was considered as in Committee of the Whole. It proposes to place on the pension roll the name of W. P. McMichael, late of Company F, Sixth Regiment Louisiana Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE CASPER HOMAN HUMMEL.

The bill (H. R. 19744) granting an increase of pension to George Casper Homan Hummel, alias George C. Homan, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Casper Homan Hummel, alias George C. Homan, late of Company I, Seventh Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIER COLLETT.

The bill (H. R. 9836) granting an increase of pension to Dier Collett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dier Collett, late of Company E, Seventh Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY FOX.

The bill (H. R. 19462) granting an increase of pension to Emily Fox was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out "deceased;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Fox, widow of Calvin Fox, late of Captain Quattlebaum's company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN R. CONYNGHAM.

The bill (S. 2734) granting an increase of pension to John R. Conyngham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of John R. Conyngham, late of Company H, Sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL V. HENNESSY.

The bill (S. 822) granting a pension to Michael V. Hennessy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "war with Spain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael V. Hennessy, late of Company G, Two hundred and third Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAFAYETTE FRANKS.

The bill (H. H. 3338) granting an increase of pension to Lafayette Franks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lafayette Franks, late of Company K, Twentieth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. CHANDLER.

The bill (H. R. 5846) granting an increase of pension to John M. Chandler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Chandler, late of Company K, Eighty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. MONTGOMERY.

The bill (H. R. 16211) granting an increase of pension to John W. Montgomery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Montgomery, late of Company D, Thirty-third Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA L. PATTERSON.

The bill (H. R. 19463) granting an increase of pension to Emma L. Patterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma L. Patterson, widow of James Patterson, late of Captain Allen's company, South Carolina Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOAH RESSEQUIE.

The bill (H. R. 19534) granting an increase of pension to Noah Ressequie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Noah Ressequie, late of Company F, Fifteenth Regiment New York Volunteer Engineers, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL CAMPBELL.

The bill (H. R. 19626) granting an increase of pension to Samuel Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Campbell, late of Company E, Mormon Battalion Iowa Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. SUTHERLAND.

The bill (H. R. 19922) granting an increase of pension to Mary A. Sutherland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Sutherland, widow of John B. Sutherland, late of Company K, First Regiment Georgia Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA Q. PARRISH.

The bill (H. R. 9465) granting a pension to Ella Q. Parrish was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella Q. Parrish, widow of Henry S. Parrish, late captain Company A, Twentieth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BAYS.

The bill (H. R. 12517) granting a pension to William Bays was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Bays, late of Company F, First Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN HAINS.

The bill (S. 2737) granting an increase of pension to Benjamin Hains was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Hains, late of Company I, Ninth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS SIDEL.

The bill (S. 4909) granting an increase of pension to Louis Sidel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis Sidel, late of Company G, Tenth Regiment United States Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. MELSON.

The bill (H. R. 19889) granting an increase of pension to John M. Melson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Melson, late of Company D, Second Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH ANN REAVIS.

The bill (H. R. 19415) granting an increase of pension to Sarah Ann Reavis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Ann Reavis, widow of Simeon S. Reavis, late of Company K, First Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEN M. CAMERON.

The bill (H. R. 14144) granting a pension to Allen M. Cameron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allen M. Cameron, late of Troop M, Fifth Regiment United States Cavalry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. RUSSELL.

The bill (H. R. 9107) granting a pension to James W. Russell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Russell, late of Company M, Third Regiment Tennessee Volunteer Infantry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY ELIZABETH HUTCHESON.

The bill (H. R. 19529) granting an increase of pension to Nancy Elizabeth Hutcheson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy Elizabeth Hutcheson, widow of William Hutcheson, late of Company H, First Regiment Tennessee Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES P. GRAY.

The bill (H. R. 19530) granting an increase of pension to Charles P. Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles P. Gray, late of Company D, Third Regiment Arkansas Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN M. LONG.

The bill (H. R. 19324) granting an increase of pension to Susan M. Long was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan M. Long, widow of George Long, late of Captain Denny's company, South Carolina Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE OPPEL.

The bill (H. R. 19325) granting an increase of pension to George Oppel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Oppel, late of Company C, Fourth Regiment United States Artillery, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET R. VANDIVER.

The bill (H. R. 19326) granting an increase of pension to Margaret R. Vandiver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret R. Vandiver, widow of Solomon H. Vandiver, late of Captain Sutton's company, Georgia Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID D. OWENS.

The bill (H. R. 15620) granting an increase of pension to David D. Owens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David D. Owens, late of Company H, Fourth Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. RILEY.

The bill (H. R. 17651) granting an increase of pension to Mary A. Riley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Riley, widow of Hugh Riley, late of Company H, First Regiment Mississippi Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. STIMPSON.

The bill (H. R. 19514) granting an increase of pension to James H. Stimpson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Stimpson, late acting master, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL W. ATKINSON.

The bill (H. R. 15619) granting an increase of pension to Samuel W. Atkinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel W. Atkinson, late of Company C, Third Regiment Ohio Volunteers, war with Mexico, and Company F, One hundred and seventy-ninth Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH MOORE MORGAN.

The bill (H. R. 19035) granting a pension to Elizabeth Moore Morgan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Moore Morgan, widow of Robert C. Morgan, late captain, Tenth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elizabeth Moore Morgan."

ROBERT RAMSEY.

The bill (S. 4894) granting an increase of pension to Robert Ramsey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Volunteer," to strike out "Mounted;" and in the same line, before the word "Infantry," to insert "Mounted;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Ramsey, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSIAH HALL.

The bill (H. R. 8712) granting an increase of pension to Josiah Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah Hall, late of Company F, Third Regiment Tennessee Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. BILLINGS.

The bill (H. R. 19174) granting an increase of pension to Martha A. Billings was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Billings, widow of William M. Billings, late of Company I, Palmetto Regiment South Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA J. BIRTHRIGHT.

The bill (H. R. 19256) granting an increase of pension to Louisa J. Birthright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa J. Birthright, widow of Robert B. Birthright, late of Company D, Third Regiment Tennessee Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. RIVERS.

The bill (H. R. 19318) granting an increase of pension to Mary E. Rivers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Rivers, widow of Constant H. Rivers, late of Company F, Palmetto Regiment South Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH SPRUELL.

The bill (H. R. 19319) granting an increase of pension to Elizabeth Spruell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Spruell, widow of William Spruell, late of Company E, Palmetto Regiment South Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISE J. PRATT.

The bill (H. R. 19320) granting an increase of pension to Louise J. Pratt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louise J. Pratt, widow of Robert Pratt, late of Capt. R. Child's company, South Carolina Volunteer Cavalry, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M'CREA.

The bill (H. R. 15713) granting an increase of pension to William McCrea was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William McCrea, late of Nield's battery, Delaware Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER S. HARMAN.

The bill (H. R. 17918) granting a pension to Walter S. Harman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walter S. Harman, late of Capt. Edward Anderson's battery, South Carolina Volunteer Heavy Artillery, war with Spain, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. OLIVER.

The bill (H. R. 18343) granting an increase of pension to John N. Oliver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Oliver, late assistant surgeon, Eighty-first Regiment New York Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS T. PAGE.

The bill (H. R. 18705) granting an increase of pension to Thomas T. Page was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas T. Page, late of Company B, Twelfth Regiment New York State Militia, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH C. A. SCOTT.

The bill (H. R. 19101) granting an increase of pension to Sarah C. A. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah C. A. Scott, widow of Henry E. Scott, late of Company H, Palmetto Regiment South Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET E. WALKER.

The bill (H. R. 19504) granting an increase of pension to Margaret E. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret E. Walker, widow of James R. Walker, late of Capt. John Wilson's company, Georgia Militia, war of 1812, and to pay her a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHANNA KEARNEY.

The bill (H. R. 19819) granting an increase of pension to Johanna Kearney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Johanna Kearney, widow of James Kearney, late of Battery L, First Regiment United States Artillery, war with Mexico, captain Company E, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and ordnance sergeant, United States Army, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN FOX.

The bill (S. 6035) granting an increase of pension to John Fox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Fox, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. ANTHONY.

The bill (S. 6232) granting an increase of pension to John L. Anthony was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Infantry," to insert "Mounted;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Anthony, late of Company C, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILY KILLIAN.

The bill (S. 6001) granting an increase of pension to Emily Killian was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Killian, widow of William W. Killian, late lieutenant, Captain Cunningham's company, North Carolina Volunteers, Cherokee Indian disturbances, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES REED.

The bill (S. 5963) granting an increase of pension to James Reed was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Reed, late of Battery G, First Regiment Pennsylvania Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL W. REDFIELD.

The bill (S. 5892) granting an increase of pension to Daniel W. Redfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel W. Redfield, late of Company K, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN G. BRIDAHAM.

The bill (S. 6005) granting an increase of pension to John G. Bridaham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Bridaham, late of Company E, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC CARTER.

The bill (S. 2563) granting a pension to Isaac Carter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "eighteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Carter, late of Company C, One hundred and thirty-third Regiment West Virginia Militia, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL TURNER.

The bill (S. 3767) granting an increase of pension to Samuel Turner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Turner, late of Company I, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. SMITH.

The bill (S. 2249) granting an increase of pension to George W. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Smith, late of Companies H and B, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM EPPINGER.

The bill (S. 6537) granting an increase of pension to William Eppinger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to strike out "Company C" and insert "Companies C and H;" and in line 9, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Eppinger, late of Companies C and H, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN LINGENFELDER.

The bill (H. R. 19215) granting an increase of pension to John Lingenfelder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Lingenfelder, late unassigned, Seventeeth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUDOLPH BENTZ.

The bill (H. R. 18363) granting an increase of pension to Rudolph Bentz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rudolph Bentz, late of Company G, One hundred and fortieth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. F. WISNEWSKI.

The bill (H. R. 4554) to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnewski was considered as in Committee of the Whole. It directs that J. F. Wisnewski, late captain of Company K, Second Kentucky Infantry, be held and considered to have been honorably discharged on August 18, 1862, and authorizes the Secretary of War to issue to him an honorable discharge in accordance therewith; but no pay, bounty, or other emoluments shall become due or payable by virtue of its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELSON VIRGIN.

The bill (S. 5823) granting an increase of pension to Nelson Virgin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty," and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Virgin, late of Company K, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILBUR H. CLARK.

The bill (S. 3220) granting an increase of pension to Wilbur H. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty," and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilbur H. Clark, late of Company C, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M. MORGAN.

The bill (S. 123) granting an increase of pension to William M. Morgan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Morgan, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, and Battery A, First Regiment West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT MILLS.

The bill (S. 3221) granting an increase of pension to Robert Mills was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Mills, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CATHRIN HUFF.

The bill (S. 1493) granting an increase of pension to Catharine Huff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of" where it occurs the first time, to strike out the name "Catharine" and insert "Cathrin;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cathrin Huff, widow of Joseph A. Huff, late of Company L, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Cathrin Huff."

TIMOTHY C. STILWELL.

The bill (S. 6645) granting an increase of pension to Timothy C. Stillwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Stillwell" and insert "Stilwell;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Timothy C. Stilwell, late of Company B, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Timothy C. Stilwell."

DANA W. HARTSHORN.

The bill (S. 1240) granting an increase of pension to Dana W. Hartshorn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "surgeon," to strike out "Company —, ——— Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dana W. Hartshorn, late surgeon, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GERTRUDE M'NEIL.

The bill (S. 4772) granting an increase of pension to Gertrude McNeil was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gertrude McNeil, widow of William H. McNeil, late of Company E, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRANVILLE F. NORTH.

The bill (S. 5156) granting an increase of pension to Granville F. North was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Granville F. North, late of Company C, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUGUST KRUEGER.

The bill (S. 774) granting an increase of pension to August Krueger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of August Krueger, late of Company E, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES E. SPEAKE.

The bill (S. 6126) granting an increase of pension to James E. Speake was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Speake, late of Company F, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. ALLISON.

The bill (S. 2794) granting an increase of pension to John H. Allison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Allison, late of Company B, First Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. DUNCAN.

The bill (S. 6051) granting an increase of pension to Mary A. Duncan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Duncan, widow of Francis M. Duncan, late of Company K, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELISHA H. STEPHENS.

The bill (S. 6882) granting an increase of pension to Elisha H. Stephens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elisha H. Stephens, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JEFFERSON BUSH.

The bill (S. 6881) granting an increase of pension to Jefferson Bush was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jefferson Bush, late of Company H, One hundred and twenty-fourth Regiment, and Company G, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS W. MURRAY.

The bill (S. 2541) granting an increase of pension to Thomas W. Murray was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Murray, late of Company C, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH LAMONT.

The bill (S. 6008) granting an increase of pension to Joseph Lamont was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Lamont, late first lieutenant Company I, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WINFIELD S. RAMSAY.

The bill (S. 2669) granting an increase of pension to Winfield S. Ramsey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Ramsey" and insert "Ramsay;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Winfield S. Ramsay, late of Company D, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Winfield S. Ramsay."

LOUIS A. BAIRD.

The bill (S. 5001) granting an increase of pension to Louis A. Baird was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to insert "war with Spain;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis A. Baird, late of Company A, Seventeenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL G. KREIDLER.

The bill (S. 771) granting an increase of pension to S. G. Kreidler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of" where it occurs the first time, to strike out the letter "S." and insert "Samuel;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel G. Kreidler, late of Company E, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel G. Kreidler."

SOLOMON CRAIGHTON.

The bill (S. 4032) granting an increase of pension to Solomon Creighton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Creighton" and insert "Craighton;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon Craighton, late of Company H, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Solomon Craighton."

MARGARET L. HOULIHAN.

The bill (S. 5693) granting an increase of pension to Margaret L. Houlihan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "Infantry," to strike out "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret L. Houlihan, widow of Patrick W. Houlihan, late captain, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. CONNELL.

The bill (S. 5084) granting a pension to John W. Connell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to insert "war

with Spain;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Connell, late of Company L, Forty-ninth Regiment Iowa Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE R. TURNER.

The bill (S. 4771) granting an increase of pension to George R. Turner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Regiment," to strike out "Eleventh" and insert "Seventeenth;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George R. Turner, late of Company F, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HUGH S. STRAIN.

The bill (S. 6238) granting an increase of pension to Hugh S. Strain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Regiment," to insert "and assistant surgeon, One hundred and ninety-fifth Regiment;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh S. Strain, late of Company C, Eighty-first Regiment, and assistant surgeon, One hundred and ninety-fifth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS W. WHITE.

The bill (S. 6883) granting an increase of pension to Thomas W. White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of Company —;" and in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. White, late unassigned, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. DOW.

The bill (S. 6942) granting an increase of pension to William B. Dow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Dow, late of Company H, Eighth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BYRON CANFIELD.

The bill (S. 6824) granting an increase of pension to Byron Canfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Byron Canfield, late of Company I, Third Regiment Minnesota Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB TURNER.

The bill (S. 6826) granting an increase of pension to Jacob Turner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Turner, late of Company L, Eighth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AARON L. ROBERTS.

The bill (S. 6572) granting an increase of pension to Aaron L. Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aaron L. Roberts, late first lieutenant and quartermaster Sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. JENKINS.

The bill (S. 5685) granting an increase of pension to James M. Jenkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Jenkins, late of Company A, Sixteenth Regiment New York Volunteer Heavy Artillery, and Companies L and D, First Regiment New York Volunteer Mounted Rifles, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARIA H. WAGGONER.

The bill (S. 6574) granting an increase of pension to Maria H. Waggoner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria H. Waggoner, widow of Christopher W. Waggoner, late first lieutenant and quartermaster, Fifth Regiment Iowa Volunteer Infantry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. KIMBALL.

The bill (S. 4908) granting an increase of pension to William H. Kimball was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Kimball, late captain Company A, Battalion Life Guards, Nauvoo Legion, Utah Volunteer Militia, Utah Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RUFUS C. ALLEN.

The bill (S. 4510) granting an increase of pension to Rufus C. Allen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to strike out "Volunteer Infantry" and insert "Volunteers, war with Mexico;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rufus C. Allen, late of Captain Hunt's company, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM KENNEDY.

The bill (S. 6997) granting an increase of pension to William Kennedy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Kennedy, late of Company K, Twenty-first Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. THOMPSON.

The bill (S. 5771) granting a pension to Mary E. Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "a landsman" and insert "of U. S. S. Columbus and Ohio;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Thompson, widow of Alden B. Thompson, late of U. S. S. Columbus and Ohio, United States Navy, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. M'GINTY.

The bill (S. 6650) granting an increase of pension to John A. McGinty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. McGinty, late of Company C, Seventy-second Regiment, and Company C, Thirty-third Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATE MYERS.

The bill (S. 7160) granting an increase of pension to Kate Myers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Myers, former widow of John M. Lowthere, late of Company A, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. COYLE.

The bill (S. 5502) granting an increase of pension to John B. Coyle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Coyle, late of Company A, Thirty-first Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH BOLSHAW.

The bill (S. 6714) granting an increase of pension to Joseph Bolshaw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Bolshaw, late of Company M, First Regiment New York Volunteer Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORIN INGRAM.

The bill (S. 6712) granting an increase of pension to Orin Ingram was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orin Ingram, late of Company K, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. THRASHER.

The bill (S. 2643) granting an increase of pension to James H. Thrasher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "Light," to strike out "Chicago" and insert "First Regiment Illinois Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Thrasher, late of Company E, Nineteenth Regiment Illinois Volunteer Infantry, and Battery B, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. BROWN.

The bill (S. 6767) granting an increase of pension to John C. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Brown, late of Company H, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY Z. BOWMAN.

The bill (S. 6506) granting an increase of pension to Henry Z. Bowman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Z. Bowman, late of Company H, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JARED AYER.

The bill (S. 5740) granting an increase of pension to Jared Ayer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of;" and in line 8, before the word "dollars," strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jared Ayer, late unassigned company, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL A. PEARCE.

The bill (S. 6558) granting an increase of pension to Samuel A. Pearce was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and

limitations of the pension laws, the name of Samuel A. Pearce, late additional paymaster, United States Volunteers, and major and paymaster, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AARON DANIELS.

The bill (S. 4542) granting an increase of pension to Aaron Daniels was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron Daniels, late of Captain Roberts' company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SHERROD HAMILTON.

The bill (S. 6368) granting an increase of pension to Sherrad Hamilton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out the name "Sherrad" and insert "Sherrod;" in line 7, before the word "company," to insert "independent;" and in line 8, before the word "and," to insert "Seminole Indian war;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sherrod Hamilton, late of Captain Johnston's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sherrod Hamilton."

WILLIAM DAVIS.

The bill (S. 6632) granting an increase of pension to William Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Davis, late of Company C, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. HODGMAN.

The bill (S. 6631) granting an increase of pension to George W. Hodgman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Hodgman, late of Company I, One hundred and thirteenth Regiment New York Volunteer Infantry (Seventh New York Volunteer Heavy Artillery), and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL JACKSON.

The bill (S. 6978) granting an increase of pension to Samuel Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Jackson, late of Company A, Sixteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRIET O'DONALD.

The bill (S. 6019) granting a pension to Harriet O'Donald was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet O'Donald, widow of John S. O'Donald, late first lieutenant Company K, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DON C. SMITH.

The bill (S. 4979) granting an increase of pension to Don C. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Don C. Smith, late of Third Battery, Wisconsin Volunteer Light Artillery, and pay him pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN SCHULTZ.

The bill (S. 5067) granting an increase of pension to Martin Schultz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Schultz, late of Company B, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. HATTAN.

The bill (S. 7077) granting an increase of pension to Mary E. Hattan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Company," to strike out the letter "K" and insert "A;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Hattan, widow of William B. Hattan, late of Company A, Third Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAUL BAKER.

The bill (S. 6266) granting an increase of pension to Paul Baker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to insert "Company B;" and in line 7, before the word "and," to insert "war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Paul Baker, late of Company B, First Battalion Louisiana Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS CASTINETTE.

The bill (S. 3671) granting an increase of pension to Louis Castinetti was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Castinetti" and insert "Castinette;" and in line 8, before the word "dollars," to strike out "seventy-two" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis Castinette, late of Company I, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Louis Castinette."

MARY A. BAKER.

The bill (S. 3763) granting an increase of pension to Mary A. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Baker, widow of John L. Baker, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GUSTAVUS A. THOMPSON.

The bill (S. 5573) granting an increase of pension to Gustavus A. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gustavus A. Thompson, late of Company K, Third Regiment, and Company B, Seventeenth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH W. LOWELL.

The bill (S. 6581) granting an increase of pension to Joseph W. Lowell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph W. Lowell, late of Company G, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMOS HAM.

The bill (S. 6585) granting an increase of pension to Amos Ham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos Ham, late of Company E, Sixth Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABRAM P. COLBY.

The bill (S. 6583) granting an increase of pension to Abram P. Colby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram P. Colby, late of Company A, Tenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY CAMPBELL.

The bill (S. 6591) granting an increase of pension to Henry Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Campbell, late of Company I, Third Regiment Vermont Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FANNY A. PEARSONS.

The bill (S. 3931) granting an increase of pension to Fanny A. Pearsons was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny A. Pearsons, widow of Leonard Pearsons, late of Company I, Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CYRUS W. COBB.

The bill (S. 6596) granting an increase of pension to Cyrus W. Cobb was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus W. Cobb, late of Company B, Second Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK H. READ.

The bill (S. 6597) granting an increase of pension to Frank H. Read was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank H. Read, late of Company I, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. WESTCOTT.

The bill (S. 6163) granting an increase of pension to William H. Westcott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Westcott, late of Company K, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DENNIS FLAHERTY.

The bill (S. 5599) granting an increase of pension to Dennis Flaherty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dennis Flaherty, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE A. TUCKER.

The bill (S. 5041) granting an increase of pension to George A. Tucker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Tucker, late of Battery K, Third Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BETTIE MAY VOSE.

The bill (S. 6833) granting an increase of pension to Bettie Vose was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bettie May Vose, widow of William P. Vose, late colonel, Artillery Corps, and brigadier-general, United States Army, retired, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Bettie May Vose."

LOVISA DONALDSON.

The bill (S. 7065) granting an increase of pension to Lovisa Donaldson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lovisa Donaldson, widow of David M. Donaldson, late second lieutenant Company D, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THEODORE M. BENTON.

The bill (S. 6505) granting an increase of pension to Theodore Morgan Benton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore M. Benton, late acting gunner's mate, U. S. S. Iosco, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Theodore M. Benton."

SAMUEL PAINE.

The bill (S. 4127) granting an increase of pension to Samuel D. Payne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Paine, late first lieutenant, Second Battery, First Battalion Maine Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel Paine."

ALFRED A. STOCKER.

The bill (S. 6514) granting an increase of pension to Alfred Augustus Stocker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred A. Stocker, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alfred A. Stocker."

WILLIAM H. ANDERSON.

The bill (S. 6885) granting an increase of pension to William H. Anderson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "paymaster," to insert "assistant paymaster, and paymaster;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Anderson, late acting assistant paymaster, assistant paymaster, and paymaster, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Pension Calendar, with the exception of those bills passed over.

AGUSTA P. MORGAN.

Mr. McCUMBER. I desire to call up Senate bill 6723, which was passed over a while ago.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6723) granting an increase of pension to Agusta P. Morgan, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agusta P. Morgan, widow of Henry C. Morgan, late captain, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. McCUMBER. I ask that the letter which I send to the desk may be printed in the RECORD. It is practically a supplemental report in this case.

The VICE-PRESIDENT. In the absence of objection, the letter referred to by the Senator from North Dakota will be printed in the RECORD without reading.

The letter referred to is as follows:

UNITED STATES SENATE,
Washington, December 18, 1906.

Hon. P. J. McCUMBER,
Chairman Committee on Pensions, United States Senate.

MY DEAR SENATOR: Recalling our conversation of this afternoon in regard to Senate bill No. 6723, Calendar No. 4469, "granting an increase of pension to Agusta P. Morgan," I will say that I have known Mrs. Morgan for more than forty years. She is now what I would call a "helpless invalid," caused by a disease which is accurately described in the letters of Doctors Porter, Mitchell, Gandy, and Cragin, which I inclose you herewith. (These letters belong with the papers in this case in the Senate files, having been withdrawn by me to-day.) To my personal knowledge Mrs. Morgan has for several years required the constant attendance of another person to administer to her wants. She is unable to move without being lifted from her bed or a chair in which she is seated by her attendant, and at times is a most severe and heroic sufferer from the pains attendant upon her complaint. She has to be lifted from her bed by her attendant, dressed, placed in a chair, where she remains during her waking hours, and is practically unable to feed herself. She is replaced in her bed at the close of the day by her attendant and is in such physical condition that she can not turn herself after retiring, but is compelled to lie in the one position through the night.

I do not feel that I can say more to recommend her case to the careful consideration of your committee.

I feel that I am fairly justified in urging you to increase the amount of pension reported by your committee to the amount which I placed in the original bill—$30 per month—or even to a larger sum, if you can consistently make such a recommendation.

Yours, very truly,

M. G. BULKELEY.

Mr. McCUMBER. In view of the facts set forth in the letter and the report, I ask that the amendment of the committee may be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JONATHAN M. ADAMS.

Mr. McCUMBER. I also desire to call up Senate bill 6821.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6821) granting an increase of pension to Jonathan M. Adams, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan M. Adams, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. McCUMBER. Upon a further report in regard to this case, which was given to me to-day, but which I will not ask to have inserted in the RECORD, I request that the committee amendment be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTOPHER CHRISTOPHERSON.

Mr. McCUMBER. I now call up Senate bill 6822.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6822) granting an increase of pension to Christopher Christopherson, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher Christopherson, late of Company A, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. McCUMBER. On the same ground, as in the preceding case, I ask that the committee amendment may be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF W AND ADAMS STREETS NW.

Mr. GALLINGER. Mr. President, there are various messages from the House of Representatives returning Senate bills with amendments, which I should like to have laid before the Senate.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5119) authorizing the extension of W and Adams streets NW.; which was, to strike out all after the enacting clause and insert:

That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of W and Adams streets NW. east to North Capitol street; W street to be 80 feet and Adams street to be 90 feet wide.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected; and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House of Representatives, and request a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to.

The VICE-PRESIDENT appointed as the conferees on the part of the Senate Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN.

WIDENING OF BLADENSBURG ROAD.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 55) for the widening of Bladensburg road, and for other purposes.

Mr. GALLINGER. I take occasion to say that the amendment of the House of Representatives to this bill and the others on the Vice-President's table is in every instance identical in terms with, and conforms to, the law we passed during the last session of Congress. So if the amendment is read in one case it will not be necessary to read it in the other cases.

The VICE-PRESIDENT. The amendment of the House of Representatives will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the dedication to the District of Columbia of two-thirds of the land necessary for the widening of the Bladensburg road in the District of Columbia from H or Boundary street to the District of Columbia line, according to the street extension plans of said District, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to complete the widening of said road to a width of 90 feet between the limits named.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $600, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

EXTENSION OF SEVENTH AND FRANKLIN STREETS NE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 64) for the extension of Seventh street and Franklin street NE., and for other purposes; which was to strike out all after the enacting clause and insert:

That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Seventh street NE. southward from its present termination near its intersection with Channing street, on a line parallel with the Metropolitan Railroad, to Rhode Island avenue, Sixth street southward to Central avenue, and also Franklin street NE. from Central avenue eastward to the Metropolitan Railroad and westward from its present termination between Fifth and Sixth streets to Fourth street NE., and also to straighten the western line of Seventh street between Hamlin and Irving streets NE.

SEC. 2. That assessments shall be made by the jury as benefits, as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

WIDENING OF COLUMBIA ROAD.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 68) for the widening of a section of Columbia road east of Sixteenth street; which was to strike out all after the enacting clause and insert:

That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to widen Columbia road between the east side of Sixteenth street extended and the western limit of the subdivision of the north grounds of Columbia College to a total width of 60 feet, concentric with the present improved roadway on such street.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That at least one-half of the amount found to

be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

EXTENSION OF TWENTY-THIRD STREET NW.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 133) authorizing the extension of Twenty-third street NW. to Kalorama road; which was to strike out all after the enacting clause and insert:

That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of suchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Twenty-third street NW. from U street to Kalorama road, so as to include so much of lots 9 and 24, L. R. Tuttle's subdivision, and lots 1 and 18, block 20, Kalorama Heights subdivision, as lie between two parallel curved lines 50 feet apart, the easterly of which begins at a point on north line of lot 9, L. R. Tuttle's subdivision, and 50 feet easterly from the northwest corner thereof, and which passes thence in a southeasterly direction on a circular arc with a radius of 512 feet, more or less, to a point on the west line of lot 24 of said subdivision, and 55 feet, more or less, from the southwestern corner of said lot.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

EXTENSION OF SECOND STREET NW.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2098) authorizing the extension of Second street NW. from Elm street north to Bryant street, of W street from its present terminus west of Flagler place to Second street, and of W street west of Second street eastwardly to Second street; which was to strike out all after the enacting clause and insert:

That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Second street NW. from Elm street northward to Bryant street, with a width of 90 feet, and of W street from its present terminus west of Flagler place to Second street, with a width of 80 feet, and of W street west of Second street eastward to Second street, with a width of 50 feet.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assesed by the said jury as benefits.

SEC. 3. That the sum of $600, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

EXTENSION OF MERIDIAN PLACE NW.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2260) authorizing the extension of Meridian place NW.; which was to strike out all after the enacting clause and insert:

That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Meridian place NW. from its present terminus east of Center street, Mount Pleasant, to Fourteenth street NW., with a width of 50 feet.

SEC. 2. That assessments shall be made by the jury as benefits, as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $600, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

EXTENSION OF GENESEO PLACE AND SUMMIT PLACE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5246) to provide for the extension of Geneseo place and Summit place, District of Columbia; which was to strike out all after the enacting clause and insert:

That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Geneseo place, Lanier Heights NW., in said District, in a southwesterly direction in prolongation of its present lines and to extend Summit place in an easterly direction with a width of 40 feet to connect with said extension of Geneseo place, said extension of Summit place to be north of the northerly line of lot 198 of Lanier Heights and said line extended, the name of Geneseo place to be changed to Summit place.

SEC. 2. That assessments shall be made by the jury as benefits, as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for the benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

CLOSING OF CERTAIN ALLEYS IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5565) to close certain alleys in the District of Columbia; which were, on page 2, line 7, after "Columbia," to insert "which in no event shall be less than the average value of the abutting property;" on page 2, line 11, to strike out all after "owners" down to and including line 13, and insert:

Provided further, That the Commissioners are hereby authorized to reject the appraisement if in their opinion such appraisement is less than the value of said property.

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

In response to Senate resolution of December 6 addressed to me, and to the two Senate resolutions addressed to him, the Secretary of War has, by my direction, submitted to me a report which I herewith send to the Senate, together with several documents, including a letter of General Nettleton and memoranda as to precedents for the summary discharge or mustering out of regiments or companies, some or all of the members of which had been guilty of misconduct.

I ordered the discharge of nearly all the members of Companies B, C, and D of the Twenty-fifth Infantry by name, in the exercise of my constitutional power and in pursuance of what, after full consideration, I found to be my constitutional duty as Commander in Chief of the United States Army. I am glad to avail myself of the opportunity afforded by these resolutions to lay before the Congress the following facts as to the murderous conduct of certain members of the companies in question and as to the conspiracy by which many of the other members of these companies saved the criminals from justice, to the disgrace of the United States uniform.

I call your attention to the accompanying reports of Maj. Augustus P. Blocksom, of Lieut. Col. Leonard A. Lovering, and of Brig. Gen. Ernest A. Garlington, the Inspector-General of the United States Army, of their investigations into the conduct of the troops in question. An effort has been made to discredit the fairness of the investigation into the conduct of these colored troops by pointing out that General Garlington is a Southerner. Precisely the same action would have been taken had the troops been white—indeed, the discharge would probably have been made in more summary fashion. General Garlington is a native of South Carolina; Lieutenant-Colonel Lovering is a native of New Hampshire; Major Blocksom is a native of Ohio. As it happens, the disclosure of the guilt of the troops was made in the report of the officer who comes from Ohio, and the efforts of the officer who comes from South Carolina were confined to the endeavor to shield the innocent men

of the companies in question, if any such there were, by securing information which would enable us adequately to punish the guilty. But I wish it distinctly understood that the fact of the birthplace of either officer is one which I absolutely refuse to consider. The standard of professional honor and of loyalty to the flag and the service is the same for all officers and all enlisted men of the United States Army, and I resent with the keenest indignation any effort to draw any line among them based upon birthplace, creed, or any other consideration of the kind. I should put the same entire faith in these reports if it had happened that they were all made by men coming from some one State, whether in the South or the North, the East or the West, as I now do, when, as it happens, they were made by officers born in different States.

Major Blocksom's report is most careful, is based upon the testimony of scores of eyewitnesses—testimony which conflicted only in nonessentials and which established the essential facts beyond chance of successful contradiction. Not only has no successful effort been made to traverse his findings in any essential particular, but, as a matter of fact, every trustworthy report from outsiders amply corroborates them, by far the best of these outside reports being that Gen. A. B. Nettleton, made in a letter to the Secretary of War, which I herewith append; General Nettleton being an ex-Union soldier, a consistent friend of the colored man throughout his life, a lifelong Republican, a citizen of Illinois, and Assistant Secretary of the Treasury under President Harrison.

It appears that in Brownsville, the city immediately beside which Fort Brown is situated, there had been considerable feeling between the citizens and the colored troops of the garrison companies. Difficulties had occurred, there being a conflict of evidence as to whether the citizens or the colored troops were to blame. My impression is that, as a matter of fact, in these difficulties there was blame attached to both sides; but this is a wholly unimportant matter for our present purpose, as nothing that occurred offered in any shape or way an excuse or justification for the atrocious conduct of the troops when, in lawless and murderous spirit, and under cover of the night, they made their attack upon the citizens.

The attack was made near midnight on August 13. The following facts as to this attack are made clear by Major Blocksom's investigation and have not been, and, in my judgment, can not be, successfully controverted. From nine to fifteen or twenty of the colored soldiers took part in the attack. They leaped over the walls from the barracks and hurried through the town. They shot at whomever they saw moving, and they shot into houses where they saw lights. In some of these houses there were women and children, as the would-be murderers must have known. In one house in which there were two women and five children some ten shots went through at a height of about 4½ feet above the floor, one putting out the lamp upon the table. The lieutenant of police of the town heard the firing and rode toward it. He met the raiders, who, as stated, were about fifteen colored soldiers. They instantly started firing upon him. He turned and rode off, and they continued firing upon him until they had killed his horse. They shot him in the right arm (it was afterwards amputated above the elbow). A number of shots were also fired at two other policemen. The raiders fired several times into a hotel, some of the shots being aimed at a guest sitting by a window. They shot into a saloon, killing the bartender and wounding another man. At the same time other raiders fired into another house in which women and children were sleeping, two of the shots going through the mosquito bar over the bed in which the mistress of the house and her two children were lying. Several other houses were struck by bullets. It was at night, and the streets of the town are poorly lighted, so that none of the individual raiders were recognized; but the evidence of many witnesses of all classes was conclusive to the effect that the raiders were negro soldiers. The shattered bullets, shells, and clips of the Government rifles, which were found on the ground, are merely corroborative. So are the bullet holes in the houses; some of which it appears must, from the direction, have been fired from the fort just at the moment when the soldiers left it. Not a bullet hole appears in any of the structures of the fort.

The townspeople were completely surprised by the unprovoked and murderous savagery of the attack. The soldiers were the aggressors from start to finish. They met with no substantial resistance, and one and all who took part in that raid stand as deliberate murderers, who did murder one man, who tried to murder others, and who tried to murder women and children. The act was one of horrible atrocity, and so far as I am aware, unparalleled for infamy in the annals of the United States Army.

The white officers of the companies were completely taken by surprise, and at first evidently believed that the firing meant that the townspeople were attacking the soldiers. It was not until 2 or 3 o'clock in the morning that any of them became aware of the truth. I have directed a careful investigation into the conduct of the officers, to see if any of them were blameworthy, and I have approved the recommendation of the War Department that two be brought before a court-martial.

As to the noncommissioned officers and enlisted men, there can be no doubt whatever that many were necessarily privy, after if not before the attack, to the conduct of those who took actual part in this murderous riot. I refer to Major Blocksom's report for proof of the fact that certainly some and probably all of the noncommissioned officers in charge of quarters who were responsible for the gun racks and had keys thereto in their personal possession knew what men were engaged in the attack.

Major Penrose, in command of the post, in his letter (included in the Appendix) gives the reasons why he was reluctantly convinced that some of the men under him—as he thinks, from 7 to 10—got their rifles, slipped out of quarters to do the shooting, and returned to the barracks without being discovered, the shooting all occurring within two and a half short blocks of the barracks. It was possible for the raiders to go from the fort to the farthest point of firing and return in less than ten minutes, for the distance did not exceed 350 yards.

Such are the facts of this case. General Nettleton, in his letter herewith appended, states that next door to where he is writing in Brownsville is a small cottage where a children's party had just broken up before the house was riddled by United States bullets, fired by United States troops, from United States Springfield rifles, at close range, with the purpose of killing or maiming the inmates, including the parents and children who were still in the well-lighted house, and whose escape from death under such circumstances was astonishing. He states that on another street he daily looks upon fresh bullet scars where a volley from similar Government rifles was fired into the side and windows of a hotel occupied at the time by sleeping or frightened guests from abroad who could not possibly have given any offense to the assailants. He writes that the chief of the Brownsville police is again on duty from hospital, and carries an empty sleeve because he was shot by Federal soldiers from the adjacent garrison in the course of their murderous foray; and not far away is the fresh grave of an unoffending citizen of the place, a boy in years, who was wantonly shot down by these United States soldiers while unarmed and attempting to escape.

The effort to confute this testimony so far has consisted in the assertion or implication that the townspeople shot one another in order to discredit the soldiers—an absurdity too gross to need discussion, and unsupported by a shred of evidence. There is no question as to the murder and the attempted murders; there is no question that some of the soldiers were guilty thereof; there is no question that many of their comrades privy to the deed have combined to shelter the criminals from justice. These comrades of the murderers, by their own action, have rendered it necessary either to leave all the men, including the murderers, in the Army, or to turn them all out; and under such circumstances there was no alternative, for the usefulness of the Army would be at an end were we to permit such an outrage to be committed with impunity.

In short, the evidence proves conclusively that a number of the soldiers engaged in a deliberate and concerted attack, as cold blooded as it was cowardly; the purpose being to terrorize the community, and to kill or injure men, women, and children in their homes and beds or on the streets, and this at an hour of the night when concerted or effective resistance or defense was out of the question, and when detection by identification of the criminals in the United States uniform was well-nigh impossible. So much for the original crime. A blacker never stained the annals of our Army. It has been supplemented by another, only less black, in the shape of a successful conspiracy of silence for the purpose of shielding those who took part in the original conspiracy of murder. These soldiers were not schoolboys on a frolic. They were full-grown men, in the uniform of the United States Army, armed with deadly weapons, sworn to uphold the laws of the United States, and under every obligation of oath and honor not merely to refrain from criminality, but with the sturdiest rigor to hunt down criminality; and the crime they committed or connived at was murder. They perverted the power put into their hands to sustain the law into the most deadly violation of the law. The noncommissioned officers are primarily responsible for the discipline and good conduct of the men; they are appointed to their positions for the very purpose of preserving this discipline and good conduct, and of detecting and securing the punishment of every enlisted man who does what is wrong. They fill, with reference to the discipline, a part that the commissioned officers are of course unable to fill, although the ultimate responsibility for the discipline can never be shifted from the shoulders of the latter. Under any ordinary circumstances the first duty of the noncommissioned officers, as of the commissioned officers, is to train the private in the ranks so that he may be an efficient fighting man against a foreign foe. But there is an even higher duty, so obvious that it is not under ordinary circumstances necessary so much as to allude to it—the duty of training the soldier so that he shall be a protection and not a menace to his peaceful fellow-citizens, and above all to the women and children of the nation. Unless this duty is well performed, the Army becomes a mere dangerous mob; and if conduct such as that of the murderers in question is not, where possible, punished, and, where this is not possible, unless the chance of its repetition is guarded against in the most thoroughgoing fashion, it would be better that the entire Army should be disbanded. It is vital for the Army to be imbued with the spirit which will make every man in it, and above all, the officers and noncommissioned officers, feel it a matter of highest obligation to discover and punish, and not to shield, the criminal in uniform.

Yet some of the noncommissioned officers and many of the men of the three companies in question have banded together in a conspiracy to protect the assassins and would-be assassins who have disgraced their uniform by the conduct above related. Many of these noncommissioned officers and men must have known, and all of them may have known, circumstances which would have led to the conviction of those engaged in the murderous assault. They have stolidly and as one man broken their oaths of enlistment and refused to help discover the criminals.

By my direction every effort was made to persuade those innocent of murder among them to separate themselves from the guilty by helping bring the criminals to justice. They were warned that if they did not take advantage of the offer they would all be discharged from the service and forbidden again to enter the employ of the Government. They refused to profit by the warning. I accordingly had them discharged. If any organization of troops in the service, white or black, is guilty of similar conduct in the future I shall follow precisely the same course. Under no circumstances will I consent to keep in the service bodies of men whom the circumstances show to be a menace to the country. Incidentally I may add that the soldiers of longest service and highest position who suffered because of the order, so far from being those who deserve most sympathy, deserve least, for they are the very men upon whom we should be able especially to rely to prevent mutiny and murder.

People have spoken as if this discharge from the service was a punishment. I deny emphatically that such is the case, because as punishment it is utterly inadequate. The punishment meet for mutineers and murderers such as those guilty of the Brownsville assault is death; and a punishment only less severe ought to be meted out to those who have aided and abetted mutiny and murder and treason by refusing to help in their detection. I would that it were possible for me to have punished the guilty men. I regret most keenly that I have not been able to do so.

Be it remembered always that these men were all in the service of the United States under contracts of enlistment, which by their terms and by statute were terminable by my direction as Commander in Chief of the Army. It was my clear duty to terminate those contracts when the public interest demanded it; and it would have been a betrayal of the public interest on my part not to terminate the contracts which were keeping in the service of the United States a body of mutineers and murderers.

Any assertion that these men were dealt with harshly because they were colored men is utterly without foundation. Officers or enlisted men, white men or colored men, who were guilty of such conduct, would have been treated in precisely the same way; for there can be nothing more important than for the United States Army, in all its membership, to understand that its arms can not be turned with impunity against the peace and order of the civil community.

There are plenty of precedents for the action taken. I call your attention to the memoranda herewith submitted from The Military Secretary's office of the War Department, and a memorandum from The Military Secretary inclosing a piece by ex-Corporal Hesse, now chief of division in The Military Secretary's office, together with a letter from District Attorney James Wilkinson, of New Orleans. The district attorney's letter recites several cases in which white United States soldiers, being arrested for crime, were tried, and every sol-

dier and employee of the regiment, or in the fort at which the soldier was stationed, volunteered all they knew, both before and at the trial, so as to secure justice.

In one case the soldier was acquitted. In another case the soldier was convicted of murder, the conviction resulting from the fact that every soldier, from the commanding officer to the humblest private, united in securing all the evidence in their power about the crime. In other cases, for less offense, soldiers were convicted purely because their comrades in arms, in a spirit of fine loyalty to the honor of the service, at once told the whole story of the troubles and declined to identify themselves with the criminals.

During the civil war numerous precedents for the action taken by me occurred in the shape of the summary discharge of regiments or companies because of misconduct on the part of some or all of their members. The Sixtieth Ohio was summarily discharged, on the ground that the regiment was disorganized, mutinous, and worthless. The Eleventh New York was discharged by reason of general demoralization and numerous desertions. Three companies of the Fifth Missouri Cavalry and one company of the Fourth Missouri Cavalry were mustered out of the service of the United States without trial by court-martial by reason of mutinous conduct and disaffection of the majority of the members of these companies (an almost exact parallel to my action). Another Missouri regiment was mustered out of service because it was in a state bordering closely on mutiny. Other examples, including New Jersey, Maryland, and other organizations, are given in the inclosed papers.

I call your particular attention to the special field order of Brig. Gen. U. S. Grant, issued from the headquarters of the Thirteenth Army Corps on November 16, 1862, in reference to the Twentieth Illinois. Members of this regiment had broken into a store and taken goods to the value of some $1,240, and the rest of the regiment, including especially two officers, failed, in the words of General Grant, to "exercise their authority to ferret out the men guilty of the offenses." General Grant accordingly mustered out of the service of the United States the two officers in question, and assessed the sum of $1,240 against the said regiment as a whole, officers and men to be assessed pro rata on their pay. In its essence this action is precisely similar to that I have taken; although the offense was of course trivial compared to the offense with which I had to deal.

Ex-Corporal Hesse recites what occurred in a United States regular regiment in the spring of 1860. (Corporal Hesse subsequently, when the regiment was surrendered to the Confederates by General Twiggs, saved the regimental colors by wrapping them about his body, under his clothing, and brought them north in safety, receiving a medal of honor for his action.) It appears that certain members of the regiment lynched a barkeeper who had killed one of the soldiers. Being unable to discover the culprits, Col. Robert E. Lee, then in command of the Department of Texas, ordered the company to be disbanded and the members transferred to other companies and discharged at the end of their enlistment, without honor. Owing to the outbreak of the civil war, and the consequent loss of records and confusion, it is not possible to say what finally became of this case.

When General Lee was in command of the Army of Northern Virginia, as will appear from the inclosed clipping from the Charlotte Observer, he issued an order in October, 1864, disbanding a certain battalion for cowardly conduct, stating at the time his regret that there were some officers and men belonging to the organization who, although not deserving it, were obliged to share in the common disgrace because the good of the service demanded it.

In addition to the discharges of organizations, which are of course infrequent, there are continual cases of the discharge of individual enlisted men without honor and without trial by court-martial. The official record shows that during the fiscal year ending June 30 last such discharges were issued by the War Department without trial by court-martial in the cases of 352 enlisted men of the Regular Army, 35 of them being on account of "having become disqualified for service through own misconduct." Moreover, in addition to the discharges without honor ordered by the War Department, there were a considerable number of discharges without honor issued by subordinate military authorities under paragraph 148 of the Army Regulations, "where the service has not been honest and faithful—that is, where the service does not warrant reenlistment."

So much for the military side of the case. But I wish to say something additional, from the standpoint of the race question. In my message at the opening of Congress I discussed the matter of lynching. In it I gave utterance to the abhorrence which all decent citizens should feel for the deeds of the men (in almost all cases white men) who take part in lynchings, and at the same time I condemned, as all decent men of any color should condemn, the action of those colored men who actively or passively shield the colored criminal from the law. In the case of these companies we have to deal with men who in the first place were guilty of what was practically the worst possible form of lynching—for a lynching is in its essence lawless and murderous vengeance taken by an armed mob for real or fancied wrongs—and who in the second place covered up the crime of lynching by standing with a vicious solidarity to protect the criminals.

It is of the utmost importance to all our people that we shall deal with each man on his merits as a man, and not deal with him merely as a member of a given race; that we shall judge each man by his conduct and not his color. This is important for the white man, and it is far more important for the colored man. More evil and sinister counsel never was given to any people than that given to colored men by those advisers, whether black or white, who, by apology and condonation, encourage conduct such as that of the three companies in question. If the colored men elect to stand by criminals of their own race because they are of their own race, they assuredly lay up for themselves the most dreadful day of reckoning. Every farsighted friend of the colored race in its efforts to strive onward and upward, should teach first, as the most important lesson, alike to the white man and the black, the duty of treating the individual man strictly on his worth as he shows it. Any conduct by colored people which tends to substitute for this rule the rule of standing by and shielding an evil doer because he is a member of their race, means the inevitable degradation of the colored race. It may and probably does mean damage to the white race, but it means ruin to the black race.

Throughout my term of service in the Presidency I have acted on the principle thus advocated. In the North as in the South I have appointed colored men of high character to office, utterly disregarding the protests of those who would have kept them out of office because they were colored men. So far as was in my power, I have sought to secure for the colored people all their rights under the law. I have done all I could to secure them equal school training when young, equal opportunity to earn their livelihood, and achieve their happiness when old. I have striven to break up peonage; I have upheld the hands of those who, like Judge Jones and Judge Speer, have warred against this peonage, because I would hold myself unfit to be President if I did not feel the same revolt at wrong done a colored man as I feel at wrong done a white man. I have condemned in unstinted terms the crime of lynching perpetrated by white men, and I should take instant advantage of any opportunity whereby I could bring to justice a mob of lynchers. In precisely the same spirit I have now acted with reference to these colored men who have been guilty of a black and dastardly crime. In one policy, as in the other, I do not claim as a favor, but I challenge as a right, the support of every citizen of this country, whatever his color, provided only he has in him the spirit of genuine and far-sighted patriotism.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 19, 1906.*

Mr. FORAKER. Mr. President, I ask that the message, with the accompanying exhibits and all papers connected therewith, may be printed as a document and referred to the Committee on Military Affairs, with instructions to take such testimony as may be necessary to establish all the facts, the expense so incurred to be paid out of the contingent fund of the Senate.

Mr. LODGE. The last part ought to be a separate resolution. The usual motion is, of course, that the message be referred and printed, to which there is no objection, but I think before we decide to enter on a Congressional investigation the matter ought to be presented at least separately.

Mr. FORAKER. I have no objection to presenting it separately, if the Senator makes an objection. I ask the Senator if he objects to testimony being taken in regard to the facts in the matter?

Mr. LODGE. If a resolution of investigation is to be introduced, I ask that it may go over under the rule.

Mr. FORAKER. I think the Senator would, upon consideration, perhaps, withdraw that objection. The documents accompanying the message are very voluminous. It is impossible for us on the moment to determine whether all the evidence is there with respect to this matter that the Senate may desire to have, if it should see fit to go into the matter at all. The request I made was that the message might go to the Committee on Military Affairs with instructions to take testimony if the committee should deem it essential or advisable to do so.

Mr. LODGE. I ask that the motion be divided.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FORAKER. Certainly. I want to know if my request is objected to.

Mr. PENROSE. I wish to make a suggestion to the Senator from Ohio. He is a member of the Committee on Military Affairs?

Mr. FORAKER. Certainly.

Mr. PENROSE. Can not the matter be safely left to that committee? If they conclude to investigate this matter and want any further power from the Senate, they can come into the Senate later on with such a proposition. It does not seem to me that any formal resolution to empower the Military Committee to send for witnesses or papers is necessary at this time. Let the committee take up the matter.

I suggest to the Senator from Ohio that he confine his request to having the documents printed, which of course will be printed as a Senate document, and then have the Committee on Military Affairs take up the matter at their discretion.

Mr. FORAKER. In view of the objection that is made, I will divide the request, or motion, rather.

Mr. BLACKBURN. Then I shall ask the Senator from Ohio to reduce his motion to writing, not the first motion of reference, but the second motion, in order that we may understand whether it be the purpose of the Senator from Ohio to instruct and direct the Military Affairs Committee of the Chamber to make an investigation, or whether it be simply his purpose to leave it to the committee to determine whether an investigation shall be made.

Mr. FORAKER. Very well; I will offer a written resolution.

The VICE-PRESIDENT. The Senator from Ohio moves that the President's message, with the accompanying documents, be printed and referred to the Committee on Military Affairs. The question is on agreeing to the motion of the Senator from Ohio.

The motion was agreed to.

Mr. LODGE rose.

Mr. FORAKER. Now, Mr. President, I offer a resolution. I will first yield to the Senator from Massachusetts, however.

Mr. LODGE. Mr. President, I merely desire to say that there has come in a message which we have only just heard read, and that there comes with it a considerable amount of printed testimony, which I for one should like to examine. I am not at all clear whether there is any necessity for entering upon a Congressional investigation. If there is, we will order it; but I should like to see the papers first.

Mr. FORAKER. I will offer the resolution in a few moments.

The VICE-PRESIDENT. The Chair will take this opportunity to lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

H. R. 22580. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908, was read twice by its title, and referred to the Committee on Indian Affairs.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 121. An act authorizing the extension of Seventeenth street NW.;

H. R. 128. An act for the opening of a connecting highway between Waterside Drive and Park road, District of Columbia;

H. R. 5971. An act authorizing the extension of T street (formerly W street) NW.;

H. R. 7039. An act authorizing the extension of Prospect street NW.;

H. R. 8435. An act for the opening of Fessenden street NW., District of Columbia;

H. R. 10703. An act authorizing the extension of Monroe street NE.;

H. R. 10843. An act authorizing the extension of Kenyon street NW.;

H. R. 14815. An act for the extension of Harvard street, Columbia Heights, District of Columbia; and

H. R. 14900. An act to extend Fourth street NE.

OPENING OF MACOMB STREET.

The bill (H. R. 20069) for the opening of Macomb street NW., District of Columbia, was read twice by its title.

Mr. GALLINGER. A bill in reference to the opening of Macomb street has been reported by the Senate Committee on the District of Columbia and is on the Calendar. I ask that the House bill may take the place of the Senate bill on the Calendar without reference to the committee.

The VICE-PRESIDENT. Without objection, it is so ordered; and the Senate bill will be indefinitely postponed.

EMPLOYMENT AGENCIES IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 21408) to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906, was read the first time by its title.

The VICE-PRESIDENT. The Chair invites the attention of the Senator from New Hampshire to the bill. The Chair understands that there is a Senate bill of the same character on the Calendar.

Mr. GALLINGER. There is, and I ask that this bill take the place on the Calendar that is now held by the Senate bill. It is in identical terms.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GALLINGER. I move that the Senate bill, No. 6405, be indefinitely postponed.

The motion was agreed to.

Mr. GALLINGER. It will take but a moment, I will say, to pass the House bill, and it is a somewhat important matter. It is a small matter, but yet important. I ask unanimous consent that it may be considered at this time.

The VICE-PRESIDENT. The Secretary will read the bill for the information of the Senate.

The bill was read the second time at length, as follows:

Be it enacted, etc., That section 11 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906, be, and the same is hereby, amended by inserting after the words "at least six months from the date of revocation of such license" the words "every violation of any provision of this act, except as provided in section 10, shall be punishable by a fine not to exceed $25, and in default thereof the person or persons so offending shall be committed for a period not to exceed thirty days, and this penalty shall also include such violations of section 10 for which no penalty is prescribed in said section 10.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just read?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMPLOYERS' LIABILITY BILL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That if the Committee on Military Affairs deem it necessary, in connection with the consideration of the message of the President in response to resolutions Nos. 180 and 181, to take further testimony to establish all facts connected with the discharge of the members of Companies B, C, and D, Twenty-fifth United States Infantry, that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise, the expense so incurred to be paid out of the contingent fund of the Senate.

Mr. LODGE. Mr. President, to that resolution I have no objection at all. What I objected to was passing a resolution ordering an investigation before we get any opportunity to consider the papers that have come in. The resolution leaves it to the discretion of the Committee on Military Affairs to take action or not, as they may deem best, after examining the papers, and I have no objection to it. I hope it will pass.

Mr. FORAKER. I desire to add only one word, and that is that the resolution is in the precise form in which I undertook to offer the resolution orally.

Mr. LODGE. I misunderstood the language the Senator used, then. I thought it was a direction to investigate.

Mr. FORAKER. I had not thought of ordering an investigation until the message and accompanying documents should be properly examined by some committee, and I thought the Committee on Military Affairs was the proper one.

Mr. WARREN. Mr. President, I do not rise to oppose the resolution, but simply to call the attention of my colleague on the committee to the fact that it is usual when authorizing a committee to take testimony, etc., which would cause expense to have it referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I do not raise the point myself.

Mr. LODGE. That would not be necessary at this stage, because the resolution leaves it to the Committee on Military Affairs to say whether there shall be an investigation or not, and it is for them then to decide.

Mr. WARREN. But the resolution undertakes to give them authority to expend money. I have no objection to its passage in that form. I merely call attention to the fact that it is unusual.

Mr. KEAN. The whole quesion has to go to the Committee on Contingent Expenses, under the law.

Mr. CARMACK. Mr. President, there is objection to leaving it to the discretion of the committee without a positive order of the Senate to undertake an investigation of this sort. It seems to me that if an investigation of the kind is to be undertaken it ought not to be done except on an express instruction from the Senate to do so. I do not believe it is a good idea to leave it to a committee to undertake what may be a very long and burdensome and costly investigation unless it has been directly instructed by the Senate to do so. I would be willing at this time to instruct the committee to make such an investigation, but I do not believe in leaving it to the discretion of the committee to conduct an investigation of this sort.

Mr. FORAKER. Mr. President——

Mr. SPOONER. Let the resolution be read again.

The VICE-PRESIDENT. The Secretary will again read the resolution, at the request of the Senator from Wisconsin.

The Secretary again read the resolution as follows:

Resolved, That if the Committee on Military Affairs deem it necessary, in connection with the consideration of the message of the President in response to resolutions Nos. 180 and 181, to take further testimony to establish all facts connected with the discharge of the members of Companies B, C, and D, Twenty-fifth United States Infantry, that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise, the expense so incurred to be paid out of the contingent fund of the Senate.

Mr. FORAKER. I modify the resolution, in view of the objection that has been made, so as to omit the words "the expense so incurred to be paid out of the contingent fund of the Senate," and I ask that it may be passed as modified.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

Mr. CLAY. Mr. President, the President's message has just come into the Senate. It is voluminous and contains many pages. Senators ought to be permitted to examine closely the message and the testimony connected therewith before we vote

as to whether there ought to be an investigation. I do not believe that, without an examination of the testimony in connection with the message, discretion should be left to a committee as to whether or not there shall be an investigation. I can not see how any harm can result to anyone by leaving this matter to stand until after we convene again in January; and I object to the consideration of the resolution to-day.

Mr. FORAKER. In view of the modification of the resolution which has been made, no testimony can be taken until the matter is acted upon by the Senate. So I hope the Senator from Georgia will withdraw his objection. He will be perfectly protected. The only request is that the message shall be printed as a Senate document so that all Senators can examine it, and——

Mr. CLAY. I have no objection to that.

Mr. FORAKER. If the committee upon examining it——

Mr. CLAY. I understood that the Senator offered a resolution of that kind, and that it has been already adopted.

Mr. FORAKER. That has been adopted.

Mr. CLAY. And I understand this second resolution to leave it to the discretion of the committee as to whether or not there shall be an investigation of the entire subject.

Mr. FORAKER. If they want any additional testimony. As has been stated, there have been some statements sent here—some of them under oath, many of them not under oath—which are referred to as the testimony taken in this case. In a proper sense of the word there is no testimony at all, but it is to that I refer when I speak of the testimony upon which action so far has been taken.

Now, if the Senator insists upon his objection, I move to reconsider the motion referring the message, with the accompanying documents, to the Committee on Military Affairs, and ask that it be printed as a document and lie on the table, to be called up for discussion whenever it may suit the convenience of the Senate.

Mr. CLAY. I ask that the resolution as amended by the Senator from Ohio be read, that I may thoroughly understand it.

The VICE-PRESIDENT. The resolution as modified by the Senator from Ohio will be read by the Secretary.

The Secretary read the resolution as modified, as follows:

Resolved, That if the Committee on Military Affairs deem it necessary, in connection with the consideration of the message of the President in response to resolutions Nos. 180 and 181, to take further testimony to establish all facts connected with the discharge of the members of Companies B, C, and D, Twenty-fifth United States Infantry, that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon by bill or otherwise.

Mr. CLAY. I object to the consideration of the resolution.

The VICE-PRESIDENT. The Senator from Georgia objects. The Senator from Ohio moves to reconsider the vote by which the message and accompanying documents were referred to the Committee on Military Affairs.

Mr. FORAKER. Mr. President, I do not wish to precipitate a discussion at this time of the message the President has sent. I think every Senator here would be at a disadvantage in undertaking to discuss it until he has had time to read it carefully. I have read it once, and I have heard it read from the desk by the Secretary. So possibly I am more familiar with it than any other Senator here. I do not think any other Senator has read it. And yet I do not feel like undertaking to discuss the message at this time, but I think it is due to Senators who may want to discuss it, if it can not be considered in committee, where it properly belongs, that it should lie on the table until it can be called up and discussed or be sent to the committee.

Mr. LODGE. Sending papers to a committee is merely a formal process. It does not deprive us of the papers or of the message; and the subject is before us under the resolution, which goes over by the objection of the Senator from Georgia. The Senator from Ohio does not, it seems to me, lose any control of the subject by allowing the papers to take the ordinary course, which is the reference to a committee and printing.

Mr. FORAKER. That is all true, and it is in recognition of that fact that I did not think there would be any objection on the part of the Senator from Georgia, when he saw what I want to call attention to now—the qualified form of the resolution. I did not think the Senator would insist upon his objection when he saw the modified form of the resolution. There could not be any testimony taken until the Senate acted on the question of expenses, and I so stated.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Illinois?

Mr. FORAKER. I do not want to yield, because the Senator wants to make a motion for an executive session; otherwise I would be courteous and polite and yield to the Senator. I would like to have this matter disposed of if I can. I do not see that there is any advantage or disadvantage to anybody whether the resolution goes over or not, except only we get rid of it for the time being, and it goes to the committee where it properly belongs and where it will have to be considered in any event.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Certainly.

Mr. CLAY. I will say to the Senator that I do not desire to be captious about the matter, but I do desire to read the message of the President. That can be done. Senators will have time to read the message by to-morrow, and then will be the proper time to act on the resolution. I can not see any need of immediate action to-day. I can not see how——

Mr. FORAKER. Certainly, if the Senator insists upon it, I will let it go over until to-morrow, because I can not help myself. Under the rule I shall have to yield.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. FORAKER. I was hoping the Senator would withdraw his objection. If he insists upon it the resolution will go over until to-morrow, but to-morrow I shall press the resolution.

The VICE-PRESIDENT. Does the Senator from Ohio insist on his motion to reconsider the vote by which the message and documents were referred?

Mr. FORAKER. I was referring to the resolution when I said in view of the objection of the Senator from Georgia I would, of course, have to allow it to go over until to-morrow; but I ask that the same order may be taken as to the motion to reconsider. I enter a motion to reconsider.

Mr. CULLOM. I insist upon my motion, Mr. President.

The VICE-PRESIDENT. The Senator from Ohio enters a motion to reconsider the vote by which the President's message and accompanying documents were referred to the Committee on Military Affairs. The motion will lie over until to-morrow; and pending the motion to reconsider, the message and accompanying documents will be printed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 2 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 20, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 19, 1906.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Thomas C. Dawson, of Iowa, now minister resident and consul-general to Santo Domingo, for promotion to be envoy extraordinary and minister plenipotentiary of the United States to Colombia, vice John Barrett, resigned.

Williams C. Fox, of New Jersey, late consul at Brunswick, to be envoy extraordinary and minister plenipotentiary of the United States to Ecuador, vice Joseph W. J. Lee, nominated for promotion to be envoy extraordinary and minister plenipotentiary to Guatemala and Honduras.

Horace G. Knowles, of Delaware, late consul at Bordeaux, to be envoy extraordinary and minister plenipotentiary of the United States to Roumania and Servia, vice John W. Riddle, nominated for promotion to be ambassador extraordinary and plenipotentiary to Russia.

Joseph W. J. Lee, of Maryland, now envoy extraordinary and minister plenipotentiary to Ecuador, for promotion to be envoy extraordinary and minister plenipotentiary of the United States to Guatemala and Honduras, vice Leslie Combs, nominated to be envoy extraordinary and minister plenipotentiary to Peru.

MINISTER RESIDENT AND CONSUL-GENERAL.

Fenton R. McCreery, of Michigan, now secretary of the embassy at Mexico, for promotion to be minister resident and consul-general of the United States to Santo Domingo, vice Thomas C. Dawson, nominated for promotion to be envoy extraordinary and minister plenipotentiary to Colombia.

SECRETARIES OF EMBASSIES.

John Gardner Coolidge, of Massachusetts, late secretary of the legation at Peking, to be secretary of the embassy of the United States at Mexico, Mexico, vice Fenton R. McCreery,

nominated for promotion to be minister resident and consul-general to Santo Domingo.

Montgomery Schuyler, jr., of New York, now secretary of the legation and consul-general to Roumania and Servia, for promotion to be secretary of the embassy of the United States at St. Petersburg, Russia, vice Spencer F. Eddy, appointed secretary of the embassy at Berlin.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Philip M. Brown, of Massachusetts, now secretary of the legation to Guatemala and Honduras, to be secretary of the legation and consul-general of the United States to Roumania and Servia, vice Montgomery Schuyler, jr., nominated to be secretary of the embassy at St. Petersburg.

SECRETARIES OF LEGATIONS.

Robert Woods Bliss, of New York, now second secretary of the embassy at St. Petersburg, to be secretary of the legation of the United States at Brussels, Belgium, vice Stanton Sickles, nominated to be secretary of the legation to Greece and Montenegro and of the diplomatic agency in Bulgaria.

Stanton Sickles, of New York, now secretary of the legation at Brussels, to be secretary of the legation of the United States to Greece and Montenegro and of the diplomatic agency in Bulgaria, vice Charles S. Wilson, appointed secretary of the legation at Habana.

Leonard M. Thomas, of Pennsylvania, now second secretary of the embassy at Rome, to be secretary of the legation of the United States at Madrid, Spain, vice Robert M. Winthrop, nominated to be second secretary of the embassy at Rome.

SECOND SECRETARIES OF EMBASSIES.

Nelson O'Shaughnessy, of New York, now third secretary of the embassy at Berlin, for promotion to be second secretary of the embassy of the United States at St. Petersburg, Russia, vice Robert Woods Bliss, nominated to be secretary of the legation at Brussels.

Robert M. Winthrop, of Massachusetts, now secretary of the legation at Madrid, to be second secretary of the embassy of the United States at Rome, Italy, vice Leonard M. Thomas, nominated to be secretary of the legation at Madrid.

UNITED STATES DISTRICT JUDGE.

Edward S. Farrington, of Nevada, to be United States district judge for the district of Nevada, in the place of Thomas P. Hawley, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 19, 1906.

AMBASSADORS.

Irving B. Dudley, of California, now envoy extraordinary and minister plenipotentiary to Peru, to be ambassador extraordinary and plenipotentiary of the United States to Brazil.

Lloyd C. Griscom, of Pennsylvania, now ambassador extraordinary and plenipotentiary to Brazil, to be ambassador extraordinary and plenipotentiary of the United States to Italy.

Henry White, of Rhode Island, now ambassador extraordinary and plenipotentiary to Italy, to be ambassador extraordinary and plenipotentiary of the United States to France.

John W. Riddle, of Minnesota, now envoy extraordinary and minister plenipotentiary to Roumania and Servia, to be ambassador extraordinary and plenipotentiary of the United States to Russia.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Leslie Combs, of Kentucky, now envoy extraordinary and minister plenipotentiary to Guatemala and Honduras, to be envoy extraordinary and minister plenipotentiary of the United States to Peru.

UNITED STATES ATTORNEYS.

Lock McDaniel, of Texas, to be United States attorney for the southern district of Texas, commencing January 16, 1907.

Jose R. F. Savage, of Porto Rico, to be United States attorney for the district of Porto Rico.

MEMBERS OF MISSISSIPPI RIVER COMMISSION.

Maj. James G. Warren, Corps of Engineers, United States Army, for appointment as member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters."

Lieut. Col. William T. Rossell, Corps of Engineers, United States Army, for appointment as member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters."

PROMOTIONS IN THE NAVY.

Chaplain Frank B. Rose, United States Navy, retired, with the rank of captain, to be a chaplain on the retired list of officers of the Navy with the rank of rear-admiral from the 29th day of June, 1906.

Lieut. Commander Frank M. Bennett to be a commander in the Navy from the 2d day of November, 1906.

Second Lieut. Benjamin S. Berry to be a first lieutenant in the Marine Corps from the 29th day of November, 1906.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. Henry Granville Fisher to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from November 4, 1906.

Second Lieut. Ernest Eugene Mead to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 1, 1906.

COLLECTOR OF CUSTOMS.

J. Rice Winchell, of Connecticut, to be collector of customs for the district of New Haven, in the State of Connecticut.

Fred C. Cubberly, of Florida, to be collector of customs for the district of St. Marks, in the State of Florida.

John W. Howell, of Florida, to be collector of customs for the district of Fernandina, in the State of Florida.

CIRCUIT JUDGE OF HAWAII.

John T. DeBolt, of Hawaii, to be first judge of the circuit court of the first circuit of the Territory of Hawaii.

REGISTERS OF THE LAND OFFICE.

John F. Armstrong, of California, to be register of the land office at Sacramento, Cal.

Andrew W. Swaney, of Montana, to be register of the land office at Kalispell, Mont.

George S. Curtis, of Leadville, Colo., to be register of the land office at Leadville, Colo.

Henry W. Kiefer, of Idaho Falls, Idaho, to be register of the land office at Blackfoot, Idaho.

RECEIVERS OF PUBLIC MONEYS.

Fred C. Bradley, of Hailey, Idaho, to be receiver of public moneys at Hailey, Idaho.

Benjamin C. Barbor, of Nezperce, Idaho, to be receiver of public moneys at Lewiston, Idaho.

William Ashley, jr., of Rathdrum, Idaho, to be receiver of public moneys at Coeur d'Alene, Idaho.

Charles Walter, of Independence, Cal., to be receiver of public moneys at Independence, Cal.

POSTMASTERS.

ARKANSAS.

William C. Bill to be postmaster at Ozark, in the county of Franklin and State of Arkansas.

John A. Dudgeon to be postmaster at Corning, in the county of Clay and State of Arkansas.

CALIFORNIA.

John W. Magee to be postmaster at Chico, in the county of Butte and State of California.

Stanley Morehead to be postmaster at San Rafael, in the county of Marin and State of California.

Walter Mundell to be postmaster at Sawtelle, in the county of Los Angeles and State of California.

GEORGIA.

J. F. Renfroe to be postmaster at Wrightsville, in the county of Johnson and State of Georgia.

ILLINOIS.

John C. Louden to be postmaster at Lebanon, in the county of St. Clair and State of Illinois.

INDIANA.

William H. Burris to be postmaster at Milford, in the county of Kosciusko and State of Indiana.

IOWA.

Arthur S. Burdick to be postmaster at Postville, in the county of Allamakee and State of Iowa.

Daniel P. Ellsworth to be postmaster at Lohrville, in the county of Calhoun and State of Iowa.

Hiram Lamb to be postmaster at Murray, in the county of Clarke and State of Iowa.

William R. Orchard to be postmaster at Glidden, in the county of Carroll and State of Iowa.

Gustavus F. Peek to be postmaster at Algona, in the county of Kossuth and State of Iowa.

Olive L. Stauffer to be postmaster at Gladbrook, in the county of Tama and State of Iowa.

KANSAS.

George W. Doty to be postmaster at Burlingame, in the county of Osage and State of Kansas.

Harvey S. Givler to be postmaster at Wakeeney, in the county of Trego and State of Kansas.

Jennie R. Reed to be postmaster at Almena, in the county of Norton and State of Kansas.

KENTUCKY.

Clarence Mathews to be postmaster at Maysville, in the county of Mason and State of Kentucky.

MARYLAND.

Charles F. Peters to be postmaster at Western Port, in the county of Allegany and State of Maryland.

MASSACHUSETTS.

Marcus M. Copeland, jr., to be postmaster at Onset, in the county of Plymouth and State of Massachusetts.

John W. Fairbanks to be postmaster at Westboro, in the county of Worcester and State of Massachusetts.

Martin Hickey to be postmaster at Grafton, in the county of Worcester and State of Massachusetts.

Edward B. Sherman to be postmaster at Franklin, in the county of Norfolk and State of Massachusetts.

MICHIGAN.

Timothy Smith to be postmaster at Howell, in the county of Livingston and State of Michigan.

MISSOURI.

John W. Scott to be postmaster at Moberly, in the county of Randolph and State of Missouri.

NEW JERSEY.

John W. Dooling to be postmaster at Clayton, in the county of Gloucester and State of New Jersey.

William C. Fink to be postmaster at Hudson Heights, in the county of Hudson and State of New Jersey.

NEW YORK.

John Raines, jr., to be postmaster at Canandaigua, in the county of Ontario and State of New York.

Homer E. Snyder to be postmaster at Victor, in the county of Ontario and State of New York.

Edward Williams to be postmaster at Granville, in the county of Washington and State of New York.

NORTH CAROLINA.

Vann J. McArthur to be postmaster at Clinton, in the county of Sampson and State of North Carolina.

William A. Mace to be postmaster at Beaufort, in the county of Carteret and State of North Carolina.

PENNSYLVANIA.

D. James Colgate to be postmaster at Hawley, in the county of Wayne and State of Pennsylvania.

SOUTH CAROLINA.

J. Frank Kneece to be postmaster at Batesburg, in the county of Lexington and State of South Carolina.

WASHINGTON.

Alexander Jolley to be postmaster at Elma, in the county of Chehalis and State of Washington.

WISCONSIN.

Herman O. E. Diestler to be postmaster at Hortonville, in the county of Outagamie and State of Wisconsin.

AMELIORATION OF CONDITION OF WOUNDED IN ARMIES.

The injunction of secrecy was removed December 19, 1906, from the message from the President of the United States transmitting an authenticated copy of a convention signed at Geneva on July 6, 1906, for the amelioration of the condition of the wounded in armies in the field.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 19, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SHOSHONE INDIAN RESERVATION.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21202) fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the present consideration of a bill the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. This bill was read yesterday. Is there objection to its consideration?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

INTERSTATE CORPORATIONS.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2) requiring all corporations engaged in interstate commerce to make returns, and for other purposes.

The SPEAKER. The gentleman from Maine asks unanimous consent for the present consideration of a bill. Is it on the Union Calendar?

Mr. LITTLEFIELD. Yes.

The SPEAKER. It appears to be on the House Calendar. The gentleman asks unanimous consent for the present consideration of the bill. Is that the gentleman's request?

Mr. LITTLEFIELD. Yes.

The SPEAKER. The Clerk will read the title.

The Clerk read the title of the bill.

Mr. MANN. On what calendar is that bill, Mr. Speaker?

The SPEAKER. It appears to be on the House Calendar.

Mr. MANN. That bill is on the Union Calendar.

The SPEAKER. It does not seem to be.

Mr. PAYNE. Yes; it is on the Union Calendar.

Mr. MANN. That bill was transferred from the House Calendar to the Union Calendar nearly a year ago.

The SPEAKER. On examination the Chair finds that is correct. The Clerk informs the Chair that the bill has been transferred from the House Calendar to the Union Calendar. The Chair only looked at the front page of the bill, which states that it was referred to the House Calendar on January 13, 1906, and ordered to be printed. The Clerk informs the Chair that on January 29, 1906, a few days after its reference to the House Calendar, it was transferred to the Union Calendar. The Chair does not recollect, but supposes there is something in it that makes a charge upon the Treasury.

Mr. LITTLEFIELD. That is correct.

The SPEAKER. The request for unanimous consent is——

Mr. CLARK of Missouri. Mr. Speaker, I will put an end to the controversy by objecting, if it takes unanimous consent.

The SPEAKER. The gentleman from Missouri objects.

Mr. LITTLEFIELD. Then I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House bill 2.

Mr. MANN. I raise the point of order that the motion is not in order at this time.

The SPEAKER. The Chair sustains that point of order.

Mr. LITTLEFIELD. That is on the ground that the morning hour has not expired?

The SPEAKER. Yes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3702. An act for the relief of the Gurley Memorial Presbyterian Church, of the District of Columbia, and for other purposes;

S. 2527. An act to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship;

S. 6896. An act appropriating the sum of $1,000,000 as a loan to the Jamestown Exposition Company for the purpose of aiding

in the payment of the cost of the construction, completion, and opening of the Jamestown Tercentennial Exposition on Hampton Roads, Virginia, on April 26, 1907, and to provide for the protection of the Government and insuring the repayment of the said sum of $1,000,000 by a first lien upon the gross receipts of the said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from concessions after the opening of said exposition;

S. 6498. An act to amend an act entitled "An act conferring jurisdiction upon the United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904;

S. 6384. An act authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians;

S. 6322. An act providing for the purchase of a reservation for a public park in the District of Columbia;

S. 6229. An act to authorize the sale of public lands for cemetery purposes;

S. 5660. An act for the relief of Capt. William N. Hughes;

S. 5469. An act to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States;

S. 5283. An act for the relief of John T. Rennie; and

S. 4267. An act to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District almshouse.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3702. An act for the relief of the Gurley Memorial Presbyterian Church, of the District of Columbia, and for other purposes—to the Committee on Claims.

S. 2527. An act to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship—to the Committee on Immigration and Naturalization.

S. 6896. An act appropriating the sum of $1,000,000 as a loan to the Jamestown Exposition Company for the purpose of aiding in the payment of the cost of the construction, completion, and opening of the Jamestown Tercentennial Exposition on Hampton Roads, Virginia, on April 26, 1907, and to provide for the protection of the Government and insuring the repayment of the said sum of $1,000,000 by a first lien upon the gross receipts of the said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from concessions after the opening of said exposition—to the Committee on Appropriations.

S. 6498. An act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904—to the Committee on the Public Lands.

S. 6384. An act authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians—to the Committee on Indian Affairs.

S. 6322. An act providing for the purchase of a reservation for a public park in the District of Columbia—to the Committee on Public Buildings and Grounds.

S. 6229. An act to authorize the sale of public lands for cemetery purposes—to the Committee on the Public Lands.

S. 5660. An act for the relief of Capt. William N. Hughes—to the Committee on Military Affairs.

S. 5469. An act to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States—to the Committee on Labor.

S. 5283. An act for the relief of John T. Rennie—to the Committee on Claims.

S. 4267. An act to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District almshouse—to the Committee on the District of Columbia.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 22584. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House resolution 647, the resolution making distribution of the President's message.

A MEMBER. Which message? [Laughter.]

Mr. PAYNE. The annual message.

Mr. CASSEL. Mr. Speaker, pending that motion I desire to present a report from the Committee on Accounts.

Mr. PAYNE. I will withdraw the motion, and give way to the gentleman.

The SPEAKER. The gentleman from New York withholds his motion for the present.

ADDITIONAL CLERK TO COMMITTEE ON ENROLLED BILLS.

Mr. CASSEL. Mr. Speaker, I desire to present the following resolution, reported favorably from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the chairman of the Committee on Enrolled Bills is hereby authorized to appoint an additional clerk to said committee, to be paid out of the contingent fund of the House at the rate of $6 per day for the remainder of the present Congress.

Mr. FITZGERALD. Mr. Speaker, is this a privileged resolution?

Mr. CASSEL. It is.

Mr. FITZGERALD. I should like to ask the gentleman in charge of this resolution what action has been taken to ascertain who was responsible for the carelessness and neglect of the Committee on Enrolled Bills in their work in the last session of Congress?

Mr. CASSEL. I will yield to the chairman of the Committee on Appropriations to make a statement about that.

Mr. TAWNEY. Mr. Speaker, I will say that the Committee on Printing of the two Houses, after the adjournment of the last session, made a thorough investigation and have reported to their respective Houses the facts and their conclusions and recommendations. Their report has been printed in the RECORD.

The responsibility for the mistakes is located, as nearly as I can gather from this report, in the enrolling room of the House and with the Enrolling Committee, and the principal cause of it is the fact that there is a lack of sufficient employees in the enrolling room to do the work properly and to exercise as much care as should be exercised in the discharge of this important work. They recommend an assistant enrolling clerk.

Mr. FITZGERALD. I read the report to which the gentleman from Minnesota refers, but I was unable to ascertain just where the committee that investigated intended to place the blame. Since the mistake for which this investigation was had was discovered, as the gentleman from Iowa knows, it has been ascertained that there were two other serious mistakes made in the last session in the enrolling room. One was not discovered until after Congress adjourned, and the other during the present session, when a bill was in preparation for the consideration of the House. If any work should be properly performed it should be the work that is done by the Committee on Enrolled Bills. This House is entitled to have the bills properly enrolled and have enacted into law what Congress intends to be placed upon the statute book. I hope that if the additional employee is to be given some care will be exercised in the choice, so that such mistakes will not happen again.

Mr. TAWNEY. I may say to the gentleman from New York that I share with him in what he says respecting the responsibility of the Committee on Enrolled Bills and the clerks employed in the enrolling room. I think it is one of the most responsible positions connected with the House. As a matter of fact, as the gentleman from New York has stated, there were two mistakes in addition to the one discovered after the President had signed the sundry civil bill. One of the other two was in the sundry civil bill and the other was in the fortification bill. But here were the conditions: The conference committees on the various appropriation bills, whether necessarily or not, delayed reaching a final agreement until the last few days of the session. Then the conference reports, the final agreements, came into the enrolling room all together, and with them came the public building bill and the appropriation bill providing for some of the work authorized under the public building bill. The enrolling clerk, the chief of the enrolling room, worked forty-eight hours continuously, as testified by the Clerk of the House and by the gentleman himself before this commission. He worked continuously for forty-eight hours in the discharge of this responsible and important duty, and the Clerk of the House as well as the Committee on Printing now

say that if they can get an assistant enrolling clerk it will enable them to do the work, do it efficiently, without any danger of errors in the future.

Mr. BARTLETT. If the gentleman from Minnesota will pardon me, the gentleman should understand that this resolution we are now considering is not to give an additional assistant to the enrolling room, but the ordinary resolution passed at every session of Congress.

Mr. TAWNEY. I thought this was to give an additional clerk to the Committee on Enrolled Bills.

Mr. CASSEL. No; this is the usual resolution that is offered during every session of Congress.

Mr. FITZGERALD. Then that is all the more reason why the attention of the House should be called to what has happened. We have discovered three errors, and how many more have been made no one knows.

We know that $3,150,000 was incorporated in a bill that was never intended to be appropriated by Congress. So far as I know, nobody has made any investigation to ascertain whether other mistakes have been made and whether there is now upon the statutes laws authorizing expenditures never made by Congress. I am of the opinion that the enrolling room needs some shaking up. Somebody should be charged with the duty of knowing that the work there is done accurately and correctly that these mistakes will not happen.

Mr. LACEY. Mr. Speaker, instead of the committee being subject to criticism, it seems to me that the House ought to take a measure of the responsibility upon itself. We are now about to adjourn for two weeks, so that no business will be done during that time, so that the last few days of the session, in the few short hours that remain, we may work night and day and accomplish in three or four days that which we ought to take a month to do. That has been the custom of this Congress for time immemorial, and we dump into the Committee on Enrolled Bills work that ought to be spread through weeks and weeks, at the very close of the session. I do not know that there is any way to remedy this, but it is unfair for gentlemen about to go home and take a two weeks' vacation, knowing that the result will be to throw a vast amount of business into the enrolling room during the last forty-eight hours of the session, to complain that the committee, working twenty-four hours a day, is unable to do the work accurately and correctly. The wonder is that there have not been more mistakes made in the office of the Committee on Enrolled Bills.

Mr. FITZGERALD. The gentleman from Iowa is aware of the fact that these mistakes took place in a session that lasted seven months, and in which there was ample time to do the work.

Mr. LACEY. Yes; and the gentleman will remember that we fixed the time for adjournment and bunched this work altogether at the last minute even in the long session, as we will be compelled to do now in the short session; so that, after all, the putting of all these great bills into the committee with conference reports, with hundreds of items in dispute, a few of them agreed on and a few others carried forward, necessitates, after the hour of adjournment is fixed, the enrollment of a bill in advance. They have to enroll the bill at the Printing Office. They enroll the bill as they expect it to be the law, and then take out the sheets containing controverted items at the last moment and correct them and enroll them as the conference committees finally report them to the two Houses. The result is that now and then one of the things that is supposed to have been agreed upon has been overlooked in this rush and crush of business.

Mr. FITZGERALD. Does the gentleman know of any other instance where errors similar to this have happened? I have been here eight years, and I have no recollection of such errors happening in the enrolling room, either in the long or the short session.

Mr. LACEY. And there could be no greater compliment to the Enrolling Committee than what the gentleman now says, that with all this stress of business, with all of this rush of work at the last moment, these mistakes are all that he remembers to have occurred. I say it is to the credit of that committee, and instead of the committee being criticised we ought to really wonder and thank them that no more errors have occurred.

Mr. FITZGERALD. Well, the gentleman can take that consolation if he wishes to, but I do not think it will satisfy the rest of the House.

Mr. MADDEN. How is the committee going to assume what the bill will be in advance?

Mr. LACEY. They have the bill as it has passed the House, and they print the sheets in that form, and then if changes are made they take those sheets out. By printing separate sheets they can take them out where the conference committee has changed them and the report has been agreed upon and then print them in accordance with the ultimate agreement. Otherwise they would never get the bill enrolled in time.

Mr. MANN. Mr. Speaker, will the gentleman yield to me for a minute?

Mr. CASSEL. For a few moments; yes.

Mr. MANN. Mr. Speaker, it does not seem to me that there can be any complaint because the engrossing room asks for additional help. I doubt very much whether the help now proposed is sufficient. At the last session of Congress, although as suggested by our distinguished friend from New York [Mr. FITZGERALD], the session lasted seven months, there was bunched in together within the last day of Congress a very large proportion of the bills which became laws. Included in these was the sundry civil appropriation bill. Having been engrossed in the House, it was sent to the Senate. It was passed by the Senate and went into conference. No one could tell until the conferees finally reported exactly what would be in the bill in the end, and yet I remember sitting here in the House, and the House adjourning for a few moments or for a few hours at a time, and every Member of the House insisting that this bill should be hurried back from the committee and from the enrolling room and from the Printing Office, laying the blame, not upon themselves, but upon the people who had charge of preparing the papers; and the men in charge of that, anticipating the very thing that happened, as far as criticism was concerned, made the mistake in the way of enrolling the bill in advance. Everything had been agreed upon except two items. They enrolled the bill in that shape, intending to take out the sheet containing those two items and reprint it. How it got by them no one can tell, except to say that while Congress is now proposing to pass a law forbidding railway employees from working more than sixteen hours a day, these men had been on continuous service for more than forty-eight hours without sleep.

Mr. FITZGERALD. Mr. Speaker, one error that was made was not made under such circumstances. If I recollect, the fortifications bill was agreed to some time before Congress adjourned, and the leaving out of a part of the bill made it impossible to expend an appropriation that was intended for the Philippine Islands in the Philippine Islands.

Mr. MANN. The gentleman misunderstands me. I am not defending the mistakes that were made in the bill. I do not think it ought to be possible for these mistakes to creep in, and for that reason I think Congress ought to provide a sufficient force to do the work properly. Now, I would go much further than has been suggested here in one respect. There ought to be a pneumatic-tube service between the Capitol and the Printing Office. It is perfect folly for us to be sitting here in the closing days of a session while a messenger boy is going back and forth with the printing between the Capitol and the Printing Office, because all of this work has to be enrolled. We ought to be able to shoot it back and forth in a minute. That would save a great deal of time. If we want perfect service rendered by these people, we must provide them with the proper tools and a sufficient number of men so that there can be some relay. I do not pretend to excuse the mistake that was made, but it is our fault, in the first place, that we did not provide them sufficient help, and we ought to do that.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

Mr. CASSEL. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Pennsylvania offers a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House for the services of an enrolling clerk a sum equal to the rate of $3,000 per annum and for the services of an additional assistant enrolling clerk a sum equal to $1,800 per annum, payable, respectively, in equal monthly installments until their compensation at the rates herein authorized shall be provided for by law: *Provided*, That the enrolling clerk for whose services payment out of the contingent fund of the House is hereby authorized shall be in lieu of the enrolling clerk at $2,500 now authorized by law.

Mr. CLARK of Missouri. Mr. Speaker, I reserve the point of order and want to ask the gentleman a question. What is this about?

Mr. CASSEL. The resolution which has been passed is the usual resolution granting to the Committee on Enrolled Bills an additional clerk. Later in the session we will have to give them another clerk. These clerks are only for the session. This resolution is to increase the salary of the clerk under the Clerk of the House and give him an additional clerk in the enrolling room, so that the mistakes which occurred a year ago will not be repeated. The work in that room is so great that in order to protect the House they need the additional employees.

Mr. TAWNEY. I will say to the gentleman from Missouri, this resolution is the one I endeavored to explain a few moments ago in regard to the necessity for this increased force in the enrolling room.

Mr. CLARK of Missouri. Did we not just pass a resolution giving an extra clerk?

Mr. CASSEL. That is for the Committee on Enrolled Bills.

Mr. CLARK of Missouri. What is this?

Mr. CASSEL. This is for the enrolling room, which is a permanent organization. It is part of the permanent organization of the House.

Mr. MANN. If the gentleman will permit me, the enrolling clerk enrolls a bill in the first instance——

Mr. CLARK of Missouri. I understand that.

Mr. MANN. Then it is passed over to the Committee on Enrolled Bills to make a comparison, and they examine it again, and this is to increase that force. One resolution increases one force and the other resolution increases another.

Mr. CLARK of Missouri. The resolution we just passed increases the force in the enrolling clerk's office?

Mr. MANN. No; that increases the force of the Enrolling Committee.

Mr. CLARK of Missouri. Now, this one increases the force——

Mr. TAWNEY. In the enrolling room.

Mr. CLARK of Missouri. And the Congressional remedy for everything is to raise somebody's salary or create a new office with a new salary.

Mr. TAWNEY. No; if the gentleman will pardon me, the Enrolling Committee operates as a check upon the enrolling room. Now, the system they have to insure accuracy and to avoid, if possible, mistakes, is, first, the bill is enrolled and compared in the enrolling room to which this resolution relates. It then goes to the Committee on Enrolled Bills and is there compared for the purpose of catching any mistakes that may be made in the enrolling room.

Mr. CLARK of Missouri. Let me ask you a leading question. Does this Committee on Enrolled Bills ever pay any attention at all to a bill which is sent to them?

Mr. TAWNEY. Certainly. It has to do it. The clerks of that committee must do it.

Mr. CLARK of Missouri. What does the committee do?

Mr. TAWNEY. I do not know what it does.

Mr. MANN. The committee works through its clerks.

Mr. GROSVENOR. Nobody works but the clerks, and they work all day.

Mr. CLARK of Missouri. I could not understand what the gentleman from Pennsylvania said, but this resolution proposes to create a new clerk.

Mr. TAWNEY. There is to-day a chief enrolling clerk, and the chief enrolling clerk must be there all the time, and, as I stated when on the floor a moment ago, during the last forty-eight hours of the session he was here night and day serving continuously because of that fact, and it frequently happens during the session that he is obliged to remain here long into the night. It is proposed to give him an assistant, and, as I am advised by the Clerk of the House, with this assistance it will be absolutely impossible, except in case of gross negligence, for any mistake to occur; that they absolutely need this assistant to the chief clerk in the enrolling room no one who will take the trouble to look into the matter will question.

Mr. CLARK of Missouri. Who controls the time on this?

Mr. TAWNEY. The gentleman from Pennsylvania [Mr. CASSEL].

Mr. CLARK of Missouri. I would like to have a minute or two myself.

Mr. CASSEL. How much time does the gentleman from Missouri desire?

Mr. CLARK of Missouri. Five minutes to start with.

Mr. TAWNEY. I would like to call the attention of the gentleman from Missouri [Mr. CLARK] to the fact that Congress at each session is passing more bills. The work of the enrolling room is increasing constantly by reason of the increased number of bills that are passed by Congress, all of which have to be enrolled.

Mr. CLARK of Missouri. Mr. Speaker, I take it that the gentleman from Minnesota [Mr. TAWNEY] knows a good deal about this business, but I do not believe that this increase ought to take place because somebody had to work two or three days and nights without stopping at the end of the session.

Mr. TAWNEY. Now, if the gentleman will pardon me for interrupting him right there, would it not be economy, even if we had to pay a man an annual salary for the purpose of having him there to perform this work properly during the last few days of the session, when it is possible under the present organization for mistakes of that kind to occur whereby $3,000,000 is appropriated in one single item because of the want of sufficient help in the enrolling room?

Mr. CLARK of Missouri. We have not the slightest assurance that if you created this additional clerkship the work would be done one particle better than it is now.

Mr. TAWNEY. We have the assurance of the chief clerk of the enrolling room and also the Clerk of the House of Representatives that it will be done in an entirely efficient manner if this additional force is added. And I would say to the gentleman that every Member of the House, and especially every Member of the House who is on conference reports concerning appropriation bills, is vitally interested in having these bills enrolled properly.

Mr. CLARK of Missouri. Everybody is interested in having these bills enrolled properly. There is no controversy about that. I started to say a while ago that it seemed to me that it was a poor reason to give for the creation of this clerkship that certain clerks had to work, as the gentleman from Illinois [Mr. MANN] has stated, at the end of the session, forty-eight hours without any stop. We work forty-eight hours without any rest at the end of the session, too, but nobody ever proposed that our compensation should be increased for that reason, and if it had been proposed it would have been absolutely preposterous.

Mr. MANN. So far as the increase of compensation is concerned, I do not care to discuss it with the gentleman at all. So far as the increase of help is concerned, if the gentleman has any doubt about that I would like to make a statement.

Mr. CLARK of Missouri. I do not know what it is that the gentleman is going to say.

Mr. MANN. The point is that at the end of the session, even if that be the case, although that is not the only time they need this extra help, the increase of help is not for the purpose of keeping a man from working forty-eight hours on his account, but to keep him from working forty-eight hours on our account, when he is unable after that length of time of doing good service.

Mr. CLARK of Missouri. The sensible solution of the problem is, as I believe it to be, that these clerks do not have very much to do——

Mr. MANN. But the gentleman is mistaken.

Mr. CLARK of Missouri. Wait a minute now until I finish. I said I believe these clerks do not have very much to do, except right at the end of the session; then everything is dumped in on them and they have an extraordinary stunt to perform. Now, the sensible way to cure that, instead of creating a new annual clerk who is only going to be busy about forty-eight hours at the end of the session, is to draft a lot of clerks around here who have nothing to do at the end of the session, put them in there, and set them to work.

Mr. MANN. Would the gentleman be willing to have a set of inexperienced clerks work over the accuracy of an enrolled bill?

Mr. CLARK of Missouri. I do not believe those clerks are experts.

Mr. MANN. Oh, the gentleman is certainly not going to take that position.

Mr. CLARK of Missouri. That is exactly my position.

Mr. MANN. The enrolling clerk of the House of Representatives and the enrolling clerk of the Senate, I dare say, have not their equals in the world. They are experts in making comparisons and making them accurately.

Mr. CLARK of Missouri. Those two men may be experts. I do not deny that.

Mr. MANN. That is what we want.

Mr. CLARK of Missouri. Wait a minute. They do not do the final work of preparing these bills?

Mr. MANN. Certainly they do the final work of comparing.

Mr. CLARK of Missouri. Does the gentleman undertake to say that two men enroll all these bills and do the writing?

Mr. MANN. None of the bills are written. I will say to the gentleman that the enrollment of the bills is done at the Printing Office. They are all printed. The enrolled bill is not written.

Mr. CLARK of Missouri. What have they to do, then?

Mr. MANN. They have to make a comparison of the conference report and the bill. When a committee of conference comes in they have to go over the report of the committee of conference more carefully than the Members of the House have and ascertain exactly what is left out and what left in, and to have that put into the form of law, which we do not do.

Mr. KEIFER. They furnish the copy to the Printing Office?

Mr. MANN. They furnish the copy to the Printing Office. They make up the bill. They take the conference report and say take out of such and such a page such and such words or

lines. It is impossible for Members of the House who are not expert to go through the report after it comes in and say what is left out of a bill and what is left in.

Mr. CLARK of Missouri. If the Members of Congress can not do it, how can these clerks do it?

Mr. MANN. Because they are experts. An expert Member of the House, the gentleman from Missouri, might do it. [Laughter.]

Mr. CLARK of Missouri. Mr. Speaker, I want to make one remark, and that is that one of the suggestions that the gentleman from Iowa [Mr. LACEY] made is the most sensible, in my judgment, that he has made since I have been in Congress, for twelve years [laughter]; and that was the idiocy of having this two weeks' vacation during the short session of Congress. The rest of his remarks I do not think were, in point of wisdom, to be compared with that one. [Laughter.] In the first place, he is mistaken about his facts. At the last session of Congress the time to adjourn was never agreed on until just a few minutes before Congress adjourned. There was a sort of understanding around here that we were going to adjourn early in the day of the 30th of June; the idea being that we would adjourn in time to give everybody a chance to get away that day, and everybody wanted to get away, because it was dreadfully hot; and we would have gotten away if it had not been for this enrolling committee making these mistakes or the Printing Office.

Mr. TAWNEY. Now let me correct the gentleman from Missouri in his facts. He is mistaken in the statement that the enrollment of the bills caused the delay. The delay was made necessary because of the work incident to the enrollment of the public building bill and the appropriation bill required to carry out the authorizations in the public building bill, and the delay was not due to the mistakes of which he speaks.

Mr. CLARK of Missouri. And they managed to get in the public building bill at least $3,000,000 that Congress never appropriated.

Mr. KEIFER. The gentleman is mistaken.

Mr. TAWNEY. It was not in that bill. That $3,000,000 was in the sundry civil bill.

Mr. CLARK of Missouri. They got it in anyhow.

Mr. TAWNEY. Yes.

Mr. CLARK of Missouri. The most objectionable appropriation that was suggested to the House.

Mr. TAWNEY. But it did not cause any delay because the bill had been enrolled and signed by the President when the mistake was discovered. Immediately I introduced a resolution repealing that provision.

Mr. CLARK of Missouri. Yes.

Mr. TAWNEY. But that did not occasion any delay. The delay was caused by the enrollment of the public building bill which this House passed on the 29th of June, or rather, I should say, the morning of the 30th of June, and they had to enroll this bill, and notwithstanding the changes made in conference there were no mistakes in it.

Mr. PAYNE. And also the separate appropriation bill.

Mr. TAWNEY. And also the separate appropriation bill.

Mr. CLARK of Missouri. There has been a row just exactly like this going on in every Congress periodically ever since the gentleman from Minnesota and myself came into Congress.

Mr. KEIFER. And before.

Mr. CLARK of Missouri. And I suppose before, as the gentleman from Ohio says, and he knows.

Mr. OLMSTED. And probably will be after you quit.

Mr. CLARK of Missouri. I believe there would not be if we would adopt a sensible plan. Finally, Mr. Richardson, of Tennessee, my recollection is, proposed as a panacea for all these ills that they be allowed to print the enrolled copy of the bill instead of writing it, and we thought we had reached a solution of the whole question. Now, you come in here with as bad a muddle as you ever had before, and the only remedy anybody seems to have sense enough to suggest is to create a new office or to raise a salary, which will not do any good at all. The man who gets the place will draw the salary with regularity and enthusiasm, while we will have just the same number of delays and mistakes as in the past or as at present.

Mr. MANN. When the gentleman came into Congress the Journal of the House made a book about half as large as the volume which I hold in my hand. The other day the gentleman received, and if he has opened it he knows——

Mr. CLARK of Missouri. Yes; I have opened it.

Mr. MANN. A package containing a Journal of the last session of Congress considerably larger than the volume which I hold in my hand. Now, that is a record of business and not of talk.

Mr. CLARK of Missouri. This Committee on Enrolled Bills do not have anything to do with the Journal.

Mr. MANN. No; but they have a great deal to do with the work recorded in the Journal. That Journal means a large number of bills passed. All of those bills went through the hands of this committee.

Mr. CLARK of Missouri. I do not believe the number of bills passed has increased within my time here nearly as much as the number of speeches.

Mr. MANN. There is a great deal more talk, but there are also a great many more bills. It is fortunate that the Committee on Enrolled Bills does not have to compare the speeches.

Mr. CLARK of Missouri. No. I wish they did have to, because then there would not be so many speeches made.

Mr. MANN. But they have to compare all the bills, and the increase in the amount of business in the House of Representatives is shown by the difference in the size of the volumes containing the Journal. The Journal of the last session of this Congress was probably the largest Journal of any legislative body ever published. That represents not talk, but business—bills passed.

Mr. CLARK of Missouri. The remedy for this whole matter is to have the short session of Congress lengthened, either by cutting out the Christmas holidays or in some other way. I understand that people have to go home sometimes to look after their private affairs, but to grant two weeks every year regularly for a Christmas holiday is a sort of childish performance.

Mr. KEIFER. Mr. Speaker, I should like to interrupt the gentleman. This seems to be a free go.

Mr. CLARK of Missouri. Just wait until I finish this statement and then I will be glad to be interrupted.

The SPEAKER. The gentleman's time has expired.

Mr. CLARK of Missouri. Well, I will borrow some more time then.

Mr. CASSEL. I yield to the gentleman five minutes.

Mr. CLARK of Missouri. Unquestionably the short session of Congress must be lengthened. It is getting so that the necessary business can not be transacted in the seventy-five or eighty working days that we have. The session could be lengthened ten or twelve days by cutting out this Christmas holiday performance, or it could be lengthened by setting the day of meeting earlier.

Mr. PAYNE. May I ask the gentleman a question?

Mr. CLARK of Missouri. Yes.

Mr. PAYNE. Did you ever vote against the resolution to adjourn over the Christmas holidays?

Mr. CLARK of Missouri. I always do. I never go home during the Christmas holidays.

Mr. PAYNE. I know; but did you ever vote against the resolution?

Mr. CLARK of Missouri. Yes. I always vote against that, and I vote against these appropriation bills. Nobody ever runs against me for the nomination, so I do not have to be going backwards and forwards to my district all the time.

Mr. PAYNE. The gentleman must vote sotto voce, because the sound of his vote fails to reach this side of the House.

Mr. CLARK of Missouri. Then there is another suggestion that would help things amazingly. There ought to be a rule here that no general appropriation bill should be passed within five days of the end of the session. If we had that time, then we would have them considered and there would not be such a rush. You and I both know how it is. Every unseemly job that is passed by this House is done under compulsion—that is the truth about it—by being loaded onto these general appropriation bills right at the end of the session, when we must pass them or have an extraordinary session of Congress. It is a disgrace to the American Congress, the way that we pass appropriation bills toward the end of the session.

Mr. TAWNEY. If the gentleman from Missouri will pardon me for interrupting him, he has made the statement that "unseemly jobs" are crowded into the appropriation bills in the last hours of the session.

Mr. CLARK of Missouri. Yes; I say that.

Mr. TAWNEY. Will the gentleman specify any "unseemly job" that he has seen passed in the closing hours of a session since he has been in Congress?

Mr. CLARK of Missouri. That $3,000,000 grab was an "unseemly job."

Mr. TAWNEY. Oh, no; that did not get into the appropriation bill at all.

Mr. CLARK of Missouri. It was in the appropriation bill.

Mr. TAWNEY. Not by the action of Congress.

Mr. CLARK of Missouri. Well, I will hunt up a few of them here some day and make a speech about them.

Mr. TAWNEY. Before the gentleman makes a charge as serious as that against the Congress of the United States he ought to have some facts upon which to base it.

Mr. CLARK of Missouri. If the gentleman wants the facts I will dig them up and bring in an array of appropriations that ought never to have been made.

Mr. TAWNEY. We would like to see them.

Mr. CLARK of Missouri. The gentleman from Minnesota knows them as well as I do. He has been here as long as I have.

Mr. TAWNEY. There are appropriations that ought not to have been made in your judgment and perhaps in mine.

Mr. CLARK of Missouri. Has not the gentleman seen items of appropriation passed by this House incorporated into a bill that the House was against?

Mr. TAWNEY. I can not say that I have.

Mr. CLARK of Missouri. Then the gentleman has not been observing half as closely as he has the reputation of observing things around here. [Laughter.]

Mr. TAWNEY. I can state to the gentleman one instance where I think the House was, perhaps, to a certain extent coerced into accepting an amendment to an appropriation, put in at the other end of the Capitol. That was on the last night of the session of the Fifty-seventh Congress, as I recall it, and that is the only one that I do now recollect. I think that came from South Carolina.

Mr. CLARK of Missouri. Well, let that go. [Laughter.]

Mr. PAYNE. The gentleman from Missouri is referring to appropriations for town fairs that get into the appropriation bills and are crowded through by a majority vote of the House. I am not sure but that the gentleman from Missouri votes for them.

Mr. CLARK of Missouri. Yes; I will be perfectly frank about that. There are certain events in the history of our country that ought to be celebrated by the Congress of the United States, and the Louisiana purchase was one of them; and there are five or six along that line. I voted for the appropriation for the Louisiana Purchase Exposition, and I have been paying to Members the debt incurred on that occasion ever since, and I am not through with it yet. [Laughter.] But the gentleman from New York has not any particular vantage ground in a controversy of that kind when you remember the exposition at Buffalo. [Laughter.] That didn't celebrate anything that ever I heard of.

Mr. WADSWORTH. Except that it was the domicile of the original buffalo. [Laughter.]

Mr. CLARK of Missouri. I always pay my debts. I am going to vote for the Jamestown performance, whatever they want, and I think when I get through with that item I am out of debt to all Members of Congress on account of the Louisiana Purchase Exposition.

Mr. PAYNE. That will be an event worthy of celebration. [Laughter.]

Mr. CLARK of Missouri. I think it will be. I think so myself. Now, I yield to the gentleman from Ohio [Mr. KEIFER]. I want to say before I sit down that I am just as anxious to have the bills enrolled correctly as anybody in the House, but I do not believe this thing will remedy it a particle.

Mr. KEIFER. Mr. Speaker, I do not rise to make any extended speech. I think we ought to recur occasionally in this discussion to the object that was sought to be gained by the resolution. There have some errors crept into the statements made; we are all responsible for them. It is not exactly true that all the bills enrolled are printed in their enrollment. The Enrolling Committee and the enrolling clerk write a great many of the short bills, as they did in former times, but the Printing Office helps them to enroll the larger or longer bills.

I arose, however, to say that the exigency for the passage of this resolution lies in the fact that we have so many things concentrated in the last days and hours of each session, and we are never going to get over that. It will never be different. Twenty-five, thirty, and forty years ago there was the same trouble. If we can get careful experts who can work days and nights in the last hours of the session, we will avoid mistakes so far as it is possible to avoid them, and we should then have plenty of them. The mistake in the fortification bill in the last session was in writing in what had once been in the bill, putting it in the enrollment, and when I refer to that I want to say what I rose principally to say, that I want this House to get over the habit that has been recently established of repealing clauses written in the bill that were never passed upon by either House of Congress favorably. The chairman of the Committee on Appropriations [Mr. TAWNEY] said that he had the honor to introduce a provision to repeal the $3,000,000 error. What do you want to repeal the erroneous acts of the clerks of the Enrolling Committee for? If the gentleman from Minnesota, the chairman of the Committee on Appropriations, has any more such measures, he wants to state that his proposition is to repeal the provisions written in the bill by the clerk after the two Houses of Congress had ceased to legislate in relation to them. A provision written in a bill after both Houses have acted on it can not thus be made law, even though the bill containing the provision is signed by the Speaker and the Vice-President and is approved by the President of the United States. Laws can not thus be made.

That is the point I want to emphasize here so that we will have no more of this. I do not believe in jumping onto poor humanity that is wearied and worn down and tired out in the last hours of a session when an honest mistake occurs in the confusion of conference reports, and so on; and I believe in giving as ample force in the enrolling rooms as it is possible to provide, so that we will not have these serious errors occurring from session to session. They do not belong alone to the Fifty-ninth Congress. They are very old. Gentlemen complain, too, that we are getting too large Journals. Well, we are getting to be a large Congress and we have a large Congress. If you look to the number of bills that were introduced into the Fifty-ninth Congress within the first ten days of the first session, you will find that they outnumber all the bills of all character that were introduced in the first twenty-five Congresses of the United States. So have we grown with our diversified interests and the enlargement of our country into a situation that we must recognize ourselves and provide for.

I think the resolution ought to pass, and I would not haggle about one clerk or two clerks. At the right time we should have plenty of trained, experienced clerks, so that they may carefully revise the enrollment of all bills and see that no mistakes creep in.

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman in charge of the resolution this question. How much is the increase of salary to the present enrolling clerk?

Mr. CASSEL. Five hundred dollars.

Mr. SHERLEY. Well, now, when you give him additional help, what reason is there for giving him also additional pay.

Mr. CASSEL. I would say that the pay this man is receiving now is the same pay which was given to the enrolling clerk when the membership of this House was 200. It is now almost 400. The number of bills introduced from the time his salary was made at $2,000 has increased almost 900 per cent, and the number of bills passed by this House has increased more than threefold since this man was appointed.

Mr. SHERLEY. You are giving him an additional man.

Mr. CASSEL. Yes.

Mr. SHERLEY. And yet you also want to increase his salary.

Mr. CASSEL. Yes; we do it because we believe in the necessary increases of salary proportionate to a man's service and the times that we are living in.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. CLARK of Missouri) there were—ayes 76, noes 28.

Mr. CLARK of Missouri. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Missouri makes the point of no quorum.

Mr. PAYNE. Mr. Speaker, it is quite evident that a quorum is not present. I therefore move that the House do now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock and 1 minute p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Eliza*, Benjamin English, master—to the Committee on Claims, and ordered to be printed.

A letter from the Chairman of the Interstate Commerce Commission, submitting its twentieth annual report—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on improvement of Connecticut River between Hartford, Conn., and Holyoke, Mass.—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERLEY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 17624) to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905, reported the same with amendment, accompanied by a report (No. 5625); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17634) granting an increase of pension to John S. Cochran, reported the same with amendment, accompanied by a report (No. 5556); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1337) granting an increase of pension to James B. Evans, reported the same with amendment, accompanied by a report (No. 5557); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20587) granting an increase of pension to Francis McMahon, reported the same without amendment, accompanied by a report (No. 5558); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20654) granting an increase of pension to William A. Nichols, reported the same without amendment, accompanied by a report (No. 5559); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20831) granting an increase of pension to James R. Dunlap, reported the same with amendment, accompanied by a report (No. 5560); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20861) granting an increase of pension to Catherine Weigert, reported the same with amendment, accompanied by a report (No. 5561); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20960) granting an increase of pension to Sarah M. Bickford, reported the same with amendment, accompanied by a report (No. 5562); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21061) granting an increase of pension to James Collins, reported the same with amendment, accompanied by a report (No. 5563); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21123) granting an increase of pension to Lawrence McHugh, reported the same with amendment, accompanied by a report (No. 5564); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21264) granting an increase of pension to David J. Wise, reported the same with amendment, accompanied by a report (No. 5565); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21303) granting an increase of pension to James Edward Bristol, reported the same without amendment, accompanied by a report (No. 5566); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21335) granting an increase of pension to Harvey S. Nettleton, reported the same with amendment, accompanied by a report (No. 5567); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21630) granting an increase of pension to John F. Yeargin, reported the same with amendment, accompanied by a report (No. 5568); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21636) granting an increase of pension to Elias Miller, reported the same without amendment, accompanied by a report (No. 5569); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17334) granting an increase of pension to Henry Power, reported the same with amendment, accompanied by a report (No. 5570); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21793) granting an increase of pension to Charles H. Pratt, reported the same with amendment, accompanied by a report (No. 5571); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14675) granting an increase of pension to James Davis, reported the same without amendment, accompanied by a report (No. 5572); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21859) granting an increase of pension to Simon Stone, reported the same without amendment, accompanied by a report (No. 5573); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21991) granting an increase of pension to Redmond Roche, reported the same with amendment, accompanied by report (No. 5574); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22003) granting an increase of pension to Alexander Matchett, reported the same with amendment, accompanied by a report (No. 5575); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22048) granting an increase of pension to Orrin Freeman, reported the same with amendment, accompanied by a report (No. 5576); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22085) granting an increase of pension to Randolph Wesson, reported the same without amendment, accompanied by a report (No. 5577); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22103) granting an increase of pension to Warran P. Hubbs, reported the same with amendment, accompanied by a report (No. 5578); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1723) granting an increase of pension to Rutson J. Bullock, reported the same with amendment, accompanied by a report (No. 5579); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22605) granting an increase of pension to John R. Hargrave, reported the same without amendment, accompanied by a report (No. 5580); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17817) granting an increase of pension to John Grimm, reported the same with amendment, accompanied by a report (No. 5581); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21643) granting an increase of pension to Edward Ford, reported the same with amendment, accompanied by a report (No. 5582); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18248) granting an increase of pension to John D. Eyans, reported the same with amendment, accompanied by a report (No. 5583); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2421) granting an increase of pension to Daniel S. Mevis, reported the same with amendment, accompanied by a report (No. 5584);

which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1693) granting an increase of pension to Joseph Q. Oviatt, reported the same with amendment, accompanied by a report (No. 5585); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4670) granting an increase of pension to Edward B. Tanner, reported the same with amendment, accompanied by a report (No. 5586); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6057) granting an increase of pension to Emery Crawford, reported the same with amendment, accompanied by a report (No. 5587); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20415) granting an increase of pension to John H. Krom, reported the same without amendment, accompanied by a report (No. 5588); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6493) granting an increase of pension to Eli Boynton, reported the same with amendment, accompanied by a report (No. 5589); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7804) granting an increase of pension to John Frett, reported the same with amendment, accompanied by a report (No. 5590); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21564) granting an increase of pension to Daniel French, reported the same with amendment, accompanied by a report (No. 5591); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8247) granting an increase of pension to Sarah J. Littleton, reported the same with amendment, accompanied by a report (No. 5592); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8667) granting an increase of pension to Andrew Larick, reported the same without amendment, accompanied by a report (No. 5593); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9024) granting an increase of pension to Lewis Lennox, reported the same with amendment, accompanied by a report (No. 5594); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10440) granting an increase of pension to A. G. Sheppard, reported the same with amendment, accompanied by a report (No. 5595); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13740) granting an increase of pension to Jeremiah Bard, reported the same with amendment, accompanied by a report (No. 5596); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13975) granting an increase of pension to Thomas H. Primrose, reported the same with amendment, accompanied by a report (No. 5597); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15017) granting an increase of pension to Joseph Strope, reported the same with amendment, accompanied by a report (No. 5598); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15317) granting an increase of pension to J. B. F. Callon, reported the same with amendment, accompanied by a report (No. 5599); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15839) granting an increase of pension to Mary Jane Burroughs, reported the same with amendment, accompanied by a report (No. 5600); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15868) granting an increase of pension to William H. Scullen, reported the same with amendment, accompanied by a report (No. 5601); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21122) granting an increase of pension to Nathan Small, reported the same with amendment, accompanied by a report (No. 5602); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15965) granting an increase of pension to Stephen D. Gangwere, reported the same with amendment, accompanied by a report (No. 5603); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16458) granting an increase of pension to Daniel W. Gillam, reported the same without amendment, accompanied by a report (No. 5604); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16493) granting an increase of pension to W. T. Sallee, reported the same with amendment, accompanied by a report (No. 5605); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16813) granting an increase of pension to Charles W. Brumm, reported the same with amendment, accompanied by a report (No. 5606); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17369) granting an increase of pension to Minor B. Monaghan, reported the same with amendment, accompanied by a report (No. 5607); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17335) granting an increase of pension to Lewis F. Belden, reported the same with amendment, accompanied by a report (No. 5608); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17712) granting an increase of pension to Frank J. Biederman, reported the same with amendment, accompanied by a report (No. 5609); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18383) granting an increase of pension to Frederick Shinnaman, reported the same with amendment, accompanied by a report (No. 5610); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19546) granting a pension to Sarah M. Roach and others, reported the same with amendment, accompanied by a report (No. 5611); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20060) granting an increase of pension to Anna E. Hughes, reported the same with amendment, accompanied by a report (No. 5612); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20189) granting an increase of pension to Thomas W. Daniels, reported the same with amendment, accompanied by a report (No. 5613); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20091) granting an increase of pension to John A. Smith, reported the same with amendment, accompanied by a report (No. 5614); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2793) granting an increase of pension to Nathan D. Chapman, reported the same with amendment, accompanied by a report (No. 5615); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20212) granting an increase of pension to George W. Greene, reported the same with amendment, accompanied by a report (No. 5616); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 20286) granting an increase of pension to Bartholomew Holmes, reported the same with amendment, accompanied by a report (No. 5617); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21332) granting an increase of pension to John R. Smith, reported the same without amendment, accompanied by a report (No. 5618); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21644) granting an increase of pension to Sheldon Hess, reported the same with amendment, accompanied by a report (No. 5619); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21634) granting an increase of pension to Emma Sickler, reported the same with amendment, accompanied by a report (No. 5620); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22047) granting an increase of pension to George Tinkham, reported the same with amendment, accompanied by a report (No. 5621); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22102) granting an increase of pension to Borre Peterson, reported the same with amendment, accompanied by a report (No. 5622); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1717) granting an increase of pension to George M. Fowler, reported the same with amendment, accompanied by a report (No. 5623); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4166) granting an increase of pension to John G. V. Herndon, reported the same with amendment, accompanied by a report (No. 5624); which said bill and report were referred to the Private Calendar.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 22362) making an appropriation to pay Esther Rousseau for horses killed upon the Cheyenne Indian Reservation, in the State of South Dakota, reported the same with amendment, accompanied by a report (No. 5628); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOWLER: A bill (H. R. 23017) for the issue and redemption of national-bank guaranteed credit notes—to the Committee on Banking and Currency.

By Mr. MADDEN: A bill (H. R. 23018) fixing the price of gas in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DALZELL: A bill (H. R. 23019) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and the several acts amendatory thereof—to the Committee on the Judiciary.

By Mr. GREGG: A bill (H. R. 23020) to provide for the defense of the ports of the Gulf of Mexico—to the Committee on Naval Affairs.

By Mr. SOUTHWICK (by request): A bill (H. R. 23021) to protect the rights of any owner of letters patent for an invention—to the Committee on Patents.

By Mr. STERLING: A bill (H. R. 23022) to incorporate the American Medical Union—to the Committee on the District of Columbia.

By Mr. MADDEN: A bill (H. R. 23023) regulating the manner of giving transfers on the street-car railways in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BUTLER of Tennessee: A bill (H. R. 23024) to repeal so much of section 1 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor and providing for pensions to widows, minor children, and dependent parents," as excludes from the provisions of said act persons who had a prior service in the Confederate army or navy and enlisted in the Army or Navy of the United States after January 1, 1865—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 23025) for the continued improvement of the waterway connecting Jefferson, Tex., and Shreveport, La.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 23026) for the improvement of Sulphur River, Arkansas and Texas—to the Committee on Rivers and Harbors.

By Mr. WOOD: A bill (H. R. 23027) authorizing the Light-House Board to establish post lights on the upper Delaware River between Bordentown, N. J., and Trenton, N. J.—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON of South Carolina: A bill (H. R. 23028) providing for the transfer of the naval station at Port Royal, S. C., to the Bureau of Navigation, Navy Department, as an adjunct to the naval training station, Rhode Island, and making appropriations for the improvement and maintenance of the same—to the Committee on Naval Affairs.

By Mr. BRICK: A bill (H. R. 23029) to incorporate the Hungarian Reformed Federation of America—to the Committee on the Judiciary.

By Mr. LOWDEN: A bill (H. R. 23030) to increase the limit of cost and acquire additional ground for the public building at Sterling, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Maryland: A joint resolution (H. J. Res. 206) providing for a survey of Claiborne Harbor, Maryland—to the Committee on Rivers and Harbors.

By Mr. MURDOCK: A resolution (H. Res. 670) requesting certain information from the Postmaster-General concerning the weight of mails—to the Committee on the Post-Office and Post-Roads.

By Mr. CASSEL, from the Committee on Accounts: A resolution (H. Res. 671) paying for the services of an assistant enrolling clerk of the House, at $1,800 per annum—to the House Calendar.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDRUS: A bill (H. R. 23031) granting an increase of pension to John H. Terry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23032) granting an increase of pension to Peter C. Parker—to the Committee on Pensions.

Also, a bill (H. R. 23033) granting an increase of pension to William Bell—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 23034) granting an increase of pension to Thomas A. Snoddy—to the Committee on Pensions.

By Mr. BONYNGE: A bill (H. R. 23035) granting an increase of pension to Charles Hinman—to the Committeee on Invalid Pensions.

Also, a bill (H. R. 23036) granting an increase of pension to John Cutler Mitchell—to the Committee on Invalid Pension.

By Mr. BRADLEY: A bill (H. R. 23037) granting an increase of pension to Samuel Reed—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 23038) granting an increase of pension to George H. Beeber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23039) to remove the charge of desertion from the military record of Charles Wilber and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. CALDER: A bill (H. R. 23040) to refund legacy taxes illegally collected from the estate of Joseph W. Campbell, late of the county of Kings, New York—to the Committee on Claims.

Also, a bill (H. R. 23041) to refund legacy taxes illegally collected from the estate of Edgar E. Duryea, late of Nassau County, New York—to the Committee on Claims.

By Mr. CAMPBELL of Kansas: A bill (H. R. 23042) granting a pension to Keziah C. Woods—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 23043) granting an increase of pension to William Frailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23044) granting an increase of pension to David Lackman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23045) granting an increase of pension to Daniel S. Hogg—to the Committee on Invalid Pensions.

By Mr. COCKS: A bill (H. R. 23046) granting a pension to John Hettesheimer—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 23047) granting an increase of pension to Isaac F. Smith—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 23048) granting an increase of pension to John Speis—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 23049) for the relief of Herbert Vanderberg—to the Committee on Military Affairs.

Also, a bill (H. R. 23050) granting a pension to Ira H. Malone—to the Committee on Pensions.

By Mr. DAVIDSON: A bill (H. R. 23051) granting an increase of pension to Volney S. Topping—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 23052) granting an increase of pension to Herman N. Payne—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 23053) granting an increase of pension to Loren G. Culver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23054) granting a pension to James Wilson—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 23055) granting an increase of pension to Follett Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23056) granting an increase of pension to Edwin D. North—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 23057) granting an increase of pension to James M. Davidson—to the Committee on Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 23058) for the relief of E. J. Reed—to the Committee on Claims.

By Mr. FULKERSON: A bill (H. R. 23059) granting an increase of pension to William Glaze—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 23060) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased—to the Committee on Private Land Claims.

By Mr. HALE: A bill (H. R. 23061) granting an increase of pension to James Jeffreis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23062) granting an increase of pension to Lewis M. Moses—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23063) granting an increase of pension to Joseph J. Ricketts—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 23064) granting an increase of pension to Louisa H. Rikert—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 23065) granting an increase of pension to William Grant—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 23066) granting a pension to Beatrice H. Duncan—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 23067) granting an increase of pension to Thomas G. Bratten—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 23068) granting an increase of pension to Henry Dillon—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 23069) granting an increase of pension to Albert H. Nash—to the Committee on Pensions.

Also, a bill (H. R. 23070) granting an increase of pension to Adolph Lochwitz—to the Committee on Pensions.

By Mr. JONES of Virginia: A bill (H. R. 23071) granting a pension to Gustave Kipper—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 23072) to remove the charge of desertion from the record of Orren H. Balch—to the Committee on Military Affairs.

Also, a bill (H. R. 23073) granting an increase of pension to Anna E. Mallory—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 23074) granting an increase of pension to Peter Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23075) granting a pension to Mahala J. Hulsizer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23076) granting an increase of pension to William B. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23077) granting an increase of pension to Paul Klepfer—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 23078) granting an increase of pension to Henry C. Vedder—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 23079) granting an increase of pension to John Reynolds—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 23080) granting an increase of pension to Harvey Moore—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 23081) granting an increase of pension to Joseph Gregson—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 23082) granting an increase of pension to James Daly—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 23083) granting an increase of pension to Daniel P. Sollenberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23084) granting an increase of pension to Charles S. Derland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23085) granting an increase of pension to J. G. Spangenberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23086) granting an increase of pension to William F. Hummelbaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23087) granting an increase of pension to Samuel W. Dissinger—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 23088) granting an increase of pension to James McCabe—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 23089) granting an increase of pension to Jasper Summers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23090) granting an increase of pension to Angie E. Kerr—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 23091) granting a pension to Edward Waldron—to the Committee on Pensions.

Also, a bill (H. R. 23092) granting an increase of pension to Edward J. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23093) granting an increase of pension to Isaiah Biddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23094) granting a pension to Marcellus Howser—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 23095) granting a pension to Albert Robinson—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 23096) granting an increase of pension to James L. Colding—to the Committee on Pensions.

By Mr. TALBOTT: A bill (H. R. 23097) granting an increase of pension to Alice Dittman—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 23098) granting an increase of pension to George A. Thomas—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 23099) granting a pension to Thomas J. Oldham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23100) granting a pension to Elizabeth Finnan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23101) granting a pension to James R. Appleton—to the Committee on Pensions.

Also, a bill (H. R. 23102) granting a pension to Thomas Shepherd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23103) granting a pension to Benjamin M. Ricketts—to the Committee on Pensions.

Also, a bill (H. R. 23104) granting a pension to Hugh L. Mullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23105) granting a pension to Addison W. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23106) granting a pension to Henry H. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23107) granting a pension to Berton W. Castetter—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 23108) granting an increase of pension to A. P. Clark—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 21721) granting a pension to John R. Kissinger—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22992) granting a pension to Thomas L. Darden—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Petworth Citizens' Association, of the District of Columbia, for legislation to permit representation of the District in Congress—to the Committee on the District of Columbia.

Also, petition of the Preachers' Meeting of the Methodist Episcopal Church, at No. 150 Fifth avenue, New York, for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of employees in the shipbuilding industry, for the Merchant Marine Commission's shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN of New Jersey: Petition of Alaska delegates to the Grand Camp of the Arctic Brotherhood, for an elective Territorial government for Alaska—to the Committee on the Territories.

Also, petition of Alaska delegates to the Grand Camp of the Arctic Brotherhood, for an appropriation of $500,000 for an appropriate building and exhibit for Alaska at the Alaska-Yukon-Pacific Exposition in 1909—to the Committee on Appropriations.

By Mr. ANDRUS: Petition of the Yonkers Herald, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Thomas A. Snoddy—to the Committee on Pensions.

By Mr. BURKE of South Dakota: Petition of Public Opinion, Watertown, S. Dak., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of the Journal, of Racine; the Shook Family Medicine Company, of Racine, and the Beloit Daily News, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DOVENER: Petition of the Fairmont West Virginian, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Henry Chase—to the Committee on Invalid Pensions.

By Mr. FLACK: Paper to accompany bill for relief of Follet Johnson—to the Committee on Invalid Pensions.

By Mr. FULKERSON: Paper to accompany bill for relief of William M. Deaton—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of the Daily Mercury, San Jose, Cal., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HALE: Paper to accompany bill for relief of Joseph J. Ricketts—to the Committee on Invalid Pensions.

By Mr. HAY: Petition of the Winchester Star and News Item, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HINSHAW: Paper to accompany bill for relief of Beatrice H. Duncan—to the Committee on Invalid Pensions.

Also, petition of the city council of Beatrice, Nebr., for an appropriation for extension of the public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. HOUSTON: Paper to accompany bill for relief of D. C. Maulre—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Petition of the Chronicle, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAMB: Petition of Lily Council, No. 3, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LLOYD: Petition of the town government of Ursa, Adams County, Ill., for an appropriation for improvement of the banks of the Mississippi River between Warsaw and Quincy, Ill.—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Harvey Moore—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Lithia J. Sholly—to the Committee on Invalid Pensions.

Aiso, paper to accompany bill for relief of the heirs of Joel Harrell—to the Committee on War Claims.

By Mr. LOUDENSLAGER: Petition of Virginia State Council, No. 45, Daughters of Liberty, of Camden, N. J., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Camden, N. J., for restoration of the men of Companies B, C, and D of the Twenty-fifth Infantry to service after due investigation—to the Committee on Military Affairs.

By Mr. OLMSTED: Petition of Keystone Lodge, No. 16, International Association of Machinists, of Harrisburg, Pa., and Local Union No. 226, Amalgamated Sheet-Metal Workers' International Alliance, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Fort Hunter Council, No. 596, and Fort Washington Council, No. 488, Junior Order United American Mechanics, and Progressive Council, No. 63, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Edward Waldron—to the Committee on Pensions.

Also, paper to accompany bill for relief of Marcellus Howser and Isaiah Biddle—to the Committee on Invalid Pensions.

By Mr. TALBOTT: Petition of Lincoln Council, No. 160; Evening Star Council, No. 3, and Independent Council, No. 22, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Union Council, No. 2, Daughters of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Pride of Maryland Council, No. 3, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. VAN WINKLE: Petition of the Jersey City Printing Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WOOD: Petitions of the Princeton Press and William Hibbert, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WOODYARD: Petitions of Summers Council, No. 150, and Belgrave Council, No. 224, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *December 20, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CITIZENSHIP OF THE UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a report and recommendation submitted by Mr. James B. Scott, Solicitor for the Department of State; Mr. David Jayne Hill, minister of the United States to the Netherlands, and Mr. Gaillard Hunt, Chief of the Passport Bureau, relative to the subjects of citizenship, expatriation, and the protection of American citizens abroad; which was referred to the Committee on Foreign Relations, and ordered to be printed.

FRENCH SPOLIATION CLAIM.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel brig *Eliza*, Benjamin English, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the cause of E. L. Brien, administrator of Mary Ann Nagle, deceased, *v.* The United States, and in the cause of David P. Gayle and Sarah H. Gayle, administrators of Alfred Duplantier, deceased, *v.* The United States; which, with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Epworth Citizens' Association of Washington, D. C., praying for the enactment of legislation providing for the election of two Delegates to the House of Representatives from the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also presented a petition of the People's Institute of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented a petition of the Chamber of Com-

merce of Los Angeles, Cal., praying that an appropriation be made for the improvement of fortifications of the southern California coast; which was referred to the Committee on Coast Defenses.

He also presented a memorial of the Free Public Library of Alameda, Cal., and a memorial of the Free Public Library of Stockton, Cal., praying for the enactment of legislation to amend, revise, and consolidate the acts respecting copyrights; which were referred to the Committee on Patents.

He also presented a petition of Pomona Grange, No. 1, Patrons of Husbandry, of Petaluma, Cal., remonstrating against any further appropriation being made for the free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Calistoga, Ontario, Chino, and Humboldt counties, all in the State of California, remonstrating against the enactment of legislation requiring the closing on Sunday of certain places of business in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against the employment of Chinese, Japanese, and all other coolie labor on the Panama Canal, and praying that the provisions of the Chinese-exclusion act be extended to Japanese, Koreans, and other undesirable Asiatics; which was referred to the Committee on Interoceanic Canals.

Mr. DRYDEN presented a petition of sundry citizens of Cliffwood, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Haddonfield, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of the Bergen Republican Club, of Jersey City, N. J., praying for the enactment of legislation to increase the efficiency of the artillery of the United States; which was referred to the Committee on Military Affairs.

Mr. BURROWS presented a petition of sundry citizens of Lansing and Jackson, Mich., praying for the enactment of legislation extending the time required for the settlement of homesteads in the Shoshone Indian Reservation in Wyoming; which was referred to the Committee on Territories.

He also presented a memorial of the Milnes Supply Company, of Coldwater, Mich., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of J. W. York & Sons, of Grand Rapids; of the librarian of the Grand Rapids Public Library, of Grand Rapids; of the librarian of the Sage Library, of Bay City; of the librarian of the Public Library of Detroit, and of the librarian of the University of Michigan library, of Ann Arbor, all in the State of Michigan, remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyrights; which were referred to the Committee on Patents.

He also presented memorials of Ashbaugh Subordinate Grange, No. 1202, of Lake City; of Belleville Grange, No. 331, of Belleville, and of Fisher Grange, No. 790, of Harrisville, Patrons of Husbandry, in the State of Michigan, remonstrating against the enactment of legislation providing for the free distribution of seeds and plants; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Allegan, of the Michigan State Grange, Patrons of Husbandry, and the Women's Christian Temperance Union of Albion, all in the State of Michigan, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Clamlake Township, Cadillac, Hiawatha, Shiawassee, Goodwell, St. Louis, Menominee, Charlotte, Clare County, Elk Rapids, Omer, Hillsdale, Barry County, Cooperville, Gratiot County, St. Charles, Iron River, Montcalm County, Stanton, Ann Harbor, and Battle Creek, all in the State of Michigan, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of the town board of Ursa, Ill., praying that an appropriation be made for the improvement of the Mississippi River between Warsaw and Quincy in that State; which was referred to the Committee on Commerce.

Mr. PILES presented a memorial of sundry citizens of Kitsap County, Wash., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a memorial of sundry citizens of Kingfisher County, Okla., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Anacostia Citizens' Association, of Washington, D. C., praying for the enactment of legislation to extend the tracks of the Washington Traction and Electric Railway Company to the Union Station in that city; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Petworth Citizens' Association of Washington, D. C., praying for the enactment of legislation providing for the election of two Delegates to the House of Representatives from the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Woodridge, Washington, D. C., praying for the enactment of legislation providing for the purchase of a certain square of ground for the public park in Langdon, D. C.; which was referred to the Committee on the District of Columbia.

He also presented a paper to accompany the bill (S. 7213) providing for the establishment of a public park at Langdon, in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also (for Mr. BURNHAM) presented the memorial of George W. Howard and 36 other citizens of New Hampshire, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also (for Mr. BURNHAM) presented a petition of the Monday Club of Rochester, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also (for Mr. BURNHAM) presented memorials of the librarian of the city library, of Manchester, N. H.; of B. A. Bloomey, of Manchester, N. H., and of the American Musical Copyright League, of New York City, N. Y., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which were referred to the Committee on Patents.

Mr. HANSBROUGH presented a memorial of the Commercial Club of Bismarck, N. Dak., remonstrating against the enactment of legislation providing for the free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

Mr. LONG presented petitions of sundry citizens of Sterling, Kans., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Butler County, Chautauqua County, Tola, Columbus, Concordia, Mineral, Decatur, Rawlins County, Dickinson County, Blue Mound, Chanute, Emporia, Ottawa County, Phillips County, Herndon, Rydal, Blaine, Rush County, Saline County, Wellington, Sumner County, Kansas City, Pottawatomie, and Wyandotte, all in the State of Kansas, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. PROCTOR presented a memorial of sundry citizens of Woodstock, Vt., and a memorial of sundry citizens of West Burke, Vt., remonstrating against the enactment of legislation authorizing the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. BENSON presented a petition of the congregation of the United Presbyterian Church of Eskridge, Kans., praying for the passage of the so-called "Littlefield original-package bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the United Presbyterian Church of Eskridge, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

Mr. BURKETT presented a memorial of the librarian of Lincoln City Library, Nebraska, remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which was referred to the Committee on Patents.

STEPHEN M. HONEYCUTT.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3498) for the relief of Stephen M. Honeycutt, reported it with an amendment, and submitted a report thereon.

AMANDA M. WEBB.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 2978) granting a pension to Amanda M. Webb, to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amanda M. Webb, widow of Nathan B. Webb, late of Company D, First Regiment Maine Volunteer Cavalry, and to pay her a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 7381) for the widening of Benning road, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ANKENY introduced a bill (S. 7382) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909; which was read twice by its title, and referred to the Select Committee on Industrial Expositions.

Mr. WARNER introduced a bill (S. 7383) to empower the Court of Claims to ascertain the amount to be paid in certain litigation against intermarried whites in the Cherokee Nation, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PILES introduced a bill (S. 7384) granting an increase of pension to Orson B. Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP (by request) introduced a bill (S. 7385) to establish a court for the settlement of claims by Indians against the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7386) for the relief of the trustees of the Providence Methodist Episcopal Church, near Suffolk, Nansemond County, Va. (with an accompanying paper);

A bill (S. 7387) for the relief of the trustees of the Primitive Baptist Church of Waterlick, Va.;

A bill (S. 7388) for the relief of the trustees of the Methodist Episcopal Church South, of Snickersville (now Bluemont), Va.;

A bill (S. 7389) for the relief of the trustees of the Old Goose Creek Church, near Markham, Va.; and

A bill (S. 7390) for the relief of the trustees of the Methodist Episcopal Church South, of Middleburg, Va.

Mr. BRANDEGEE introduced a bill (S. 7391) granting an increase of pension to Albert Leeds; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WHYTE introduced a bill (S. 7392) for the relief of St. Patrick's Roman Catholic Church, of Little Orleans, Md.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. KNOX introduced a bill (S. 7393) for the relief of Anna K. Carpenter or her heirs at law; which was read twice by its title, and referred to the Committee on Claims.

Mr. BULKELEY introduced a bill (S. 7394) granting an increase of pension to Henrietta C. Cooley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEARIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7395) granting an increase of pension to Gilbert H. Mitchell;

A bill (S. 7396) granting an increase of pension to Alexander McCauley; and

A bill (S. 7397) granting an increase of pension to Thomas B. Wait.

Mr. PROCTOR introduced a bill (S. 7398) granting an increase of pension to Page G. Potter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a bill (S. 7399) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 7400) to amend an act entitled "An act to regulate commerce," approvide February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. SPOONER introduced a bill (S. 7401) granting an increase of pension to Henry E. Stewart; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 7402) granting an increase of pension to F. H. de Castro; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7403) granting an increase of pension to Edward Farr;

A bill (S. 7404) granting an increase of pension to William J. Jones;

A bill (S. 7405) granting an increase of pension to Percival Miller;

A bill (S. 7406) granting an increase of pension to William H. McConnell;

A bill (S. 7407) granting an increase of pension to Richard Davis;

A bill (S. 7408) granting an increase of pension to Charles Hines;

A bill (S. 7409) granting an increase of pension to Merrit Tompkins;

A bill (S. 7410) granting an increase of pension to David Hughes;

A bill (S. 7411) granting an increase of pension to John M. Armstrong;

A bill (S. 7412) granting a pension to Lydia A. White (with accompanying paper);

A bill (S. 7413) granting an increase of pension to Joseph T. Sparr (with accompanying papers); and

A bill (S. 7414) granting an increase of pension to William Sherk (with accompanying papers).

Mr. BURKETT introduced a bill (S. 7415) granting an increase of pension to William S. Peery; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7416) providing for carrying free of postage in the mails reading matter for the use of the blind, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing that on and after March 4, 1907, the compensation of Senators of the United States and Representatives and Delegates in Congress shall be at the rate of $7,500 per annum, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WETMORE (for Mr. ALDRICH) submitted an amendment proposing to increase the salary of the marine engineer, office of the Quartermaster-General, from $2,500 to $4,000, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LONG submitted an amendment proposing to increase the salaries of the Capitol police, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CHARLES E. HENRY.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 6197) entitled "An act granting an increase of pension to Charles E. Henry."

DISPOSAL OF TIMBER ON PUBLIC LANDS.

Mr. HANSBROUGH. I move that the bill (S. 5327) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes, be recommitted to the Committee on Public Lands.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had on this day approved and signed the following acts:

On December 20, 1906:

S. 158. An act granting an increase of pension to John Ard Gordon;

S. 2225. An act granting an increase of pension to Samuel White;

S. 2880. An act granting an increase of pension to James C. Coad;

S. 4174. An act granting an increase of pension to Joseph P. Garland;

S. 4235. An act granting an increase of pension to Daniel Sullivan;

S. 4345. An act granting an increase of pension to J. Dillon Turner;

S. 4365. An act granting an increase of pension to Mathew Kerwin;

S. 4366. An act granting an increase of pension to Henry B. Willhelmy;

S. 4695. An act granting an increase of pension to John H. Mullen;

S. 4991. An act granting an increase of pension to Lycurgus D. Riggs;

S. 5042. An act granting an increase of pension to Josephine S. Jones;

S. 5402. An act granting an increase of pension to Charles M. Lyon;

S. 5545. An act granting an increase of pension to Margaret Brannon;

S. 5547. An act granting an increase of pension to Hillary Beyer;

S. 5637. An act granting an increase of pension to Margaret Himmel;

S. 5710. An act granting an increase of pension to Samuel M. Daughenbaugh;

S. 5994. An act granting an increase of pension to John Dickey;

S. 6148. An act granting an increase of pension to James S. Whitlock;

S. 6151. An act granting an increase of pension to Mark Ham;

S. 6259. An act granting an increase of pension to Oakaley Randall;

S. 6339. An act granting an increase of pension to James Dearey;

S. 5081. An act granting a pension to Lucy Florette Nichols;

S. 6228. An act granting a pension to Betsey Hattery; and

S. 6521. An act granting a pension to Abbie J. Daniels.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. FORAKER. I ask that the resolution I offered yesterday, which is on the table, may be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Secretary read the resolution submitted yesterday by Mr. FORAKER, as follows:

Resolved, That if the Committee on Military Affairs deem it necessary, in connection with the consideration of the message of the President in response to resolutions Nos. 180 and 181, to take further testimony to establish all facts connected with the discharge of the members of Companies B, C, and D, Twenty-fifth United States Infantry, that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

Mr. FORAKER. Mr. President, I said yesterday that I would rather not make any comment in response to the President's message until I had had an opportunity to study it carefully, and for that reason I was anxious to have it go, and go without objection, to the Committee on Military Affairs, where we might deal with it in that deliberate and careful way in which such an important matter should be considered. But after I left the Senate I reread the message of the President. I stated in the Senate that I had already been over it twice, once reading it and once following the Secretary as he read it. After I went home I read it again, and it occurred to me that it would not be out of place, inasmuch as we were compelled, by the objections made yesterday, to keep this matter before us for consideration, to make some remarks about it at this time.

I wish to say, in the first place, and I think Senators will bear me out in it, that I never deal in unqualifiedly positive statements unnecessarily, and I try always to avoid extravagance of speech in whatever I may see fit to say to my colleagues here in this body. I shall try particularly to be conservative and considerate in whatever I may say this morning.

With that in mind, let me say, in the first place, that a careful reading of the President's message has convinced me that, in my opinion—I may be mistaken, but in my opinion—he has misconceived, first, his constitutional powers with respect to the action he has taken concerning this battalion, and, in the second place, he has misconceived the testimony upon which his action is based. He states in his message:

I ordered the discharge of nearly all the members of Companies B, C, and D of the Twenty-fifth Infantry by name, in the exercise of my constitutional power and in pursuance of what, after full consideration, I found to be my constitutional duty as Commander in Chief of the United States Army.

The constitutional power of the President as Commander in Chief is found in section 2 of Article II of the Constitution, and it reads, in part, as follows:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia, etc.

I have read far enough. That is all that the Constitution says as to the constitutional powers of the President as Commander in Chief.

In section 8 of Article I of the Constitution it is provided as I shall read. I have a note of it, but I prefer to read from the Constitution itself. However, to save time I will read from my notes. Section 8 of Article I reads, in part, as follows:

The Congress shall have power * * * to raise and support armies; * * * to make rules for the government and regulation of the land and naval forces.

That is all that is applicable, and I confine myself in the reading to that.

Now, Mr. President, it must be apparent to anyone without any study that the constitutional power conferred upon the President of the United States as Commander in Chief is to command the Army, and the power conferred by the Constitution on the Congress is a power to raise the Army and to prescribe the laws and the rules whereby the Army shall be regulated. Nobody would pretend that the Congress had any power or that anybody else had any power over the President as the commander to direct the movement of troops, to say where they should be stationed in time of peace or how they should be directed against the enemy in time of war. He, in that particular, is absolute, without anybody to question his authority.

But, on the other hand, it seems to me, Mr. President, equally clear no one can question that the Congress has power to prescribe by law what rules and regulations shall govern the Army as to its organization, as to the size of the Army, its maximum, its minimum, as to the number of the infantry regiments, the number of cavalry regiments, the number of artillery regiments, and the number of batteries, and the number of men in each of these units of organization; and how, Mr. President, particularly, men shall be enlisted and men shall be discharged from the Army, the terms and conditions upon which they shall be enlisted, the rights that shall accrue to them on account of their service—long service, faithful service—whether or not they shall be recognized by the Government and be rewarded by the Government. All that rests with Congress as a part of that power. As a part of that power it is competent for the Congress of the United States to provide that no man shall be summarily discharged from the Army after he has been regularly enlisted except upon certain terms and conditions; that no man in the Army shall be found guilty of any offense with which he may be charged except after he has had an opportunity to appear before a tribunal where he can present his defense, where he can be represented in person and be represented by attorney, if he wants to be, or by some one else to speak for him; where he can confront his accusers and cross-examine their witnesses.

Now, Mr. President, with that as a preliminary, I desire to call attention to the fact that the Congress has most carefully considered this whole subject, and the Congress has with extreme care provided what the terms and conditions of enlistment shall be, what the obligations of an enlisted man shall be, under what conditions he may be discharged, whether he may be discharged dishonorably or whether he may be honorably discharged, and of recent years, by virtue of a regulation that was promulgated in 1895, which has been acquiesced in by Congress and may be said now to have the approval of law, whether he may be discharged without honor, as these men were. I call attention to the Articles of War. It is provided in the second of these articles as follows:

ARTICLE 2. These rules and articles shall be read to every enlisted man at the time of or within six days after his enlistment, and he shall thereupon take an oath or affirmation in the following form: "I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the rules and Articles of War." This oath may be taken before any commissioned officer of the Army.

So, Mr. President, the obligation which we are told these men violated when they declined to give testimony asked for and which the officers assumed they could give if they would tell

what they knew, was an obligation to obey everything that might be commanded by their superiors, from the President down, which was commanded in accordance with the rules and Articles of War.

That is the first limitation. Stopping there, Mr. President, it must be evident to any careful student of this subject that it was not intended that the constitutional power of the President as Commander in Chief should be, especially in time of peace, without restraint, without restriction, without limitation, but, as the Constitution itself declares when it empowers Congress with respect to this subject, that it should be subject to such rules and regulations as the Congress might prescribe, and Congress has prescribed that the duty of the soldier shall be confined, in the obeying of orders, to that which is in harmony with the Articles of War.

Now, what do these Articles of War prescribe? I have them before me, but I took occasion to copy out the essence of those to which I wish next to call attention. It is provided in article 16 as follows. Let me say before I commence to read that I am going to read only the skeleton just to indicate the general nature of the provisions, and it will be found, when I have read all the provisions on the subject, that the Congress, specifically mentioning every kind of an offense, has carefully provided for the question how, in the event of the commission of such an offense, the soldier shall be found guilty of it. Commencing with article 16, it is as follows:

Any enlisted man who sells or willfully or through neglect wastes the ammunition delivered out to him shall be punished *as a court-martial may direct.*

Article 17 provides that—

Any soldier who sells or through neglect loses or spoils his horse, arms, clothing, or accouterments shall be punished *as a court-martial may adjudge.*

Article 20 provides that any soldier showing disrespect to his commanding officer shall be punished "as a court-martial may direct."

Article 21 provides:

Any soldier who strikes a superior officer shall be punished as a court-martial may direct.

Article 22. Any soldier guilty of mutiny or sedition shall be punished "as a court-martial may direct."

In the President's message of yesterday we are officially informed that these men were guilty of mutiny, and he discharged them in the way he did because of the mutinous character of their conduct.

Article 24. Any soldier who refuses to obey an officer who is trying to suppress a quarrel or affray shall be punished "as a court-martial may direct."

Article 26. Any soldier who challenges or accepts a challenge to fight a duel shall be punished "as a court-martial may direct."

Article 31 provides:

Any soldier who lies out of his quarters, garrison, or camp without leave shall be punished as a court-martial may direct.

Article 32. Any soldier who absents himself from his troops, etc., without leave shall be punished "as a court-martial may direct."

Article 33. Any soldier who absents himself from parade without leave shall be punished "as a court-martial may direct."

Article 34. Any soldier who is found 1 mile from camp without leave in writing shall be punished "as a court-martial may direct."

Article 36. Any soldier who hires another to do his duty, instead of doing it himself, shall be punished "as a court-martial may direct."

Article 38. Any officer found drunk on guard, etc., shall be dismissed from the service, but any soldier who so offends shall be punished "as a court-martial may direct."

The general provision is added to this section following:

No court-martial shall sentence any soldier to be branded, marked, or tattooed.

Article 39. Any sentinel found sleeping upon his post shall be punished "as a court-martial may direct."

Article 40. Any soldier who quits his guard, platoon, or division without leave, except in a case of urgent necessity, shall be punished "as a court-martial may direct."

Article 42. Any soldier who misbehaves before the enemy, etc., shall be punished "as a court-martial may direct."

Article 47. Any soldier who deserts in time of war shall be punished "as a court-martial may direct," except that in time of peace the death penalty shall not be imposed.

Article 51. Any soldier who advises another to desert, etc., shall be punished "as a court-martial may direct."

Article 55. All soldiers must behave themselves in quarters and on the march, and whoever commits any waste or spoil either in walks, or trees, parks, warrens, fish ponds, houses, gardens, grain fields, inclosures, or meadows, or maliciously destroys any property belonging to inhabitants of the United States shall be punished "as a court-martial may direct."

Article 56. Any soldier who does violence to any person bringing provisions, etc., to the camp shall be punished "as a court-martial may direct."

Article 59 provides that—

When any officer or soldier is accused of a capital crime or *of any offense against the person or property of any citizen* of any of the United States which is punishable by the laws of the land, the commanding officer and the officers of the regiment, troop, battery, etc., to which the person so accused belongs are required, except in time of war, * * * to deliver them up to the civil magistrate.

Article 60 provides that any person in the military service of the United States, who makes or causes to be made any false claim, or enters into any agreement or agreements to defraud the United States, or who makes or uses any false paper to defraud the United States, or who commits perjury in support of any false claim against the United States, or who commits forgery in such behalf, or who delivers less property than a receipt calls for, or who gives receipts without knowing the truth recited in them, or who sells, embezzles, etc., or who buys any military property from any soldier, officer, or other person, the party selling not having lawful right to sell or pledge the same, shall, on conviction, be punished "as a court-martial may adjudge."

I come now to article 62. I have already pointed out how specifically and carefully every kind of an offense that the lawmaking power could foresee that it was likely a soldier would commit was provided for; and in every instance the Congress of the United States, in the exercise of its constitutional power, has said there shall be no summary, no arbitrary, no autocratic exercise of power by way of conviction or punishment as for a penalty, but there shall be a trial by a court-martial, and the punishment shall be such as the court-martial may direct.

Then later, without stopping to read it, Congress, fearing that a court-martial might be more severe in prescribing the penalty than it should be, passed a statute authorizing the President of the United States to promulgate an order specifically fixing the maximum punishment that might be imposed upon a soldier for the violation of any of his duties as a soldier, including all the cases to which I have referred and all the cases arising under what I now read as article 62. After thus carefully and in detail providing specifically for every offense they could foresee, they then enacted this omnibus clause. I will read it from the book, as in my notes I abbreviated it somewhat:

ARTICLE 62. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of to the prejudice of good order and military discipline, though not mentioned in the foregoing Articles of War, are to be taken cognizance of by a general or a regimental, garrison, or field officers' court-martial, according to the nature and degree of the offense and punished at the discretion of such court.

First, then, there is specific provision as to all offenses that could be foreseen, every offense, every neglect of duty, every disorder that they could enumerate, basing their enumeration upon past experience, and then, for fear they might have omitted some case and thereby have left it to a superior officer, to anyone, no matter what his rank, from the Commander in Chief down to the one immediately over him, they were careful to provide in this omnibus way as to all disorders and neglects which are prejudicial to good order and military discipline.

Now, Mr. President, that is broad enough, I think it would be agreed without any argument on my part, to cover the case in question.

But this sixty-second article of war has received judicial interpretation. Let me say in passing that this article 62 was not enacted until after the civil war was ended. It was not in force when General Grant did something that we were cited to yesterday as a precedent. I will comment upon that specifically presently. It certainly was not in force in the Confederate army when General Lee discharged some regiment for cowardice. I do not know what the constitutional power of General Lee was. I do not know what his statutory authority was, but I know enough about the character of the case from what the President has said about it in his message and in the notes upon it attached to his message to say if it had been in the United States Army it could not have been cited as a precedent for this kind of a case.

I now read from General Davis in his work on Military Law. I read from page 473, what is meant by "neglect and disorders" that are prejudicial to good order and military discipline. He says:

A "neglect" is an omission or forbearance to do a thing that can be done or that is required to be done. In its ordinary meaning it is an omission, from carelessness, to do something that can be done or ought to be done. The obligation to perform the act or thing

neglected is military in character and arises in connection with the requirements of military duty. Law, regulations, orders, and, where these are silent, the custom of service prescribe the several military duties and obligations the neglect of which is chargeable under this article; the evidence submitted in a particular case shows the manner in which the duty was performed and the particulars in respect to which there has been criminal neglect. The term "disorder," as used in this connection, is more comprehensive than when used in reference to civil affairs, and includes not only disorders in the sense of frays, quarrels, and the like, but all interruptions of the good order which should prevail in camp or garrison and willful departures from that orderly recurrence of events which constitutes military discipline and which are, as such, harmful or prejudicial to good order and military discipline.

Then in a note cases are cited in support of the text. I read from one of them, from the note at the foot of page 474. It was a case where it was held that "refusing to testify when duly required to attend and give evidence as a witness before a court-martial" was a disorder and a neglect of duty prejudicial to good order and military discipline, cognizable under the sixty-second Article of War, and therefore an offense for which, by virtue of that article, the accused was entitled to trial by court-martial. That is what it was charged these soldiers were guilty of in this case——

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FORAKER. Certainly.

Mr. LODGE. As the Senator is speaking about the power to discharge without honor, I find that I have a memorandum here from General Ainsworth——

Mr. FORAKER. If the Senator will allow me, I am going to take that up separately.

Mr. LODGE. I was going to ask the Senator if he would explain how it was that 352 enlisted men of the Regular Army have been discharged without honor during the past two years?

Mr. FORAKER. I will explain it, and take pleasure in explaining it. I shall take pleasure in showing to the Senator that in no one of those cases was there any punishment involved, but simply a withholding of honor. I will talk about the argument presently as to whether or not there is punishment in this case. In all those cases there was no punishment involved; they simply severed connection with the Army, as in the case of a young boy who comes and wants to enlist and misrepresents his age, stating that he is of an age which authorizes him to enlist; but the next day or the next month or six months thereafter his mother comes and says: "This is my only support. He has made a misrepresentation about his age. Here is the record. He is only 16," or whatever his age may be, "and he did not have my consent to enlist. I want to have him discharged." Thereupon, the case going to the Secretary of War or to the President, he is discharged without honor, according to this regulation. But I will speak about what "without honor" implies presently.

Mr. LODGE. The Senator does not mean to suggest that that is the only cause of a discharge "without honor?"

Mr. FORAKER. No; certainly not. I gave that simply as one illustration. Dozens of illustrations might be given.

Mr. LODGE. Of the 352, 113 were discharged without honor on account of desertion, 8 on account of desertion and fraudulent enlistment, 107 on account of imprisonment under sentence of civil court, and 38 on account of having become disqualified from service through their own misconduct.

Mr. FORAKER. Certainly. That is as good a set of illustrations as I could use, and I thank the Senator for calling my attention to the fact that they are all found in this report. A man is discharged without honor because he was a deserter. What is implied in it? The man who was regularly enlisted and then deserted was liable to be tried and found guilty of desertion, but he came and said, "I deserted; there were extenuating circumstances; I hope you will not punish me; I will be glad if you will give me my discharge; I will take a discharge without honor;" and the War Department or the commander of the department or the President, whoever it may be who can do it, says, "Very well; we will get rid of you on the terms you propose; we will give you a discharge without honor." There is no punishment in that. They are simply withholding from a man not entitled to it what belongs only to the man who has honorably served, "faithfully and honestly," through his enlistment, to employ the language of the statute. There is no punishment in such case, but rather a favor.

So it is with the other cases enumerated. In each of them the discharge was granted, and if we had the complete record you would find it was granted doubtless on the application of the man discharged.

But that is a very different case, Mr. President, from this. In cases of that kind I think it is well enough to have a discharge without honor, as contradistinguished from a discharge that is honorable or a discharge that is dishonorable.

But, Mr. President, there is no statutory provision which recognizes a discharge without honor except only as the Congress of the United States has acquiesced in regulations for the government of the Army prescribed by the President of the United States, in which such discharges are mentioned for cases of this kind. Until 1895, when the regulations now in force were issued, during Mr. Cleveland's Administration, through his Secretary of War, Mr. Lamont, nobody had ever heard officially of a discharge without honor. But everybody recognized that there were cases where it was not right to give a man an honorable discharge, and yet not proper to give him a dishonorable discharge. They did not want to go to the trouble of court-martialing him in order that they might give him a dishonorable discharge. The cases were such as have been referred to. A man who enlisted through misrepresentation as to his age was not entitled to an honorable discharge, and they said, "We will let him go, out of consideration for his mother and for his tender years. We will overlook it and give him a discharge, but will say without honor," so that he can not carry away a certificate of the Government that should be given only to men who have served honestly and faithfully.

Mr. PROCTOR. It was a void enlistment.

Mr. FORAKER. It was a void enlistment, and they simply cut the matter short on the application of the soldier without going through the trouble and annoyance of a trial.

But, Mr. President, when you come to a case like this, where men are not seeking a discharge, but where they are protesting against it, where men are charged with having committed a heinous crime, as the President said yesterday, the most atrocious crime that was ever committed in connection with the Army—where we have a case of this kind, and the men are protesting their innocence, saying, "We have served long, and we have served faithfully, and we had nothing whatever to do with this wrong of which you talk, and we know nothing about it," it is not a case for a discharge without honor, and to say that it is a discharge that can be distinguished from a dishonorable discharge is simply to undertake to make a distinction where really there is none, as I shall point out.

Now, here is what Winthrop says upon that subject, in the first volume of Military Law and Precedents. I read from page 848:

Discharge "without honor."—This is a species of discharge recently introduced into our practice, as supposed to be warranted by the fourth article, and proper to be given where the circumstances which have induced the discharge are discreditable to the soldier. But the distinction between a discharge "without honor" and a "dishonorable" discharge is fanciful and unreal, and, in the opinion of the author, it is open to discussion whether this newly invented form is legally authorized under this article.

I might read further, but I have read enough to show what he has to say—and he is an acknowledged authority on the subject—of a discharge without honor. The distinction is fanciful, it is unreal; it is unreal because in a case like this it does involve punishment, no matter what may be said by the President or anybody else to the contrary.

The President said in his message of yesterday—I want to get the exact language—

People—

I am one of them—

have spoken as if this discharge from the service was a punishment. I deny emphatically that such is the case, because as punishment it is utterly inadequate.

And so on.

Mr. President, we will agree that, if these men committed this atrocious offense, the punishment of being discharged without honor is inadequate; if they deliberately committed murder, the punishment appropriate is death, as the President says; and if their comrades deliberately were guilty of misprision of felony in refusing to give testimony as to the facts of which they had knowledge, they committed a crime punishable with imprisonment in the penitentiary for three years. So the President is right in saying that the punishment he has imposed is inadequate. But, Mr. President, punishment does not have to be adequate to be punishment. It is punishment although it may be grossly inadequate if measured by the character of the offense. If these men committed murder, as charged, the punishment is inadequate. If they were innocent of murder and innocent of misprision of felony, then is the punishment of a discharge without honor grossly exaggerated, harsh, and brutal, for in that case they would not have committed any crime and yet be severely punished.

But now let us see whether this was a punishment or not. Sometimes men talk more frankly before a point has been called

to their attention. I do not refer to the President in that connection, but refer to the Inspector-General, upon whom he chiefly relies, General Garlington. General Garlington has made a report which accompanies the President's message, now before us officially, in which he tells of following the investigation of the report of Major Blocksom, the assistant inspector. He went down to Fort Reno, where these men were encamped, and there investigated this subject, examining the men with a view to finding out, if possible, if he could prove that this shooting in the town of Brownsville was done by the soldiers of this regiment. What is it he says?

First, he said there was an order under which he went there to perform this duty; an order issued by the Acting Secretary of War, Robert Shaw Oliver, in which he was instructed to see these men and to inform them frankly and fully that they must disclose knowledge as to who of their comrades had committed this offense, or else they would be mustered out of the service without honor and be debarred from ever again entering the service. What does he say he did? He says he met the men; he examined them all so far as he thought it necessary, a great many of them, at least, with very great care. He says "only one man presented himself voluntarily, and that was not to give information, but to urge his own case for exemption from the *penalty imposed by the President.*"

I want to refer to the dictionary to see just what is meant by the word "penalty" and how it is defined by lexicographers. I have always understood that "penalty" means punishment; that when some authority imposed a penalty that that authority was seeking to impose punishment. In the concluding paragraph of his report General Garlington says:

> I recommend that orders be issued as soon as practicable discharging, without honor, every man in Companies B, C, and D of the Twenty-fifth Infantry, serving at Fort Brown, Tex., on the night of August 13, 1906, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government.

The order of the President was written upon the back of this report and returned to the War Department: "Let this recommendation be executed." I am not trying to give the exact language, but it was an order of the President to execute that recommendation to muster the men out without honor, to debar them from entering the military service, to debar them from entering the naval service, to debar them perpetually from entering the civil service. But what does he say further:

> In making this recommendation I recognize the fact that a number of men who have no direct knowledge as to the identity of the men of the Twenty-fifth Infantry who actually fired the shots on the night of the 13th of August, 1906, will incur this extreme penalty.

Now, what is "penalty?" The Century Dictionary says:

> Penalty * * * (see *penality*, of which *penalty* is a doublet). 1. Suffering, in person or property, as a punishment annexed by law or judicial decision to a violation of law; penal retribution.

Now, Mr. President, what General Garlington recommended was that this extreme penalty, which meant extreme punishment, should be inflicted upon these men; and when we observe the consequence of it, extreme it was indeed, for these men went forth branded, in the first place, as murderers; branded as having been participators in the commission of one of the most atrocious crimes that ever disgraced the United States Army, as the President of the United States says; branded not only as murderers, but branded as conspirators to suppress knowledge of the murder and to prevent the bringing to trial and punishment of the guilty perpetrators of that atrocious crime. Not only that, Mr. President, but guilty also of committing perjury, for every one of them had sworn that he was asleep in the barracks; that he had no knowledge of the matter and could not give any information about it. Those men go forth, Mr. President, branded in that way. I wish I had the report that came in here showing the individual records of these men. I started to look through it yesterday, but we reached the consideration of this resolution before I had time to pursue it very far. But I saw the beginning of it, and the name that stands at the head of that list is that of Mingo Saunders, first sergeant. I observe that he had served twenty-six years, a number of years in the Philippine Islands, in Cuba, and in the Indian wars. He had been enlisted, I think, eight times, and each time honorably discharged before he was again reenlisted. He enlisted eight times, as I have said, and at the end of each enlistment was discharged, and under the head "remarks," it is said each time, "excellent soldier," or "faithful and reliable soldier," or something of equivalent import every time he was discharged; a complimentary remark of that character—"faithful," "reliable," "excellent," "extremely good," "efficient," etc., showing that, in the language of the statute, he had served "honestly and faithfully" twenty-six years.

Mr. SPOONER. What was his character?

Mr. FORAKER. His character was excellent; and yet that man, whose character is excellent, is branded as a perjurer who has been in conspiracy to suppress the crime of murder. Why, Mr. President, an atrocious crime has been committed if that man is not guilty. When the facts are all known we will know who has committed the atrocious crime. This is only one case. I do not know how many more of these soldiers there were who had long terms of service to their credit; but they have all been discharged in that same way, with remarks of "excellent service," "faithful," "reliable service," etc. Such was the record of Mingo Sanders until in November last he was given this piece of paper, discharging him without honor, to carry around with him all the rest of his life, branding him as a criminal against the country he had been so faithfully serving, and included in the denunciation that is visited upon the men of this battalion. Is there no punishment involved? Is it anything but punishment, and was not punishment the avowed purpose?

That is not all. General Garlington said again, speaking of these men:

> They appear to stand together in a determination to resist the detection of the guilty; therefore they should stand together when the penalty falls.

So it is that three or four times the Inspector-General, whose recommendation the President approved and whose recommendation was his order, has spoken of what happened as a penalty or a punishment, and there is no distinction between the terms.

I shall go back now, if I can, to where I was when the Senator from Massachusetts [Mr. LODGE] interrupted me. While I do not object to interruptions, when I tell a Senator I am coming to a certain point directly I hope he will allow me to approach it in regular order, so that I will not be diverted.

Mr. LODGE. I will not interrupt the Senator again.

Mr. FORAKER. I am glad to be interrupted; but if I answer I will hear the interruption later, because of the logical arrangement I have in my mind of the remarks I desire to address to the Senate, I hope that Senators will do me the favor not to compel me to anticipate what will properly follow later in my remarks.

I was pointing out that article 62 of the Articles of War is an omnibus clause and covers every kind of offense not specified. I was reading from the authorities by which that has been interpreted, and I had just called attention to the fact that one of the cases coming under the sixty-second article of war was a case where a soldier had refused to give testimony before a court-martial. That is very much like what happened here. On page 476 the author says:

> As to whether an act which is a civil crime is also a military offense no rule can be laid down which will cover all cases, for the reason that what may be a military offense under certain circumstances may lose that character under others. For instance, larceny by a soldier from a civilian is not always a military crime, but it may become such in consequence of the particular features, surroundings, or locality of the act. What these may be can not be anticipated with a sweeping rule comprehensive enough to provide for every possible conjunction of circumstances. Each case must be considered on its own facts. But if the act be committed on a military reservation or other ground occupied by the Army, or in its neighborhood, so as to be in the constructive presence of the Army, or if committed while on duty, particularly if the injury be to a member of the community whom it is the offender's duty to protect; or if committed in the presence of other soldiers, or while in uniform; or if the offender uses his military position or that of another for the purpose of intimidation or other unlawful influence or object—such facts would be sufficient to make it prejudicial to military discipline within the meaning of the sixty-second article of war.

And then in the notes found at the foot of the page occurs the following:

> If the offense be committed on a military reservation, or other premises occupied by the Army, or in its neighborhood, so as to be, so to speak, in the constructive presence of the Army; or if committed by an officer or soldier while on duty, particularly if the injury is done to a member of the community whom the offender is specially required to protect; or if committed in the presence of other soldiers, or while the offender is in uniform; or if the offender uses his military position or that of a military superior for the purpose of intimidation or other unlawful influence or object—the offense will, in general, properly be regarded as an act prejudicial to good order and military discipline, and cognizable by a court-martial under this article.

That is the sixty-second article of war.

So I might go on and read at very great length, for the authorities are numerous. It is not an open question; it has been passed on time and again, and always it has been held that it was the purpose of Congress to carefully provide that no man charged with an offense should be found guilty of it and be punished for it otherwise than by a court-martial and as the court might direct; or, if it were a crime cognizable by the civil authorities, as murder is, then a civil proceeding should follow.

I might go much further with that, but our time is limited this morning, and I will content myself with merely outlining what I shall undertake to elaborate when we reach the point

where we can take this matter up for orderly and extended discussion. I hurry away from it for another reason: I want to call attention to some other matters. The President says:

The act was one of horrible atrocity, and, so far as I am aware, unparalleled for infamy in the annals of the United States Army.

If these men committed this crime, I agree with him it was an atrocious crime. You can hardly imagine that soldiers stationed in a town, as these men were, would organize a conspiracy to raid the town, go out at midnight when everybody was in bed and asleep, and undertake to "shoot up" the town and take the lives of the citizens of that community. I have no sympathy with that whatever, and it may be that all that was done; but what I want to call attention to, as I said a while ago, is that the President, in my opinion, has not only misconceived his constitutional power, but also has misconceived the testimony. What is it he tells us?

Major Blocksom's report is most careful, is based upon the testimony of scores of eyewitnesses—testimony which conflicted only in nonessentials and which established the essential facts beyond chance of successful contradiction.

The President could not have counted the witnesses. We have got them all here in the papers sent to us. We have a right to assume they are all here. We asked for them all, and the message informs us that the request of the Senate has been fully complied with. If so, we have every scrap of testimony to which the President referred when he said the guilt of the men belonging to this battalion who "shot up" the town has been established by "scores of eyewitnesses." Let us see about that.

I took some pains, after I read that over again at my home last evening, to look through this record and count the witnesses who appeared to testify against these soldiers to the effect that they had committed this offense.

There were two kinds of testimony taken. There was the testimony taken of the men themselves, to which I will call attention directly. That is testimony for the defense. Then testimony to convict the men as responsible for this raid, this murder, and all this bad conduct was taken by a self-constituted citizens' committee, which testimony was confined to the citizens of the town who were "eyewitnesses" of what occurred. The President says there were scores. I say he did not count the witnesses. I have counted them. There are just twenty-one of them—no more. I am going to read the names of them, so that they will be in the RECORD and so that, if I have made any mistake, it will be here where we can correct it. George W. Randall was the first one; O. J. Matlock was the second; Mr. Jose Martinez was the third; Mr. Adolph Bolack was the fourth; Mr. A. Baker was the fifth; Mr. A. C. Moore was the sixth; Mr. Epolita Martinez was the seventh; Mr. C. S. Canada was the eighth; Mr. Victoriana Fernandez was the ninth; Mr. Starck was the tenth; Mr. C. C. Madison was the eleventh; Mr. J. P. McDonald was the twelfth; Doctor Thorne was the thirteenth; Mr. Herbert Elkins was the fourteenth; Macedonio Ramirez was the fifteenth; Genaro Padron was the sixteenth; Guy Rentfro was the seventeenth; Celedonio Garza was the eighteenth; F. M. McCampbell was the nineteenth; M. G. Dalling was the twentieth, and G. W. H. Rucker was the twenty-first.

I looked through this testimony very carefully simply to confirm what I thought when I read it the first time and to see how many out of the twenty-one were, in fact, eyewitnesses. There is no pretense that there is any testimony here except what is found in the statements of these twenty-one, who, as I say, were not sworn. They appeared before the self-constituted committee that had no power to administer oaths, and nobody administered an oath. They simply stated what they knew of the trouble that occurred the night before.

Now, let me show how many of them claimed to be eyewitnesses. I am going to take the time to read this testimony to you. I will read first the testimony of Mr. Adolph Bolack. I will undertake to point out just how many of the twenty-one showed by their testimony that they were eyewitnesses or that they had any knowledge whatever of the facts. They do not know half as much as the President thinks he knows. Adolph Bolack's testimony is as follows:

Q. Now, tell what you know.—A. Well, my wife and daughter hear the shooting and come arunning out in the dining room and got frightened. I was coming out to see what was coming on, but she would not let me. I went to my window and saw Dominguez—

He was a policeman—

and two policemen go by. I holler, but Dominguez did not hear me. After they got by they commenced shooting again. And that is all I know. In about three minutes the shooting commenced in the alley.

Mr. SCOTT. From what is the Senator reading?

Mr. FORAKER. I am reading from Major Blocksom's report, which is embodied in the report the Senator has before him.

Mr. SCOTT. Why does not the Senator read from the other copy?

Mr. FORAKER. I use this because I did not have the other, and I have my notes on the margin. The testimony continues:

Q. Could you see anyone shooting?—A. Saw nothing.

That is far enough to read, I suppose, to count him out. That leaves the number but 20.

Mr. A. Baker was called to the stand. This is his testimony:

Q. Just tell what you know.—A. I heard shooting during the night; don't know exactly what hour.

Q. Was it a pistol or rifle?—A. It sounded like a pistol. I jumped up and my brother came out and asked what it was. We climbed up on a tank and looked over into the fort. The shooting commenced. There were four or five shots near the wall. Then they commenced shooting uptown.

Q. Where do you live?—A. Near the old ice plant, in lot 9, block 59, I think.

Q. Did you see the men cross the wall?—A. No.

Q. Do you remember hearing a bugle call?—A. Yes.

Q. Was the firing before or after the bugle call?—A. There were some shots before the bugle call; then the bugle; then more shots; then the bugle call; then more shots. I heard the men run down the stairs, like they were coming to a fire, and some one hollered "Fall in line," and then, "March," and they went uptown.

All are agreed that one of the companies, comprising fifty-odd men, was sent out to patrol the town immediately after the fight.

Q. Did you hear the roll call?—A. Yes; about half an hour after they got back—a half or three-quarters of an hour after the firing ceased and they went back to the post.

Q. From where you were, could you look down in the alley?—A. Yes.

Q. At the time of the firing, or within five minutes after the firing, did you see anyone running through the alley?—A. No.

Q. Were you expecting trouble last night?—A. Yes. Yesterday evening, about 6 o'clock, two soldiers came up to the house and asked if Mr. Baker lived there. Then they said they wanted a big, broad-shouldered fellow, who said he was from Georgia. So we got our arms and guarded our residence.

Q. Do you know of the shot that Mr. Randall spoke of having gone through his room?—A. Yes; I heard it whistle.

Q. Did you notice the flash of any guns toward the fort?—A. No.

Q. If they had had a roll call you could have heard it?—A. Yes; I heard the last one and heard nearly every name called.

Q. Why were you noticing this?—A. After they had the other trouble the officer told him to report to him and that he would have a roll call and get who was out. So I noticed for the roll call this time.

Q. Did you hear the shooting up in town?—A. Yes.

Q. How many shots did you hear?—A. One hundred and fifty, maybe two hundred. It looked like volleys of them were being fired.

(Excused.)

He saw nothing. That reduces the number to nineteen.

The next testimony is the following:

Mr. A. C. MOORE takes stand. (Proprietor of Miller Hotel.)

Q. This committee is sitting for the purpose of getting information that will place the saddle on the right horse. You are running the Miller Hotel?—A. Yes.

Q. Are there any bullet holes in the hotel?—A. Yes; about six.

Q. Shot by whom?—A. By people; last night.

Q. What time?—A. About 12.

Q. Did you see anyone shoot?—A. No.

Q. Did you hear?—A. Yes.

Q. Tell what you know.—A. The first shooting started down by the garrison. The shooting still continued, and they came up the alley right by our rooms. They gave the command here and fired. Then they came out on Elizabeth street. There they gave the same command again—"Halt; fire!"

Q. Could you tell who they were—negroes or white people?—A. Well, it was a good, strong voice and English spoken.

Q. Could you see them?—A. No; I could not leave my wife; she was in hysterics.

That is enough to read of his testimony. He goes on to make it more emphatic that he saw nothing, but heard shots fired, as everybody else did. That disposes of three of them, and only eighteen are left.

In giving the list of witnesses I counted Mr. Epolita Martinez as one of the twenty-one. Concerning him, however, there is this statement printed in the testimony:

Mr. Epolita Martinez called to the stand, but as he was called to verify a rumor concerning a soldier's remarks in his (Martinez's) drinking place, which he denied the truth of, his statements are excluded from record.

That disposes of him and leaves seventeen.

Mr. C. S. Canada then testified as follows:

Q. We are inquiring into the matter of last night with a view to ascertaining who the guilty parties are. We know they were negro soldiers—

That is the way they commenced—

If there is anything that would throw any light on the subject we would like to have it.—A. I did not see a single man, that I am sure. My room is up on the third floor. As soon as the shooting began I went down on second floor and went out on the gallery. I saw that policeman and saw that the horse was wounded. He staggered and fell. I could tell by his rather dark clothes that he was an officer.

Q. Could you see who fired the shots?—A. No; I could not give any description of the men.

So we will dismiss him. There are sixteen of them left.

I next call attention to the testimony of Mr. Starck, who is one of the men who had his house fired into.

Q. Tell what you know.—A. I don't know that I can help you much. About half past 12 last night I was awakened by a volley being fired into my home. One of the shots passed right over our beds, through both our bedroom and my children's bedroom. I saw man running down the street coming this way. He had a rifle in his hand in about this position [motions at shoulder]. I came to the window and saw an object behind the trees at Mr. Turk's and was about to come down on him when I recognized him as one of the policemen.

Q. Were you able to identify any of them as being negroes?—A. No.

Q. You only saw one man?—A. Yes; but there were more than one, for there was a volley.

Q. How many shots did you hear before and after?—A. I could not say exactly—fifty or a hundred. I heard a lot of shooting after the bugle call at the post.

Q. When were the shots?—A. Just after the bugle call. The first shooting was after the bugle call.

So he saw nothing. We now have only fifteen.

Mr. C. C. Madison took the stand. He was asked:

Q. We are here for the purpose of obtaining information touching what happened last night. Tell us everything you know about it. Who you saw shoot, if anybody.—A. We (Mr. Madison was accompanied by another tinner and could not be induced to converse in anything but the first person plural) did not see anything. The shooting took place 10 or 15 feet from where we were sleeping.

So that reduces it to fourteen.

Doctor Thorne is the next:

Tell the committee what you know.—A. I know nothing except what I heard.

So I will pass him by. That cuts it down to thirteen. I will read next the testimony of Guy Rentfro:

Was at Creager's house on Monday night last, and heard some voices; shortly after heard the words "There he goes," and after that—about fifteen or twenty minutes after—I heard some more shots. Did not hear any conversation. That was Monday night last. I know Mike Hamilton. He is a colored man. Saw him going in direction of Tillman's house, near last street of garrison wall. Have not seen him since. Three or four guards are stationed inside firing line. Was still going in direction of garrison when last saw him. That's all.

He saw nothing. That cuts the number down to twelve.

Celedonio Garza's testimony is next:

Yes, sir; I am sheriff of this county. On Monday last I came into town, and was advised that soldiers had broken out of the post. After the shooting I came out to see what was the matter.

He saw nothing. I have read enough to show that. That is the only purpose in reading it. That cuts the number down to eleven.

The next is F. M. McCampbell's testimony:

I was on my way to the house on the night of the 13th, when we met some soldiers, and they turned the guns on us and asked us, "What are you sons of bitches hunting for?" I think it was a whole company. I did not see any white officer with them. I just saw the ranks of the soldiers. They went in the direction of town, and "we care very little if we shoot you full of holes," they said. Mr. Fielder was going to the hotel. I did not see any firing. I don't think there was a commissioned officer with the soldiers. That's all, about, I know. This happened right about behind the market. There must have been about fifty or sixty men in the company. Mr. Fielder was with me going to the Rio Grande Hotel at that time. That's all.

He testifies he saw no firing and that the troops he saw were fifty or sixty in number, which was undoubtedly the company with which Captain Lyon, under the order of Major Penrose, patrolled the town. That cuts the number down to ten.

Next is the testimony of M. G. Dalling:

I am a State ranger. I have come into the possession of some information this morning, which I got from this soda-water man, who sells soda water. He told me that this soda-water man had been told by a saloon man who keeps a saloon in the edge of the town that some shooting had been done last night, and that Company C could have taken the whole town if they had wanted to, and that they could take the whole damn State.

That cuts it down to nine. Then there is the testimony of G. W. H. Rucker:

About Monday night last, about half-past 8, I took two cases of soda water to saloon near edge of town. There were about thirty or forty negroes inside, gambling, as near as I can ascertain about the crowd, and I heard three or four negroes making threats that they would die and go to heaven before they would go back into post, but do not know what the conversation was about. Yes; I know if I would see this soldier again I would recognize him. I could pick him out of a crowd. He was a soldier. Yesterday morning I passed this negro saloon, but nobody was there. About 12 o'clock, it must have been, as I was picking up empty cases, I went to this saloon, and the proprietor told me that he did not need any "pop," as the boys had been having a little trouble with the citizens, and they were all in the post. He is working for two soldiers who are in the post, who own the saloon. He said that if a gun had been fired last night that Company C could have come out without any orders, and would run every man out of town; that this Company C could whip the whole State of Texas.

So he saw nothing.

That cuts the number down to eight. In other words, instead of "scores of eyewitnesses" who have testified to this transaction, there are only eight men at most; for nobody will pretend that there are any other witnesses than those to whom I now call attention; nobody will pretend that there is any other witness, sworn or unsworn, who pretended as an eyewitness to detail what occurred. "Scores" would mean at least forty. Therefore I say the President has been imposed upon. He has seen fit to point out with a great deal of particularity, as it seemed to me under the circumstances, that Major Blocksom, who reported this testimony to him, is from Ohio, and he points out that Major Blocksom has made a most careful report, and that Major Blocksom has reported the testimony of these scores of eyewitnesses.

Mr. President, I have not in this case commented on individuals. I have not said anything about General Garlington being a southern man, born in the South, born in South Carolina, I believe, and appointed from Georgia. I have assumed that he is a good officer and an honorable man. I have said nothing about Major Blocksom, but it seems to me he is intruded into this case by the President in a very prominent way as from Ohio, and that his report should be strengthened thereby; and we are told that it was Major Blocksom who got the testimony that fixed the guilt by scores of eyewitnesses. I will presently speak of the testimony of the eight eyewitnesses, but before I do that I wish to mention something else.

When a matter of this kind comes up, you do not generally have to ask for information. It is astonishing how kind people are. They send you information. My mail has borne to me a great deal. Among others that have come to me is the following. It comes from a most reputable, a most honored man in the State of Ohio, a man of the highest character, who has known Major Blocksom all his life. I am going to read you what he says about him. Major Blocksom, I take great pleasure in saying, because he is from my State, is a good officer, but I want to say preliminarily to reading this that if there is a man from Ohio in the Army who, unfortunately, beyond any other, was unfitted for this special work, it was Major Blocksom. He is not aware of it, I imagine. Unconsciously he is the victim of early influences. Men are sometimes insensibly influenced. I think he was in this case. Here is what was written to me:

Major Blocksom was born and reared in Zanesville, Ohio. His father, Augustus P. Blocksom, was a prominent attorney there. I knew him well. He was an active and radical Democratic politician, and was entirely consistent in his views, with all the old war Democratic ideas, and never lost an opportunity to express these views in public. He was somewhat of an orator and could always find an interested audience among his Democratic hearers of the Vallandigham type. This is the kind of milk his son was fed upon.

I do not know how many of my colleagues here know just what a Vallandigham copperhead Democrat of Ohio was, but if there was a man in all this broad land who had an antipathy beyond another to a negro in that civil-war time it was that kind of a man. Everybody knows that. Sometime I may, or if I had more time I might now, say more on that subject. But it is not necessary. But this officer was the son of that kind of a father, and had in his youth that kind of political affiliation and that kind of political atmosphere. It is natural that he should inherit that prejudice and carry it with him and be insensibly influenced by it in the discharge of this very delicate duty. I think anybody could see, by simply reading his report, there was some kind of a screw loose with him.

Let me call attention to his report. I did not bring him into this case. The President has called attention to the fact that this officer comes from Ohio, and so he does; he was appointed to the academy on the recommendation of a very able and accomplished Democratic Congressman who represented that district at the time—back in 1872. Here is Major Blocksom's report:

BROWNSVILLE, TEX., *August 29, 1906.*

Here is the first line, the first jump out of the box:

I have the honor to report investigation of trouble *caused by soldiers* of Twenty-fifth Infantry.

Then he proceeded. Before he gets through he has occasion to speak of a number of people. One man who seems to have won his admiration and excited it unduly was a Captain McDonald, who is described as a captain of Texas Rangers, whatever they may be, and he pays him this high compliment. Now, Mr. President, think of this going into an official report:

I believe he—

Judge Welch—

threatened McDonald with arrest for contempt before the latter gave them up—

That is, the prisoners who were in his charge—

It is possible McDonald might have fought the entire battalion with his four or five rangers were their obedience as blind as his obstinacy. It is said here he is so brave he would not hesitate to "charge hell with one bucket of water."

[Laughter.]

Then immediately he says:

I met many sterling people in Brownsville.

Captain McDonald is, I suppose, a sterling man.

Mr. SPOONER. What?

Mr. FORAKER. S-t-e-r-l-i-n-g. Captain McDonald is one of them. Like Ben Adhem, his "name led all the rest."

He then concludes, this man from Ohio:

It must be confessed the colored soldier is much more aggressive in his attitude on the social equality question than he used to be.

What has that got to do with the shooting at Brownsville? Nothing, and I pass it over. I mention it only to show his animus. I speak of it because when the President intrudes the character of Major Blocksom into this discussion I feel like it is due to the Senate to know who it is from Ohio who made this report, who went down to Brownsville and examined these witnesses, gathered up these unsworn, loose, conflicting, disjointed, and contradictory statements, which we are told amount to conclusive evidence of the guilt of these men of the most heinous crime ever committed by soldiers of the United States Army.

I might point out other things, but I have pointed out enough to show that Major Blocksom has not forgotten his early political affiliations, has not gotten entirely away from the influence of the political atmosphere he breathed in the days of his youth at Zanesville, Ohio. Well, that is enough for him.

So far as General Garlington is concerned I have not, just now, a word to say about him as a man. I do not know him. I have no disposition to criticise him or anybody else, but I do fell that it is my duty to present these facts to the Senate. We are not a lot of young men on a frolic. This is serious business. I am not talking here because of the hardship which has been caused a few men, but because it embraces a great broad principle of constitutional law and constitutional liberty. It is a precedent, if it should be established, that will apply to white men as well as to black men, that will apply to the whole country.

I intended to go into detail over the testimony of the eight witnesses, but in view of the lateness of the hour and of the engagements which I am told are pressing some of the Senators, I will pass it over with the single remark that the testimony of these eight witnesses, to any man who knows how to examine testimony and weigh it and analyze it and determine the effectiveness of it and attach to it proper weight, will be utterly unsatisfactory and insufficient to find these men guilty of the great crime with which they stand charged. And it is because these men have been convicted of this gross crime on such unsatisfactory testimony that I want the Committee on Military Affairs to be empowered to send for these people—these eight, if you please, or any others anybody can produce—and have them where they can be examined, where they can be sworn, where they will know that they are testifying under the responsibility of their oaths, and where questions can be asked. Now, Mr. President, so much for that.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FORAKER. Certainly. I am not through, however.

Mr. KNOX. I merely want to ask one question for my own information.

Mr. FORAKER. I yield.

Mr. KNOX. I wish to inquire of the Senator from Ohio if he plants himself upon the proposition that there is no evidence whatever, or that there was none before the President at the time this order was made, except such as was elicited by Major Blocksom and attached to his report?

Mr. FORAKER. I plant myself upon the proposition stated by the President, that the testimony submitted by Major Blocksom was the testimony of scores of eyewitnesses, by whose statements it was conclusively established that these men were guilty of this crime. I say, on the contrary, with all due respect to everybody, that the testimony of these eight witnesses is not sufficient of itself. The President may have had other information given to him by these inspectors. That is another matter. I will come to that later.

Mr. KNOX. All I want to know, if the Senator will permit me to supplement my question, is whether there is any necessity for searching elsewhere for the eyewitnesses to this affray than in the testimony elicited by Major Blocksom and attached to his report.

Mr. FORAKER. I will answer that when we get authority to examine witnesses. I think I can produce some testimony which will throw some important light on this transaction. I do not hesitate to say that I promise the Senate to give them some additional testimony. I think I know what I am talking about and that I am not a boy going to a frolic. This is not a case to be disposed of upon broad, unqualified, and extravagant statements. It is a question, on the one hand, of power and, on the other, a question of facts to be established by testimony taken in a proper way. But I am not yet through.

Now, the testimony, in so far as any testimony of witnesses may be concerned, is that to which I have called attention—that of eight witnesses. You will find, when you read their testimony——

Mr. KNOX. I want to know if that is the testimony upon which the order is based?

Mr. FORAKER. I say it is the testimony to which the President has called our attention. Let me read the language of the President. He does not tell us of any other testimony. He makes an argument that it could not have been done by citizens, because they fired into the houses; that it could not have been done by citizens, because there were found empty cartridge shells and clips. Is it not important, in view of the testimony which is to be found in this record, that we should know the truth about that? What other witnesses there may have been I do not know, but the President says—and in view of the question propounded to me by the Senator from Pennsylvania I will call attention again to what I have been commenting upon. The President says:

Major Blocksom's report is most careful, is based upon the testimony of scores of eyewitnesses.

Did Major Blocksom take any testimony that the President withheld from Congress? If so, will the Senator from Pennsylvania name it? I called for it all.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Pennsylvania.

Mr. FORAKER. Certainly.

Mr. KNOX. The Senator from Ohio totally misapprehends the purpose of my question. I am not undertaking to antagonize anything he has stated, nor am I foreshadowing any view I may entertain about this testimony. All I want to know is whether I understand the Senator correctly when he says that this case is to be judged solely, so far as it is now before the Senate, upon the testimony of the twenty-one witnesses referred to, of whom eight alone, he says, had any observation of the transaction which occurred.

Mr. FORAKER. I did not mean to impute to the Senator antagonism to me. I did not know whether he was opposed or otherwise——

Mr. KNOX. I am trying to get information.

Mr. FORAKER. The Senator wanted full information, and that is what I am trying to get and that is what I have been insisting upon. What I have been discussing and what I have been insisting upon is that the President's statement that this was a carefully prepared report of Major Blocksom, based upon the testimony of scores of eyewitnesses, was not borne out by the record that the President has sent us. If he has any other testimony, it has not come to us. We called for all of it. I assume it is all. If so, there are eight witnesses instead of scores who can be said to have tried to testify that they saw something.

Mr. President, opposed to that is the testimony of whom? The testimony of the noncommissioned officers—those who were on guard and those who were in charge of quarters and as such in charge of the gun racks—and the testimony of the commissioned officers; and without stopping to read it, for it is voluminous, I will ask the Senate to give me the privilege to incorporate in the RECORD some eight or ten affidavits. It is all in affidavit form. If there is no objection, I should like to do that. If there is objection, I will read it.

The VICE-PRESIDENT. If there is no objection, permission is granted.

The matter referred to is as follows:

A".

FORT BROWN, TEX., *August 14, 1906.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, Sergt. George Jackson, Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"I was in charge of the company quarters of Company B, Twenty-fifth Infantry, on the 13th and 14th of August, 1906.

"The company was on a practice march on the morning of the 13th and returned to the post between 10 and 11 o'clock, when the rifles of the company were returned to the racks to allow six men of the company to get their rifles to go on guard. I then locked the racks again, and there were in the racks forty-six rifles, which, with the six in the hands of the men on guard, made fifty-two rifles, for which I was accountable. The racks were not again opened until call to arms sounded, soon after midnight on the morning of the 14th, when I opened them myself.

"I was not away from the quarters at any time during the time the racks were closed, about 10 o'clock on the morning of the 13th, until they were opened when call to arms sounded on the morning of the 14th, nor were the keys to the racks ever out of my possession.

"I made check roll call of the company at 11 p. m., on the night of the 13th, and all men were present.

"GEORGE JACKSON,
"Sergeant Company B, Twenty-fifth Infantry."

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,
Captain Twenty-fifth Infantry, Trial Officer, Summary Court.

B".

FORT BROWN, TEX., *August 14, 1906.*

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, Sergt. Darby W. O. Brawner, Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"I was in charge of the company quarters of Company C, Twenty-fifth Infantry, on the 13th and 14th of August, 1906. I locked the arm racks in the company quarters between 10 and 11 o'clock a. m. August 13. There were 53 in the racks, which, with the 4 rifles in the hands of the members of the guard, made up to the total number issued to the men of Company C; that is, 57 rifles in all. The keys of the arm racks were constantly in my possession. The arm racks were not opened until about 12.15 a. m., August 14, 1906, for any reason except that about 2.30 o'clock p. m. August 13, 1906, one rack was opened for a moment to allow the supernumerary of the guard to get his rifle in order to take the place of a member of the guard who was taken sick, and whose rifle was at the same time placed in this arm rack.

"About 12.15 a. m., August 14, 1906, I was awakened by a corporal of the company, who told me that shooting had been going on and that call to arms had been sounded, and to get up and open the arm racks. I went down to the first sergeant and asked him what I should do, whether I should open the arm racks, and he said, 'Wait for orders.' Corporal Madison, whom I met as I was returning to the squad room, told me orders of the commanding officer were to open the arm racks. I then opened three racks, the fourth having been broken open by the men trying to get their rifles from the racks to fall in when call to arms sounded.

"DARBY W. O. BRAWNER,
"Sergeant, Company C, Twenty-fifth Infantry."

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Trial Officer, Summary Court.

C".

FORT BROWN, TEX., *August 14, 1906.*

FORT BROWN, *State of Texas:*

Personally appeared before me, the undersigned authority, Corpl. David Powell, Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"I was in charge of quarters of Company D, Twenty-fifth Infantry, on the 13th and 14th of August, 1906.

"Company D, Twenty-fifth Infantry, was on a practice march on the morning of the 13th and returned to the post about 9.30 a. m. when the rifles were placed in the gun racks and the racks locked by me. At about 10 a. m. the racks were opened to allow five men of the guard to get their rifles and were again locked by me. There were in the racks then fifty-two rifles and five in the hands of the men of the company on guard, making a total of fifty-seven rifles in all for which I was accountable.

"*I did not leave the quarters at any time during the day or night. The keys to the arm racks were in my personal possession the entire time, and the racks were not opened for any purpose whatever from about 10 a. m. [until] after midnight on the 14th, when I unlocked the racks myself.*

"I took check roll call at 11 p. m. on the 13th, and all the men of the company were present or accounted for.

"DAVID POWELL,
"Corporal, Company D, Twenty-fifth Infantry."

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Trial Officer, Summary Court.

D".

FORT BROWN, TEX., *August 14, 1906.*

FORT BROWN, *State of Texas:*

Personally appeared before me, the undersigned authority, Private J. H. Howard, Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"I was a member of the post guard on the night of the 13th and 14th of August, 1906. I was posted as a sentinel on post No. 2, which extends around the barracks, keeping the buildings on my left, at 10.30 p. m., August 13. At about 12.10 on the morning of the 14th, when between C and B Company barracks, I heard a single shot, then five or six, and then a regular fusilade. The shots seemed to come from the street in the rear of the brick wall back of B Company's barracks. I thought they were shooting at me, and I looked in the direction of the sounds to me if I could see anybody, but I could not, and I then went to the front of the barracks and gave the alarm, by firing my piece three times and calling for the guard. I did not see anybody at all but the post scavenger, who was at the sinks in the rear of B Company's barracks. As soon as the shooting commenced he drove away with his cart.

"JOSEPH H. HOWARD,
"Private, Company D, Twenty-fifth Infantry."

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Trial Officer, Summary Court.

E".

FORT BROWN, *State of Texas:*

Personally appeared before me, the undersigned authority, one Matias G. Tamayo, scavenger at Fort Brown, Tex., who being duly sworn according to law, deposes and says:

"That at about 12.10 a. m. on the morning of August 14, 1906, he was in rear of the quarters occupied by Company B, Twenty-fifth Infantry; that about this time a shot was fired by some person unknown in the street just outside the wall dividing the military reservation from the town of Brownsville, Tex.; that he could hear the bullet and that it appeared to be going in the direction of the Rio Grande River, about parallel to the above-mentioned wall; that immediately following this one shot, a number of other shots were fired, all outside the wall.

"Deponent further says that previous to the shooting he saw no soldiers anywhere in rear of the quarters occupied by the companies of the Twenty-fifth Infantry, and heard no talking or news of any kind; and that he saw and heard no shot or shots from any of the company barracks.

"MATIAS G. TAMAYO,
"Scavenger, Fort Brown, Tex."

Sworn to and subscribed before me this 14th day of August, 1906.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Summary Court.

F".

FORT BROWN, TEX., *August 23, 1906.*

Sergt. J. R. Reid, Company B, Twenty-fifth Infantry, stated to me that he did not have the call to arms sounded (he was sergeant of the guard on the night of the 13th of August) until the shots came so fast that he thought post was attacked. He stated also that he formed the guard before having the call sounded.

A. P. BLOCKSOM,
Major, Inspector-General.

Mr. FORAKER. Now, opposed to the testimony of these eight is this testimony, taken in the form of affidavits, but taken before the summary court, Captain Lyon, who, I am told, is one of the best officers in the United States Army, a man of the highest character, a man who would not send to the President of the United States an affidavit that was given by one whom he thought was an untruthful man. The very fact that the testimony was taken before Captain Lyon is a guaranty that it was properly taken, that these men told the truth as they understood it.

According to this testimony the firing commenced about midnight. The sentry says it commenced outside the walls of the garrison. He immediately ran to a point near the barracks, and, to give the alarm, fired his own piece three times in the air. One of these eight witnesses testifies that he ran and looked out of his window and saw somebody inside the wall shooting up into the air. He saw the sentry, no doubt. He then ran back into his house, put out the light, and pulled down the blinds, so he would not get hurt. That is one of the eight on whose testimony these men are convicted of these heinous crimes.

They all testify that immediately after there turned out to be a continuance of the firing, the sergeant of the guard ordered the guard to fall in, and sent messages to the commanding officer to awaken him; and when the firing continued he ordered a call to arms to be sounded upon the bugle, and it was sounded, and immediately the whole post was aroused. Men jumped up out of their bunks and came down at midnight into the barracks room, dressing as rapidly as they could, some of them half dressed when they took their places in line; rushed to the gun racks, as told to do, to get their pieces, and every gun rack was found to be locked just as it had been locked the day before, except only one; and, in fact, that was found locked, too. But there has been a good deal made of the fact that it was broken open. A lieutenant, acting under the direct order of Major Penrose, to avoid the delay of waiting for the sergeant to get there with his key, ordered the gun rack to be broken open and the arms taken out, and that was done.

The men immediately fell into line, and before the firing ceased they formed their lines and the sergeants commenced the call of the roll, and when the call of the roll was commenced every commissioned officer was there, except only the officer of the day, who had been on duty and had gone to sleep and was sleeping so soundly that he could not be disturbed by a little thing like a raid. When the roll was called every man answered to his name and every gun was found in the gun racks. Every gun was handed out to the man to whom it belonged and every man was there. Oh, but we are told that while that is true—that while it turned out that when the roll was called they were all there, that all did answer and had their guns, yet the men who had jumped over the wall, fifteen or twenty of them, and gone down town, two or three blocks away, doing the firing, when it stopped rushed back to quarters, rejoined their commands, took their places in the ranks, answered to their names, and exhibited their guns and showed that every man was there.

Consider this a moment. Not only the noncommissioned officers, whose duty it was to place the men in proper ranks, but the commissioned officers were present at the roll call; and at that time every commissioned officer of the command was alert. They all testify they thought the garrison was being attacked and they were looking for trouble to come over the wall toward them. Does any man believe that fifteen or twenty men, who had been off engaged in an excitement of that character, shooting up the town, trying to murder people, rushing back under such circumstances, could get into camp, could join their com-

mands, in the very presence of the noncommissioned officers and the commissioned officers also, and avoid being detected in doing so?

I think I read in the message of the President of yesterday about something being absurd. It does not make a thing absurd to say it is, but it does seem to me that I may be pardoned if I say that this statement is utterly absurd. No such thing could happen. If so, every commissioned officer of that company ought to be dismissed from service just as soon as he can be court-martialed. I would not dismiss him without a court-martial.

So it is, I say, to make a long story short and hurry away from this, there is not, as the President understands—and he does so understand it or he would not say it—any conclusive testimony to show that the men of this regiment committed this offense.

But the President said not only is the testimony conclusive so that no doubt can exist as to the guilt of certain of the men, whoever they may be, as to the raid, but that the testimony is equally conclusive to show that there is a conspiracy of silence entered into by all these men. Now, let me call the attention of Senators to the facts.

I have already commented on the facts, as the President has, that he bases what he says, as he must of necessity, upon what is reported to him by the inspectors whom he sent there and in whom he has entire confidence. He says Major Blocksom went down to elicit the proof of the guilt, and secured that and came away. Then he determined that he would muster these men out if they did not tell on one another, for he was satisfied, not from evidence but from deduction, that they were guilty. So then he sent General Garlington, the Inspector of the Army, down to Fort Reno with instructions to advise the men that unless they came forward and testified to the facts within their knowledge, whereby their comrades could be convicted, they would all be mustered out without honor.

Now, General Garlington made a report upon that. It was his purpose to find out whether or not there was this conspiracy. The President says there was, and the President says therefore he can not go amiss in dismissing these men from the Army; that is the only way that the good name of the Army can be protected; the only way that discipline can be maintained.

Now, hear what General Garlington says on the subject of a silent conspiracy:

> The uniform denial on the part of the enlisted men concerning the "barrack talk" in regard to these acts of hostility upon the part of certain citizens of Brownsville indicated a *possible* general understanding among the enlisted men of this battalion as to the position they would take in the premises, *but I could find no evidence of such understanding.*

He could not find any evidence. There is the officer of the Army, the Inspector-General, sent there for the express purpose of finding out whether or not testimony could be obtained to convict the men of that battalion, if there were any, who committed this crime, and he reports to the President that he made a labored and long-continued effort, advising the men of the penalty, the "extreme penalty," to use his own language, that would be imposed upon them if they failed to give him full information, and they gave him no information. They persisted, one and all, in saying: "I know nothing about it." In heaven's name, if a man is absolutely innocent, as these men claim to be, what else could he say? How otherwise could he prove his innocence? And that is now the new requirement.

So General Garlington, instead of reporting to the President that there is testimony which conclusively shows a conspiracy of silence to suppress testimony, reported to the President the very opposite, that there is no testimony whatever. That is what General Garlington says, and yet the President tells us in his message it is conclusively established not only that these men shot up the town, killing one man and wounding another, but also conclusively established that they have agreed that they have become conspirators to commit another crime, misprision of felony, punishable with three years in the penitentiary.

Then, on the top of that, every last one of them has gone before a duly constituted officer, the summary court, or a notary, and made affidavit that he has had no knowledge, and that affidavit we must believe is false, is perjury. Perjury, misprision of felony, and murder are all branded upon the foreheads of these men as they are turned loose upon the world in their old days, after twenty-odd years for many of them, after twenty-six years for one of them, to go up and down through this land they have done so much to serve, so much to protect, as disgraced and degraded men where they were before honored. And this not punishment!

Now, Mr. President, I want to say in conclusion what must be manifest to every member of the Senate, that it has been at a very great disadvantage I have undertaken to speak here this morning without having had an opportunity to examine these exhibits, except in the partial way I have, that the President attached to his message.

But, Mr. President, I was impelled to do it because I think the President has been imposed on as to the facts, and I believe he is big enough man, just enough man, when he knows the facts, to undo, so far as he can, the wrong which, in my judgment, has been committed, and, in so far as he may not have the power, to call upon us to exercise our power to help him undo what I think is an injustice that no language can adequately describe.

Now, the President said some other things, one about Ohio, in which he cited some precedents. Will some Senator who has the document before him show me the precedents that the Judge-Advocate-General cites?

Mr. LODGE. I have it here.

Mr. FORAKER. The President says, in so many words, that for his action there are "plenty of precedents." I want the Judge-Advocate-General's report.

Mr. LODGE. The precedents are on pages 311 and 312. General Ainsworth, The Military Secretary, furnished them.

Mr. FORAKER. I will come to that in a minute. The President says there are plenty of precedents. Well, Mr. President, I do not know where he gets that information. He does not send anything from the Judge-Advocate-General to show that he had the support of that law officer of the Army in his contention that his constitutional power is sufficient to authorize him to make this dismissal, nor does he send anything from the Judge-Advocate-General that warrants the statement that there are plenty of precedents for what he has done. What is it that The Military Secretary says?

I read as follows:

> The Secretary to the President, in a letter dated December 1, 1906, advises the Secretary of War that the President would like to have him "look up any precedents (Lee's or others) for the action taken in discharging the battalion of the Twenty-fifth Infantry, and if there exist any such, send them to the President."

The Military Secretary, proceeding, says:

> A protracted examination of the official records has thus far resulted in failure to discover a precedent in the Regular Army for the discharge of those members of three companies of the Twenty-fifth Infantry who were present on the night of August 13, 1906, when an affray in the city of Brownsville took place.
>
> The case referred to as "Lee's" by the Secretary to the President is undoubtedly the case of Company G, Eighth Infantry, concerning which an interview with Mr. J. C. Hesse was recently published in the Washington Post. In that interview it was stated that, by order of Lieut. Col. Robert E. Lee, the members of Company G were transferred to other companies of the same regiment and prohibited from reenlisting on the expiration of the terms of enlistment under which they were then serving. A search for papers containing details of the occurrence has resulted in failure to find them, the original papers having been returned in 1860 to the Department of Texas, where they were undoubtedly lost or destroyed at the time of the surrender of the troops in that department to the Confederate military authorities.
>
> The records show, however, that on March 18, 1860, members of Company G, Eighth Infantry, at Fort Davis, Tex., took from the guardhouse a citizen who was confined there and, without opposition from the guard, hanged him to a tree near by until he was dead. The records also show that by order of the regimental commander 27 men of this company were detached from the company and attached to other companies of the regiment, "to restore their discipline," and that 12 other men of the company were transferred to other companies by order of the regimental commander without the cause of transfer being stated. The regimental orders are not on file, and it is impossible to state whether the reenlistment of these transferred men was or was not prohibited; but as the records show that some of the transferred men did reenlist, it is evident that if an order prohibiting their reenlistment was given it was not carried into effect.
>
> In view of the foregoing statement it will be seen that the action taken in 1860 in the case of Company G, Eighth Infantry, is not a precedent for the action taken in 1906 in the case of members of the Twenty-fifth Infantry.
>
> In the volunteer service during the civil war there occurred numerous instances of the summary discharge of large numbers of men because of misconduct on their part. Following are some of those instances:

Then he goes on with a list which I will not weary the Senate to read, but I will incorporate it all in the RECORD, and I pass it by with the single comment that Senators will study in vain to find any precedent connected with the United States Army. The nearest approach to it is a precedent given by General Lee in discharging a regiment of Confederate soldiers. What his power may have been, as I have said, I do not undertake to say. It is not necessary to discuss that. But there is no precedent in either the Volunteer or the Regular service for what the President has done here, certainly none so far as we have been advised, and therefore I say again somebody imposed on him when the President was led to say that there are plenty of precedents for what he has done here. I say there are no precedents.

The matter referred to is as follows:

> The members of Company A, First Eastern Shore Maryland Infantry Volunteers, were mustered out of service August 16, 1862, by order of the general commanding the Eighth Army Corps because they refused to serve in Virginia.

The members of Company K, First Eastern Shore Maryland Infantry Volunteers, were dishonorably discharged, without trial, July 2, 1863, pursuant to the order of the general commanding the Eighth Army Corps, subject to the approval of the Secretary of War, for refusing to leave the section of the State in which it was claimed that they had enlisted to serve. The action was approved by the Secretary of War July 23, 1863.

The First Regiment, United States Reserve Corps (Missouri Infantry), was mustered out of service during September and October, 1862, pursuant to orders of the War Department, on account of the regiment being in a state bordering closely on mutiny as a result of alleged misunderstanding as to the terms of enlistment.

Companies H, I, and K, Fifth Missouri Cavalry, and Company G, Fourth Missouri Cavalry, were mustered out of the service of the United States without trial by court-martial, in pursuance of orders from headquarters District of Missouri, dated September 20, 1862, by reason of mutinous conduct and disaffection of the majority of the members of those companies.

Company C, Fremont Body Guard, was summarily discharged by order of Major-General Halleck, November 30, 1861, on account of the members refusing to be consolidated with any other organization of Missouri volunteers.

The members of Company G, Tenth New Jersey Infantry Volunteers, were discharged without trial, April 8, 1862, pursuant to orders from the War Department, because they refused to do duty as infantry, claiming that they were deceived into the belief that they were entering the cavalry branch when they enlisted.

The Eleventh Regiment New York Infantry Volunteers (First Fire Zouaves), was mustered out of service June 2, 1862, pursuant to orders from the War Department, by reason of general demoralization, numerous desertions, and at the request of officers and enlisted men of the organization.

The Sixtieth Regiment Ohio Infantry Volunteers was summarily discharged November 10, 1862, pursuant to a telegram from the War Department, because the regiment was "disorganized, mutinous, and worthless."

Mr. FORAKER. But whatever precedents there may have been in the case of General Grant or of General Lee or of any other general in the field commanding during a time of war would not apply in time of peace. What may have been done during the civil war would not apply, not only because it was done during a time of war, but because it was done before the Articles of War, in the form in which I have read them and commented on them, were placed in the statutes of the United States. Since these Articles of War were framed and enacted, as they are to-day, no man can be convicted of an offense without first having a chance before a court-martial to make his defense, to face his accusers, and cross-examine the witnesses, who seek to disgrace him before the world.

But now one of these precedents cited is the Sixtieth Ohio. Here comes Ohio again:

The Sixtieth Regiment, Ohio Infantry Volunteers, were summarily discharged November 10, 1862, pursuant to a telegram from the War Department, because the regiment was "disorganized, mutinous, and worthless."

Mr. President, it was with very great surprise and with very great pain I read that statement in the President's message of yesterday. I know something about the Sixtieth Ohio. I tried to enlist in it, but I was too young. I was only 15 years old, and they would not let me go. That was the first year of the war. The second year, when they were not so particular and when I was 16, I managed to get in; and I was not as much pleased with it after I got in as I thought I would be, but I stayed there until the end.

The Sixtieth Ohio was a one year's regiment. It was raised chiefly in Highland and adjoining counties. The colonel of it was William H. Trimble, of Hillsboro, a man whom I knew as intimately as a boy could know a man of full age and full of the affairs of the world. A more courtly gentleman, a more patriotic man, a more lovable man never volunteered as a soldier to defend the flag of this country.

He was related to Senator Trimble, who represented the State in this body after he had been a soldier and had been wounded at Fort Meigs, fighting the Indians in the war of 1812. He came here and died here, and his body rests now in the Congressional Cemetery. No name in our State is more honored than that of Trimble. It is the first time in the history of our State that anybody by the name of Trimble has ever been criticised for failure to adequately and fittingly and faithfully and heroically discharge any duty he assumed.

I lived in Highland County at that time. It must be that the records show this discharge, but if the records do show it I can only plead that I never heard of it before.

The VICE-PRESIDENT. Will the Senator from Ohio suspend a moment while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary?

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. FORAKER. I am much obliged to the Senator from Wisconsin for his courtesy in allowing me to proceed at this time.

I send to the desk and ask that the Secretary may read from "Ohio in the War," by Whitelaw Reid, what he says about the Sixtieth Ohio, the one year's regiment referred to.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from Ohio.

The Secretary read as follows:

SIXTIETH OHIO VOLUNTEER INFANTRY—ONE-YEAR REGIMENT.

There were two regiments of this number—the first raised for a term of one year and the second for three years. The one now under consideration is that raised for the one-year term. It was recruited in Highland, Fayette, Ross, Clark, Brown, Clermont, Adams, Gallia, and Noble counties by Col. William Trimble, and was intended specially for the defense of the border counties of Ohio.

The regiment being ready for the field was ordered, on the 8th of February, 1862, to Gallipolis to guard military stores, and during the three months it was on duty at this point paid such special attention to drill and discipline as to eminently fit it for field service. On the 25th of February, 1862, the regiment was fully mustered into the United States service and sent to the field on the 27th of April, 1862. It joined General Fremont's forces at New Creek, in western Virginia, about that time.

The Sixtieth was placed in a brigade with the Eighth Virginia Infantry, and with Fremont's forces marched to McDowell to the relief of Schenck's and Milroy's troops, then threatened by the enemy at that point. The march was a forced one, and from the discretion of the commanding officer of the brigade, Colonel Cluseret, a French officer, many men of the Sixtieth and other regiments were totally disabled from further service for months. The enemy was met, after many skirmishes, near Strasburg, and a brisk engagement ensued. In this affair the Sixtieth Ohio behaved like veterans and won reputation.

The march up the Shenandoah Valley, in pursuit of Jackson, was one of the most terrible ever endured by men; yet the brave soldiers of the Sixtieth and other regiments bore it without a murmur. At Port Republic the enemy was again overtaken and engaged. The Sixtieth Ohio once more displayed its good discipline and fine fighting qualities. Ashby's rebel cavalry figured in this battle and was almost directly opposed by the Sixtieth Ohio. Ashby was killed, confusion ensued in the rebel ranks, and in a few minutes all signs of the enemy disappeared.

The pursuit was continued, with more or less skirmishing, and occasionally a determined stand by the enemy. At Cross Keys the rebel general, Stonewall Jackson, made overtures for battle. He was at once resolutely met by General Fremont's army, and after a fierce engagement lasting some hours both parties withdrew. The battle commenced at an early hour in the morning and lasted until 4 o'clock p. m. It was a well-contested affair, in which both the national and rebel troops displayed the most determined bravery. The Sixtieth Ohio was highly complimented on the field for its firmness and coolness under fire. Its loss in men killed and wounded was severe.

Early on the morning of the 9th of June the Sixtieth and Eighth Virginia, forming an extended skirmish line, swept over the battlefield of the previous day, but without encountering the enemy. He had fled during the night and escaped across the Shenandoah River near Port Republic, burning the bridge after him. Shields's forces had failed to intercept him. Colonel Carroll's brigade, of Shields's division, did get into position on the opposite side of the river, but after making a gallant fight was overpowered and driven off.

The national forces did not pursue Jackson's rebel army. The morning of the 12th of June found Fremont's army at Mount Jackson, it having fallen back to that position to prevent the rebel army from getting into its rear and endangering its communications. Here, for the first time during the campaign, the officers and men of the Sixtieth slept in tents. At this point the Sixtieth Ohio and Eighth Virginia parted, the Thirty-second Ohio taking the place of the Eighth Virginia. Both of the last-named regiments were assigned to General Piatt's brigade and made part of General Schenck's division.

The national army moved from Mount Jackson on the 19th of June and reached Strasburg on the 22d. The illness of General Piatt placed Colonel Trimble, of the Sixtieth, in command of the brigade. Leaving General Milroy's brigade at Strasburg, General Fremont moved to Middletown on the 24th, at which point the army, with the exception of Piatt's brigade, remained until July 8. At this point General Fremont and staff left the army, leaving it in command of General Schenck until General Sigel, the successor of Fremont, should report.

The national forces moved from Middletown on the 8th of July, by Front Royal, to join General Pope, leaving a large amount of military stores in and around Middletown guarded by a force of infantry, cavalry, and artillery. While lying at this place news was received that the rebel General Jackson had again penetrated into the Shenandoah Valley with 5,000 cavalry and was menacing Winchester. Colonel Trimble, of the Sixtieth, was ordered to take a force from his regiment and assume command on reaching other national forces near Strasburg, the point where Jackson was maneuvering. Two hundred and fifty volunteers were selected from the Sixtieth, many of the line officers serving as privates. Thirty mule teams were taken with the expedition for the purpose of expediting the movement and transporting supplies. Middletown was reached before daylight. The enemy still threatening this point, all the Government stores were removed from Front Royal and the national forces marched into Winchester.

Winchester was held until the night of the 2d of September, when it was evacuated by order of the War Department, the defeat of the Army of the Potomac, under General Pope, rendering the move necessary. The Sixtieth Ohio led the column on the night march from Winchester, reaching Harpers Ferry on the 3d of September. General White was ordered by Major-General Wool to Martinsburg, and his Winchester command was added to that of Colonel Miles at Harpers Ferry. Then came the disaster to the national forces at Harpers Ferry. It would be useless to go into a detailed statement of that affair. The Sixtieth Ohio, under command of Colonel Trimble, resisted successfully the attack of Gen. A. P. Hill's rebel division on the left flank in an infantry and artillery engagement lasting from 3 o'clock p. m. on Sunday, September 14, until after dark. It endured, with the balance of Colonel Trimble's command, on the morning of the 15th, till near 9 o'clock, the concentrated fire of over fifty guns, which enfiladed the position, making a dangerous cross-fire over every portion of the command. The anxiety of the rebels to silence Rigby's battery, supported on the right by the Sixtieth, caused a continuous front, flank, and rear fire upon this point. The Sixtieth Ohio remained firm under this severe

fire, protected only by a slight breastwork thrown up hastily on Sunday morning. The enemy, though constantly feeling for the regiment, failed to get its range until near the time of surrender. If the men had risen to their feet they would have been swept from the ground. The adjutant of the regiment lost his hand by a solid shot early in the engagement. Twelve privates were killed and wounded. None felt more keenly the mortification of surrender than the men of the Sixtieth Ohio.

After the surrender it marched in the same brigade organization to Annapolis. General Tyler, being placed in command of the paroled troops, reorganized them, with several regiments, including the Sixtieth and some artillery companies, under Colonel Trimble. The colonel was, shortly after this, badly crippled by being thrown from his horse and did not join the regiment before its honorable discharge by the Secretary of War, October 10, 1862, at Camp Douglas, Chicago.

Almost immediately after the discharge of the regiment the great majority of its members reenlisted into other organizations for three years and served gallantly until the close of the war, many of them laying down their lives in the cause of their country.

The failure by General White to provide in the capitulation for the free colored servants in the command came near proving disastrous to them. Colonel Trimble's anxiety upon this subject, and a sense of duty to those whose freedom was imperiled by the surrender, caused him to bring the subject to the attention of General Jackson on his entering the lines with his staff. He was told no provision had been made for them. The appeal in their behalf was met in a generous manner. General Jackson informed him that General Hill would remain in command at Harpers Ferry and would have control of such questions, but added: "If you have any difficulty with General Hill you can appeal to me." Thanking him and instructing the servants to keep in close quarters with the regiment and the officers to protect them till his return, he rode to Harpers Ferry and called on General Hill at his headquarters. Waiting patiently till D'Utassy finished discussing a claim for five surplus horses, which General Hill very properly refused to allow, he told the general he, too, had lost horses, but had called to present a matter of much more importance. He had learned from General Jackson that no provision had been made in the capitulation for the free colored servants. There were a number in his regiment who had accompanied it from Ohio, and perhaps others in the command. General Jackson had referred the matter to him.

General Hill said: "As great numbers had fled from the surrounding country to Harpers Ferry, it would be difficult to decide who was free and who was not; he would, therefore, leave it to the colonel's honor, and give him passes for whoever he said was free." Thanking the general for his courtesy and confidence, he returned to camp to communicate the glad tidings to men whose fears for their own safety had been increased by seeing hundreds of men, women, and children, bond and free, driven past, their bowed heads and sad countenances telling the tale of their disappointed hopes. When marching out the next day, he was detained at General Hill's headquarters in getting the passes for thirteen colored men connected with the Sixtieth Ohio by another horse claim of D'Utassy. On reaching the river he found the regiment halted, a rebel guard with crossed bayonets in front, several countrymen and a rebel major on horseback near the lines, and others on foot dragging the colored boys from their positions near the officers. He asked what all this meant. He was told in fierce tones, "He was a d——d nigger thief, stealing their slaves, and his command shouldn't pass until every d——d nigger was taken out." He told them they were free—he had passes for them from General Hill. "They swore they wouldn't regard the order of General Hill in such case." A citizen said: "General Hill's pass ought to be sufficient." The rebel major told him to "Shut his d——d mouth and attend to his own business." The moment for action had come. The quick, sharp, decisive words, "My men are unarmed; I am not. I'll sell my life for these free boys. Unhand them! Guards, give way! Regiments, march!" unloosed the grasp of these manstealers, sent the guards from the front and the regiment forward over the pontoon bridge with quick and steady tread. When safe on the Maryland side of the Potomac, these men, some of whom had families in Ohio, felt like a new birth of freedom had been vouchsafed them, and every officer and soldier sympathized with them in the joy of their deliverance.

The surrender of Harpers Ferry was investigated by an able military commission, of which Maj. Gen. D. Hunter was president. It was very severe in some of its findings, but it reported that no blame attached to Colonel Trimble.

Mr. FORAKER. I now call attention to a record of the Sixtieth Regiment of Ohio Volunteers, as published by the State of Ohio in its roster of Ohio volunteers from the year 1861 to 1866. It appears from this roster, and from other statements that will be in the record, that this regiment was enlisted for one year. I do not know how the order happened to be made that it should be enlisted for a year, but its members were enlisted for only a year. They served faithfully, distinguishing themselves for their bravery and gallantry in every engagement in which they participated down to the last, which was an unfortunate one for them, at Harpers Ferry, where they were under the severest and hottest of the fire and where they displayed a bravery and gallantry for which they were commended in official reports. But they were captured there, along with the whole army, in spite of all this gallant regiment could do. They were paroled and finally exchanged and taken to Chicago to be mustered out. They were kept in camp there until they had served, as the roster will show, most of them, from three to four months longer than their one year's enlistment, and while they were there in camp doing nothing, not permitted to do anything, it seems, from what little I have been able to gather, that there was that kind of lax discipline and some cases of insubordination, such as would lead, perhaps, to their being ordered to be discharged at once. But they were all honorably discharged, and by the summary order, so far as I can gather from its hasty reading, it was summary only in the sense that they were ordered to be mustered out immediately instead of being kept there in the barracks.

The Roster of Ohio Soldiers, 1861–1866, War of the Rebellion, volume 5, Fifty-fourth to Sixty-ninth Regiments Infantry, pages 245–264, is preceded by the following historical notice:

SIXTIETH REGIMENT OHIO VOLUNTEER INFANTRY—ONE YEAR'S SERVICE.

This regiment was organized at Gallipolis, Ohio, February 25 and 28, 1862, to serve one year. It was mustered out of service November 10, 1862, in accordance with orders from the War Department.

The official list of battles in which this regiment bore an honorable part is not yet published by the War Department, but the following list has been compiled after careful research during the preparation of this work: Strasburg, Va., June 1–2, 1862; Harrisonburg, Va., June 6, 1862; Cross Keys, Va., June 8, 1862, and Harpers Ferry, Va., September 15, 1862.

Then follows the roster, and the record goes on to show that almost every man of them immediately enlisted in other regiments and went to the front, and every one of them made a good record as a soldier.

I knew the men of the Sixtieth Ohio. There were no better men in the Union Army. No braver soldiers followed the flag and no more gallant officer ever commanded a regiment than Col. William H. Trimble. I am sorry to hear that there is this kind of a fault in their record. It is the first time I ever heard of it. I was out in the field at the time myself and I did not happen to hear of it, and I never heard of it afterwards. Nobody in Ohio remembers the Sixtieth Ohio except only as a regiment that was gallant and brave and heroic and that won honor and glory for the flag on every field of battle where they were present. I think I shall have to introduce a bill to correct the record.

Now, Mr. President, I do not make any apology for taking the time I have occupied, but rather I apologize that I am not able this morning, owing to my inability, to go carefully through these exhibits and to make a more exhaustive discussion of authorities and to speak at greater length or with more effectiveness.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. FORAKER. Certainly.

Mr. SCOTT. Then the members of the Sixtieth Ohio were not discharged without honor? If they had been discharged without honor, could they have reenlisted? Three of them were members of my company afterwards, and could they have reenlisted if they had been discharged without honor?

Mr. FORAKER. The Senator found them, I venture to say, gallant soldiers, as brave as any. No, Mr. President, they were not dishonorably discharged nor discharged without honor. I have shown that they were honorably discharged. Such a discharge as "without honor" was never heard of in that day. Men were either honorably or dishonorably discharged. These men were of necessity honorably discharged, or they could not have reenlisted and won applause for their bravery and heroism.

Mr. President, I have said over and over again this is not a question that is confined to these men alone; much less is it a color question. I do not intend here, this morning, to enter upon that, and I hope I will not be provoked to enter upon it at any time in the discussion of this subject that is to follow. But if that question must be presented I think I can show that the Twenty-fifth Regiment, as is the case with every other colored regiment, has a good record for bravery, gallantry, and heroism. Only this morning an officer of the Army who served on the frontier told me that the negro troops are the only troops of the American Army who never failed to defeat the Indians when they met them in battle. There is not one single case where on meeting the Indians they did not drive them off the field and win the day. Their career has been one of honor from the beginning of our Government down to the present. Who can ever forget that the first blood of the Revolution was that of Crispus Attucks, who was stricken to death in the streets of Boston? And who in this body has not paused and looked upon the picture that hangs over the stairway on the eastern side of the Senate—Perry's Victory on Lake Erie? And who that has looked upon it has failed to observe that there, in that boat, at that hour of supremest peril, when Commodore Perry was trying to escape from a sinking ship, seeking safety on another, by the side of him in that boat was a man with a black face? I have not time to recount their deeds of gallantry and heroism as they are recorded in the history of the civil war, but on another occasion that will be done if it be necessary.

I do not ask that they be dealt with here, Mr. President, more generously than they should be, because of this gallant service, but I do ask that we will practice as well as profess the "square deal" for the black men who have given this country a "square deal" on every occasion when they have been called upon to

serve it. At the proper time, I say, I shall speak of that, perhaps at some length, but I do not intend to do it now.

This morning I have undertaken to do only one thing. Having looked at this testimony, not because I have any personal or selfish interest to subserve, but because I regard it as a great question that is here involved which brings home to me, and every Senator here, a solemn duty, and having in that connection read and studied the testimony, I felt that it would be impossible for us to act intelligently and do justice unless we had some real testimony in this case. I want to see that gentleman who is "able to charge all hell with one bucket of water." I should like to cross-examine him, Mr. President. I should like to see some of the other "sterling citizens of Brownsville," and I should like to prove some things that nobody has said anything about yet, and I am not going to say anything about now, but some things that concern justice, that concern equity, that concern right, that concern the honor of the American Army.

For that reason, Mr. President, I now modify the resolution I offered yesterday by striking out the words which make it optional with the Committee on Military Affairs to take further testimony so as to make it a positive instruction that they shall take further testimony, and I will ask that the resolution may go over until we meet here after the holidays, when I shall make some remarks on the subject.

Mr. WARREN. Mr. President, I myself do not wish to enter into this discussion until I have had opportunity to read further the communications from the President and Secretary of War, and to examine the evidence submitted, and I assume there will not be general discussion until other Senators have had opportunity to do likewise. I am informed by the superintendent of the document room that there will be available only about 200 copies of the message and testimony printed as in the document I now have in my hand. I therefore ask unanimous consent that an order be made by the Senate to print as many additional copies as can be printed within the Senate's limit of expenditure for printing of public documents, which, I believe, is $500.

The order was agreed to, as follows:

Ordered, That as many additional copies of Senate Document No. 155, Fifty-ninth Congress, second session, message of the President of the United States relating to the discharge or mustering out of regiments or companies, as will not exceed the sum of $500 be printed for the use of the Senate.

Mr. LODGE. Mr. President, I have no intention of discussing this question at the present time for the simple reason that I have not been able to read the testimony or examine the evidence on either side with any thoroughness. That somewhat thick volume contains it, and we only received it this morning.

I am not one of those who when they approach a new subject first make up their minds. I prefer, in approaching a new subject, to make up my mind after I have considered the testimony. Even from the rough glance that I have been able to give this testimony, as the Senator from Ohio has been laying it in fragments before the Senate, I observe that there are two sides, and I myself should like to be informed about both sides.

If this regiment or these companies are entirely innocent of the shooting with which they are charged, as the Senator from Ohio alleges——

Mr. FORAKER. No, Mr. President, I do not allege that. The Senator must allow me to correct him. I have not alleged that they are entirely innocent. I have simply alleged that the testimony upon which it is said their guilt is conclusively established is not satisfactory or conclusive, and that there ought to be further testimony taken. I think there is testimony to show that they are free from guilt, but I do not know what the facts are, and I want to find out.

Mr. LODGE. If they are entirely innocent of the offenses with which they are charged, then they have been the subject of the greatest possible injustice, and no one will be more anxious than I to do everything that is possible to vindicate them, to restore any rights they may have lost, and to redress in every possible way every wrong that they may have suffered. But if, Mr. President, they are guilty of the offenses that have been charged, then I think equal justice should be done to the President, the Secretary of War, and the Army officers who have been charged with this painful duty. I think there is a question not only of justice to these men, but that there is some justice due to the President of the United States, the Secretary of War, and the officers who have made this investigation and presented these recommendations.

The President and the Secretary of War have given many weeks of consideration to this question. It is not conceivable that either of them would be influenced in the matter by any local or race prejudice. I do not think that they would have arrived at the conclusion at which they have arrived without some consideration or without strong evidence. I for one should like to have time to examine the evidence upon which they have acted.

The report has been presented by officers of the Army. I should be very slow to believe that any officer of the United States Army would be guilty of the unspeakable infamy of advising the removal of these men from the Army or holding them up to shame and punishment because that officer's father happened to be a Democrat. I believe it is incredible, Mr. President, that an officer of the Army, on a grave question like this, would deliberately falsify facts and make recommendations which would lead to great injury to innocent men because he happened to be born in the State of South Carolina. I do not remember, Mr. President, where the third officer—Colonel Lovering—was born; and I do not care where any of them was born or what the politics of their fathers happened to be. I believe, until it is shown to the contrary, that they are honorable men, doing their duty in an honorable way. They may be in error. It is very possible they are in error. "To err is human." But that they did not do their duty honorably I can not believe; and I think it is traveling a long way from the record to point out that the father of one of these officers was a Democrat.

Mr. President, I think these officers of the Army, and I think the President and the Secretary of War, are entitled to consideration. If, as I say, these men have been discharged from the Army without having been guilty of the offenses with which they are charged, there is no more important duty on each one of us than to see that that great wrong is redressed. But if they were properly removed from the Army and were guilty of the crimes charged against them, then it is equally our duty to sustain the Administration in what has been done.

I do not profess to judge. I have had no time to read the testimony in this thick volume. I have had no time to examine the statements of the officers or the testimony of any of the witnesses; but as I followed the Senator from Ohio, when he stated it was inconceivable that this regiment should have engaged in anything of this kind, I noted as I turned the pages over something absolutely unknown to me until I looked at the document—that this regiment since 1885 had "shot up" four towns. In 1885 it "shot up" the town of Sturgis, in Dakota Territory. Dr. H. P. Lynch was shot and instantly killed, and the soldier who committed the murder was caught and hanged by citizens of the town. Then the soldiers "shot up" the town. In 1899 they "shot up" the town of Winnemucca, in Nevada; in 1900 they "shot up" El Paso—"shot up" the jail and killed a policeman; in 1904—quite recently—they engaged in a deadly brawl at Niobrara and "shot up" the town of Valentine, according to one statement here, and in the affray lives were lost.

Mr. President, the men of that regiment may be absolutely innocent of what is charged against them in this case. I am not prepared to say; I have not read the evidence; but I think it is just as well, when it is stated that it is inconceivable that they should have committed this crime, that these official reports should go in the RECORD with the speech of the Senator from Ohio. Therefore I ask that the pages of this document, Senate Document 155, from page 315 to the middle of page 365, be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Massachusetts? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Copies of documents on file in the War Department relating to instances of extraordinary misconduct or acts of violence committed by soldiers of the United States Army prior to the affray at Brownsville, Tex.

TWENTY-FIFTH INFANTRY—AFFAIR AT STURGIS CITY, DAK., SEPTEMBER 19–20, 1885.

STURGIS, DAK., *September 25, 1885.*

To the honorable the Secretary of War,
Washington, D. C.

(Through Commanding Officer, Fort Meade, Dak. T.)

DEAR SIR: This place is situated 1½ miles west of Fort Meade. At that post several companies of colored troops belonging to the Twenty-fifth Infantry are stationed. Owing to some grievance, real or imaginary, the members of these companies, or at least many of them, entertain an ill feeling toward some of the people of our town, and are taking vengeance by shooting down our citizens. On August 23 last Dr. H. P. Lynch was shot and instantly killed by one of these men while sitting in his office, and on the night of the 19th instant a squad of them, variously estimated at from 15 to 20 in number, entered the town and fired several volleys into buildings facing on the main street.

The fact that but one life was lost on this latter occasion is simply miraculous. The negroes were armed with Government rifles and supplied with Government ammunition. Our civil authorities are not able to cope with an armed force, and we therefore appeal to you to take such steps as you may deem proper to save our town from further outrage. We would respectfully suggest that these colored troops be removed from Fort Meade and replaced by white soldiers.

We are, sir, very respectfully, yours,

O. W. Jewett, justice of the peace; Max Hoehn, real estate agent; F. M. Allen, groceries; G. W. Pratt, physician; E. Galvin, clothier; Chas. H. Mueller,

drugs; Charles Polk, attorney; H. H. Lorrimer, teacher; James Beatty, lumberman; Chas. C. Woody, Sturgis Weekly Record; H. P. Hannan, agent N. W. & S. & T. Co.; John Scollard, proprietor Sheridan House; William E. Jones, grocer; Frank Shaw, dry goods; Chas. G. Ingalls, jeweler; Michael Goeden, saloon; H. O. Alexander, cashier bank Stebbin Fox & Co.; F. H. Brown, bookkeeper; M. Blatt, wholesale liquors; Oscar Partlow, carpenter; H. O. Anderson, hardware, etc; O. H. A. Pinnio, stockman; A. J. Hosier, surveyor; V. M. Beaver, lumberman; E. Rupe, carpenter; G. J. Germain, stock breeder; H. C. Ash, real estate; J. A. Galer, stockman; J. C. McMullen, boot and shoe dealer; Will Ickes, clerk; F. T. Allabough, Northwestern Hotel; J. W. Patterson, butcher; W. E. Jones, grocery merchant; George W. Ladd, tinsmith; C. B. Farwell, stockman; W. C. Buderus, attorney; Patrick Florins, saloon; George N. Cole, liveryman; Calvin Duke, farmer; N. H. Loop, carpenter; J. W. Rodebank, farmer.

[First indorsement.]

FORT MEADE, DAK. TER., *October 14, 1885.*

Respectfully transmitted, through headquarters of the department, together with certified copy of the proceedings of a board of officers organized for the investigation of the outrage referred to.

S. D. STURGIS,
Colonel Seventh Cavalry, Commanding.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., November 10, 1885.

Respectfully forwarded to the Adjutant-General of the Army, through the headquarters Division of the Missouri.

This paper has been retained here until I could make the report called for in the indorsement of the Adjutant-General, dated October 19, upon the letter of September 27 from Mr. B. Caulfield to the President, a letter relating to the subject-matter of this paper.

The report called for goes forward by to-day's mail.

ALFRED H. TERRY,
Brigadier-General, Commanding.

[Third indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, November 14, 1885.

Respectfully forwarded to the Adjutant-General of the Army, attention being invited to report of General Terry, referred to in preceding indorsement (7291, Division Missouri, 1885), and which is forwarded by my indorsement of this date.

J. M. SCHOFIELD,
Major-General, Commanding.

[Inclosure.]

FORT MEADE, DAK. TER., *September 25, 1885.*

ASSISTANT ADJUTANT-GENERAL,
HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn.

GENERAL: For the information of the department commander, I have the honor to transmit proceedings of a board of officers convened at this post for the investigation of a serious outrage committed by a portion of the colored troops of this post upon the town of Sturgis City on the night of the 19th or morning of the 20th instant. Four enlisted men of Company H, Twenty-fifth Infantry, presumed to have belonged to this party, are now in the hands of the civil authorities.

I am, sir, very respectfully, your obedient servant,

S. D. STURGIS,
Colonel Seventh Cavalry, Commanding.

Proceedings of a board of officers which convened pursuant to the following order, viz:

Orders, No. 218.

FORT MEADE, DAK. TER., *September 20, 1885.*

A board of officers will convene at 12 o'clock m. to-day, or as soon thereafter as practicable, to investigate and report the facts and circumstances connected with an outrage committed last night on the citizens and town of Sturgis City by a party of enlisted men from this post.

Detail for the board: Maj. S. M. Whitside, Seventh Cavalry; Capt. Miles Moylan, Seventh Cavalry; Capt. Henry Jackson, Seventh Cavalry; Capt. C. N. Gray, Twenty-fifth Infantry; Second Lieut. H. A. Leonhaeuser, Twenty-fifth Infantry.

By order of Colonel Sturgis:

JOHN W. WILKINSON,
First Lieutenant and Adjutant Seventh Cavalry, Post Adjutant.

FORT MEADE, DAK. T.,
September 20, 1885, 12 o'clock m.

The board met pursuant to the foregoing order, all the members present. Proceeding to the business required of it, the board proceeded to Sturgis City, Dak. T., and obtained the statements (voluntary) of the following witnesses, viz:

1. Thomas Cartwright (colored citizen).
2. Abe Hill, proprietor of colored dance hall in Sturgis, Dak. T.
3. J. H. Patterson (white), bartender for A. Hill.
4. Geo. Williams (white), night bartender for A. Hill.
5. —— Witherspoon (white), citizen of Sturgis.
6. William H. Eatsides (white), citizen of Sturgis.
7. Robert P. Barttery (white), citizen of Sturgis.

The board then adjourned to the post and met in session at 6.25 p. m. Present, all the members.

The board then examined the following-named witnesses:

1. Private Walker M. Wills, Troop K, Seventh Cavalry.
2. Private McMahon, Troop A, Seventh Cavalry.
3. Private F. Martinis, Troop A, Seventh Cavalry.

Board adjourned to meet at 1 p. m. following day.

MONDAY, *September 21, 1885—1 p. m.*

Board met pursuant to adjournment. Present, all the members.

Proceeding with the business required of it, the board examined the following witnesses:

1. Private Taylor, Company H, Twenty-fifth Infantry.
2. Lieutenant Leonhaeuser, Twenty-fifth Infantry.
3. Corporal Fisher, Troop K, Seventh Cavalry.
4. Musician John Brown, Company H, Twenty-fifth Infantry.
5. Private H. Hall, Company K, Twenty-fifth Infantry.
6. Lieutenant Ord, Twenty-fifth Infantry.

The board then adjourned to meet in Sturgis City at 5.15 p. m.

STURGIS CITY, DAK. T.,
September 21, 1885—5.15 p. m.

The board met—all of the members being present—and proceeded to examine the following persons:

1. Frankie Hill, sporting character at A. Hill's.
2. George Ridd (colored), works at A. Hill's.
3. John Warner (colored), works at A. Hill's.

The board then adjourned.

FORT MEADE, DAK. T.,
September 22, 1885—3.30 p. m.

The board met pursuant to call of its president. Lieutenant Leonhaeuser, Twenty-fifth Infantry, was reported as being absent as a witness before the United States district court in Deadwood, Dak. T. The board then, after due deliberation on the evidence adduced, and from their own observation, find the following facts, viz:

That, Saturday night, September 19, 1885, Private John Taylor, Company H, Twenty-fifth Infantry, had an altercation with one Abe Hill (colored), the proprietor or keeper of a bawdy dance house in Sturgis City, where the lower classes of white and colored citizens and soldiers congregate for their evening's entertainment or debauch; that this row, feud, or altercation, was not of sufficient importance or magnitude to awaken in minds of persons present the remotest thought of future trouble.

It appears in evidence that either Private Taylor, or Greer, both of Company H, after the row before mentioned, said, as they, in company with other men of Company H, Twenty-fifth Infantry, left the dance hall in Abe Hill's, you will hear from us again; or, "You will hear from us again to-night." The board concluded that this was no unusual disturbance, as it is established that most of the occupants of this place (Abe Hill's) were in bed when, from the evidence before the board, it appears that a party of armed soldiers, variously estimated from 8, 10, 15, or 20 colored men in uniform, thimble belts on, with "long toms" in their possession, appeared in front of A. Hill's place; this body of men after calling out "Soldiers outside! We are going to shoot!" or words to that effect, did fire with powder and ball into aforesaid house of Abe Hill a number of shots variously estimated from 60 to 100, many of which were calculated or liable to kill or do bodily harm to the occupants of said house; that one citizen, Bob Bell by name, a supposed cowboy, while in said house, came to his death by a bullet directed from a rifle, carrying a 500-grain bullet, in the hands of Privates John Taylor, Pierce Greer, Evan Morris, and Smith Watson, Company H, Twenty-fifth Infantry, and others in collusion with them; that the before-mentioned enlisted men of Company H, Twenty-fifth Infantry, namely, Privates John Taylor, Smith Watson, Evan Morris, and Pierce Greer, all of Company H, Twenty-fifth Infantry, were seen in the town of Sturgis City, Dak., on the night of Saturday, September 19, or Sunday morning, September 20, 1885, in soldier clothing, with guns (?) in their possession and (in line) with other colored soldiers in the streets of Sturgis City; that some of these men in line were seen to "fire;" others, namely, Taylor and Greer, gave recognized commands; that the result of this firing was the killing of Citizen Bob Bell; numerous bullets hit through A. Hill's saloon and dance hall, and a few shots (either strayed or intended) through and in the building occupied by a man known as "Jonnie Dolan." This man is keeper of a low bawdyhouse of ill fame where both white and colored people congregate. The evidence before the board evinces doubt as to whether the men engaged in the firing intentionally shot into Dolan's place or as to the reasonable doubt of stray shots.

Summing up all the evidence that the board has been able to obtain, the board finds "that the outrage committed on the citizens of Sturgis City on last Saturday night was entirely confined to 'Abe Hill's and Jonnie Dolan's' place in Sturgis City, and was entirely confined to the members of Company H, Twenty-fifth Infantry. Evidence adduced shows that an armed body of colored soldiers, variously estimated from 8 to 20, all of Company H, Twenty-fifth Infantry, were in the town of Sturgis City, Dak.; that this armed party fired on A. Hill's place and Jonnie Dolan's place with result as stated. The board examined the house of A. Hill and Jonnie Dolan, and found the dead body of Cowboy Bell, and also numerous shot holes in both buildings."

"The animus of the whole affair was seemingly directed toward Abe Hill's place, where shots were fired both front and rear."

Further than this the board is unable to state.

S. M. WHITSIDE,
Major, Seventh Cavalry.
MILES MOYLAN,
Captain, Seventh Cavalry.
HENRY JACKSON,
Captain, Seventh Cavalry.
CYRUS N. GRAY,
Captain, Twenty-fifth Infantry.

There being no further business before it, the board adjourned sine die.

S. M. WHITSIDE,
Major, Seventh Cavalry.
CYRUS N. GRAY,
Captain, Twenty-fifth Infantry.

Approved.

S. D. STURGIS,
Colonel Seventh Cavalry, Commanding.

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., October 1, 1885.

Official copy respectfully forwarded to the adjutant-general of the Division of the Missouri, for the information of the major-general commanding.

ALFRED H. TERRY,
Brigadier-General, Commanding.

[First indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, October 9, 1885.

Respectfully forwarded to the Adjutant-General of the Army.

J. M. SCHOFIELD,
Major-General, Commanding.

DEADWOOD, DAK., *September 27, 1885.*

MR. PRESIDENT: You have no doubt read of the attack made by some fifteen or twenty of the colored regiment at Fort Meade on some houses in the town of Sturgis. Sturgis is about 13 miles from here, on the

road to Fort Meade, which is about a mile farther. These colored soldiers infest Sturgis at night and are the support of a lot of vile negro girls and women, who congregate at a drinking den called a "dance house." I understand that rows and fights are of constant occurrence in and about this house, and the people of the town are kept in constant dread by the firing of pistols and the yells of these negroes at night. Some weeks ago a negro soldier went to the drug store of Doctor Lynch, an old citizen of the place. The doctor was sitting in his store reading a paper, and this fellow took deliberate aim at him through the window and shot him dead. The soldier fled, but the crowd took him after his capture and hung him. Of course nothing can justify this grave infraction of the law in not allowing him a trial and letting the law vindicate itself. I happened to be at the fort last Saturday night when this last wholesale shooting took place. I was standing in front of General Sturgis's quarters talking with him. We were about going into the house, when Lieutenant Sickles approached with a sergeant, and told the general that he had seen some fifteen or twenty colored soldiers going toward Sturgis with their guns. General Sturgis immediately ordered Lieutenant Sickles to take a detachment of his men and go at once and bring them back.

A few minutes afterwards another lieutenant came to the house and said he had heard firing from the direction of Sturgis, but thought it was at the "Half Way House." The general then ordered him to take another detachment and arrest the soldiers. In about a half hour afterwards a horseman came riding up in great haste and informed the general that the soldiers had fired into "Abe Hill's" house and killed an inoffensive cowboy who was standing there, and that they had also fired volleys into one or two other houses. General Sturgis then ordered that Captain Ord should make a check roll call, examine the arms, and bring in such as had the appearance of being recently fired. This was done. But the fellows had scampered back by short cuts over the hills and gotten into their bunks before the roll call, which disclosed the absence of only three, who, I think, were satisfactorily accounted for.

The inclosed extracts which I have made from the Deadwood papers, being the only papers I have seen, will give a more particular account of what occurred at the shooting, and of which I *know* nothing except from hearsay. General Sturgis next morning constituted a board of investigation from the officers and sent them to Sturgis. They took testimony for two days and succeeded in identifying only four of the offenders. They were brought here and lodged in jail. A special grand jury has been called to act upon these and other cases. I am satisfied, Mr. President, from what I learn from the officers at Fort Meade that this colored regiment is composed in part of a set of reckless desperadoes, and that the service would be benefited by their removal to some station farther removed from a town than Sturgis City is from Fort Meade, and where the temptation to leave their quarters for drink and carousing will be removed.

Sturgis City has a population of about 800 and the town and the regiment are no doubt of mutual disadvantage to each other. A feeling of distrust now exists among the people of Sturgis, and I fear they may be constantly tempted to acts of violence which their fears may engender, and which may not be warranted except by the memory of past outrages on the part of the soldiers. I have no doubt, too, from what I have heard, that the soldiers have met sometimes with outrages from a class of scoundrels who will congregate in such towns from different localities for the purpose of fleecing and robbing the soldiers about pay day, and for which the good citizens are not responsible.

Very respectfully, your obedient servant,

B. G. CAULFIELD.

[Inclosures.]

[From the Daily Times.]

DIABOLICAL—A PLATOON OF COLORED SOLDIERS FROM FORT MEADE VISITS STURGIS, FIRING INTO A BUILDING WITH MILITARY PRECISION, INSTANTLY KILLING ROBERT S. BELL, AN UNOFFENDING COWBOY—NINE SUSPECTS IN CUSTODY—THOROUGH INVESTIGATION ORDERED.

Another dastardly outrage was perpetrated at Sturgis between 1 and 2 o'clock Sunday morning by a detachment of colored soldiers, members of Company H, Twenty-fifth Infantry, resulting in the instant death of Robert S. Bell, a cowboy connected with the 7D, Clark Tingley's outfit. As yet meager particulars only are obtainable, but sufficient to show that a more dastardly crime was never committed in the Hills.

Ever since the lynching of Corporal Hollis for assassination of Doctor Lynch the colored soldiers have cherished bitter enmity toward certain citizens of Sturgis, including William Souter and George Cole, and it is thought that the event of Sunday morning is the result thereof. Be this as it may, about 1 o'clock a body, estimated all the way from fifteen to twenty-five strong, armed with their rifles, quietly left the post and in military order proceeded to Abe Hill's dance house, in front of which they quietly wheeled into line, when the leader gave, in quick succession, the commands, "Prepare to load; load; aim and aim low; fire!" A terrific volley resulted, followed by great excitement throughout the town, during which the soldiers quietly disappeared.

In the saloon at the time were four or five men at cards and Robert S. Bell. The latter had entered only a few minutes before and was engaged playing a banjo when the volley poured into the building, one bullet striking him in the breast and passing entirely through the heart and body, causing instant death. All others within the room escaped injury.

Coroner Wright and Undertaker Smith repaired to Sturgis a few hours later, where the coroner proceeded to hold an inquest, still in progress. Mr. Smith returned with the corpse in the evening.

Deceased was about 28 years of age and of fine appearance. His father, William H. Bell, an architect at York, Nebr., was apprised by wire of the death of his son and directed that the remains be interred here.

GENERAL STURGIS ACTIVE.

From a gentleman who reached Deadwood at 11 o'clock last evening we gather the following: As General Sturgis was engaged with a friend who arrived by the coach at 1 o'clock, Lieutenant Sickle and a sergeant approached, the latter with the announcement that a squad of colored soldiers, heavily armed, had just left the post for Sturgis. The general thereupon ordered the lieutenant to proceed with a detail from his company and intercept the truants, and, that no time should be lost, to go dismounted. Shortly thereafter Lieutenant Leanhauser reported having heard firing in the direction of Sturgis. The lieutenant was thereupon directed to proceed with another detail as quickly as possible and arrest all soldiers absent without leave.

Lieutenant Ord was directed to cause a check-roll call; to lie in wait for and arrest all absentees on returning; to examine all arms, delivering to the general such as indicated recent firing, and to make every effort to apprehend the offenders.

A check-roll call disclosed only three absentees, but upward of a dozen rifles gave evidence of recent use.

On yesterday a board of inquiry was organized, with instructions to leave no stone unturned in an endeavor to solve the mystery. Thus far nine men have been arrested, and the remainder soon will be. They all belong to Company H, Twenty-fifth Infantry. General Sturgis deserves the thanks of the community for his prompt and judicious action, and his determination to bring the guilty parties to justice.

The coroner and the board of inquiry are working in concert, and no conclusion will be reached before this evening at the earliest.

THE STURGIS HOMICIDE.

The coroner's inquest in the Sturgis homicide case resulted in a verdict that deceased came to his death at the hands of parties, some of whom are in custody and others unknown. The board of inquiry, created by order of General Sturgis, continued its labors until upward of sixteen arrests were made, the prisoners being confined in the guardhouse at Fort Meade, and taken one at a time for examination before Justice Jewett at Sturgis. Evidence against a number of the men is direct and conclusive.

The funeral of the late Robert S. Bell, victim of the outrage, was held from Smith's undertaking establishment, Sherman street, at 2 o'clock yesterday afternoon. The body, neatly dressed, rested in a silver-mounted casket, and was viewed by a large number of citizens. It was a pleasant face to look upon, the features indicating great intellectuality and good parentage. Interment took place in Mount Moriah.

Sheriff Garland, Deputy Dix, and the four colored men, soldiers, accused of the murder of Robert S. Bell, came in from the post yesterday, escorted by Lieutenant Cress and a detachment of the Seventh Cavalry. The defendants, Taylor, Greer, Morris, and Watson, each waived an examination and were held by Justice Jewett without bonds, to await the action of the grand jury.

[From the Pioneer.]

TUESDAY MORNING, *September 21, 1885.*

The coroner's jury in the case of Robert Bell returned the following verdict yesterday morning:

"The said jurors upon their oaths do say that the said Robert S. Bell came to his death by a gunshot wound fired by a squad of United States soldiers, members of Company H, Twenty-fifth Infantry (colored), led by John Taylor and Pierre Greer, privates, and of whom John Taylor, Pierre Greer, Evans Morris, and Smith Watson were recognized on the morning of September 20, 1885, in Abe Hill's dance house in Sturgis City, Dak. T.

"E. T. MARSHALL,
"N. T. WITCHER,
"J. T. SLY,
"Jurymen."

Immediately after the finding of the jury a complaint was filed by the coroner in Justice Jewett's court, a warrant issued, and defendant Watson was brought up from the guardhouse at Fort Meade by Deputy Sheriff June Dix, escorted by eight members of the Seventh Cavalry, who stood in line in front of the office until the prisoner had waived examination and a commitment to the Lawrence County jail without bonds had been made out, and the prisoner was loaded up and started for the prison lockup. The other three prisoners were then brought up for preliminary examination, and if waived they would be brought up to the county jail with a guard of one company of cavalry. There seems to be a disposition on the part of the sheriff and General Sturgis to protect the prisoners from mob violence, and we think they are acting wisely.

The following is a synopsis of the evidence given to the coroner's jury:

Doctor Pratt testified that the ball, after passing through a 4-inch square awning post and the front of a building, entered the body of deceased between the ninth and tenth ribs and passed obliquely through the body and out through the lower portion of the sternum, dropping between the body and the clothing, and in its passage through the body injuring the heart, which was the cause of death.

R. T. Barthey testified that he was standing in front of Dolan's saloon about 2 o'clock Sunday morning when he saw a squad of soldiers marching in order up Main street, under command of an officer, with their guns at a trail, held in their right hands. When in front of Abe Hill's place they, at the command, halted and formed in line; some one hollowed, "Is there any soldiers in there? If there is, get out of the door; we are going for the house," and they then commenced firing.

After firing a few volleys they about-faced and started down street. In front of Dolan's place they were haled and a voice said, "Let us give Jonnie Dolan, the s—— of a b——, a round," and they fired a volley in his house. I heard the whiz and spat of balls and the tingling of broken glass. After firing a volley they re-formed and marched up to Hill's place again, where they halted and the command, "Ready, load, fire," was given, and several volleys were fired into the building. There was a drag in the firing, and some one said, "Let us all fire together," and the same order was given—"Ready, load, fire," and volleys were repeated, several of them, at the lower part of the house. The firing ceased, and a voice said, "Here is Souter and Cole; we will lay out the s—— of b——." Ranks were broken, and they went upstreet and disappeared. I went into the house after they were gone and found a cowboy dead—shot through the body.

James W. Patterson testified that at an early hour that morning he heard loud talking in the street, stepped to the door, and saw John Taylor, a member of Company H, stepping off the platform, going toward a line of men standing in the street—fifteen or twenty of them. He recognized Privates John Taylor, Pierre Greer, Evans Morris, and Smith Watson, all of Company H, Twenty-fifth Infantry. Greer gave an order and they fired a volley in the direction of the upper portion of the house. Soon after this first volley a voice said, "What do you want, you s—— of a b——?" and a shot was fired, and soon afterwards several shots were fired. The voice he did not recognize, and it was evidently directed to some one in the house, and he thought to deceased, Bell. Some one then proposed to go down and give Dolan a round, and they went. He heard them say, "Let us go for Souter and Cole and fix them."

John Warner was in the house at the time of the firing and recognized the voice of Greer commanding, "Ready, aim, fire," followed by a volley that came into the house. He also recognized Private Taylor in the party.

Andrew Wetherspoon was in the room at the time the shots were

fired, and saw Bell clasp his hands across his breast and heard him exclaim, "My God! I am killed," and saw him cross the room and fall out of the back door. Bell died twenty minutes after being shot.

George Read was in the room at the time Bell was shot, and saw him fall out of the back door. He saw and recognized Taylor, Greer, and Watson, with guns in their hands, in the crowd of soldiers.

George Williams was in the room at the time, and they all heard a noise in the street, and all but himself passed out at the front door. Through the open door he saw Taylor standing on the sidewalk with a gun in his hands.

Thomas Cartwright was in the house at the time the soldiers formed in the street, and he heard Taylor say, "Now, boys, we must all fire together." He heard them propose to go down and give Dolan a volley. He recognized Taylor, Morris, Green, and Watson in the crowd, and Taylor was commander of the squad.

Abe Hill was in bed when the firing commenced, but he got up and recognized the voices of Taylor and Green in the street. Taylor hollowed to him to "come on up to Fiddler's tree; we will meet you there," and Green said, "Cole and Souter, we want to see you up at Fiddler's tree."

William Havisides was in the house at the time of the firing, was close to Bell when he was shot, and saw him stagger across the room and fall out of the back door. He recognized Taylor and Green in the party.

There was a large amount of evidence given that pertained to threats that were made that night, but the above synopsis covers the material evidence given. It was thought that Watson would squeal and tell what he knew of the affray, but when brought into court yesterday his mouth was closed; he had nothing to say and waived examination.

FIXED AMMUNITION.

We have often heard of fixed ammunition and supposed it was cartridges such as are sold in the market "fixed" for the gun. During the late excitement in Sturgis the court of inquiry found some of the empty shells in the street that had been fired by the soldiers and they seemed elated over the fact that it was fixed ammunition. We started in to get the bottom facts on fixed ammunition, and seeing the guard of honor detailed to escort Watson to the law mill yesterday, we approached him and struck up a talk. We asked him to explain the term "fixed," at the same time drawing a cartridge from his belt. A sergeant in command, about 300 feet high, saw our civilian hand caressing the little messenger of death, and he reached for us, at the same time ordering the return of the cartridge to the belt, and we returned it and crawled upon the porch to prevent annihilation. He was evidently a mighty man of war, and we are glad we are not an Indian to have him turned loose upon our tepee.

This was all in Scoop.

MURDER—A SQUAD OF DRUNKEN COLORED SOLDIERS SHOOT PROMISCUOUSLY AND KILL A COWBOY.

STURGIS CITY, *September 20, 1885.*

To the editor of the Pioneer:

It is Sunday evening and a holy quiet of the calm after the storm pervades the town.

We are again called upon to chronicle the death of a fellow-mortal, and by violence—a cold-blooded murder—and it is not yet known who the assassin is, although there is proof that everybody hopes will prove conclusive as to who the guilty party is.

To go back a little, it will be remembered that Doctor Lynch, an old, respected citizen, was foully murdered in this place a little over a month ago, and very soon afterwards Corporal Hallon, a colored soldier, who was suspected of the crime—in fact, the evidence was almost conclusive that he was the guilty party—was taken from the jail in night-time and lynched.

The colored soldiers at that time believed him innocent, and many of them vowed vengeance against not only several parties they supposed had a hand in it, but against the entire town. Many of the people were of the opinion that they would carry their threats into execution, but the greater proportion of them thought that it was but idle talk.

About 2 o'clock this morning, to the great surprise of everyone at that time, a squad of colored soldiers, from 15 to 20 in number, armed with their breech-loading rifles, appeared on the street and began an indiscriminate firing into the houses on the south side of Main street. Not less than 100 shots were fired in all, and from the looks of the houses the bullets were large and propelled with great force. Abe Hill's house shows where many of them went, there being holes in the front, in the ceiling of the rooms, and, in fact, all over.

One of the balls passed through a 4-inch square awning post in front, through the front of the building, and out through the side of the house.

Another ball passed through another awning post, through the front of the house, and through a man's body who was standing in the room, killing him instantly. In the next house a ball passed in through an open door up through the ceiling and through a partition in the upper story, that deflected the ball down through the floor and dropped upon a bed in which a man was sleeping.

Johnnie Dolan's place also received a volley that wrecked the chandeliers and windows badly. The lamps and chandeliers in all of the houses along on this row were made targets of by them and most of them were knocked into smithereens.

As soon as word could be got to the post two companies of cavalry were sent up, and they soon rounded up the colored troops and lodged them in the guardhouse. They remained on duty until daylight and patrolled the town. Some indignation is felt at the post commander for permitting the arms and ammunition to be left where they had such easy access to them, but he is in no wise responsible for it. Racks are placed in each company's barracks in which their arms are kept, and these racks can be locked up, making it impossible to get out the rifles without removing the padlocks. The post commander, we understand, issued an order that the arms be kept under lock and key by the first sergeant of each company, but the order was countermanded by General Terry, and the locks were removed.

The officers of the post have started in in earnest to ascertain, if possible, every man who was absent that night with a gun, and they now have at least 17 men in the calaboose, all of them members of Company H, Twenty-fifth Infantry.

A commission was detailed early this morning, consisting of Major Whiteside, Captain Moylan, Captain Jackson, Lieutenant Leonhauser, and Captain Gray. They constitute what is called a court of inquiry, and they have been at work all day examining witnesses and getting every bottom fact possible. They report that they have learned who at least a half dozen of the culprits are, and will fasten the crime on others of them before they conclude.

They will report in the morning to the commanding officer, who will place in the hands of the coroner, who arrived here about noon, impaneled a jury, and adjourned until to-morrow morning, the names of witnesses, the facts as ascertained, and the names of the suspected parties. In this the officers and commandant have shown a commendable spirit in the manner in which they are assisting the civil authorities.

The unfortunate young man who was thus so quickly removed to his long home was Robert S. Bell, a cowboy, in the employ of Clark Tingley. His parents reside in York, Nebr. From a letter written by his father, that arrived here Saturday night, we learn that his father is an architect, an educated man, who, on account of his wife's failing health, has sold out and will remove to California during the month of October. He wanted his son to come and go with them and requested an immediate answer, but he will receive instead a telegram from Undertaker Smith announcing his death.

The young man was standing in the back room, close to the wall, peeping through the window, over the blinds, into the street, when the volley was fired from the street, one of the balls of which, as before stated, passed through the awning post, the front of the house, and through his heart, lodging in his clothes, where it was found by Doctor Pratt. At the conclusion of the firing in the street, one of them was heard to say: "Now, boys, we'll find Souter and Cole and settle with them at Fiddler's tree."

The general feeling here is that Judge Church should order a special grand jury impaneled at once, and investigate this case thoroughly and promptly; otherwise there may again be a resort to mob violence, so greatly deplored by every one.

ANON.

FROM CORONER WRIGHT.

STURGIS CITY, *September 21, 1885.*

The excitement attending the killing of young Bell on Sunday morning has by no manner of means subsided, but, on the contrary, is becoming more and more intensified. It is the one subject of conversation with business men and citizens generally. There is a determined feeling that the colored troops must go or keep out of town. The discipline at the post is vehemently denounced, all persons claiming that if a guard is kept, as is supposed, that guard should have known when 15 or 20 armed men went out and should have reported it. They also claim that this portion of the Regular Army are stationed here to protect life and property on the frontier, and not for the purpose of making armed raids at the dead hour of midnight upon unarmed and peaceable citizens. A public meeting of citizens will be held this evening, at which some action will be taken to relieve them of the dread of violence that now threatens.

Two things will be recommended, the first: That no colored troops be allowed in town after sundown, and means will be employed to make their visits so uncomfortable that they will not desire to come the second time. The other is that the Secretary of War be petitioned to remove them to some other post and send white men in their places. In the latter they will ask the cooperation of the citizens of the belt.

A blacksmith, a soldier, a member of the Seventh Cavalry, committed suicide last night at the post by shooting himself in the head. The only reason we have heard assigned was his arrest on some trivial charge that so preyed upon his mind that in a moment of temporary insanity he did the deed.

It is a little amusing to hear the old bums around this town tell of the many hairbreadth escapes they each had on the night of the raid. "Do you see that post there in the street? I was sitting on that when they marched up Main street, and when they halted in front of me and the order 'Ready, aim, fire.' was given, and the fragments of broken glass and wooden splinters filled the air, I never budged, but stayed it out. I tell you I played in big luck that night to not get plugged," and they all tell the same story and gather in crowds and give in their experience.

They all agree that the commands were "Guide left by fours; right oblique by fours; ready, aim, fire. Aim low, boys," and all such bosh, and each one of them tells of bullets fanning their cheeks, tipping their ears, and passing between their arms and bodies. They are, to say the least, amusing liars.

This forenoon we visited our old Deadwood friend, Charles E. Downer, at his brewery on the dead line, between this place and the post. He has a small, neatly arranged brewery, and manufactures the best foaming beer and stock ale ever before made in the Hills. The stock ale is really superb, excelled by none we ever sampled.

The coroner's inquest is progressing very slowly. Three p. m. this afternoon has been set for the examination of the witnesses, and it is hoped no further postponement will be necessary. The court of inquiry, consisting of five officers of the post, have been at work since early Sunday morning, and they think they will be able to report the names of the witnesses and the facts ascertained from them by 4 o'clock p. m. to-day.

[First indorsement.]

EXECUTIVE MANSION.

The within communication is respectfully referred to the Secretary of War.

By direction of the President:

DANIEL S. LAMONT,
Private Secretary.

[Second indorsement.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 19, 1885.

Respectfully referred, through headquarters Division of the Missouri, to the commanding general Department of Dakota for remark. To be returned.

By command of Lieutenant-General Sheridan:

R. C. DRUM, *Adjutant-General.*

[Third indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
ASSISTANT ADJUTANT-GENERAL'S OFFICE,
Chicago, October 22, 1885.

Respectfully transmitted to the commanding general Department of Dakota.

By command of Major-General Schofield:

H. C. CORBIN, *Asst. Adjt. General.*

[Fourth indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., November 10, 1885.

Respectfully returned to the Adjutant-General of the Army, through the headquarters of the Division of the Missouri.

The inclosed letter is, in the main, a just and temperate account of the occurrences at Sturgis City and Fort Meade, of which it speaks. I should take exception to but one of the statements which Mr. Caulfield makes. He states, as an ascertained fact, that "Doctor Lynch" was assassinated by a colored soldier. Doubtless he is fully convinced of the truth of this statement; but I submit that the inclosed copy of a report from Colonel Sturgis of the testimony given before the coroner's jury impaneled to determine the cause of Doctor Lynch's death shows that while a case of grave suspicion was made out against the soldier Hallon, the evidence was by no means conclusive. Of course, since the brutal murder of Hallon by the mob of Sturgis City, it has been impracticable to determine the question of his guilt or innocence. I inclose a copy of the proceedings of a board of officers convened by order of Colonel Sturgis to inquire into the facts connected with the killing of Bell. The conclusions of the board confirm the statements of Mr. Caulfield.

It is not probable that all the persons who were concerned in the murder of Bell will be detected and punished. Four men have been arrested, and if the evidence against them be sufficient to establish their guilt they will, without doubt, be confined and tried. In their cases the machinery of the law will act speedily.

I do not recommend the removal of the colored troops from Fort Meade. It is not alleged that they, as a body, have committed any crime or have been guilty of any disorder. Certain men belonging to one of the companies are accused of a most serious crime, but there is nothing to connect with it the other men of their company or any of the men of the other companies. There is no evidence to show that the peace of Sturgis City, in the future, is threatened by any of them. I do not believe that it is seriously threatened by them.

I have had much experience with colored troops, and I have always found them as well behaved and as amenable to discipline as any white troops that we have. The characteristic submissiveness of their race is manifested in the readiness with which they yield to military control.

They are much more temperate than our white troops, and crime and disorders resulting from intoxication are comparatively rare among them.

The situation at Fort Meade is an unfortunate one. It is very undesirable that a military post and a frontier town should stand in such close proximity to each other as Sturgis City and Fort Meade do; unfortunate possibly for the town, unquestionably unfortunate for the post. But the post was established before the town was founded, and I do not think that there would have been any town but for the post. Still the evils which result from this juxtaposition are not absolutely unavoidable.

The military authorities at the post will, I am sure, do their part to prevent the commission of crime, and if the civil authorities of the town will do theirs as well there will be no occasion whatever for apprehension.

I take it for granted that in the Territory of Dakota the keeping of houses of ill-fame is prohibited by law, but notwithstanding the law there are in the town two brothels which would appear to have been established for the express purpose of catering to the taste and pandering to the passions of the colored troops, for they are "stocked" with colored prostitutes—negresses and mulattoes.

They are, I am assured, places of the vilest character, and it was at one of them that the affray of September 19 occurred. Had no such place existed it is most improbable that any affray would have occurred, and if the people of Sturgis City suffer such places to exist they must, I submit, expect the natural result of their existence—frequent broils, and from time to time the commission of the most serious crimes. And I submit further that until the people of the town shall have suppressed these dens, which equally debauch the troops of the post and threaten their own safety, they will not be in a position to ask the Government to change its garrison.

ALFRED H. TERRY,
Brigadier-General, Commanding.

[Fifth indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, November 14, 1885.

Respectfully returned to the Adjutant-General of the Army.

J. M. SCHOFIELD,
Major-General, Commanding.

[Sixth indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, November 21, 1885.

Respectfully returned to the Secretary of War inviting his attention to and concurring in the remarks of the commanding general, Department of Dakota.

P. H. SHERIDAN,
Lieutenant-General.

[Inclosure.]

FORT MEADE, DAK. T., *October 28, 1885.*

ADJUTANT-GENERAL, DEPT. DAKOTA,
Fort Snelling, Minn.:

Doctor Lynch was killed by shooting about 11 p. m., August 22, whilst reading in his office, the assassin firing through closed office door. Supposed cause, jealousy of colored woman.

Evidence before coroner's jury circumstancial; that of Private Bluford, A Company, Twenty-fifth Infantry, the most damaging given against Corporal Hallon, was to effect that he met Hallon at 10.30 p. m. at Abe Hill's saloon, Sturgis City; Hallon asked witness to drink and went into alley and drank from bottle; met Hallon next in dance hall (Abe Hill's); took witness into alley and persuaded him to change blouses. After blouses were changed Hallon told witness to meet him at point on outskirts of town, toward Meade.

Separated in alley ten minutes thereafter to meet at point designated. Hallon stoned his dog to make him follow witness. Witness met Private Martines, A, Seventh Cavalry, on his way to place of meeting, and tried to borrow pistol from him, saying he feared trouble with Hallon, whose conduct was suspicious. After being at place fixed for meeting ten minutes, heard shot in town and walked toward town.

Met Corporal Raymond, Seventh Cavalry. Then waited a moment and heard voice calling him. Recognized Hallon's voice. This at place of meeting, about five minutes after shot was fired. Upon meeting changed blouses. Hallon putting on his own and refused to say what trouble was. Witness noticed six-shooter at this time in Hallon's pocket. Went back to town with Hallon. On way Hallon pulled out pistol and seemed to be loading it, saying he feared trouble. On reaching town found Lynch had been killed. While in jail with Hallon, latter told him what to swear to, and to stick to his story, which was not that given to jury. Private Martines, A Troop, and Corporal Raymond, C Troop, corroborated Bluford in that they had met him at place fixed for his meeting Corporal Hallon, and at time described by Bluford.

That witness was wearing a noncommissioned officer's blouse, and had conversation with Martines about pistol. Private Rann, A Company, testified to loaning of pistol identified as one carried by Hallon night of 22d; loaned it night of 21st and 22d, Hallon returning it to him on morning of 23d, after murder. All chambers loaded when loaned and empty when returned. Carried same size and weight of bullet as bullet which killed Lynch.

Corporal Hallon was arrested on 23d August, on warrant duly served, and taken from jail in Sturgis City on night of 25th August and hanged.

Jury found that Lynch came to his death at hand of Hallon. This verdict and evidence all information known to be in possession of mob which hanged Hallon.

STURGIS, *Commanding.*

WAR DEPARTMENT,
Washington, December 22, 1885.

SIR: In reply to your letter of the 27th of September last, commenting upon the outrages committed at the town of Sturgis, Dak. Ter., by colored soldiers of the Twenty-fifth Infantry, stationed at Fort Meade, and suggesting the removal of the colored troops to some other post and the substitution of white soldiers in their place, I have the honor to invite attention to the inclosed copy of the report of Gen. A. H. Terry, commanding the Department of Dakota, to whom the matter was referred, and to say that both the Department and the Lieutenant-General of the Army concur in the views as expressed therein by General Terry.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. B. G. CAULFIELD,
Deadwood, Dak. Ter.

AFFAIR AT WINNEMUCCA, NEV., JUNE 29, 1899.

[Telegram.]

WAR DEPARTMENT, *July 2, 1899.*

Major-General SHAFTER,
San Francisco, Cal.:

C. D. Van Duzer, district attorney, Humboldt County, Nev., telegraphs that armed soldiers, Twenty-fourth and Twenty-fifth Infantry, allowed to leave trains at Winnemucca, Nev., destroy property, and shoot citizens.

Investigate at once and report. No person must be allowed to escape punishment for wrongdoing.

R. A. ALGER,
Secretary of War.

[Telegram.]

SAN FRANCISCO, CAL., *July 2, 1899.*

SECRETARY OF WAR, *Washington, D. C.:*

Van Duzer wired me last night as to disorders committed by soldiers Twenty-fourth and Twenty-fifth Infantry; replied that Twenty-fifth Infantry had already sailed when report received; that so far as Twenty-fourth was concerned an investigation would be made at once, which will be done. Will send judge-advocate of department to Winnemucca to collect evidence, and if case warrants it would recommend that stoppage be made against the entire command, as authorized in General Orders 30 of '68. Proper guards could not have been posted over train.

SHAFTER, *Major-General.*

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
OFFICE OF THE JUDGE-ADVOCATE,
San Francisco, Cal., July 13, 1899.

The ADJUTANT-GENERAL, DEPARTMENT OF CALIFORNIA.

SIR: I have the honor to submit the following report of my investigation of the disorders "said to have been committed by United States troops" at Winnemucca, Nev., on the evening of the 29th day of June, 1899. As required by my instructions, I visited the Presidio on the 3d instant, and after completing my inquiry there proceeded, on the 5th instant, to the scene of the disturbance, arriving at Winnemucca on the early morning of the 6th.

About 7.30 p. m. of the 29th of June the second section of a special westbound train carrying companies L and M, Twenty-fifth Infantry, and Company K, Twenty-fourth Infantry, Major Noble, Twenty-fifth Infantry, commanding, arrived at Winnemucca. The officers proceeded at once to take supper at the Lafayette Hotel, near the railway track and two blocks in rear of the train. The last of the fifteen coaches composing the train were about opposite the station house or "depot," and this in turn was opposite Berte Klucny's saloon, 50 yards away on the north side of the track. On coming to a full stop, the men of the Twenty-fifth Infantry, who occupied the rear coaches, left the train in large numbers, no restraint being imposed upon them. They dispersed through the town, causing no trouble except in Klucny's saloon, where a crowd assembled, and, according to the affidavit of H. W. Skinner and John May, filed herewith, marked A and B, soon became boisterous and practically took possession of the bar. Several other citizens were in the saloon, but, like Skinner and May, they left it, fearing trouble. No one saw who did the shooting.

Daylight had now so faded that only flashes of the discharges (five to eight in number) were seen. It is admitted by Klucny that no shooting occurred until the men left the saloon. After the shooting the enlisted men dispersed quickly, running for their coaches. In the meantime some one had gone to the Lafayette Hotel and apprised the officers there at supper of the shooting, but before they could reach the scene of the disturbance the men were in their coaches. When the shooting occurred "Berte" Klucny was behind his bar and his assistant, Chris Wilhelm Deiss, was standing in front of a gate leading behind the bar, when he received a pistol shot, the nature of which is described in a letter by his attending physician, W. M. Samuels, M. D., herewith.

The subscriber witnessed Doctor Samuels dress the wound, which

answers to his written description. It was deemed unadvisable to question Deiss regarding the affair at this time, when any excitement might create a feverish condition, which his physician is slightly apprehensive may yet set in. The room where the shot took effect is about 20 by 20 feet, plainly furnished with wood table, chairs, and bar. A plain wood-framed mirror, having a glass 2 by 5 feet, and a few liquor glasses and decanting bottles constituted the bar equipment. The mirror had not been repaired, and remained as broken on the night of the disturbance. "Berte" Klucny refused to give the undersigned an itemized list of property taken and destroyed, he having been instructed by District Attorney C. D. Van Duzer, who is his attorney, not to answer questions.

In a general way he affirmed that his "bottled goods" and the cigars arranged behind his bar were all taken, his decanters and glasses of all kinds smashed, the prepared food, cakes, etc., in the restaurant part of his establishment looted. The dining room is off the saloon, in the door to which Deiss fell when wounded.

Assuming all this to be true, $100 would be a liberal compensation for property loss suffered by Klucny. The most serious injury is that done to Deiss. Loss of time in his employment, doctor's bill, the apprehension and pain suffered, all call for redress. The undersigned obtained from Deiss the ball taken from his body, and on testing it on an apothecary's balance found it to be 8 grains lighter than the service pistol bullet. The ball was flattened and enlarged about the forward end, and it is possible the slight difference in weight is due to abrasion. The service pistol bullet is, however, hollowed at the rear, to act as gas check on discharge of the cartridge, while the bullet taken from the body of Deiss was evidently solidly molded, it giving no evidence of having been countersunk.

While these facts raise a doubt as to the character of the pistol used, and by so far leaves the theory open that some of the citizens standing by might have fired the shot which took effect upon the person of Deiss, it still remains true that some of the soldiers might have carried pistols other than the service pistol, and that the weight of the facts so far known strongly favor the presumption that the shot was fired by one of the soldiers.

In this relation it is but just to add that Company K of the Twenty-fourth Infantry was not permitted to leave their coaches in a body. The first sergeant and quartermaster-sergeant were, however, given authority by Captain Cabaniss, commanding, to let trusted men leave the coach when the train stopped. Captain Cabaniss had left Fort Assiniboine some days before, traveling alone with his command to Ogden, and during the trip kept guards over the doors of the coaches occupied by his men. He continued this method after joining Major Noble's command at Ogden. His noncommissioned officers hold, and the citizens at Winnemucca admit, this company gave no trouble. While this does not make it conclusive that a man of this company could not have done the shooting, the evidence is conclusive that reasonable precautions were observed by Captain Cabaniss to prevent depredations on the part of his men.

In reply to direct questions, Captain Cabaniss informed the undersigned that he heard nothing said about an officer of the day or guard in Major Noble's command, but did hear, in a general way, that company commanders were held responsible for the conduct of their men. He also affirmed that the men of the Twenty-fifth Infantry appeared to have liberty to leave the train in any numbers whenever it stopped. An account of the conduct of the affair by the "Silver State," published in Winnemucca on the 30th of June, is inclosed.

As companies L and M, Twenty-fifth Infantry, were on board transport at sea bound for Manila before complaint was made of their conduct at Winnemucca, the following conclusions as to the facts must of necessity rest upon ex parte information:

First. No officer of the day or guard were on duty with Major Noble's command on the 29th of June, 1899.

Second. The enlisted men of the Twenty-fifth Infantry were permitted to leave the train without restraint or watchful supervision when absent therefrom.

Third. That the destruction of property and wounding of Christopher Wilhelm Deiss, in "Berte" Klucny's saloon, are due to the disorderly conduct and criminal actions of the enlisted men of Companies L and M, Twenty-fifth Infantry.

Fourth. That after the event the commanding officer made due effort to identify the guilty parties.

Very respectfully,

S. W. GROESBECK,
Judge-Advocate, United States Army.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, Cal., July 15, 1899.

Respectfully forwarded to the Adjutant-General of the Army, with recommendation that $250 be stopped from officers and enlisted men of Companies L and M, Twenty-fifth Infantry, and paid to Mr. C. W. Deiss, barkeeper of Berte Klucny's saloon.

No remuneration for damages to Klucny's saloon should be made, as he declines to state his loss.

WM. R. SHAFTER,
Major-General, Commanding.

[Inclosures.]

A.

Personally appeared W. H. Skinner, who, being duly sworn, says he resides in Winnemucca, State of Nevada; that he is employed by the Southern Pacific Railway Company as roundhouse helper; that he was in Klucny's saloon and restaurant (that he boards there) on the evening, after dark, of the 29th day of June, 1899, when a number of colored soldiers crowded into the saloon; that the soldiers were noisy and seemed to be in an ugly mood; that he thought they would make trouble, and, out of apprehension, left the saloon and went away about his duties; that while at work a little later he heard shooting, and that a man was reported shot; that he does not know who did the shooting.

Affiant further states that toward midnight of the same day he again visited Klucny's saloon and noticed that the mirror was broken and that there were fragments of glasses and bottles about the bar.

Further deponent saith not.

H. W. SKINNER.

Subscribed and sworn to this 7th day of July, 1899, at Winnemucca, Nev.

S. W. GROESBECK,
Judge-Advocate, U. S. Army.

Personally appeared John May, who, being first duly sworn, says his residence is Battle Mountain, State of Nevada; that at present he is living at Winnemucca, in the employ of the Southern Pacific Railway Company as caller; that he was in Klucny's saloon on the evening of the 29th day of June, 1899, when a lot of colored soldiers came into the saloon; that at first these soldiers appeared to be good-natured, but were so noisy and boisterous that he, the affiant, feeling afraid of them, got up to leave the barroom to go into the adjoining room, which is a dining room; that before leaving the room he saw soldiers jump over the bar and take bottles—does not know how many; that he, the affiant, had just passed into the dining room when shots were fired and "Chris Deiss," who was in the barroom, fell into the doorway between the two rooms; that affiant then helped to take care of Deiss, who appeared to be badly hurt, but knows not who hurt him. And affiant further says that about a half hour after the shooting he went through the saloon again; that he saw the broken looking-glass, but did not notice any other damage to property. No property in the dining room was injured. Further deponent saith not.

JOHN MAY.

Subscribed and sworn to before me at Winnemucca, Nev., this 7th day of July, 1899.

S. W. GROESBECK,
Judge-Advocate, U. S. Army.

WINNEMUCCA, NEV., *July 7, 1899.*

Maj. STEPHEN W. GROESBECK,
Judge-Advocate, U. S. Army.

SIR: In response to your verbal request I herewith submit a statement of the injuries sustained by Christopher Diess, of this place, at the hands of a soldier of the Twenty-fourth or Twenty-fifth Regiment Infantry.

The bullet struck Diess just below the border of the anterior superior spinous process of the ilium. The ball ranged downward, seemingly following the tensor vaginal femoris muscle for several inches, then backward into the gluteal region, coming to within a short distance of the surface.

I removed the ball, which was somewhat flattened, finding it just under the fascia covering the gluteus maximus muscle. It did not penetrate all the tissues covering the ilium, consequently did not strike that bone.

I am inclined to think it did strike the femur, but am not positive. As the leg has been kept perfectly at rest, I am unable to state what, if any, damage was done the femur, but do not think there was any.

Particles of trousers and drawers and two shirts were probably carried into the wound.

Pus is present at the wound of entrance, though to a very limited extent. The temperature was 101.2° at 6 p. m. of the third day, but with that one exception both pulse and temperature have been normal.

The treatment has been purely antiseptic dressing and the patient is, so far as I can see, recovering very nicely.

I have the honor to remain, yours, respectfully,

W. L. SAMUELS, M. D.

[From the Silver State, Winnemucca, Nev., Friday evening, June 30, 1899.]

BULLETS FLY IN THE WINNEMUCCA STREETS—CHRIS. DEISS SHOT DOWN BY A NEGRO SOLDIER—KLUCNY'S SALOON RAIDED BY ARMED ROWDIES—FURNITURE SMASHED AND STOCK STOLEN—EFFORTS MADE TO DISCOVER THOSE MEN WHO FIRED THE SHOTS—AN ANXIOUS COMMANDING OFFICER AND HIS IMPUDENT SUBORDINATES—TRAIN HELD BY THE CIVIL AUTHORITIES—OFFENDERS ESCAPE.

About 8 o'clock last night a special train arrived from the east carrying colored troops. Shortly after its arrival the people uptown were startled by hearing pistol shots, several in succession, accompanied by shouting and yelling. Crowds gathered from all directions and made directly for B. Klucny's restaurant and saloon, where the trouble occurred.

The crowd found Chris. Deiss, who is in the employ of Mr. Klucny, with a dangerous bullet wound in the right side, made by a .38 caliber revolver, a broken mirror behind the bar, and a wrecked saloon.

Two sections of troop trains, running as second and third sections of No. 4, were scheduled to arrive at Winnemucca about 5.30 and 8 p. m., respectively.

The first train carrying soldiers arrived in the neighborhood of 6 o'clock. This section carried colored troops, all members of the Twenty-fifth Infantry, United States Army, General Burt, commanding, being along, with several officers. The soldiers on this train were very orderly.

As soon as the second section, carrying colored troops, stopped at the depot there was a general piling off of black men and a rush made for the neighboring saloons, while the officers repaired to the Lafayette Hotel on Railroad street, where they were served with supper.

Maj. C. H. Noble, Twenty-fifth Infantry, Unitel States Army, was in command, with 340 men, accompanied by Captain Shattuck, commanding Company L, First Lieutenant Hunt, commanding Company M, and Lieutenants Lyon, Enoch, McNally, and Straat, all of the same regiment.

Capt. Archibald A. Cabaniss, of the Twenty-fourth Infantry, was on this section, in command of Company K, composed of 110 men.

He had been ordered to San Francisco, with his command, for duty in the Philippines, from Fort Assinniboine, Mont., which place he left last Sunday. Upon arriving at Spokane, Captain Cabaniss was ordered to San Francisco, via Ogden, on account of the trestle near Grants Pass, on the Oregon and California Railroad, being impassable. He arrived at Ogden in time to join the second section, carrying troops of the Twenty-fifth Infantry from Fort Logan to San Francisco. This command occupied the first two cars and behaved themselves like soldiers.

In the neighborhood of 30 negroes entered Klucny's saloon. They had not been in there over five minutes before it was apparent that trouble was brewing. Several railroad boys were in the saloon when the crowd of soldiers entered. As soon as they saw that the black skins were evidently looking for trouble the railroad men left the building. A few of the negroes drank the liquors called for and paid for them. Rough talking and drinking increased and excitement intensified until one big, burly negro climbed over the bar with his dagger bayonet in one hand and made for Mr. Klucny, who had been attending to the wants of the soldiers. During the mix-up other soldiers stole all the bottled goods they could lay their hands on. One fellow took a half pint flask of whisky, drank it at the end of the bar, and when empty deliberately threw the bottle at the mirror behind the bar, breaking both flask and looking-glass.

The crowd then got out of the saloon, save one, who was helping himself to bottled goods. When he started the soldiers, having remained on the sidewalk in front of the saloon, set up a howl and began shooting right and left. One shot took effect in the partition over the

entrance to the restaurant and another in the right side of Chris Deiss. He at that time was standing near the door between the saloon and dining room. In the restaurant a recruit named Frank Weld was buying a lunch from the Chinaman when Deiss fell to the floor, wounded in the side. Weld, seeing Deiss crawling on his hands and knees, went to him and assisted him to the rear room, from whence he was carried to the house in the rear of the saloon.

When the discharging of firearms began, the negroes made for their respective cars helter-skelter.

At that time the officers were eating supper and the soldiers took the occasion to raid the saloon. They had been successful on such an expedition at Carlin, and, evidently having exhausted the supply from that place, thought it about time to make another foraging trip and replenish their haversacks.

At Carlin yesterday afternoon as assembly was being sounded announcing the departure of the train the negro soldiers were in J. Isola's saloon. Upon hearing the bugle call they stampeded and got away with about two dozen flasks of whisky. The proprietor was helpless to do anything and had no time to make complaint to the officers, the train pulling out from the station immediately after the raid.

One of the officers was asked if the men had been orderly since leaving Fort Logan, to which he replied in the affirmative, and when told of the trouble at Carlin he emphatically denied it, saying that he was present in the saloon and knew personally that there was no such an occurrence; but there were two railroad men in Winnemucca last night who had just arrived from the East and were eyewitnesses to the affair, and Mr. Lieutenant was called to time in short order.

If his own statements were correct that he was in the saloon with the negroes at the time, then he must have been a party to the affair, and his actions last night at this place indicated that he would not be beneath such a trick.

News of the shooting spread over the town. Sheriff McDeid, Deputy Sheriff Rose, and Constable Moore were on the scene within a few minutes after the trouble, as was Dr. W. L. Samuels, who attended the wounded man. The bullet entered Deiss's right side, striking the pelvis and ranging downward. It was found about half an inch under the skin in the back and upper portion of the right leg. Doctor Samuels extracted the bullet.

The officers in command of the negroes endeavored to make out that the bullet was not one fired from a Government revolver. Upon examination of the bullet from the discharged cartridge with a Government thirty-eight, no difference was discovered.

Sheriff McDeid notified Major Noble that the train would be held at this point until the man who did the shooting was apprehended. A guard was put on each car and no man allowed to make his exit, while Sheriff McDeid, in company with an officer, went through the train and examined every pistol in possession of a sergeant and musician. The officers claimed that revolvers had been issued to none but sergeants and musicians, and that they had been in possession of such only since last Tuesday, the day they took their departure from Fort Logan.

The only suspicious-looking pistol was a sergeant's from K Company, Twenty-fourth Infantry, but one shot remaining in the revolver. This was in the possession of Sergeant Cook. Upon being examined, it showed that the revolver had not been discharged recently, and the sergeant stated that he had fired the five shots at rabbits when leaving Fort Assinniboine.

After two hours' search through the cars each company was checked up and from appearances found to be all present.

Each company was lined up in single rank and roll called. When each man's name was called, "here" came from some dark spot in the line, indicating that the owner was present, but that was not always true. A reporter was passing up and down the line, and from personal knowledge knows of two instances in Company M where two men responded "here" for two separate names. After roll call, lanterns were brought forward, and Frank Denning, Jack May, John Sterling, and Frank Marchand, who were in the saloon when the soldiers entered, passed down the line inspecting each face, endeavoring to discern the features of some familiar-looking negro, but without any results being obtained.

After Company M, Lieutenant Hunt commanding, had been inspected and "dismissed," the members made a rush for their cars, letting forth an unearthly yell in defiance to the authorities.

The officers made a rush toward the cars, endeavoring to suppress the yelling, but without avail until the colored troops were in the cars.

Four hours of continued search revealed no one with a revolver that had been discharged, and only two men identified as having been in the saloon. One, Sergeant Smith, claimed to have left before the fracas took place, and a private named Porter evidently knew more about it than he wanted to. He became somewhat entangled upon being questioned by District Attorney Van Duzer, making statements that showed conclusively that he was pretty well acquainted with the condition of affairs at the time of the trouble.

Just at the time when all hope of discovering the guilty parties had been given up, Private Frank Weld, a white recruit, who was picked up down the road, he having been left a few days previously by the train pulling out before he could get to it, came forward and stated that he could positively identify the negro who jumped over the bar and stole several bottles of beer. He stated that this negro was a member of Company L, and known to the men of that company as being a very ticklish fellow.

Sheriff McDeid with the recruit and Captain Shattuck passed through the cars which Company L occupied. Many of the men were found to be asleep or playing possum, and Weld was unable to identify his man, but said he could in daylight and would point him out in the morning to his captain.

Then followed a long jangle between Major Noble and Agent S. H. Kitto arrayed on one side and the prosecuting attorney on the other.

Papers were served by the sheriff upon S. H. Kitto, forbidding him to allow the train to leave the station before daylight unless the men who did the shooting and stole the goods were turned over to the civil authorities.

Major Noble said it was an outrage to hold the train any longer, it then being 1.30 in the morning; that he had done everything in his power to help the authorities in the search for the guilty men; that he deprecated the affair, but could not see as anything else could be done. Continuing, he said that holding the train here was delaying the sailing of the transport *Pennsylvania*, on which his troops were to embark. This was in the nature of a bluff, and the prosecuting attorney remained firm in his determination to hold the train until daylight and have the thief identified by the white recruit.

In the meantime Major Noble telegraphed to Gen. A. S. Burt, who was on the section ahead, that they were being held at Winnemucca on account of "an accident," not divulging to the commanding officer the nature of the trouble.

When the authorities began to settle down to business with a view of accomplishing their object, the military officers positively refused to do anything toward recovering the offenders, and the train was allowed to proceed without any of the guilty parties having been found.

The officers of the companies in the main did what they were asked, but several made considerable of a kick when requested to aid in seeking out the offenders by the major. Captain Shattuck, of Company L, was very gentlemanly and willing to render assistance, but several of the lieutenants took the affair in the nature of a huge joke, doing their work in a don't care manner.

Had either the soldiers who did the shooting or the one who committed the theft been apprehended he would have been punishable under article 58 of the Articles of War. This article provides that in time of war larceny, robbery, arson, murder, assault and battery with an intent to kill, wounding by shooting or stabbing with intent to commit murder, rape, assault and battery, shall be punishable by sentence passed by a general court-martial when committed by persons in the military service of the United States, and punishable in such cases not less than the punishment provided for the like offense by the laws of the State in which such offense may have been committed.

The officers last night stated that traveling under war orders the men were allowed to carry arms under the United States Army Regulations. The blue book, however, explicitly provides that commanding officers shall not give men so armed the privilege to roam about and commit depredations in violation of the State laws.

The affair has not been concluded, although the train has been permitted to leave. The facts will be laid before the Secretary of War, and the officers responsible will no doubt hear from it later.

District Attorney C. D. Van Duzer telegraphed this noon to Major-General Shafter, commanding the Department of the Pacific, with headquarters at San Francisco, notifying him of the affair and charging the officers in charge of the troops with criminal negligence.

Doctor Samuels, the attending surgeon, was seen this noon and questioned as to Deiss's condition. The doctor stated that at noon he was resting very easy, but he had had a terrible night, not sleeping, and attended with much suffering.

It developed this morning that had an inspection been made of every man on the train and his belongings the right soldier who did the shooting would have been located. It is conclusive that a Government revolver was not used, but a pistol of .38 caliber that one of the colored soldiers had stolen from J. Isola's saloon at Carlin.

Conductor Peterson, who brought in No. 3 from the West this afternoon, said that at Wadsworth Major Noble had a guard on at each door of every car and no one but a noncommissioned officer was allowed to get off the train or even as much as to say a word.

Another case of locking the barn door after the horse has been stolen.

The little taste of military despotism to which Winnemucca was treated last evening does not turn well on the tongue. Although the people of this community live in the Far West and have not the advantage of that refined standard of law and order of the East, which the Easterner affects to believe is denied us, the citizens of Winnemucca are law-abiding. It may be that it is quite the thing in more civilized communities for armed bullies to wreck business houses and shoot down inoffensive citizens, but such exhibitions are as yet unfamiliar to the people of Winnemucca, Humboldt County, and the State of Nevada. Until Nevadans are educated up to what may be quite the proper thing in more civilized communities, the authorities at Washington must tolerate the protest which goes up from this place against such exhibitions of lawlessness as the War Department brought to our doors last night.

The officers in command of the companies are to be blamed for the disturbance. As has been pointed out in The Silver State from time to time, officers stand quietly by while the ruffians of their commands insult women, and, so far as they dare, terrorize men. It has not been a fortnight since Deputy Sheriff Rose was obliged to take charge of a blue-coated scoundrel who grossly insulted a number of ladies who had assembled at the station to take leave of a wedding party which was on its way to California. Such scenes of riot as disgraced the United States Army last night are threatened every time a train load of soldiers passes through this place.

The shooting of Deiss last night was merely an incident. Such shooting may occur any time such ruffianly scoundrels, who appear to hold themselves above the law, may take it into their heads to raid saloon or business house. No doubt had the foul-mouthed fellow whom Sheriff Rose took to task a week ago Sunday been armed, shooting would have ensued. The people, not only of Winnemucca, but of every station along the road, have the right to demand protection from such rowdyism. If the War Department is unwilling or unable to protect the people from the insults and murderous assaults of the soldiers, there are ways by which women and children can be protected and property preserved. No man is worthy of the name who will stand quietly by and see his wife and daughter insulted by a ruffian, whether he be in uniform or out.

Something must be radically wrong when the citizens of this Republic are terrorized by the soldiers whose only excuse for being is that they preserve the peace and quiet of the nation.

AFFAIR AT SAN CARLOS AGENCY, ARIZ., OCTOBER 13, 1899.

[Telegram.]

DENVER, COLO., *October 15, 1899.*

ADJUTANT-GENERAL, *Washington, D. C.:*

Commanding officer, San Carlos, reports that Friday night about twelve of command made attack on four peaceful Indians, beating them severely. All efforts being made to discover guilty parties. Bad feeling among Indians. Will report when matter more thoroughly investigated.

MERRIAM, *Brigadier-General.*

[Telegram.]

DENVER, COLO., *October 15, 1899.*

ADJUTANT-GENERAL ARMY, *Washington, D. C.:*

Have ordered Colonel McGregor, Ninth Cavalry, Fort Grant, to proceed in person immediately to San Carlos and investigate disturbance between soldiers and Indians. Have also ordered one troop of cavalry to follow him soon as possible and take temporary station there.

MERRIAM, *Brigadier-General.*

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, October 16, 1899.

The SECRETARY OF THE INTERIOR,
Washington:

The following telegrams from the commanding general, Department of Colorado, are sent you for your information:

ADJUTANT-GENERAL, *Washington, D. C.:*

Commanding officer, San Carlos, reports that Friday night about twelve of command made attack upon four peaceful Indians, beating them severely. All efforts being made to discover guilty parties. Bad feeling among Indians. Will report when matter more thoroughly investigated.

MERRIAM, *Brigadier-General.*

ADJUTANT-GENERAL ARMY, *Washington, D. C.:*

Have ordered Colonel McGregor, Ninth Cavalry, Fort Grant, to proceed in person immediately to San Carlos and investigate disturbance between soldiers and Indians. Have also ordered one troop cavalry to follow him soon as possible and take temporary station there.

MERRIAM, *Brigadier-General.*

ELIHU ROOT,
Secretary of War.

DEPARTMENT OF THE INTERIOR,
Washington, October 17, 1899.

Hon. SECRETARY OF WAR.

SIR: I have the honor to transmit herewith copy of a communication of 16th instant, from the Commissioner of Indian Affairs, repeating telegram from Capt. W. J. Nicholson, United States Army, acting Indian agent, San Carlos Agency, Ariz., relative to a murderous assault made by twelve or fifteen soldiers upon four peaceful Indians belonging to said agency, and also copy of telegram from Captain Nicholson, dated 16th instant, addressed to the Department on the same subject.

Captain Nicholson reports very bad feeling between soldiers and Indians and states that negro soldiers should not remain at the agency, and that if this company is not immediately removed he fears serious trouble.

In view of the statements made by Captain Nicholson, I have the honor to suggest the advisability of removing this company from the San Carlos Reservation without delay.

Very respectfully,

THOS. RYAN,
Acting Secretary.

[Inclosure No. 1.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 16, 1899.

The SECRETARY OF THE INTERIOR.

SIR: This office has the honor to repeat herewith a telegram, dated the 14th instant, received from Capt. W. J. Nicholson, United States Army, acting Indian agent, San Carlos Agency, Ariz., which reads as follows:

"Last night twelve to fifteen soldiers made murderous attack upon four peaceful Indians without provocation, beating them to insensibility with clubs. Very bad feeling between soldiers and Indians. If this company is not immediately removed, fear serious trouble. Doing all in my power to punish guilty parties."

The office has no information concerning this affair other than the telegram above quoted, from which it would seem that the prompt removal of the company to which the offenders belong from San Carlos is desired by the acting agent, in order to prevent serious trouble. It is therefore respectfully recommended that a copy of this letter be transmitted to the War Department, with request that such action be taken as may be deemed necessary in the premises, to the end that the threatened trouble may be averted and the guilty parties punished.

A copy of this report is inclosed herewith.

Very respectfully, your obedient servant,

A. C. TONNER, *Acting Commissioner.*

[Inclosure No. 2—Telegram.]

SAN CARLOS, ARIZ., *October 16, 1899.*
(Via Holbrook, October 17.)

Hon. SECRETARY OF INTERIOR DEPARTMENT,
Washington, D. C.:

Saturday night ten or twelve negro soldiers made a murderous assault on four sleeping Indians, beating them to insensibility with clubs. Made one arrest so far. Hope to make others. Have every confidence in me. Negro soldiers should not remain here. All quiet.

NICHOLSON, *Agent.*

ADJUTANT-GENERAL'S OFFICE,
Washington, October 17, 1899.

COMMANDING GENERAL, DEPARTMENT OF THE COLORADO,
Denver:

Upon telegram from acting Indian agent, San Carlos, of very bad feeling between soldiers and Indians, and that if negro soldiers are not removed he fears serious trouble, Interior Department has suggested the advisability of removing this company from the San Carlos Reservation without delay. Secretary War approves and Major-General Commanding suggests that D, Seventh Infantry, be sent from Fort Crook to replace C, Twenty-fifth, which might join home battalion in Texas. Secretary War would like your views at once.

H. C. CORBIN, *Adjutant-General.*

[Telegram.]

DENVER, COLO., *October 17, 1899.*

ADJUTANT-GENERAL,
Washington, D. C.:

Already prepared to remove colored infantry from San Carlos. Troop Ninth Cavalry en route now for purpose. Perhaps white men less likely to provoke trouble. Company Seventh Infantry from Crook and Roots could go San Carlos, and infantry from San Carlos take station at Roots and Mackenzie. Should have at least two experienced officers for that plan. Preferably put whole company at Roots and leave Mackenzie in charge quartermaster's agent for winter. Cavalry troops to remain at San Carlos till white company arrives. See also my telegram yesterday regarding Roots and Mackenzie.

MERRIAM, *Brigadier-General.*

[First indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., October 18, 1899.

The Major-General Commanding recommends as follows:

Company D, Seventh Infantry, Fort Crook, to be ordered to San Carlos, Ariz. The company of the Twenty-fifth Infantry now at San Carlos to be ordered to Texas, reporting by telegraph to the department commander for assignment to a station. The commanding general Department of the Missouri to send one company of the First Infantry from Fort Leavenworth, Kans., to Fort Logan H. Roots, Ark., for station, and one company of the Tenth Infantry from Fort Crook, Ariz., to Fort Mackenzie, Wyo., for station.

J. C. GILMORE,
Assistant Adjutant-General.

[Second indorsement.]

ADJUTANT-GENERAL'S OFFICE,
Washington, October 20, 1899.

Respectfully returned to the Major-General Commanding the Army to know if, in consideration of the accompanying telegram of the 19th from General Merriam, he will recommend any change from the instructions given in preceding indorsement of October 18.

JOHN A. JOHNSTON,
Assistant Adjutant-General.

[Third indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., October 20, 1899.

The Major-General Commanding adheres to the recommendations contained in the first indorsement hereon.

J. C. GILMORE,
Assistant Adjutant-General.

[Telegram.]

DENVER, COLO., *October 18, 1899.*

ADJUTANT-GENERAL,
Washington, D. C.:

Following received: "San Carlos, 17th; just arrived; B Troop, Captain Finley, commanding, will be here to-morrow; everything seems quiet. McGregor, colonel." I suggest delay moving Seventh Infantry till McGregor's report received.

MERRIAM, *Brigadier-General.*

DEPARTMENT OF THE INTERIOR,
Washington, October 19, 1899.

The SECRETARY OF WAR.

SIR: In connection with previous correspondence relative to the assault by soldiers upon four Indians of the San Carlos Reservation, Ariz., I have the honor to transmit herewith for your information copy of a communication of 18th instant from the Commissioner of Indian Affairs, stating that Captain Nicholson, acting Indian agent, reports under date of 17th instant that the Indians are all quiet and at work on their farms and that there will be no further trouble.

Very respectfully,

THOS. RYAN, *Acting Secretary.*

[Inclosure.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 18, 1899.

The SECRETARY OF THE INTERIOR.

SIR: Respectfully referring to office report to you of the 16th instant, repeating for your information a telegram dated the 14th instant, received from Capt. W. J. Nicholson, U. S. Army, acting agent of the San Carlos Agency, Ariz., relative to the murderous assault made by eight soldiers on four peaceful Indians at San Carlos, and recommending that the information be furnished the War Department for its action in the premises, I am now in receipt of a telegram dated the 17th instant, from the acting agent, which reads as follows:

"Indians all quieted down and working on farms as usual. We will have no trouble. I think I can apprehend all the offenders."

It is recommended that a copy of this letter be furnished the War Department for its information and consideration in connection with office report of the 16th instant.

A copy of this communication is inclosed herewith.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner.*

[Telegram.]

DENVER, COLO., *October 19, 1899.*

ADJUTANT-GENERAL, *Washington, D. C.:*

Following just received from Colonel McGregor, San Carlos, Ariz.:

"Everything quiet here. All the guilty parties in confinement and will be turned over to civil authorities for trial. Four of them have turned state's evidence." In view of above report, I recommend B Troop, Ninth Cavalry, remain at San Carlos, and C, Twenty-fifth Infantry, march to Fort Grant. Reference my letter October 12. Also renew my recommendation in telegram dated October 16 regarding Roots and Mackenzie.

MERRIAM, *Brigadier-General.*

WAR DEPARTMENT,
Washington, October 20, 1899.

SIR: I have the honor to acknowledge the receipt, in connection with previous correspondence relative to the assault by soldiers upon four Indians of the San Carlos Reservation, Ariz., of your letter of the 19th instant, transmitting, for the information of this Department, copy of a communication from the Commissioner of Indian Affairs stating that Captain Nicholson, acting Indian agent, reports that the Indians are all quiet and at work on their farms, and that there will be no further trouble.

Very respectfully,

ELIHU ROOT,
Secretary of War.

The SECRETARY OF THE INTERIOR.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, October 21, 1899.

COMANDING GENERAL, DEPARTMENT OF COLORADO,
Denver:

Orders to-day, send D, Seventh Infantry, from Fort Crook to San Carlos; the company of Twenty-fifth Infantry at San Carlos to Texas, reporting by telegraph to department commander for assignment to station; one company of First Infantry from Fort Leavenworth to Logan H. Roots, and one company Tenth Infantry from Fort Crook to Fort Mackenzie.

JOHNSTON,
Assistant Adjutant-General.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, October 21, 1899.

COMMANDING OFFICER, DEPARTMENT OF TEXAS,
San Antonio, Tex.:

Orders to-day, send C, Twenty-fifth Infantry, now at San Carlos, Ariz., to your department, commanding officer to report to you by telegraph for assignment to station.

JOHNSTON,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington, November 4, 1899.

The SECRETARY OF THE INTERIOR.

SIR: Referring to previous correspondence in the matter of an assault by certain soldiers of the garrison at the San Carlos Agency, Ariz., upon peaceful Indians located on the reservation, and to copy furnished you on the 16th of October last of a telegram from Brigadier-General Merriam, commanding Department of the Colorado, to the effect that he had ordered Colonel McGregor, Ninth Cavalry, from Fort Grant to San Carlos to investigate the said disturbance, I have now the honor to inclose for your information copy of a report just received from Colonel McGregor, dated October 23, 1899, communicating the result of his investigation.

Very respectfully,

ELIHU ROOT,
Secretary of War.

[Inclosure.]

FORT GRANT, ARIZ. TER.,
October 23, 1899.

ADJUTANT-GENERAL,
DEPARTMENT OF THE COLORADO,
Denver, Colo.

SIR: In obedience to telegraphic instructions from your headquarters of the 15th instant, ordering me to proceed to San Carlos and investigate disturbance between soldiers and Indians at that post, I left Fort Grant on the morning of the 16th, and arrived at Fort Thomas that afternoon and San Carlos the following day about 1 p. m., and immediately proceeded to make the investigation ordered, and have the honor to report as follows:

On Friday, October 13, 13 men of Company C, Twenty-fifth Infantry, after dark visited a small isolated camp toward the river from the post, and tried to get the Indians to come outside, which they declined to do, and the soldiers left and went across to the other side of the post to a small camp of Tontos. At this camp there were two Indians outside the tepees, one laying down and one Indian police talking to him. The soldiers immediately struck the policeman on the head with a club, also the Indian lying on the ground. Two Indians came running out of the tepees, and they were also struck with clubs. One of the soldiers secured the policeman's pistol.

The squaws in camp aroused the neighboring Indians and the police force, and the soldiers then dropped their clubs and ran toward the post, closely followed by a number of Indians.

About the time they arrived some person shouted fire, and fire call was sounded, so that when the officers arrived on the scene all of the company were out of their quarters and no arrests were made that night.

The Indians who followed the men returned to their camps on being assured by their agent that everything would be done to bring the guilty parties to justice.

The next day the commanding officer confined four men, but discovered later they were not the right ones. The Indians told their agent that the soldiers were led by a white man of the Hospital Corps, and when the man of the Hospital Corps and some light-colored soldiers were assembled in the office three Indians separately went in and picked out Private Morehead, Hospital Corps, and Private Welcome, Company C, Twenty-fifth Infantry, as members of the assaulting party.

Next day Private Briggs was confined, but denied being with the party, but afterwards acknowledged that he was one of them and gave the names of five other men who were present, and said there were others whose names he did not know, but that he knew the men by sight. I had the company assembled, and Private Briggs pointed out Privates Cuthbert, Owens, Trader, and Washington as being of the party that night. As the guardhouse is only a shack, and the prisoners were all huddled together, and I could get no information from them, I had two of them, Musician Savoy and Private Higgins, whom I suspected of being the ringleaders, taken over to the Indian guardhouse and placed in separate cells.

The next day these two men were willing to tell what they knew of the affair, and I had their affidavits taken, which are inclosed and marked A and B. From these affidavits and that of Private Briggs, also inclosed, it will be seen that they all name the same men, and I am satisfied these and no others constituted the party.

Private Young also acknowledged to the commanding officer and myself that he was present and named the same parties, but each and every one emphatically denied that Private Morehead, of the Hospital Corps, was with them or that they saw him on the night in question, which shows that no reliance can be placed on the testimony of the Indians.

The deputy United States marshal went to Globe on Thursday, the 19th instant, and returned with warrants for the thirteen men mentioned in the affidavits on Friday, the 20th instant, when they were turned over to him, and he left with them for Globe that afternoon.

It seems that for some time past men of Company C, Twenty-fifth Infantry, have been in the habit of visiting some of the Indian camps and making improper proposals to squaws, of which the Indians complained, and orders were given for the men to keep away, and the Indian police were given orders to arrest any men found in their camps. Two men were arrested some time ago and were tried by summary court, and I have no doubt this raid was deliberately planned to get revenge on some of the police.

When I visited the Indians, the day after my arrival at San Carlos, they had gone to their respective work and expressed themselves as perfectly satisfied that everything was being done to bring the guilty parties to justice.

With the exception of neglecting to inform the commanding officer of Fort Grant of the trouble, which might have been a serious matter if an outbreak had taken place, the commanding officer of San Carlos seems to have handled the affair very satisfactorily.

I left San Carlos on the 21st and arrived at this post on the 22d instant.

Very respectfully,

THOS. MCGREGOR,
Colonel Ninth Cavalry.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., October 30, 1899.

Respectfully forwarded to the Adjutant-General of the Army for information of the honorable Secretary of War.

The prompt and efficient action of Colonel McGregor, under instructions from these headquarters, appears to have allayed all cause of complaint and all danger of further disorder.

In view of the results, I regret the transfer of the offending company to a choice station at this time.

I hope action may be taken on my letter dated October 12, 1899, asking what shall be the official relation between San Carlos and Fort Grant.

H. C. MERRIAM,
Brigadier-General, Commanding.

[Subinclosures.]

A.

TERRITORY OF ARIZONA, *Post of San Carlos, Ariz. Ter.:*

Personally appeared before me Private John Higgins, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says that on Friday night, October 13, 1899, he was one of a party of men who left the post and went among several Indian camps, in one of which some members of the party assaulted the Indians. He further says that Private George Young, Company C, Twenty-fifth Infantry, was the apparent leader of the party, or the one who asked him to join the party, and that said Young was the only man he saw strike an Indian. The following men formed the party: Musician Sevoy, Privates Briggs, Atkins, Brown, Cuthbert, Green, Higgins, Owens, Washington, Trador, Young, Price, and Sims. The following man carried a pistol: Private Trador. The following men were seen with clubs: Privates Green, Young, and Atkins.

JOHN HIGGINS.
Private, Company C, Twenty-fifth Infantry.

Sworn to and subscribed before me, at San Carlos, Ariz. Ter., this 18th day of October, 1899.

G. D. ARROWSMITH,
First Lieutenant, Twenty-fifth Infantry,
Summary Court Officer.

B.

TERRITORY OF ARIZONA, *Post of San Carlos:*

Personally appeared before me Musician John Sevoy, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says that on Friday night, October 13, 1899, he was one of a party of men who left the post and went among several Indian camps, in one of which some members of the party assaulted the Indians. He further says that Private John Cuthbert, Company C, Twenty-fifth Infantry, was the apparent leader of the party, or the one who asked him to join the party. He further says that Private Young, Company C, Twenty-fifth Infantry, was the only man he saw strike an Indian, and that said Young also took a pistol from one of the Indians. The following men were of the party: Privates Cuthbert, Young, Briggs, Price, Atkins, Washington, Brown, Green, Higgins, Owens, Trador, Sims, and Musician Sevoy. The following men carried pistols: Privates Trador and Owens. The following men carried clubs: Privates Cuthbert, Young, Briggs, Sims, Green, Price, Atkins, Washington, and Brown.

JOHN SEVOY,
Musician, Company C, Twenty-fifth Infantry.

Sworn to and subscribed before me, at San Carlos, Ariz. Ter., this 18th day of October, 1899.

G. D. ARROWSMITH,
First Lieutenant, Twenty-fifth Infantry,
Summary Court Officer.

C.

TERRITORY OF ARIZONA, *Post of San Carlos:*

Personally appeared before me Private Aby Briggs, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says: That on Friday night, October 13, 1899, he was asked by Musician John Sevoy, Company C, Twenty-fifth Infantry, to join a party going among some Indian camps. He joined said party, Sevoy being the apparent leader, and was with the party when the assault was made on an Indian camp, and that he saw Privates Young and Atkins hit some Indians, Young exclaiming before he struck, "Here is the —— son of a —— we are after," or words to that effect. The following men were of the party: Musician Sevoy, Privates Briggs, Atkins, Brown, Cuthbert, Green, Higgins, Owens, Washington, Trador, Young, Price, and Sims. The following men were carrying clubs: Musician Sevoy, Privates Atkins and Briggs.

ABY BRIGGS,
Private, Company C, Twenty-fifth Infantry.

Sworn to and subscribed before me at San Carlos, Ariz., this 18th day of October, 1899.

G. D. ARROWSMITH,
First Lieutenant, Twenty-fifth Infantry,
Summary Court Officer.

D.

TERRITORY OF ARIZONA, *Post of San Carlos:*

Personally appeared before me Private George W. McMurray, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says: That on Friday night, October 13, 1899, he was awakened by some one knocking at the door and he got out of bed, opened the door, and saw several Indians, who exclaimed, "Man, man." They soon left, and he then noticed behind the door a man who proved to be Private

Briggs, Company C, Twenty-fifth Infantry, who, when questioned, admitted that he had been chased by Indians and that during the chase an Indian caught him by the collar, but he (Briggs) immediately knocked him down. He also made the remark, "We have been fighting like the devil," or words to that effect. He also said that Musician Sevoy, Privates Sims, Young, and others were with him in that fight, or words to that effect.

GEORGE W. MCMURRAY,
Private, Company C, Twenty-fifth Infantry.

Sworn to and subscribed before [me] at San Carlos, Ariz., this 18th day of October, 1899.

G. D. ARROWSMITH,
First Lieutenant, Twenty-fifth Infantry,
Summary Court Officer.

E.

TERRITORY OF ARIZONA, *Post of San Carlos:*

Personally appeared before me Cook Reuben Lewis, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says: That on Saturday morning, October 14, 1899, about 5.30 o'clock a. m., Private Briggs, Company C, Twenty-fifth Infantry, came into the company kitchen and made the following remarks:

"Lewis, there was a terrible stir last night, and they like to got me," or words to that effect. During the conversation that followed he said that he, Musician Sevoy, Privates Sims, Counts, Young, and others had taken part in the disturbance the previous evening.

REUBEN LEWIS,
Cook, Company C, Twenty-fifth Infantry.

Sworn to and subscribed before me at San Carlos, A. T., this 18th day of October, 1899.

G. D. ARROWSMITH,
First Lieutenant, Twenty-fifth Infantry, Summary Court.

F.

TERRITORY OF ARIZONA, *Post of San Carlos:*

Personally appeared before me Private George H. Smith, Hospital Corps, U. S. Army, who, being duly sworn, deposes and says: That on Friday afternoon, October 13, 1899, Musician Sevoy, Company C, Twenty-fifth Infantry, did say, "Smith, there is going to be trouble to-night," or words to that effect.

GEORGE H. SMITH,
Private, Hospital Corps, U. S. Army.

Sworn to and subscribed before me at San Carlos, A. T., this 18th day of October, 1899.

G. D. ARROWSMITH,
First Lieutenant, Twenty-fifth Infantry, Summary Court.

G.

TERRITORY OF ARIZONA, *Post of San Carlos:*

Personally appeared before me Private Erasmus T. Dabbs, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says: That on Friday night, October 13, 1899, he was awakened by some one knocking at the door, and he got out of bed, went to the door, and saw several Indians, who exclaimed, "Man, man;" they soon left, and he then noticed behind the door a man who proved to be Private Briggs, Company C, Twenty-fifth Infantry, who he heard say to Private McMurray, "I will tell you later."

ERASMUS T. DABBS,
Private, Company C, Twenty-fifth Infantry.

Sworn to and subscribed before me at San Carlos, A. T., this 18th day of October, 1899.

G. D. ARROWSMITH,
First Lieutenant, Twenty-fifth Infantry, Summary Court.

[Telegram.]

SAN ANTONIO, TEX., *November 12, 1899.*

ADJUTANT-GENERAL,
War Department, Washington, D. C.:

Report arrival of Company C, Twenty-fifth Infantry, 100 enlisted men, Capt. C. L. Hodges, First Lieut. G. D. Arrowsmith, 8 p. m., November 11.

HODGES, *Commanding.*

AFFAIR AT EL PASO, TEX., FEBRUARY 16–17, 1900.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, February 21, 1900.

The ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C.

SIR: I have the honor to furnish herewith, for the information of the Department, the following report received from the commanding officer, Fort Bliss, Tex., on the recent disturbance at El Paso, Tex.

FORT BLISS, TEX., *February 19, 1900.*

ADJUTANT-GENERAL DEPARTMENT OF TEXAS,
San Antonio, Tex.

SIR: I have the honor to report that sometime during the night of 16th to 17th instant a number of men of Company A, Twenty-fifth Infantry, took rifles from the arms racks and went to the city jail of El Paso, Tex., where two soldiers were held for trial by the city authorities on charge of drunk and disorderly, fired into the city jail, killing one policeman on duty there. Corpl. James W. Hull, Company A, Twenty-fifth Infantry, was killed. The noncommissioned officer in charge of barracks permitted the keys of the arms racks to get out of his possession. It is believed now that he was one of the party.

As soon as I learned of the outrage (7 o'clock the 17th) the whereabouts of every man was ascertained, the arms and all ammunition were secured and placed under lock and key, and every precaution taken to prevent any soldier leaving the limits of the post.

It is needless to say that I am doing everything in my power to find the guilty parties. Believe I have the leader.

The civil authorities, both city and county, have been very courteous and considerate, and have accepted my assurances that I will do all in my power to bring the guilty parties to justice. I will report by wire whenever necessary.

Very respectfully,
R. H. R. LOUGHBOROUGH,
Captain, Twenty-fifth Infantry, Commanding.

Very respectfully,
CHAMBERS MCKIBBEN,
Colonel Twelfth Infantry, Commanding.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, March 1, 1900.

The ADJUTANT-GENERAL, UNITED STATES ARMY,
Washington, D. C.

SIR: I forward herewith report of the investigation of the recent troubles at El Paso, Tex., made by Lieutenant-Colonel Roberts, acting adjutant-general of the department, to which attention is respectfully invited.

There seems to have been no indications from which any disorder of the kind could have been anticipated and certainly no excuse for the assault on the jail which resulted so unfortunately, and it is also probable that the parties connected with it had no intention of adding murder to the crime of assault.

The incident, however, shows that at all posts in this department garrisoned by single companies of colored soldiers similar disturbances are liable to occur without warning, due to fancied wrongs and the effort to take matters into their own hands. In the present instance there can be no possible excuse offered, and it can not even be suggested that the arrest of Corporal Dyson was not warranted.

The incident also emphasizes the need for a full complement of officers at all one (1) company posts. One officer can not alone properly and efficiently administer the affairs at these posts and at the same time pay the attention to the instruction and discipline of their companies, consisting so largely of recruits, with noncommissioned officers of comparatively short service and insufficient experience, which is absolutely necessary.

Captain Loughborough is an officer of great experience, and one of the most conscientious and efficient officers in the Army, but the nature and scope of his duties prevent his being so closely in touch with his men as is essential to best results with this class of troops, which, unquestionably, requires stricter discipline and more constant oversight than white troops. This is largely due to the fact that since the increase in size of the companies recruits have been largely drawn from sections where colored men have less independence of character and freedom from control, and less care has been taken in their selection.

There is, unquestionably, a very strong prejudice throughout all the old slave States against colored troops, and this is quite a separate feeling from the ordinary race prejudice which is, perhaps, less at El Paso than at other border towns in this department. A colored man in uniform represents authority, and this idea suggests superiority, which is bitterly resented. It is not because the colored soldier is disorderly—for, as the rule, they behave better than white soldiers, and, even when drunk, are less troublesome to manage—but because they are soldiers.

Regiments of colored troops have been organized in accordance with acts of Congress and are part of the military establishment, and it can not be expected that the Government of the United States shall accept dictation in deciding upon the use to be made of them or their stations.

In this connection I desire to call attention to the statement in Lieutenant-Colonel Roberts's report with reference to the published article in an El Paso newspaper giving an alleged interview with Hon. Moses Dillon, United States collector of customs. This is not the only occasion which has come to my knowledge in which expressions of this kind have been indulged in by Federal officials. While it is impossible to protect colored soldiers from insults from the hoodlum class or from unjust discrimination in border towns where the right of drunken cowboys and other white men to "shoot up the town" upon occasions is tacitly recognized, it is submitted that the Government is entitled to expect that the utterances of Federal officials should tend to allay, rather than to intensify, local excitement and prejudice, and especially when they are, presumably, politically in sympathy with the present Administration.

It is to be regretted that it is impossible to fix responsibility more definitely upon the participants, but it is believed that the investigation which is being conducted will eventually disclose all the guilty parties.

The precautions taken by Captain Loughborough to prevent further disturbance seem to be all that are possible.

Very respectfully,
CHAMBERS MCKIBBIN,
Colonel Twelfth Infantry, Commanding.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, February 28, 1900.

The. ADJUTANT-GENERAL, DEPARTMENT OF TEXAS.

SIR: In compliance with the instructions of the department commander, I have to report that I proceeded on the 20th instant to Fort Bliss, Tex., to investigate the recent troubles at that post, returning yesterday.

I have to report as follows:

That during the night of February 16–17 Sergt. John Kipper, Corpl. Samuel E. Dyson, and Privates Davis and Wright, all of Company A, Twenty-fifth Infantry, were on pass in the city of El Paso. It appears that Corporal Dyson became more or less intoxicated, and about 1.30 a. m., February 17, was arrested by the police and confined in the city jail. Sergeant Kipper, with Privates Davis and Wright, went to the jail and endeavored to obtain Dyson's release by giving bail or paying a fine, but were informed it was too late, that the official who had authority to accept bail had gone home, and that the man could not be released before morning.

Sergeant Kipper and party then left the jail, and, it is presumed, returned to the post. At about 2.30 a. m. he was seen riding into the post on a bicycle by the sentry on the road leading to El Paso. At about 3 a. m. Private Harris says Sergeant Kipper came into his squad room, went to his bunk, awakened him, and told him to come with him and get Corporal Dyson out of jail. He also at the same time pulled the blanket from over Private Coffey's face and lighted a match. Private Coffey recognized Sergeant Kipper, who did not speak, but went to Harris's bunk. Coffey heard Kipper ask Harris to go with him to get Dyson out of jail, and Harris's reply, "I am sick and won't go with you."

The noncommissioned officer in charge of quarters was Corpl. Gardner Davis, who says that after taking check roll call at 11 p. m. he went to bed and had the keys of the gun racks under his head; that some time in the night they were removed without disturbing him. It appears that two arm racks were unlocked and eight rifles taken out; also that two of the fire axes from the rack outside the company quarters were taken.

The night force on duty at the city jail consisted of a mounted

policeman named Newton Stewart, and the jailer, "Dick" Blacker, who says that about 5 o'clock a. m. he was awakened by shots, and that he saw one man in the door of his room, who fired at him; that he returned the fire and then jumped out of the window. He saw only the one man and can not recognize him—indeed, was so much frightened that it is doubtful if he saw anyone or not. A number of men from the engine room next door, alarmed by the firing, rushed in and found the policeman, Stewart, unconscious. He died about 7 a. m. without regaining consciousness. The firemen followed a trail of blood leading from the police station about 150 yards and found the dead body of Corpl. James H. Hall, with his rifle by his side. The keys of the arm racks which had been opened were found in his pockets.

So far as can be learned, the only person other than the jailer, Blacker, who saw anything of the party was a man named Stoltz, who says that about 5 a. m. he saw a party of about ten or twelve soldiers; that though he did not observe them closely, he noticed that each had a rifle and one had an axe, and that they turned down the street toward the jail. He heard no words. He was on his bicycle hurrying to his work at Nation's meat market, and can not identify any of them.

The following-named men, against whom circumstances point most strongly, were on the 22d instant turned over to the civil authorities, and are now confined in the county jail at El Pas [sic], viz, Sergt. John Kipper, Corpl. William Powell, and Private Leroy Roberts. The circumstances which indicate the complicity of these men are as follows: Sergt John Kipper, in addition to circumstances narrated above, was seen by members of the Hospital Corps just before reveille on the morning in question, in company with another man, in the chaparral in the act of pulling off a pair of canvas trousers, and, shortly afterwards, the musician of the guard saw Private Leroy Roberts coming into the garrison from the east side, followed a few minutes later by Sergeant Kipper. A canvas suit with Sergeant Kipper's name inside the trousers was found concealed in a tile pipe in rear of the bakery. In one of the squad rooms of the vacant barracks two rifles and two suits of canvas clothing were found and Corporal Powell's name was on one of the coats.

In addition to the three rifles above, one was found in the chaparral near the hospital, one was brought in by a civilian, and one was found a short distance from the city jail, making six in all, leaving two missing.

In addition to the three men turned over to the civil authorities, the following are held in confinement at the post under suspicion: Corpl. Gardner Davis, who was noncommissioned officer in charge of quarters on the night in question; Privates Davis and Wright, who visited the jail with Sergeant Kipper, and Private Elmore Sears. There are also two or three others under surveillance as suspects, though there is so far nothing tangible connecting them with the occurrence.

On the morning of July 23 Corporal McElroy, noncommissioned officer of the guard, deserted after posting the 7 a. m. relief, taking his arms and equipment, which were shortly afterwards found near the post. This man had been suspected, but as there was no implicating evidence against him he had not been arrested.

The above is practically all that has been discovered with reference to the affair up to this time. The information is far from satisfactory, but it is believed within a few days other circumstances will be discovered which will weave a mesh of evidence around the guilty parties.

I remained at Fort Bliss until the afternoon of the 23d. I made no independent investigations, believing it better not to interfere with Captain Loughborough and the civil authorities, who are working in thorough harmony. I had interviews with the mayor of the city, the sheriff of the county, the district attorney, and many prominent citizens. All spoke in high praise of Captain Loughborough, and all expressed perfect confidence in his discretion and good faith.

I was assured by all that there was absolutely no danger of lynch violence, of which I felt some anxiety on account of the excited condition of the community.

The grand jury which will investigate the case meets in April, by which time the matter can be examined into more temperately. The district attorney assured me that an absolutely fair trial shall be had and that no conviction shall be found without adequate and unquestioned evidence of guilt.

As the matter stands at present, although circumstances strongly connect Sergeant Kipper with the crime, in the cases of the other men it is weaker, and in none of the cases is there evidence which, in my judgment, would justify conviction. It will probably be necessary to use one or more of the participants as witnesses for the State.

It appears proper in this report to call attention to the existence at El Paso, as well as in all border towns in the State, of a feeling of hostility, or prejudice, to say the least, against colored men in uniform. I doubt if this obtains, at least in El Paso, to the same extent as at Laredo and Rio Grande City, as a race prejudice, as negroes are largely employed as servants or laborers, but against colored men as soldiers the feeling is, perhaps, even stronger. Soldiers from the post are arrested for infractions of police regulations, or when intoxicated, or in the least degree noisy or disorderly, when white men committing the same offenses are not interfered with. It is an unpleasant subject to mention, but it is unquestionably true, that a negro soldier in uniform is frequently subjected to insult, though behaving with perfect propriety, for no other reason than his color. It is impossible to ignore this fact, and so long as colored soldiers are stationed in these border towns there will be troubles of one kind or another, which no care or vigilance on the part of officers can prevent.

The discipline at Fort Bliss may be classed as excellent. Captain Loughborough is an exceedingly conscientious and efficient officer, and yet this trouble occurred and will perhaps occur again when least expected at some other point, and human foresight can not guard against it.

Since the occurrences of the morning of the 17th instant, I am pleased to be able to say that the reports in the newspapers at El Paso on the troubles, and the editorial comments thereon, have been studiously conservative, and their tendency has been to allay and quiet excitement. Really the most radical published statement I have been able to find is by the United States collector of customs at El Paso, as follows: "We must get those negroes out of here; they are simply breeders of trouble. The negro is the same wherever you find him. Put him into uniform and he thinks he can run things to suit himself."

As bearing on the conduct of the men of Company A, Twenty-fifth Infantry, since Captain Loughborough has been in command of Fort Bliss, June 11, 1899, a period of more than eight months, the records show that thirteen different men have been arrested by the police in the city of El Paso; ninety-four men of the company have never been arrested. When it is considered that over fifty of the men of longest service in company have been drafted for service in the Philippines, and more than fifty have less than one year's service, I think it may be said that the record of the company is excellent and, under the conditions obtaining, more than creditable.

The precautions taken to prevent further trouble seem to be all that are possible. All arms are securely locked in arm racks; all ammunition has been taken from the men and locked up in company storerooms, and all the keys kept in the personal possession of the company commander. Only ten cartridges are issued to the guard, five to sentinels and five to noncommissioned officer on duty, turned over each morning by the commanding officer. On an average four check rolls are had each night between call to quarters and reveille.

In closing this report I deem it my duty to urge that every effort be made to obtain for all companies of colored troops at least two officers. In the department there are five posts garrisoned by a single company each, and at each post there is but a single officer, who, besides his duties as commanding officer, must perform all the duties of the different staff departments. When it is considered that all the companies are full, over 100 men each, composed largely of recruits, and many of them selected with less than usual care, it must be evident that, even with the most conscientious and careful attention, it is impossible to maintain the constant oversight necessary to insure best results.

Very respectfully,

C. S. ROBERTS,
Lieutenant-Colonel Thirteenth Infantry.

FORT BLISS, TEX., *March 2, 1900.*

ADJUTANT-GENERAL, DEPARTMENT OF TEXAS,
San Antonio, Tex.

SIR: I have the honor to report that between 4 and 5 o'clock on the morning of February 17, 1900, a party of nine enlisted men of Company A, Twenty-fifth Infantry, with rifles and axes, made an attack on the city jail of El Paso, Tex., where two soldiers of that company were confined on charge of drunk and disorderly. Corporal James W. Hull, Company A, Twenty-fifth Infantry, was killed; also one of the city police on duty at the jail.

The first information I had of this was when two police officers arrived at the post about 7.30 a. m.; but they could not give any information of the affair further than a party of soldiers with army rifles had fired into the jail some time that morning, that army guns were used, as they had two which had been left by some of the party in their hasty flight. Corporal Hull and Private William H. Davis were absent from reveille. The latter reported about ten minutes after it. Immediately all arms and ammunition were placed under lock and key and every precaution taken to prevent any soldier leaving the post. Investigation was instituted at once to find the guilty men. The company arms racks were examined. Two were opened, and eight rifles were missing. Corpl. Gardner Davis, the noncommissioned officer in charge of quarters, was questioned, and stated that the keys of the racks had been taken from under his pillow during the night while he was asleep. Subsequently he stated that they were taken from the pocket of his trousers, which were on a chair by the side of his bunk.

The men on the pass list were examined. Sergeant Kipper, when questioned, stated that he had been in El Paso until about half past 1 o'clock that morning, when he returned to the post with Privates Wright and Davis. Private Wright stated that he was in the city until about half past 1 o'clock with Sergeant Kipper, Corporal Dyson, and Private Davis, and that they were just leaving town when Corporal Dyson was arrested by the city police and taken to jail; that he came on to the post, passing the sentinel at the foot of the hill about 3 o'clock. The sentinel stated that Sergeant Kipper passed about 2.30 a. m., going into the post, riding a bicycle, and that Wright passed about half an hour later, and that he did not see them after that. During the day there were rumors that certain men had been seen coming into the post just before reveille, in brown canvas uniform, and that Sergeant Kipper and Private Roberts were seen taking off their brown canvas clothing just outside the post. Both were immediately arrested. Two days later Corporal Powell's name was discovered on the inside of the sleeve of one of the two canvas suits, with two rifles, found in the vacant barracks, and he was arrested.

Sergeant Kipper, Corporal Powell, and Private Roberts were turned over to the civil authorities on the 22d ultimo.

At 7 o'clock a. m. February 23, Corpl. George O. McElroy left the guardhouse to post the relief at the foot of the hill and has not been seen here since. The sentinel says that after the corporal posted him he started up the hill toward the post, saying, "I am going by the hospital to get some medicine," and that he did not see him again. McElroy's rifle, belt, and gloves were found that day a short distance from the sentinel's post.

Information necessary to proceed with the investigation was very meager, though every clue was followed. There was nothing but circumstantial evidence, and in some cases this was not entirely convincing. Several suspects were arrested, but afterwards released for lack of tangible evidence except two, who subsequently proved to be the right men.

On the evening of February 28 Private James W. Durand, Company A, Twenty-fifth Infantry (who had previously given me some valuable information), told me that he knew Corporal Powell very well; that he was sure he was guilty, but if he could be promised protection he believed he would tell all he knew, and if I desired he would write to him and advise him to do so. I communicated with the sheriff (Corporal Powell being in his custody), who came out next morning and approved the plan. Durand wrote the letter, gave it to me to read, and I gave it to the sheriff, who started at once for El Paso, returning in the afternoon with a sealed note from Corporal Powell giving the names of the men in the party and a message from Powell that if I would come to the jail he would tell me all. I went immediately to the county jail in El Paso, and, in company with the sheriff, to the cell where Corporal Powell was confined.

The sheriff then warned Corporal Powell that any statement he might make must be voluntary, and that it could be used as evidence for or against him; that if he told the truth, the whole truth, and nothing but the truth, he would be protected. Corporal Powell then said he would tell everything he knew; that he would not add anything nor leave out anything. He then related the following story: "About 3 o'clock on the morning of February 17, 1900, Sergt. John Kipper came to my bunk in the company quarters and woke me up and said: 'Corporal Dysen is in jail, and I want you to come and go with me to get him out. The gun rack is unlocked, and you get a gun.' At the same time he woke up Corporal McElroy and told him the same thing. McElroy and myself got up and dressed, putting on our canvas uniform

over the blue one, went downstairs to the back porch of the barracks, and there found Sergeant Kipper, Corporal Hull, Privates Roberts, Elazer, Carroll, Wright, and Davis. All had rifles, and McElroy and Elazer each carried an ax besides his gun. Sergeant Kipper was directing the whole thing.

"We then started for town, going in rear of the mess hall and vacant barracks, watching all the time to avoid being seen by the sentinel; passed in front of the hospital and kept to the left to avoid being seen by the sentinel at the foot of the hill, and struck the main road this side of the powder houses, keeping on it until near town, when we saw a buggy coming down the road. Eight of us then moved to the right in the bushes, and Sergeant Kipper went alone to the left of the road. We met again on Myrtle avenue, just at the edge of town, and went straight to the jail. When we got near there Sergeant Kipper told each man what to do. Corporal Hull, Corporal McElroy, and Carroll rushed for the jail door, which was opened, and Corporal Hull called out: 'Give up those prisoners!' Two shots were fired right away, and Corporal Hull ran out leaning forward, and I saw he was hit. Other shots were fired immediately after. Corporal Hull was shot by the man just inside the door, and I think Hull shot him. If Hull did not kill him, McElroy or Carroll did. The first two shots were so close together that I could not tell which fired first. That was my gun and Carroll's found in the vacant barracks. We all ran and came back to the post. Sergeant Kipper had the keys of the gun racks and gave them to Corporal Hull on the way into town. I asked Sergeant Kipper how he got the keys of the gun racks, and he said: 'Out of Corporal Davis's pocket.'"

Corporal Powell's story is borne out by circumstances, and, I believe, is correct in every detail.

The following are the names of the men he gives as being in the party, viz:

Sergt. John Kipper, Corpl. George O. McElroy, Private Leroy Roberts, Private William H. Davis, Private Boyer Wright, Corpl. James W. Hull, Corpl. William Powell, Private Benjamin F. Carroll, and Private Joel Elazer.

All of the above have been turned over to the civil authorities, except Corporal McElroy, deserted, and Hull, deceased.

Corporal Powell declares that he has given the name of every one in the party or that, to his knowledge, knows anything about it.

As stated, eight rifles were missing from the arms racks when inventory was taken on the morning of the 17th; since I have found that Sergeant Kipper returned the rifle he had to the barracks just before reveille, hiding it between the mattress and springs of one of the bunks.

In conclusion, I beg to say that I am very much indebted to Mr. James H. Boone, the sheriff of El Paso County, for his courtesy and patience throughout the investigation, and especially for many suggestions which proved of great assistance. Mr. Boone is an old and capable officer.

I beg also to give the names of enlisted men of this command who have been loyal and faithful, voluntarily coming to me with information, without which it would have been much more difficult, if not impossible, to have apprehended the guilty. They are—

Post Q. M. Sergt. James L. Douglass, U. S. Army.
First Sergt. George Williams, Company A, Twenty-fifth Infantry.
Sergt. Hill Conwell, Company A, Twenty-fifth Infantry.
Sergt. David Jordan, Company A, Twenty-fifth Infantry.
Sergt. Tolbert Parks, Company A, Twenty-fifth Infantry.
Corpl. James H. Pergan, Company A, Twenty-fifth Infantry.
Corpl. Washington C. Holly, Company A, Twenty-fifth Infantry.
Corpl. James Beckwith, Company A, Twenty-fifth Infantry.
Corpl. Abram Martin, Company A, Twenty-fifth Infantry.
Cook Button Mitchell, Company A, Twenty-fifth Infantry.
Private James W. Durand, Company A, Twenty-fifth Infantry.

All the above soldiers have to their credit from eight to nearly thirty years of service.

Very respectfully,

R. H. R. LOUGHBOROUGH,
Captain, Twenty-fifth Infantry, Commanding.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, March 8, 1900.

Respectfully forwarded to the Adjutant-General of the Army for file in connection with report of Lieutenant-Colonel Roberts, acting adjutant-general of the department, of the 28th ultimo, on the recent disturbance at Fort Bliss, Tex., forwarded by me on the 1st instant, and telegram on same subject from these headquarters of the 2d instant.

CHAMBERS MCKIBBIN,
Colonel Twelfth Infantry, Commanding.

FORT SAM HOUSTON, TEX., *March 2, 1900.*

ADJUTANT-GENERAL, *Washington, D. C.:*

Following telegram received from Fort Bliss:

"Have all the guilty and evidence to convict them, except McElroy, who deserted. Corporal Powell confessed.

"LOUGHBOROUGH, *Commanding.*"

Please file this with my report mailed yesterday.

MCKIBBIN, *Commanding.*

AFFAIR NEAR FORT NIOBRARA, NEBR., OCTOBER 29–30, 1904.

[On October 29–30, 1904, the garrison of Fort Niobrara, Nebr., consisted of Company K, Eleventh Infantry, and Companies A, B, C, D, I, K, L, and M, Twenty-fifth Infantry.

The hospital records of the post show that Private Isaiah Raynor, Company B, Twenty-fifth Infantry, was admitted October 30, 1904, with a contused and lacerated wound received in a brawl at a house of ill fame near Fort Niobrara, Nebr., October 29, 1904, and that Lulu Johnson, civilian (colored), was admitted November 1, 1904, with gunshot wound "received at the hands of some party or parties unknown at a house of ill repute near Fort Niobrara, Nebr., October 31, 1904;" died November 3, 1904; also, that Raymond J. Smith, civilian (Indian), was admitted November 1, 1904, with gunshot wound received at the hands of some party or parties unknown at a house of ill repute near Fort Niobrara, Nebr., October 31, 1904. Left hospital January 20, 1905. The only additional data bearing on the subject that have been found on the files of the War Department follow.—M. S. O.]

FORT NIOBRARA, NEBR.,
October 30, 1904.

The ADJUTANT, *Fort Niobrara, Nebr.*

SIR: I have the honor to inform you that about 12.30 o'clock this morning I heard several shots fired, the sound coming from the direction of Stratton's ranch.

I was at this time on duty as officer of the day, and a few minutes later the sergeant of the guard reported to me that a man of the hospital corps wanted an order to get the ambulance out of the corral. I sent this order over, and then a little later sent an order to the sergeant of the guard to put on a patrol near the chapel with orders to arrest and turn over to the corporal of the guard all enlisted men approaching his post.

Later I learned that it was thought the shooting was done with the service rifles. This was about 2.30 a. m. I then ordered a check to be taken in each organization of both men and rifles, and all (men and rifles) were reported "present or accounted for" except two men of the band and one private of Company K, Eleventh Infantry, who were reported absent.

At the regular 11 o'clock p. m. inspection there was one noncommissioned officer, Company K, Eleventh Infantry, and one private, Company M, Twenty-fifth Infantry, absent.

I inspected the barracks at 2.30 a. m. and found all gun racks locked, and the noncommissioned officers all reported they had been locked immediately after supper.

Very respectfully,

NED. M. GREEN,
First Lieutenant, Twenty-fifth Infantry.

SURGEON'S OFFICE, POST HOSPITAL,
Fort Niobrara, Nebr., October 31, 1904.

The ADJUTANT,
Fort Niobrara, Nebr.

SIR: I have the honor to request authority to admit to this hospital for treatment two civilian patients, a man and a woman, who were seriously wounded Saturday evening, October 29, 1904, and who require hospital treatment, without which their chances for recovery will be very small.

It is respectfully requested that this office be informed as soon as practicable of the decision of the commanding officer in the matter.

Very respectfully,

R. S. PORTER,
Captain and Assistant Surgeon, U. S. Army, Surgeon.

[Indorsement.]

FORT NIOBRARA, NEBR.,
October 31, 1904.

Respectfully returned to the surgeon, approved.

By order of Colonel Hoyt:

M. D. CRONIN,
Captain and Adjutant, Twenty-fifth Infantry, Adjutant.

[From New York Tribune of December 4, 1906.]

THE TWENTY-FIFTH AT FORT NIOBRARA—CONDUCT OF THE NEGRO SOLDIERS WHEN STATIONED IN NEBRASKA.

To the EDITOR OF THE TRIBUNE.

SIR: Could the persons, even the negro ministers and others, who are holding mass meetings denouncing President Roosevelt's action in dismissing from the service the entire enlisted strength of the three companies of the Twenty-fifth United States Infantry which were stationed at Fort Brown on the night that Brownsville, Tex., was "shot up" have had the opportunity of knowing those troops better, the chances are they would not be so severe in their criticism of the President's action.

Two battalions (eight companies) of that regiment came to Fort Niobrara for station directly from the Philippines in 1902. They remained at that post continually until its abandonment, in July last, when, in leaving, they were assigned to stations in Texas. Valentine, 4½ miles distant, is the railway station where all the post's business was transacted, and, having a population of about 1,200, it sustained very much the same relation to Fort Niobrara as Brownsville does to Fort Brown, Tex. Consequently they were in and out of town constantly, singly or in numbers, trading, loafing, or attending errands, and it is said by our citizens, rightly, that they were well behaved, and no citizen not looking for it had the least excuse for getting into trouble with any one of them.

However, among themselves and with their camp followers, principally discharged soldiers from the negro regiment, a part at least were terrors and in their brawls seemed to place no more value upon a human life than though the taking of the same were a mere incident in their purpose of destruction. In the dance halls and resorts, which followed them into the country and went out of business and left immediately on the departure of the troops, they would fight like demons, and the records of our district court have been loaded down with criminal cases due to these fights, with a goodly number of participants in the State penitentiary, to say nothing of the number punished by military courts-martial. Bearing particularly on the phase which brought about the wholesale dismissal a somewhat similar case might be recited:

A discharged soldier from one of the negro regiments named Stratton kept a rooming and dance house on a tract of land about 1½ miles from Fort Niobrara. On the night of October 29, 1904, about midnight, while the usual dance was in progress, a team hauling a spring wagon, with four occupants, drove up in front of the door, and one of the inmates, called Lulu Johnson, came out of the house to the wagon. Immediately shots rang out, apparently fired at the wagon, but from a point that each must take effect there or pass into, and in some instances through, the dance hall, which was very well filled with dancers.

When the firing ceased it was found that Turnbull, the driver, was shot through the arm; Raymond Smith, an occupant, through the body; Lulu Johnson, through the breast, near the heart; one horse killed, and the other wounded. Inside the building a stove had been hit and shattered, the bar shot up somewhat, but miraculously no person hurt, although there were any number of close calls. Coincidentally, two men in khaki were seen, with guns across their shoulders, starting toward Fort Niobrara. Next morning sixteen empty Krag-Jörgensen shells were found on the ground at the point where the firing seemed to come from and the location the two men were seen leaving. The wounded were taken to the Fort Niobrara hospital, where the Johnson woman died the next day; Turnbull recovered promptly, and Smith finally.

The shooting, having been committed off the reservation, came under the jurisdiction of the civil authorities. Consequently the sheriff and coroner were notified, a coroner's jury was empaneled, and a post-mortem held at post hospital, which resulted in determining that from the character of the wound it was made by a Krag-Jörgensen. The murder appearing so wanton and cold blooded, extraordinary efforts were put forth to try to locate the guilty ones. Persons who were thought by their associations to be on terms of intimacy with the soldiers were looked to to secure the information, and Colonel Hoyt, commanding the regiment, assigned Lieutenants Mapes and Wiegenstein for special duty to run down the guilty ones, if possible.

The officers, in fact, were particularly anxious to apprehend and deliver the culprits to the civil authorities. However, although that shooting was done on a clear, bright night by two persons seen in the act or immediately thereafter, not the slightest trace has to this day been discovered in the direction of either apprehending the guilty parties or of learning the motive. It was said that although numbers of the enlisted men might have full knowledge of men and motive, no one would dare to divulge the same for fear of his own life.

Although the murdered one was one of their own color and without character, the act was no less a crime than the like one which followed it in Brownsville, and only emphasizes the necessity of some form of salutary punishment. While the soldiers might justify silence in the latter case on account of fear lest a fair trial could not be had in Texas, no such excuse could prevail here, since the murdered one was not a citizen of this community, but a woman of their own race in whom no one would have any special interest, and the trial could have been purely on its merits without prejudice against the prisoners. Yet those who possessed the necessary information were as silent in the former as in the latter instance.

No question but that a very large majority of those soldiers discountenance such acts, judged by what was seen of them during four years here, but there are tough characters in each company ready at all times to do acts of violence, whom the better men do not appear to endeavor to get rid of, and who are responsible for the condition in which the men of those three companies find themselves now. It is another case of "poor dog Tray."

Threats were heard that this town might be "shot up" some night, but the treatment of these soldiers by our citizens was such that we did not believe the cooler heads would ever permit it to be possible.

It may be said that soldiers should not be allowed their rifles excepting when on actual duty. That is suposed to be the case, yet at times they find a way of getting a part of them at least. However, is a man worthy to be a soldier who can not be trusted with a gun excepting when in ranks for fear lest a whole community be "shot up?"

This communication is written with the one purpose, however, of endeavoring to influence those negro pastors and people and the sympathizers of all races to investigate at little closer range, with the hope that they will modify their resolutions and memorials directed against an honest and courageous President.

C. H. CORNELL,
Chairman Republican Congressional Committee,
Sixth District, Nebraska.

VALENTINE, NEBR., *November 30, 1906.*

THE WHITE HOUSE,
Washington, December 11, 1906.

MY DEAR MR. SECRETARY: The President directs me to refer to you the inclosed letter from Mr. Seth Bullock, which will explain itself.

Very truly, yours,

WM. LOEB,
Secretary to the President.

Hon. WM. H. TAFT,
Secretary of War.

[Inclosure.]

DEPARTMENT OF JUSTICE,
OFFICE OF UNITED STATES MARSHAL,
DISTRICT OF SOUTH DAKOTA,
Sioux Falls, December 8, 1906.

Hon. WM. LOEB, Jr.,
Washington, D. C.

MY DEAR MR. LOEB: In giving the names of the towns "shot up" by the Twenty-fifth Infantry, the press dispatches from Washington do not mention Valentine, Nebr., 3 miles from Fort Niobrara.

Chief Deputy Carleton, of my office, informs me that he was in Valentine when the shooting occurred. It was on October 30, 1904. Several shots were fired into a house in which were a number of people, killing a woman and badly wounding a cowboy who was unhitching his horse near the house. No shots were fired from the house, nor was there any reason for the shooting by the negroes. Twelve negro soldiers were in the attacking party.

The local authorities did everything in their power to find the guilty parties, but, as at Brownsville, their comrades declined to aid in the apprehension of the murderers. The affair occurred at about 2 o'clock in the morning.

The house fired into was a dance house at the outskirts of the town and the woman killed was an inmate of the house, but this is not considered a good defense in the "wild and woolly West," and should not be in Washington, for murder.

Yours, truly,

SETH BULLOCK.

Mr. LODGE. Now, Mr. President, as I followed the Senator when he began to analyze the testimony——

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. FORAKER. I was necessarily occupied for a moment and could not follow the Senator. I understand now that he has stated that this regiment had been guilty of "shooting up" four other towns.

Mr. LODGE. I was simply stating what is in the record. I know nothing except what is there printed.

Mr. FORAKER. I read of one of those occurrences. I notice that it is a very different case from this, that it was a different battalion, and that it happened twenty-five years ago.

Mr. LODGE. Mr. President, I repeat that even the Senator's profound researches of this record have not developed the fact that there are four cases stated here—one in 1885 at Sturgis, Territory of Dakota; one in 1899 at Winnemucca, Nev.; one in 1900 at El Paso, and one in 1904 at Niobrara.

Mr. FORAKER. I must except to the Senator's referring to my "profound researches." I have had no opportunity to examine the record at all, except a hasty glance I took at it while the message was being read yesterday. Therefore I was speaking at a great disadvantage; but I did say that there was one case. Of course, there are many things I have not seen.

Mr. LODGE. The Senator has been passing on all the testimony.

Mr. FORAKER. That is the testimony of what occurred twenty-five years ago.

Mr. LODGE. It is an official document, showing also what members of the regiment did in Niobrara two years ago and in El Paso six years ago. It is all contained in official documents, and I suppose it is not necessary to verify them.

Mr. President, I should like very much—for I do not want to detain the Senate—to have the whole of the testimony of Mr. A. C. Moore, of which the Senator from Ohio read a part, printed in the RECORD with my remarks. It is on pages 445 and 446.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Mr. A. C. MOORE takes stand. (Proprietor of Miller Hotel.)

Q. This committee is sitting for the purpose of getting information that will place the saddle on the right horse. You are running the Miller Hotel?—A. Yes.

Q. Are there any bullet holes in the hotel?—A. Yes; about six.

Q. Shot by whom?—A. By people; last night.

Q. What time?—A. About 12.

Q. Did you see anyone shoot?—A. No.

Q. Did you hear?—A. Yes.

Q. Tell what you know.—A. The first shooting started down by the garrison. The shooting still continued, and they came up the alley right by our rooms. They gave the command here and fired. Then they came out on Elizabeth street. There they gave the same command again—"Halt; fire!"

Q. Could you tell who they were—negroes or white people?—A. Well, it was a good, strong voice and English spoken.

Q. Could you see them?—A. No; I could not leave my wife; she was in hysterics.

Q. You heard those commands?—A. Yes; and heard them say, "There goes the son of a ——," and something else, "Get him!"

Q. Could you say whether it was a negro's voice?—A. I think it was. It was very coarse.

Q. After the command what did they do?—A. Well, they ran on down, and there was a shot or two fired then.

Q. Toward the corner of Thirteenth and the hotel?—A. Yes. Then they gave another command. The best that I could locate it was from this corner opposite the hotel. Then they fired, and must have fired that volley at the hotel, for there are the bullet holes showing that they must have been shot from that corner. One of them passed through a window facing and through a door and struck the wall.

Q. Have you got any of those bullets?—A. Yes; I gave them to Fred. Combe.

Q. What were they?—A. Steel jackets.

Q. How many shots did you hear?—A. About fifty.

Q. Where did they shoot the policeman—right here [pointing out of window of Wells's office]?—A. I do not know, but they were bound to have shot him when they came out of the alley, for then they hollowed, "There goes the son of a ——; get him!" Then I picked up a lot of bullets [meaning cartridges, evidently] in the alley, empty and loaded.

Q. What were they?—A. 1205, new Army gun, Springfield model.

Q. That is all you know?—A. Yes.

Q. Do you know whether or not any of your guests actually saw the negro soldiers?—A. Yes; Mr. Borden and Mr. Chase had their heads out of the window and saw the squad of five or six. They shot just about then, and the bullets hit right close to the window. One bullet came through the screen, and when it hit the window went straight up.

(Excused.)

Mr. LODGE. I shall not detain the Senate by reading it, but I think when this statement about not seeing anybody is read it is just as well that the further statement should appear:

Then I picked up a lot of bullets [meaning cartridges, evidently] in the alley, empty and loaded.

Q. What were they?—A. 1205, new Army gun, Springfield model.

I think that might just as well go in the RECORD.

I should like the whole of Mr. Canada's testimony printed. I should like the statement of Doctor Combe, on the same page, printed; I should like the whole of the testimany of Victoriana Fernandez printed; I should like the whole of the testimony of Mr. Madison, of which the Senator read a part, printed. I merely desire that, as a portion has been read from the testimony of those witnesses, all they said may go into the RECORD.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

Mr. C. S. CANADA called to the stand.

Q. We are inquiring into the matter of last night with a view to ascertaining who the guilty parties are. We know they were negro soldiers. If there is anything that would throw any light on the subject, we would like to have it.—A. I did not see a single man that I

am sure. My room is up on third floor. As soon as the shooting began, I went down on second floor and went out on the gallery. I saw that policeman and saw that the horse was wounded. He staggered and fell. I could tell by his rather dark clothes that he was an officer.

Q. Could you see who fired the shots?—A. No; I could not give any description of the men. I could hear the peculiar click of the gun, and I would swear it was a rifle.

Q. Could you tell whether it was an ordinary rifle or a Krag?—A. They were the same as the shots fired in the alley.

Q. You could not hear them say anything?—A. Perhaps, if I had been listening for that purpose alone.

Q. How many shots were fired from the corner at the horse?—A. At least three.

Q. How many in all did you hear?—A. Not less than 150; perhaps 200. Between those two numbers. It is more or less a guess.

Q. Did you hear any commands? Hear "Fire," or anything that way?—A. The only thing I heard them say was, "We got him," when the horse fell.

Q. Did you see or hear anything that would lead you to believe that they were negro soldiers?—A. Nothing except the general tenor of the affair.

Q. The next firing was up the street?—A. Yes; they went on up the street firing.

Q. From the tone of the voice that you heard make the remark, "We got him," were they Americans or Mexicans?—A. I think they were negroes. I was raised among them and know their voices pretty well.

(Excused.)

Doctor Combe states what Mr. Odin, who is now out of the city, said in regard to the shooting (made in presence of Judge John Bartlett):

That about the middle of the night of August 13 he was standing at a window of his room in the Miller Hotel and he heard a squad of men coming down the alley; that they arrived at the corner of the alley and he recognized that they were five negro soldiers; that when they arrived at the intersection of Thirteenth street and this alley one, apparently in command, gave the order, "There he goes; shoot him." That immediately a volley was fired, and then one of the men leveled his piece at the window and fired, the bullet passing through the casing and going into the ceiling directly over his head. One of his children fell to the floor and he thought it was shot. His wife was present at the window.

(Judge Bartlett affirmed statement.)

VICTORIANA FERNANDEZ, policeman, takes stand.

Q. State what you saw.—A. I was asleep at Washington street. I was on day watch and was sleeping. I heard a single shot. I do not know whether six-shooter or gun. I went down town, down the street, and saw two men shoot at me. Do not know whether citizens or soldiers. I turned across the street into the alley. They shot at me again.

Q. Did you shoot back?—A. No; had no chance. They shot at me the third time—three men with big guns. I shot back. They were dressed in khaki pants.

Q. You can tell these army guns when they shoot?—A. Yes.

Q. These were army guns?—A. Yes.

I came on Sixteenth street. I saw a crowd at Mr. Tillman's saloon. I went inside and found Frank Natus lying down dead.

Q. How many shots did you hear last night altogether?—A. About fifty.

Q. Did you know any soldiers that fired?—A. No.

(Excused.)

Mr. C. C. MADISON takes the stand.

Q. We are here for the purpose of obtaining information touching what happened last night. Tell us everything you know about it. Who you saw shoot, if anybody.—A. We [Mr. Madison was accompanied by another tinner and could not be induced to converse in anything but the first person plural] did not see anything. The shooting took place 10 or 15 feet from where we were sleeping and we could hear them throw the cartridges in the guns. They were Springfield guns. I know what they sound like when a cartridge is thrown into them, and I heard a low whistle and heard somebody hollow "Halt!"

Q. How many shots did you hear?—A. Twenty or thirty in the alley and many more in the city.

Q. Did you hear the men talk?—A. Yes.

Q. Were they Americans or Mexicans?—A. They were negroes.

Q. Were you sleeping on ground floor?—A. Yes.

Q. Doors open?—A. Yes.

Q. Could you see anything when you looked out?—A. No; but we never put our heads out.

Q. Where did you hear them say "Halt?"—A. Out in the lot.

Q. How many were there?—A. Seven or eight.

Q. Which way did they go?—A. Toward the livery stable.

Q. Were you ever in the service?—A. Yes; five years, and I know the sound of cartridges when they are thrown in.

Q. Did you see or hear anything that would lead you to believe that they were negro soldiers?—A. Yes; I know by their talk that they were negroes.

Q. Did you see any soldiers?—A. No.

(Committee adjourned until 9 o'clock Wednesday, the 15th.)

Mr. LODGE. Mr. President, I have no desire to detain the Senate. I merely wish to repeat what I have already said. I have not read the testimony. I want to see it all before I make up my mind as to the judgment which is to be passed on so grave a question as this.

Mr. SCOTT. Mr. President, I take it for granted that there is no Senator present who will object to the Committee on Military Affairs taking further testimony in regard to this very important case. A retired officer of the Army, who commanded this regiment for sixteen years, I have been told, will vouch for the statement of a number of these colored men as being as reliable as that of any men who can be found in this country, white or black. He having had experience with this regiment for sixteen years, I think it is only due that the Military Committee should have the power to summon him before them, in order to ascertain from him, as far as possible, the character of these soldiers and whether their truthfulness and veracity can be relied on in case they make affidavits.

If I am correctly informed as to the history of the Spanish-American war, it is reported that if it had not been for the gallant and courageous action of the Tenth Regiment of Cavalry at the battle of San Juan we might not now have the privilege of having in the White House that brave soldier and "square deal" and patriotic President of ours. As I understand, had it not been for the gallantry of the Tenth Regiment of Cavalry, a colored regiment, at that battle there might not have been a sufficient number of the Rough Riders left to tell the tale.

I hope the Senate will allow the Military Committee the opportunity and the privilege of fully investigating this matter.

Mr. FORAKER. I have modified my resolution, as I said I would, and I ask that it may be read as modified.

The VICE-PRESIDENT. The Secretary will read the resolution of the Senator from Ohio as modified.

The Secretary read the resolution as modified, as follows:

Resolved, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge of members of Companies B, C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

Mr. FORAKER. I now ask that the resolution go over.

The VICE-PRESIDENT. The resolution will be printed and lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 6197) entitled "An act granting an increase of pension to Charles E. Henry."

MODEL EXHIBIT OF PATENT OFFICE.

Mr. CULLOM. I have a letter from the Secretary of the Interior, addressed to the chairman of the Senate Committee on Appropriations, calling attention to the fact that no provision has been made in the legislative appropriation bill for the year 1908 providing for the renting of a building for the model exhibit of the Patent Office. I ask that the letter and accompanying papers be printed and referred to the Committee on Appropriations.

The VICE-PRESIDENT. The Senator from Illinois asks for the printing of certain papers and their reference to the Committee on Appropriations. Is there objection? The Chair hears none, and it is so ordered.

VETO MESSAGE—CHARLES E. HENRY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pensions:

To the Senate:

I return herewith, without approval, Senate bill No. 6197, entitled "An act granting an increase of pension to Charles E. Henry," as the Secretary of the Interior informs me that the records of the Pension Bureau show that the beneficiary died on November 3, 1906, prior to the passage of the bill, which would therefore be inoperative should it become a law.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 20, 1906.*

ANNUAL REPORT OF THE ISTHMIAN CANAL COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Interoceanic Canals, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the Annual Report of the Isthmian Canal Commission for the year ending December 1, 1906.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 20, 1906.*

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 2 o'clock and 45 minutes p. m.) the Senate adjourned, the adjournment being, under the concurrent resolution of the two Houses, until Thursday, January 3, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 20, 1906.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Third Lieut. James Albert Alger to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 8, 1906, in place of Second Lieut. John Mei, promoted.

Third Lieut. Frank Lynn Austin to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 10, 1906, in place of Second Lieut. Albert Henry Buhner, promoted.

Third Lieut. Le Roy Reinburg to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from November 12, 1906, in place of Second Lieut. Francis Rawle Shoemaker, resigned.

Third Lieut. Howard Eugene Rideout to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 15, 1906, in place of Second Lieut. Charles William Cairnes, promoted.

INDIAN INSPECTOR.

Arthur M. Tinker, of Massachusetts, to be an Indian inspector, his term having expired December 19, 1906. (Reappointment.)

POSTMASTERS.

CALIFORNIA.

Isaac M. Clippinger to be postmaster at Huntington Beach, in the county of Orange and State of California. Office became Presidential October 1, 1906.

Frank E. Ellis to be postmaster at Stockton, in the county of San Joaquin and State of California, in place of Thomas A. Nelson. Incumbent's commission expires January 22, 1907.

Wilson Hays to be postmaster at Colton, in the county of San Bernardino and State of California, in place of Wilson Hays. Incumbent's commission expires January 7, 1907.

Conrad Solem to be postmaster at La Jolla, in the county of San Diego and State of California. Office became Presidential October 1, 1906.

COLORADO.

Alfred W. Flanigan to be postmaster at Goldfield, in the county of Teller and State of Colorado. Office became Presidential October 1, 1906.

GEORGIA.

Clifford H. Dyar to be postmaster at Adairsville, in the county of Bartow and State of Georgia. Office became Presidential October 1, 1906.

INDIANA.

James P. Clark to be postmaster at Morocco, in the county of Newton and State of Indiana, in place of Albert D. Peck. Incumbent's commission expires January 19, 1907.

Laron E. Street to be postmaster at Brookston, in the county of White and State of Indiana, in place of Laron E. Street. Incumbent's commission expires January 7, 1907.

INDIAN TERRITORY.

John D. Seaman to be postmaster at Tulsa, in District Twenty-eight, Indian Territory, in place of John D. Seaman. Incumbent's commission expired December 15, 1906.

IOWA.

George C. Allen to be postmaster at Estherville, in the county of Emmet and State of Iowa, in place of Martin K. Whelan. Incumbent's commission expired May 9, 1906.

Clyde E. Hammond to be postmaster at Dows, in the county of Wright and State of Iowa, in place of Clyde E. Hammond. Incumbent's commission expired December 9, 1906.

Thomas J. Hoffman to be postmaster at Vail, in the county of Crawford and State of Iowa, in place of Thomas J. Hoffman. Incumbent's commission expires January 7, 1907.

KANSAS.

James A. Eaton to be postmaster at Erie, in the county of Neosho and State of Kansas, in place of James A. Eaton. Incumbent's commission expired December 9, 1906.

August Kuhlmann to be postmaster at Hanover, in the county of Washington and State of Kansas, in place of August Kuhlmann. Incumbent's commission expires January 22, 1907.

Caddie Smith to be postmaster at Lebanon, in the county of Smith and State of Kansas, in place of Caddie Smith. Incumbent's commission expires January 20, 1907.

KENTUCKY.

Elisha L. Robinson to be postmaster at Berea, in the county of Madison and State of Kentucky, in place of Samuel G. Hanson, resigned.

MASSACHUSETTS.

James O. Hodges to be postmaster at Mansfield, in the county of Bristol and State of Massachusetts, in place of James O. Hodges. Incumbent's commission expires January 31, 1907.

John Huxtable to be postmaster at Wareham, in the county of Plymouth and State of Massachusetts, in place of John Huxtable. Incumbent's commission expires January 7, 1907.

Frederick E. Pierce to be postmaster at Greenfield, in the county of Franklin and State of Massachusetts, in place of Frederick E. Pierce. Incumbent's commission expires January 7, 1907.

Fred A. Tower to be postmaster at Concord, in the county of Middlesex and State of Massachusetts, in place of Fred A. Tower. Incumbent's commission expired December 15, 1906.

Carl Wurtzbach to be postmaster at Lee, in the county of Berkshire and State of Massachusetts, in place of Carl Wurtzbach. Incumbent's commission expires January 26, 1907.

MINNESOTA.

Alton Crosby to be postmaster at Willmar, in the county of Kandiyohi and State of Minnesota, in place of Charles A. Birch. Incumbent's commission expires January 13, 1907.

Oscar E. Linquist to be postmaster at Dassel, in the county of Meeker and State of Minnesota, in place of Oscar E. Linquist. Incumbent's commission expired December 16, 1906.

NEBRASKA.

Valentine Zink to be postmaster at Sterling, in the county of Johnson and State of Nebraska, in place of Valentine Zink. Incumbent's commission expires January 22, 1907.

NEW HAMPSHIRE.

Clarence N. Garvin to be postmaster at West Derry, in the county of Rockingham and State of New Hampshire, in place of Clarence N. Garvin. Incumbent's commission expires January 19, 1907.

Thomas B. Moore to be postmaster at Lincoln, in the county of Grafton and State of New Hampshire, in place of John H. Henry, resigned.

NEW YORK.

Harrison Beecher to be postmaster at Monticello, in the county of Sullivan and State of New York, in place of Harrison Beecher. Incumbent's commission expires January 7, 1907.

David A. Doyle to be postmaster at Katonah, in the county of Westchester and State of New York, in place of Henry W. Kellogg. Incumbent's commission expired December 9, 1906.

George B. Helmle to be postmaster at Nyack, in the county of Rockland and State of New York, in place of George B. Helmle. Incumbent's commission expires January 7, 1907.

Lasuvious H. King to be postmaster at Port Byron, in the county of Cayuga and State of New York, in place of Benson C. Smith. Incumbent's commission expires January 7, 1907.

Oscar E. Ward to be postmaster at Phoenix, in the county of Oswego and State of New York, in place of Albert P. Merriam. Incumbent's commission expired June 10, 1906.

OHIO.

Don C. Corbett to be postmaster at Payne, in the county of Paulding and State of Ohio, in place of Melancthon B. Everitt, deceased.

Charles R. Crum to be postmaster at Forest, in the county of Hardin and State of Ohio, in place of John C. Pierce. Incumbent's commission expires December 20, 1906.

William H. Tucker to be postmaster at Toledo, in the county of Lucas and State of Ohio, in place of William H. Tucker. Incumbent's commission expires December 20, 1906.

PENNSYLVANIA.

William J. Boggs to be postmaster at Ford City, in the county of Armstrong and State of Pennsylvania, in place of David Reynolds, sr., resigned.

Isaac T. Klingensmith to be postmaster at Leechburg, in the county of Armstrong and State of Pennsylvania, in place of Isaac Klingensmith. Incumbent's commission expires January 26, 1907.

TENNESSEE.

Haynes O. Lee to be postmaster at Newport, in the county of Cocke and State of Tennessee, in place of Alexander Ragan, deceased.

Samuel L. Parker to be postmaster at Sparta, in the county of White and State of Tennessee, in place of Arthur W. Parker, resigned.

VERMONT.

Joshua H. Blakley to be postmaster at Bellows Falls, in the county of Windham and State of Vermont, in place of Barney Cannon, jr., deceased.

WASHINGTON.

Walter B. Crammattee to be postmaster at Aberdeen, in the county of Chehalis and State of Washington, in place of Richard P. Campbell. Incumbent's commission expired June 27, 1906.

Charles A. Gwinn to be postmaster at Garfield, in the county of Whitman and State of Washington, in place of Charles A. Gwinn. Incumbent's commission expired December 10, 1906.

WEST VIRGINIA.

J. Willis Fiddler to be postmaster at Harrisville, in the county of Ritchie and State of West Virginia, in place of Henry C. Showalter. Incumbent's commission expired February 10, 1906.

Hugh I. Shott to be postmaster at Bluefield, in the county of

Mercer and State of West Virginia, in place of Hugh I. Shott. Incumbent's commission expired December 16, 1906.

WISCONSIN.

Platt Durand to be postmaster at Campbellsport, in the county of Fond du Lac and State of Wisconsin. Office became Presidential October 1, 1906.

Fitz James Hamilton to be postmaster at Sturgeon Bay, in the county of Door and State of Wisconsin, in place of Fitz James Hamilton. Incumbent's commission expires January 23, 1907.

Thomas Hill to be postmaster at Spring Green, in the county of Sauk and State of Wisconsin, in place of Thomas Hill. Incumbent's commission expires January 23, 1907.

M. Rowell to be postmaster at Hartland, in the county of Waukesha and State of Wisconsin, in place of Alice S. Rumrill. Incumbent's commission expires December 20, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 20, 1906.

INDIAN AGENT.

Samuel W. Campbell, of Wisconsin, to be agent for the Indians of the La Pointe Agency, in Wisconsin.

DISTRICT ATTORNEY OF COURT FOR CHINA.

Arthur Bassett, of Missouri, to be district attorney of the United States court for China.

CLERK OF COURT FOR CHINA.

Frank E. Hinckley, of California, to be clerk of the United States court for China.

MARSHAL OF COURT FOR CHINA.

Orvice R. Leonard, of Michigan, to be marshal of the United States court for China.

PROMOTIONS IN PORTO RICO PROVISIONAL REGIMENT.

To be captains.

First Lieut. William S. Woodruff, of Porto Rico Provisional Regiment of Infantry, from November 20, 1906.

First Lieut. Laurance Angel, Porto Rico Provisional Regiment of Infantry, from November 20, 1906.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be first lieutenants.

Second Lieut. Roger D. Black, Corps of Engineers, from September 17, 1906.

Second Lieut. Theodore H. Dillon, Corps of Engineers, from September 26, 1906.

ORDNANCE DEPARTMENT.

To be colonel.

Lieut. Col. Daniel M. Taylor, Ordnance Department, from November 12, 1906.

To be lieutenant-colonel.

Maj. Charles H. Clark, Ordnance Department, from November 12, 1906.

To be major.

Capt. Kenneth Morton, Ordnance Department, from November 12, 1906.

CAVALRY ARM.

To be majors.

Capt. Guy Carleton, Thirteenth Cavalry, from October 2, 1906.

Capt. Thomas B. Dugan, Twelfth Cavalry, from October 28, 1906.

ARTILLERY CORPS.

To be captain.

First Lieut. Louis S. Chappelear, Artillery Corps, from November 26, 1906.

To be first lieutenant.

Second Lieut. William E. Murray, Artillery Corps, from November 26, 1906.

INFANTRY ARM.

To be colonel.

Lieut. Col. Edwin B. Bolton, Tenth Infantry, from December 2, 1906.

To be lieutenant-colonel.

Maj. Henry B. Moon, Tenth Infantry, from December 2, 1906.

To be majors.

Capt. Benjamin W. Atkinson, Sixth Infantry, from October 20, 1906.

Capt. Benjamin M. Purssell, detailed paymaster, from October 30, 1906.

Capt. Fielder M. M. Beall, Third Infantry, from October 31, 1906.

Capt. Maury Nichols, Third Infantry, from December 2, 1906.

INFANTRY ARM.

To be captains.

First Lieut. Robert E. Frith, Twenty-ninth Infantry, from July 28, 1906.

First Lieut. Samuel T. Ansell, Eleventh Infantry, from August 7, 1906.

First Lieut. Robert H. Peck, Twenty-fourth Infantry, from August 7, 1906.

First Lieut. Halsey E. Yates, Fifth Infantry, from August 15, 1906.

First Lieut. Clement A. Trott, Fifth Infantry, from August 20, 1906.

First Lieut. Wilson B. Burtt, Fifth Infantry, from September 11, 1906.

First Lieut. Walter S. Brown, Tenth Infantry, from September 12, 1906.

RETIRED LIST OF THE ARMY.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. James E. Macklin, United States Army, retired, to be placed on the retired list of the Army, with the rank of brigadier-general from December 2, 1906.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. George B. Borden, Twenty-fourth Infantry, to be placed on the retired list of the Army, with the rank of brigadier-general from the date on which he shall be retired from active service.

POSTMASTERS.

CALIFORNIA.

Isaac M. Chippinger to be postmaster at Huntington Beach, in the State of California.

Frank E. Ellis to be postmaster at Stockton, in the State of California.

Wilson Hays to be postmaster at Colton, in the State of California.

Conrad Solem to be postmaster at Da Jolla, in the State of California.

COLORADO.

Albert W. Flanigan to be postmaster at Goldfield, in the State of Colorado.

INDIAN TERRITORY.

John D. Seaman to be postmaster at Tulsa, in the Indian Territory.

IOWA.

George C. Allen to be postmaster at Estherville, in the State of Iowa.

Clyde E. Hammond to be postmaster at Dows, in the State of Iowa.

Thomas J. Hoffman to be postmaster at Vail, in the State of Iowa.

KANSAS.

James A. Eaton to be postmaster at Erie, in the State of Kansas.

Augustus Kuhlmann to be postmaster at Hanover, in the State of Kansas.

Caddie Smith to be postmaster at Lebanon, in the State of Kansas

KENTUCKY.

Elisha L. Robinson to be postmaster at Berea, in the State of Kentucky.

MINNESOTA.

Alton Crosby to be postmaster at Willmar, in the State of Minnesota.

Oscar E. Linquist to be postmaster at Dassel, in the State of Minnesota.

NEBRASKA.

Alfred H. Thomas to be postmaster at Trenton, in the county of Hitchcock and State of Nebraska.

NEW YORK.

Harrison Beecher to be postmaster at Monticello, in the State of New York.

George B. Helmle to be postmaster at Nyack, in the State of New York.

VERMONT.

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Fitz James Hamilton to be postmaster at Sturgeon Bay, in the State of Wisconsin.

Thomas Hiel to be postmaster at Spring Green, in the State of Wisconsin.

M. Rowell to be postmaster at Hartland, in the State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 20, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

We bless Thee, Almighty God, our Heavenly Father, for that spirit which came into the world nineteen hundred years ago, heralded by the angelic hosts singing, "Glory to God in the highest, and on earth peace, good will toward men," and which has been gradually diffusing itself over the earth, fructifying and ennobling the hearts of men, diminishing selfishness, increasing generosity, diminishing revenge, increasing mercy, diminishing hate, increasing brotherly love, diminishing war, and increasing peace. Grant, O most merciful Father, that the increase may become complete, that Thy kingdom may come and Thy will be done on earth as it is in heaven.

Let Thy blessings attend these Thy servants and their families during the holiday recess and bring us together again at the appointed time in health, strength, and vigor, the better prepared to prosecute the work which Thou has given them to do. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

By unanimous consent reference of the bill (H. R. 22667) for the relief of the people of Hartshorne, Ind. T., was changed from the Committee on the Public Lands to the Committee on Indian Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 19293. An act granting an increase of pension to William Colvin;

H. R. 16856. An act granting an increase of pension to Joseph McBride;

H. R. 10814. An act granting a pension to Eugene A. Myers;

H. R. 19357. An act granting an increase of pension to Anna Lamar Walker;

H. R. 17481. An act granting a pension to Eliza F. Wadsworth;

H. R. 18113. An act granting an increase of pension to Louisa M. Sees;

H. R. 19416. An act granting an incrase of pension to Antonio Macello;

H. R. 19503. An act granting an increase of pension to David S. Jones;

H. R. 19601. An act granting an increase of pension to John E. Kingsbury;

H. R. 12667. An act granting an increase of pension to Charles W. Weber;

H. R. 16741. An act granting an increase of pension to William J. Girvan;

H. R. 17874. An act granting an increase of pension to Roseanna Hughes;

H. R. 18227. An act granting an increase of pension to Catharine F. Fitzgerald;

H. R. 19483. An act granting a pension to Lydia A. Patnaude;

H. R. 4205. An act granting an increase of pension to Amanda W. Ritchie;

H. R. 4292. An act granting a pension to George W. Kelley;

H. R. 5728. An act granting an increase of pension to William Harvey;

H. R. 6956. An act granting an increase of pension to Henry L. Johnson;

H. R. 8481. An act granting an increase of pension to Richard Callahan;

H. R. 19298. An act granting an increase of pension to Job B. Crabtree;

H. R. 19359. An act granting an increase of pension to Levi Brader;

H. R. 17675. An act granting an increase of pension to Jonas M. Sees;

H. R. 14199. An act granting an increase of pension to John Ewing;

H. R. 14537. An act granting an increase of pension to Robert B. Crawford;

H. R. 19511. An act granting an increase of pension to Alexander Dixson;

H. R. 19611. An act granting an increase of pension to Jacob Kinkerly;

H. R. 12128. An act granting an increase of pension to Dennis A. Litzinger;

H. R. 12339. An act granting an increase of pension to Charles T. Murray;

H. R. 12482. An act granting an increase of pension to Samuel B. McLean;

H. R. 2315. An act granting a pension to Miranda Birkhead;

H. R. 4707. An act granting an increase of pension to John H. Pitman;

H. R. 7580. An act granting an increase of pension to James W. Stewart;

H. R. 16513. An act granting an increase of pension to Bridget M. Duffy;

H. R. 18493. An act granting an increase of pension to George H. Reeder;

H. R. 11483. An act granting a pension to Maria Niles;

H. R. 1871. An act granting an increase of pension to Alonzo Cooper;

H. R. 8273. An act granting an increase of pension to John M. Pearson;

H. R. 19321. An act granting an increase of pension to Mary E. Turner;

H. R. 19322. An act granting an increase of pension to Mary Isabella Rykard;

H. R. 19323. An act granting an increase of pension to Orlando L. Levy;

H. R. 16397. An act granting an increase of pension to Allie Williams;

H. R. 16747. An act granting a pension to Sherman Jacobs;

H. R. 16748. An act granting an increase of pension to Lucius C. Fletcher;

H. R. 18429. An act granting an increase of pension to David Mitchell;

H. R. 18860. An act granting an increase of pension to Andrew J. Anderson;

H. R. 19119. An act granting an increase of pension to Susan M. Osborn;

H. R. 13057. An act granting an increase of pension to James S. Salsberry;

H. R. 19300. An act granting an increase of pension to Phebe Easley;

H. R. 17691. An act granting an increase of pension to George W. Henrie;

H. R. 18193. An act granting an increase of pension to Walden Kelly;

H. R. 18403. An act granting an increase of pension to Mary Jane Ragan;

H. R. 19080. An act granting an increase of pension to Frederick Fienop;

H. R. 14480. An act granting an increase of pension to Mary C. Moore;

H. R. 19587. An act granting an increase of pension to Martha Ann Jones;

H. R. 9262. An act granting an increase of pension to Thomas J. Farrar;

H. R. 18018. An act granting an increase of pension to David Evans;

H. R. 18066. An act granting an increase of pension to Alexander M. Fergus;

H. R. 14680. An act granting an increase of pension to Sampson Parker;

H. R. 11142. An act granting an increase of pension to James McQuade;

H. R. 2715. An act granting an increase of pension to Charles Martine;

H. R. 19162. An act granting an increase of pension to Charles Van Tine;

H. R. 19161. An act granting an increase of pension to Marcus D. Tenney;

H. R. 16342. An act granting a pension to Matilda Foster;
H. R. 12190. An act granting an increase of pension to Milton R. Dungan;
H. R. 4689. An act granting an increase of pension to James Reeder;
H. R. 4690. An act granting an increase of pension to Andrew J. Slinger;
H. R. 7719. An act granting an increase of pension to George Fetterman;
H. R. 19404. An act granting an increase of pension to Elias S. Falkenburg;
H. R. 18045. An act granting an increase of pension to John M. Webb;
H. R. 18214. An act granting an increase of pension to John Ingram;
H. R. 19743. An act granting an increase of pension to W. P. McMichael;
H. R. 19744. An act granting an increase of pension to George Casper Homan Humel, alias George C. Homan;
H. R. 9836. An act granting an increase of pension to Dier Collett;
H. R. 3338. An act granting an increase of pension to Lafayette Franks;
H. R. 5846. An act granting an increase of pension to John M. Chandler;
H. R. 16211. An act granting an increase of pension to John W. Montgomery;
H. R. 19463. An act granting an increase of pension to Emma L. Patterson;
H. R. 19534. An act granting an increase of pension to Noah Ressequie;
H. R. 19626. An act granting an increase of pension to Samuel Campbell;
H. R. 19922. An act granting an increase of pension to Mary A. Sutherland;
H. R. 9465. An act granting a pension to Ella Q. Parrish;
H. R. 12517. An act granting a pension to William Bays;
H. R. 19889. An act granting an increase of pension to John M. Melson;
H. R. 19415. An act granting an increase of pension to Sarah Ann Reavis;
H. R. 14144. An act granting a pension to Allen M. Cameron;
H. R. 9107. An act granting a pension to James W. Russell;
H. R. 19529. An act granting an increase of pension to Nancy Elizabeth Hutcheson;
H. R. 19530. An act granting an increase of pension to Charles P. Gray;
H. R. 19324. An act granting an increase of pension to Susan M. Long;
H. R. 19325. An act granting an increase of pension to George Oppel;
H. R. 19326. An act granting an increase of pension to Margaret R. Vandiver;
H. R. 15620. An act granting an increase of pension to David D. Owens;
H. R. 17651. An act granting an increase of pension to Mary A. Riley;
H. R. 19514. An act granting an increase of pension to James H. Stimpson;
H. R. 15619. An act granting an increase of pension to Samuel W. Atkinson;
H. R. 8712. An act granting an increase of pension to Josiah Hall;
H. R. 19174. An act granting an increase of pension to Martha A. Billings;
H. R. 19256. An act granting an increase of pension to Louisa J. Birthright;
H. R. 19318. An act granting an increase of pension to Mary E. Rivers;
H. R. 19319. An act granting an increase of pension to Elizabeth Spruell;
H. R. 19320. An act granting an increase of pension to Louise J. Pratt;
H. R. 15713. An act granting an increase of pension to William McCrea;
H. R. 17918. An act granting a pension to Walter S. Harman;
H. R. 18343. An act granting an increase of pension to John N. Oliver;
H. R. 18705. An act granting an increase of pension to Thomas T. Page;
H. R. 19101. An act granting an increase of pension to Sarah C. A. Scott;
H. R. 19504. An act granting an increase of pension to Margaret E. Walker;
H. R. 19819. An act granting an increase of pension to Johanna Kearney;
H. R. 19215. An act granting an increase of pension to John Lingenfelder;
H. R. 18363. An act granting an increase of pension to Rudolph Bentz;
H. R. 4554. An act to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnowski;
H. R. 21408. An act to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906;
H. R. 2978. An act granting a pension to Miranda M. Webb;
H. R. 21200. An act to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Allegheny County, Pa.;
H. R. 18113. An act granting an increase of pension to Louisa M. Sees; and
H. J. Res. 196. Joint resolution relating to the construction of a bridge at Fort Snelling, Minn.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 55. An act for the widening of Bladensburg road, and for other purposes;
S. 64. An act for the extension of Seventh street and Franklin street NE., and for other purposes;
S. 68. An act for the widening of a section of Columbia road east of Sixteenth street;
S. 133. An act authorizing the extension of Twenty-third street NW. to Kalorama road;
S. 2098. An act authorizing the extension of Second street NW. from Elm street north to Bryant street, of W street from its present terminus west of Flagler place to Second street, and of W street west of Second street eastwardly to Second street;
S. 2260. An act authorizing the extension of Meridian place NW.;
S. 5246. An act to provide for the extension of Geneseo place and Summit place, District of Columbia; and
S. 5565. An act to close certain alleys in the District of Columbia.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 38.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 6197) entitled "An act granting an increase of pension to Charles E. Henry."

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 16169. An act granting a pension to Neal O'Donnel Parks;
H. R. 19528. An act granting an increase of pension to Elizabeth Maddox;
H. R. 19462. An act granting an increase of pension to Emily Fox; and
H. R. 19035. An act granting a pension to Elizabeth Moore Morgan.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6814. An act granting a pension to Alice Bosworth;
S. 6819. An act granting an increase of pension to Nelson Bigalow;
S. 677. An act granting an increase of pension to Albert G. Peabody, jr.;
S. 6825. An act granting an increase of pension to Thomas M. Roberts;
S. 6239. An act granting an increase of pension to Kate M. Miner;
S. 6569. An act granting an increase of pension to George Porter;
S. 6568. An act granting an increase of pension to Wilbur F. Hodge;
S. 5073. An act granting an increase of pension to Daniel G. Smith;
S 831. An act granting an increase of pension to Isaac G. Clark;
S. 679. An act granting an increase of pension to Thomas Kelly;
S. 6822. An act granting an increase of pension to Christopher Christopherson;

S. 6821. An act granting an increase of pension to Jonathan M. Adams;
S. 4182. An act granting an increase of pension to Reuben Smalley;
S. 6052. An act granting an increase of pension to William E. Redmond;
S. 6576. An act granting an increase of pension to Michael Meyers;
S. 5493. An act granting an increase of pension to Marcus Wood;
S. 5741. An act granting an increase of pension to Amelia M. Hawes;
S. 6347. An act granting an increase of pension to Edward R. Cunningham;
S. 6230. An act granting an increase of pension to Nellie Paxton;
S. 6561. An act granting an increase of pension to George W. Blair;
S. 6723. An act granting an increase of pension to Augusta P. Morgan;
S. 6131. An act granting an increase of pension to Frances A. Jepson;
S. 1347. An act granting a pension to Martha W. Pollard;
S. 6485. An act granting an increase of pension to Samuel Cook;
S. 6560. An act granting an increase of pension to Reuben D. Dodge;
S. 6580. An act granting an increase of pension to Ella B. Green;
S. 6579. An act granting an increase of pension to Ezekiel Morrill;
S. 6586. An act granting an increase of pension to Wesley J. Ladd;
S. 6203. An act granting an increase of pension to Francis W. Crommett;
S. 10. An act granting an increase of pension to Roswell Prescott;
S. 5727. An act granting an increase of pension to Lucius Rumrill;
S. 1257. An act granting an increase of pension to Patrick O'Day;
S. 6829. An act granting an increase of pension to Thomas P. Cheney;
S. 4389. An act granting an increase of pension to Florence Plato;
S. 5725. An act granting an increase of pension to Alonzo S. Prather;
S. 768. An act granting an increase of pension to William H. Rhoads;
S. 5443. An act granting an increase of pension to James D. Merrill;
S. 5980. An act granting an increase of pension to Jacob Smith;
S. 6186. An act granting an increase of pension to James L. Estlow;
S. 6438. An act granting an increase of pension to Martha J. Haller;
S. 6429. An act granting an increase of pension to Mary L. Beardsley;
S. 5826. An act granting an increase of pension to Isaac C. Phillips;
S. 1941. An act granting an increase of pension to Elvira A. Kelley;
S. 1857. An act granting an increase of pension to William Vantilburgh;
S. 6538. An act granting an increase of pension to Betsey A. Hodges;
S. 5138. An act granting a pension to Jane Metts;
S. 6353. An act granting an increase of pension to Dolores S. Foster;
S. 2749. An act granting an increase of pension to John H. Brooks;
S. 6466. An act granting an increase of pension to Samuel Moser;
S. 6267. An act granting an increase of pension to Denis A. Manning;
S. 4406. An act granting an increase of pension to Susan N. Fowler;
S. 6636. An act granting an increase of pension to Andrew J. Grover;
S. 4053. An act granting an increase of pension to William A. Smith;
S. 6250. An act granting a pension to Alice G. Clark;
S. 6718. An act granting an increase of pension to Augustus L. Holbrook;
S. 6705. An act granting an increase of pension to Holmes Clayton;
S. 6707. An act granting an increase of pension to Stephen E. Lemon;
S. 6709. An act granting an increase of pension to Samuel Shawver;
S. 6717. An act granting an increase of pension to Manasa T. Houser;
S. 480. An act granting an increase of pension to Silas A. Reynolds;
S. 1891. An act granting an increase of pension to Charles F. M. Morgan;
S. 5176. An act granting an increase of pension to Lewis C. Janes;
S. 2734. An act granting an increase of pension to John R. Conyngham;
S. 822. An act granting an increase of pension to Michael V. Hennessy;
S. 2737. An act granting an increase of pension to Benjamin Hains;
S. 4909. An act granting an increase of pension to Louis Sidel;
S. 4894. An act granting an increase of pension to Robert Ramsey;
S. 6035. An act granting an increase of pension to John Fox;
S. 6232. An act granting an increase of pension to John L. Anthony;
S. 6001. An act granting an increase of pension to Emily Killian;
S. 5963. An act granting an increase of pension to James Reed;
S. 5892. An act granting an increase of pension to Daniel W. Redfield;
S. 6005. An act granting an increase of pension to John G. Bridaham;
S. 2563. An act granting a pension to Isaac Carter;
S. 3767. An act granting an increase of pension to Samuel Turner;
S. 2249. An act granting an increase of pension to George W. Smith;
S. 6537. An act granting an increase of pension to William Eppinger;
S. 5823. An act granting an increase of pension to Nelson Virgin;
S. 3220. An act granting an increase of pension to Wilbur H. Clark;
S. 123. An act granting an increase of pension to William M. Morgan;
S. 3221. An act granting an increase of pension to Robert Mills;
S. 1493. An act granting an increase of pension to Cathrin Huff;
S. 6645. An act granting an increase of pension to Timothy C. Stillwell;
S. 1240. An act granting an increase of pension to Dana W. Hartshorn;
S. 4772. An act granting an increase of pension to Gertrude McNeil;
S. 5156. An act granting an increase of pension to Granville F. North;
S. 774. An act granting an increase of pension to August Krueger;
S. 6126. An act granting an increase of pension to James E. Speake;
S. 2794. An act granting an increase of pension to John H. Allison;
S. 6051. An act granting an increase of pension to Mary A. Duncan;
S. 6882. An act granting an increase of pension to Elisha H. Stephens;
S. 6881. An act granting an increase of pension to Jefferson Bush;
S. 2541. An act granting an increase of pension to Thomas W. Murray;
S. 6008. An act granting an increase of pension to Joseph Lamont;
S. 2669. An act granting an increase of pension to Winfield S. Ramsey;
S. 5001. An act granting an increase of pension to Louis A. Baird;
S. 771. An act granting an increase of pension to S. G. Kreidler;
S. 4032. An act granting an increase of pension to Solomon Craighton;
S. 5693. An act granting an increase of pension to Margaret L. Houlihan;
S. 5084. An act granting a pension to John W. Connell;

S. 4771. An act granting an increase of pension to George R. Turner;
S. 6238. An act granting an increase of pension to Hugh S. Strain;
S. 6883. An act granting an increase of pension to Thomas W. White;
S. 6942. An act granting an increase of pension to William B. Dow;
S. 6824. An act granting an increase of pension to Byron Canfield;
S. 6826. An act granting an increase of pension to Jacob Turner;
S. 6572. An act granting an increase of pension to Aaron L. Roberts;
S. 5685. An act granting an increase of pension to James M. Jenkins;
S. 6574. An act granting an increase of pension to Maria H. Waggoner;
S. 4908. An act granting an increase of pension to William H. Kimball;
S. 4510. An act granting an increase of pension to Rufus C. Allen;
S. 6997. An act granting an increase of pension to William Kennedy;
S. 5771. An act granting a pension to Mary E. Thompson;
S. 6650. An act granting an increase of pension to John A. McGinty;
S. 7160. An act granting a pension to Kate Myers;
S. 5502. An act granting an increase of pension to John B. Coyle;
S. 6714. An act granting an increase of pension to Joseph Bolshaw;
S. 6712. An act granting an increase of pension to Orin Ingram;
S. 2643. An act granting an increase of pension to James H. Thrasher;
S. 6767. An act granting an increase of pension to John C. Brown;
S. 6506. An act granting an increase of pension to Henry Z. Bowman;
S. 5740. An act granting an increase of pension to Jared Ayer;
S. 6558. An act granting an increase of pension to Samuel A. Pearce;
S. 4542. An act granting an increase of pension to Aaron Daniels;
S. 6368. An act granting an increase of pension to Sherrod Hamilton;
S. 6632. An act granting an increase of pension to William Davis;
S. 6631. An act granting an increase of pension to George W. Hodgman;
S. 6978. An act granting an increase of pension to Samuel Jackson;
S. 6019. An act granting an increase of pension to Harriet O'Donald;
S. 4979. An act granting an increase of pension to Don C. Smith;
S. 5067. An act granting an increase of pension to Martin Schultz;
S. 7077. An act granting an increase of pension to Mary E. Hattan;
S. 6266. An act granting an increase of pension to Paul Baker;
S. 3671. An act granting an increase of pension to Louis Castinetti;
S. 3763. An act granting an increase of pension to Mary A. Baker;
S. 5573. An act granting an increase of pension to Gustavus A. Thompson;
S. 6581. An act granting an increase of pension to Joseph W. Lowell;
S. 6585. An act granting an increase of pension to Amos Ham;
S. 6583. An act granting an increase of pension to Abram P. Colby;
S. 6591. An act granting an increase of pension to Henry Campbell;
S. 3931. An act granting an increase of pension to Fanny A. Pearsons;
S. 6596. An act granting an increase of pension to Cyrus W. Cobb;
S. 6597. An act granting an increase of pension to Frank H. Read;
S. 6163. An act granting an increase of pension to William H. Westcott;
S. 5599. An act granting an increase of pension to Dennis Flaherty;
S. 5041. An act granting an increase of pension to George A. Tucker;
S. 6833. An act granting an increase of pension to Bettie Vose;
S. 7065. An act granting an increase of pension to Lovisa Donaldson;
S. 6505. An act granting an increase of pension to Theodore Morgan Benton;
S. 4127. An act granting an increase of pension to Samuel Paine;
S. 6514. An act granting an increase of pension to Alfred Augustus Stocker;
S. 6885. An act granting an increase of pension to William N. Anderson;
S. 6723. An act granting an increase of pension to Augusta P. Morgan;
S. 682. An act granting an increase of pension to Jonathan M. Adams;
S. 6822. An act granting an increase of pension to Christopher Christopherson;
S. 6872. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.; and
S. 6729. An act authorizing the President to appoint Webb C. Maglathlin a second assistant engineer in the Revenue-Cutter Service.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5119) authorizing the extension of W and Adams streets NW., had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN as the conferees on the part fo the Senate.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 679. An act granting an increase of pension to Thomas Kelly—to the Committee on Invalid Pensions.
S 6822. An act granting an increase of pension to Christopher Christopherson—to the Committee on Invalid Pensions.
S. 6821. An act granting an increase of pension to Jonathan M. Adams—to the Committee on Invalid Pensions.
S. 4182. An act granting an increase of pension to Reuben Smalley—to the Committee on Invalid Pensions.
S. 6052. An act granting an increase of pension to William E. Redmond—to the Committee on Invalid Pensions.
S. 6576. An act granting an increase of pension to Michael Meyers—to the Committee on Invalid Pensions.
S. 5493. An act granting an increase of pension to Marcus Wood—to the Committee on Invalid Pensions.
S. 5741. An act granting an increase of pension to Amelia M. Hawes—to the Committee on Invalid Pensions.
S. 6347. An act granting an increase of pension to Edward R. Cunningham—to the Committee on Invalid Pensions.
S. 6230. An act granting an increase of pension to Nellie Paxton—to the Committee on Invalid Pensions.
S. 6561. An act granting an increase of pension to George W. Blair—to the Committee on Invalid Pensions.
S. 6131. An act granting an increase of pension to Frances A. Jepson—to the Committee on Invalid Pensions.
S. 1347. An act granting a pension to Martha W. Pollard—to the Committee on Invalid Pensions.
S. 6485. An act granting an increase of pension to Samuel Cook—to the Committee on Invalid Pensions.
S. 6560. An act granting an increase of pension to Reuben D. Dodge—to the Committee on Invalid Pensions.
S. 6580. An act granting an increase of pension to Ella B. Green—to the Committee on Invalid Pensions.
S. 6579. An act granting an increase of pension to Ezekiel Morrill—to the Committee on Invalid Pensions.
S. 6586. An act granting an increase of pension to Wesley J. Ladd—to the Committee on Invalid Pensions.
S. 6203. An act granting an increase of pension to Francis W. Crommett—to the Committee on Invalid Pensions.
S. 10. An act granting an increase of pension to Roswell Prescott—to the Committee on Invalid Pensions.
S. 5727. An act granting an increase of pension to Lucius Rumrill—to the Committee on Invalid Pensions.
S. 1257. An act granting an increase of pension to Patrick O'Day—to the Committee on Invalid Pensions.

S. 6829. An act granting an increase of pension to Thomas P. Cheney—to the Committee on Invalid Pensions.
S. 5725. An act granting an increase of pension to Alonzo S. Prather—to the Committee in Invalid Pensions.
S. 768. An act granting an increase of pension to William H. Rhoads—to the Committee on Invalid Pensions.
S. 5443. An act granting an increase of pension to James D. Merrill—to the Committee on Invalid Pensions.
S. 5980. An act granting an increase of pension to Jacob Smith—to the Committee on Invalid Pensions.
S. 6186. An act granting an increase of pension to James L. Estlow—to the Committee on Invalid Pensions.
S. 6438. An act granting an increase of pension to Martha J. Haller—to the Committee on Invalid Pensions.
S. 6429. An act granting an increase of pension to Mary L. Beardsley—to the Committee on Invalid Pensions.
S. 5826. An act granting an increase of pension to Isaac C. Phillips—to the Committee on Invalid Pensions.
S. 1941. An act granting an increase of pension to Elvira A. Kelley—to the Committee on Invalid Pensions.
S. 1857. An act granting an increase of pension to William Vantilburgh—to the Committee on Invalid Pensions.
S. 6538. An act granting an increase of pension to Betsey A. Hodges—to the Committee on Invalid Pensions.
S. 5138. An act granting a pension to Jane Metts—to the Committee on Pensions.
S. 6353. An act granting an increase of pension to Dolores S. Foster—to the Committee on Invalid Pensions.
S. 2749. An act granting an increase of pension to John H. Brooks—to the Committee on Invalid Pensions.
S. 6466. An act granting an increase of pension to Samuel Moser—to the Committee on Invalid Pensions.
S. 6267. An act granting an increase of pension to Denis A. Manning—to the Committee on Invalid Pensions.
S. 4406. An act granting an increase of pension to Susan N. Fowler—to the Committee on Invalid Pensions.
S. 6636. An act granting an increase of pension to Andrew J. Grover—to the Committee on Invalid Pensions.
S. 4053. An act granting an increase of pension to William A. Smith—to the Committee on Invalid Pensions.
S. 6250. An act granting a pension to Alice G. Clark—to the Committee on Invalid Pensions.
S. 6718. An act granting an increase of pension to Augustus L. Holbrook—to the Committee on Invalid Pensions.
S. 6705. An act granting an increase of pension to Holmes Clayton—to the Committee on Invalid Pensions.
S. 6707. An act granting an increase of pension to Stephen E. Lemon—to the Committee on Invalid Pensions,
S. 6709. An act granting an increase of pension to Samuel Shawver—to the Committee on Invalid Pensions.
S. 6717. An act granting an increase of pension to Manasa T. Houser—to the Committee on Invalid Pensions.
S. 480. An act granting an increase of pension to Silas A. Reynolds—to the Committee on Invalid Pensions.
S. 1891. An act granting an increase of pension to Charles F. M Morgan—to the Committee on Invalid Pensions.
S. 5176. An act granting an increase of pension to Lewis C. Janes—to the Committee on Invalid Pensions.
S. 2734. An act granting an increase of pension to John R. Conyngham—to the Committee on Invalid Pensions.
S. 822. An act granting an increase of pension to Michael V. Hennessy—to the Committee on Pensions.
S. 2737. An act granting an increase of pension to Benjamin Hains—to the Committee on Invalid Pensions.
S. 4894. An act granting an increase of pension to Robert Ramsey—to the Committee on Invalid Pensions.
S. 6035. An act granting an increase of pension to John Fox—to the Committee on Invalid Pensions.
S. 6232. An act granting an increase of pension to John L. Anthony—to the Committee on Invalid Pensions.
S. 6001. An act granting an increase of pension to Emily Killian—to the Committee on Invalid Pensions.
S. 5963. An act granting an increase of pension to James Reed—to the Committee on Invalid Pensions.
S. 5892. An act granting an increase of pension to Daniel W. Redfield—to the Committee on Invalid Pensions.
S. 6005. An act granting an increase of pension to John G. Bridsham—to the Committee on Invalid Pensions.
S. 2563. An act granting a pension to Isaac Carter—to the Committee on Invalid Pensions.
S. 3767. An act granting an increase of pension to Samuel Turner—to the Committee on Invalid Pensions.
S. 2249. An act granting an increase of pension to George W. Smith—to the Committee on Invalid Pensions.
S. 6537. An act granting an increase of pension to William Eppinger—to the Committee on Invalid Pensions.
S. 5823. An act granting an increase of pension to Nelson Virgin—to the Committee on Invalid Pensions.
S. 3220. An act granting an increase of pension to Wilbur H. Clark—to the Committee on Invalid Pensions.
S. 123. An act granting an increase of pension to William M. Morgan—to the Committee on Invalid Pensions.
S. 3221. An act granting an increase of pension to Robert Mills—to the Committee on Invalid Pensions.
S. 1493. An act granting an increase of pension to Cathrin Huff—to the Committee on Invalid Pensions.
S. 6645. An act granting an increase of pension to Timothy C. Stillwell—to the Committee on Invalid Pensions.
S. 4772. An act granting an increase of pension to Gertrude McNeil—to the Committee on Invalid Pensions.
S. 5156. An act granting an increase of pension to Granville F. North—to the Committee on Invalid Pensions.
S. 774. An act granting an increase of pension to August Krueger—to the Committee on Invalid Pensions.
S. 6126. An act granting an increase of pension to James E. Speake—to the Committee on Invalid Pensions.
S. 2794. An act granting an increase of pension to John H. Allison—to the Committee on Invalid Pensions.
S. 6051. An act granting an increase of pension to Mary A. Duncan—to the Committee on Invalid Pensions.
S. 6882. An act granting an increase of pension to Elisha H. Stephens—to the Committee on Invalid Pensions.
S. 6881. An act granting an increase of pension to Jefferson Bush—to the Committee on Invalid Pensions.
S. 2541. An act granting an increase of pension to Thomas W. Murray—to the Committee on Invalid Pensions.
S. 6008. An act granting an increase of pension to Joseph Lamont—to the Committee on Invalid Pensions.
S. 2669. An act granting an increase of pension to Winfield S. Ramsey—to the Committee on Invalid Pensions.
S. 5001. An act granting an increase of pension to Louis A. Baird—to the Committee on Pensions.
S. 771. An act granting an increase of pension to S. G. Kreidler—to the Committee on Invalid Pensions.
S. 4032. An act granting an increase of pension to Solomon Craighton—to the Committee on Invalid Pensions.
S. 5084. An act granting a pension to John W. Connell—to the Committee on Pensions.
S. 6814. An act granting a pension to Alice Bosworth—to the Committee on Invalid Pensions.
S. 6819. An act granting an increase of pension to Nelson Bigalow—to the Committee on Invalid Pensions.
S. 677. An act granting an increase of pension to Albert G. Peabody, jr.—to the Committee on Invalid Pensions.
S. 6825. An act granting an increase of pension to Thomas M. Roberts—to the Committee on Invalid Pensions.
S. 6239. An act granting an increase of pension to Kate M. Miner—to the Committee on Invalid Pensions.
S. 6569. An act granting an increase of pension to George Porter—to the Committee on Invalid Pensions.
S. 6568. An act granting an increase of pension to Wilbur F. Hodge—to the Committee on Invalid Pensions.
S. 5073. An act granting an increase of pension to Daniel G. Smith—to the Committee on Invalid Pensions.
S. 831. An act granting an increase of pension to Isaac G. Clark—to the Committee on Invalid Pensions.
S. 4771. An act granting an increase of pension to George R. Turner—to the Committee on Invalid Pensions.
S. 6238. An act granting an increase of pension to Hugh S. Strain—to the Committee on Invalid Pensions.
S. 6883. An act granting an increase of pension to Thomas W. White—to the Committee on Invalid Pensions.
S. 6942. An act granting an increase of pension to William B. Dow—to the Committee on Invalid Pensions.
S. 6824. An act granting an increase of pension to Byron Canfield—to the Committee on Invalid Pensions.
S. 6826. An act granting an increase of pension to Jacob Turner—to the Committee on Invalid Pensions.
S. 6572. An act granting an increase of pension to Aaron L. Roberts—to the Committee on Invalid Pensions.
S. 6574. An act granting an increase of pension to Maria H. Waggoner—to the Committee on Invalid Pensions.
S. 4908. An act granting an increase of pension to William H. Kimball—to the Committee on Pensions.
S. 4510. An act granting an increase of pension to Rufus C. Allen—to the Committee on Pensions.
S. 6997. An act granting an increase of pension to William Kennedy—to the Committee on Invalid Pensions.

S. 5771. An act granting a pension to Mary E. Thompson—to the Committee on Invalid Pensions.

S. 6650. An act granting an increase of pension to John A. McGinty—to the Committee on Invalid Pensions.

S. 7160. An act granting a pension to Kate Myers—to the Committee on Invalid Pensions.

S. 5502. An act granting an increase of pension to John B. Coyle—to the Committee on Invalid Pensions.

S. 6714. An act granting an incraese of pension to Joseph Bolshaw—to the Committee on Invalid Pensions.

S. 6712. An act granting an increase of pension to Orin Ingram—to the Committee on Invalid Pensions.

S. 2643. An act granting an increase of pension to James H. Thrasher—to the Committee on Invalid Pensions.

S. 6767. An act granting an increase of pension to John C. Brown—to the Committee on Invalid Pensions.

S. 6506. An act granting an increase of pension to Henry Z. Bowman—to the Committee on Invalid Pensions.

S. 5740. An act granting an increase of pension to Jared Ayer—to the Committee on Invalid Pensions.

S. 4542. An act granting an increase of pension to Aaron Daniels—to the Committee on Pensions.

S. 6368. An act granting an increase of pension to Sherrod Hamilton—to the Committee on Invalid Pensions.

S. 6632. An act granting an increase of pension to William Davis—to the Committee on Invalid Pensions.

S. 6631. An act granting an increase of pension to George W. Hodgman—to the Committee on Invalid Pensions.

S. 6978. An act granting an increase of pension to Samuel Jackson—to the Committee on Invalid Pensions.

S. 6019. An act granting an increase of pension to Harriet O'Donald—to the Committee on Invalid Pensions.

S. 4979. An act granting an increase of pension to Don C. Smith—to the Committee on Invalid Pensions.

S. 5067. An act granting an increase of pension to Martin Schultz—to the Committee on Invalid Pensions.

S. 7077. An act granting an increase of pension to Mary E. Hattan—to the Committee on Invalid Pensions.

S. 6266. An act granting an increase of pension to Paul Baker—to the Committee on Invalid Pensions.

S. 3671. An act granting an increase of pension to Louis Castinette—to the Committee on Invalid Pensions.

S. 3763. An act granting an increase of pension to Mary A. Baker—to the Committee on Invalid Pensions.

S. 5573. An act granting an increase of pension to Gustavus A. Thompson—to the Committee on Invalid Pensions.

S. 6581. An act granting an increase of pension to Joseph W. Lowell—to the Committee on Invalid Pensions.

S. 6585. An act granting an increase of pension to Amos Ham—to the Committee on Invalid Pensions.

S. 6583. An act granting an increase of pension to Abram P. Colby—to the Committee on Invalid Pensions.

S. 6591. An act granting an increase of pension to Henry Campbell—to the Committee on Invalid Pensions.

S. 3931. An act granting an increase of pension to Fanny A. Pearsons—to the Committee on Invalid Pensions.

S. 6596. An act granting an increase of pension to Cyrus W. Cobb—to the Committee on Invalid Pensions.

S. 6597. An act granting an increase of pension to Frank H. Read—to the Committee on Invalid Pensions.

S. 6163. An act granting an increase of pension to William H. Westcott—to the Committee on Invalid Pensions.

S. 5599. An act granting an increase of pension to Dennis Flaherty—to the Committee on Invalid Pensions.

S. 7065. An act granting an increase of pension to Lovisa Donaldson—to the Committee on Invalid Pensions.

S. 4127. An act granting an increase of pension to Samuel Paine—to the Committee on Invalid Pensions.

S. 6729. An act authorizing the President to appoint Webb C. Maglathlin a second assistant engineer in the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

S. 6872. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.—to the Committee on Interstate and Foreign Commerce.

S. 679. An act granting an increase of pension to Thomas Kelly—to the Committee on Invalid Pensions.

S. 6538. An act granting an increase of pension to Betsey A. Hodges—to the Committee on Invalid Pensions.

S. 6353. An act granting an increase of pension to Dolores S. Foster—to the Committee on Invalid Pensions.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 22584. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

SHOSHONE INDIAN RESERVATION.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21202) fixing time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on the same.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the present consideration of a bill the title of which will be reported by the Clerk, the bill having been read in the House on Monday, December 17, 1906. Is there objection? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

Mr. MANN. Mr. Speaker, I ask the gentleman from Wyoming to yield to me for a moment.

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Illinois?

Mr. MONDELL. Yes.

Mr. MANN. Mr. Speaker, somewhat moved by the spirit of the season, I have not objected now upon the last day of the session before adjournment for the holidays to the request of the gentleman for consideration of the bill. I objected before for this reason: Under the practice of Congress recently in reference to opening Indian reservations we provide practically for a lottery. Those people who are fortunate enough to draw prizes in the lottery receive something better than the other people do. There are usually a great many applications, a few people draw the prizes, and it has seemed to me that when these few people draw the prizes and obtain something which their neighbors can not obtain, they ought to be compelled to strictly comply with the provisions of the law as it existed at the time they drew their prizes.

Mr. STEPHENS of Texas. Will the gentleman yield for a moment?

Mr. MANN. Not at present. In a moment I will. As a matter of fact, in many of those cases it has become the custom of the lawyers and the doctors and the ministers and the merchants to put in their applications as claimants for this land, with no expectation whatever of ever living upon the land or ever becoming homesteaders.

But if they are lucky enough to draw the prize under which they may make an entry, they make the entry, and then at the proper time they sell their relinquishment of the entry to some poor sinner who wants to really live on the land, and that purchaser takes the relinquishment to the land office, files a relinquishment, at the same time filing upon the land himself; but the homesteaders have been compelled to pay to the fortunate drawers of prizes in the lottery a considerable sum of money for the privilege of becoming a homesteader.

Mr. PAYNE. Mr. Speaker——

Mr. MANN. I yield first to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call the gentleman's attention to the fact that these lands are situated in a part of Wyoming where the altitude is very great and where the winters are long and rigorous, and also to the fact there are no settlements near these lands, and these people, if forced to go in there in the winter time, away from all settlements, where they have no conveniences of civilization, will have to suffer, and I do not think the gentleman would desire any man to be forced to go to a country to seek a homestead where they have to undergo such hardships to secure their rights as these people would have to undergo, as I understand the gentleman from Wyoming.

Mr. MANN. All these matters have been very carefully explained to me by the gentleman from Wyoming, but, as a matter of fact, Congress provided by law for the opening of this reservation at a time when Congress knew that the six months would expire in the middle of winter, and I have no doubt that in this case most of the people who really intended to occupy the land have all gone on the land and that most of the people who intended to sell their relinquishment are very anxious to have the time extended, because it is a difficult matter during the middle of winter to find a purchaser of the relinquishment; but when spring comes they are enabled to find purchasers for the land, and I dare say that a majority of the people who have made

entries upon this land and have not yet taken possession never will become actual homesteaders. If it were not for the fact that a small portion, probably, or some portion of these people who have not yet taken possession are absolutely desirous of becoming real homesteaders, and if this resolution did not pass they would lose not only the right to this land, but the right to any homestead at all in the future, I would still object; and I simply want to say to gentlemen interested in these Indian reservation openings that so long as I am here and have the right to be heard and object I will in the future object to provisions which seem to me to give a preference to one class of people over another and a preference to those who are lucky enough to draw prizes over those who are unlucky enough to fail.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. NORRIS. While I agree very fully with most of what the gentleman has said, I would like to call his attention, however, to the fact that, at least as I understand the law, should one of those people sell their relinquishment now the purchaser would have six months within which to settle on the land, so that, as a matter of fact, if this transfer were made now it would give the purchaser until warm weather to make his actual settlement.

Mr. MANN. That is true, I suppose, but they can not find a purchaser in midwinter.

Mr. NORRIS. Yes; if he was going to have six months to go on the land. People who are really interested in this legislation are those who for some reason or other have been unable to make their settlement, and it is rather a hardship to require them to make it at this time of the year.

Mr. MANN. Of course some people who want the land will buy a pig in a poke, but not many. Most of the purchasers want to see the land, and if these people want to sell the relinquishment in midwinter the purchaser can not see the land——

Mr. NORRIS. He will have six months——

Mr. MANN. But he has to make the purchase of the relinquishment before he can see the land.

Mr. MONDELL. Mr. Speaker, we have had a very interesting discussion of this matter from the standpoint of the gentleman from Illinois [Mr. MANN], who suggests some things that might happen, and I ask the indulgence of the House for just a moment while I state the facts as they do exist.

The fact is that if there were people who drew what might be considered prizes in this lottery—particular land—they would not be affected by this legislation, for the men who had the first choice of entry naturally located in the accessible portion of the reservation adjacent to the newly established towns, and in order to prevent the possibility of a contest they immediately settled upon their lands. It was possible to do so because of the proximity of settlements and stores and opportunities to secure lumber. That is true also of the settlers who lived in the vicinity of the reservation after its opening. But the entrymen came from Iowa, Illinois, and Michigan, and Indiana, and Texas to file upon these lands. Many of them, as well as some of the people who lived in the locality, took lands at quite a distance from the towns, at quite a distance from the railway, where it was utterly impossible to make settlement in the two months and a half of good weather succeeding the date of their entry. Those men could not without great hardship get into that region in the middle of winter, build their houses, and establish themselves and their families upon the land. If there are any entrymen on these lands affected by this bill who have in their mind the thought that they may sometime relinquish their right, none such has come to my knowledge, and a knowledge that is pretty general in regard to the conditions as they exist. This legislation is necessary, owing to the fact that Congress said when these men should file. It was not optional with them. They must file at a time when the expiration of the six months brought them into the middle of the winter, on desert lands far from railways, far from timber supply, inhospitable in the middle of winter, in a severe climate, at an altitude of 5,000 feet above sea level. This is the usual relief granted to honest, intending settlers under similar circumstances.

I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, the six months' provision to which reference has been made is a general law, applicable to all cases. The man who takes public land in Kansas at any time of the year would have six months after his first filing in which to occupy the land. This is a general provision. The application of this general provision to the opening in Wyoming at this high altitude in this particular instance makes it so that either the original opening had to be too early in the season or the actual occupation had to be too late in the season. The first bill proposed to make the opening early in the spring, and it was found that the floods were such and the condition of the climate was such that it would prove a very great inconvenience to the intending settlers to have to go and select their lands at that time. So the bill was amended, putting the entry at a later date in the summer, and that later date, of course, carried the six months forward into the winter again.

Mr. MANN. To how late in the season does this resolution extend the time?

Mr. LACEY. To the 15th of May.

Mr. MANN. Does the gentleman contend that if this resolution extends the time to May 15 for next spring that May 15 of last spring would have been so early that nobody could get in on account of high water and the floods?

Mr. LACEY. That is a very natural suggestion. But my friend, when he comes to understand the facts, will see, whilst it seems correct, it does not hit the situation. A railroad has been extended since then. At the time this opening was proposed there was no railroad. Bridges have been built since then, so that, so far as the floods are concerned, the lands will be accessible at the time named; and, in fact, if anyone now has his land, and, having selected it, wants to cultivate any of it next year, he will have to go in early enough in the spring to do that.

Mr. MANN. Is there any railroad through this land now?

Mr. LACEY. Yes.

Mr. MANN. They would still have the same difficulties about floods this spring as they had last spring?

Mr. LACEY. The railroad crosses the streams and they have access to the land now.

Mr. MANN. The railroad does not run into the land?

Mr. LACEY. It runs accross the streams to the land, so they have access now that they did not have then.

Mr. MANN. There will be the same condition next spring that there was last spring?

Mr. LACEY. No. The land is now accessible.

Mr. MANN. But the gentleman who had charge of the bill last spring insisted to the House that June or May was not too early for the opening last spring.

Mr. LACEY. They insisted on making it later.

Mr. MANN. They insisted on making it early.

Mr. LACEY. No; later. I am on both committees, I will say to the gentleman.

Mr. MANN. It was the gentleman from New York who insisted on having it delayed. The gentleman who introduced the bill and the committee insisted on having it earlier.

Mr. LACEY. It was not early; the proposition was to make it in May. It was to allow it to be later in the season, in order to give them better time to search and occupy the lands. Now a portion of these lands can not be settled upon at all until they get water upon them, at least not successfully. They will have to build their little buildings and take possession, but they can not farm the land until they secure water. It is not like the ordinary settlement in Nebraska, the Dakotas, or Kansas. It is irrigable land. Now, let me make this suggestion: The very purpose that the gentleman from Illinois seems to have in his mind, and which he says would be bad for all parties and ought not to be carried out, would, by refusal to protect these men in their rights in these lands, be to compel them to make relinquishment to some one who will file a new settlement, and will thus have his time extended later. In other words, it would give them time running over into next spring, late enough for the weather to permit occupancy. But if the time were extended as suggested, these original locators will have time to go on and occupy their own land instead of being compelled to relinquish. They will, if the law is not modified, be compelled to relinquish so as to allow a new settler to obtain the right to move on the land next spring instead of in midwinter.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Iowa if he would be in favor of a uniform law extending the time to apply to all homestead settlers; those who went up into the Shoshone country and were unfortunate or not successful in drawing in the lottery and went into Montana or some part of Wyoming or into South Dakota and made homesteads? Would the gentleman be willing to consent that a law might be passed extending this right to them and give them additional time?

Mr. LACEY. I will ask the gentleman if he has introduced such a bill?

Mr. BURKE of South Dakota. I have not.

Mr. LACEY. When the gentleman introduces such a bill as that we will consider it. We are talking about a peculiar situation applicable to one place. When the other question is taken up by the committee, it will be time enough to answer.

Mr. MONDELL. I ask for a vote, Mr. Speaker.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House resolution 647, the distribution of the annual message of the President.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House resolution 647, the distribution of the President's message.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. LACEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House resolution 647, having reference to the President's message.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that the first reading of the resolution be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the resolution be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Chairman, I shall not take any time in an explanation of this resolution. It is the same old resolution which the House has had before it a good many times, taking up the different parts of the President's annual message and referring them to the appropriate committees. There are a couple of amendments suggested by the committee—and only two—since it was introduced. One of them is to strike out the word as to "Cuba" in referring to the Committee on Insular Affairs matters referring to insular affairs. The word "Cuba" got into the resolution through a mistake—I suppose by the assistant clerk. I did not know that it was in myself. The other is on page 2, line 7, striking out the words "intercolonial railways and cables." The language itself was put in by the House two or three years ago, and it seemed to the committee rather inapt. But aside from that there was no allusion in the President's message to either of these subjects; so the committee proposes to strike out these words by an amendment. Otherwise the resolution is in the form adopted by the House a year ago, adding the new subjects as far as they are referred to in the message.

Mr HEPBURN. Will the gentleman state why it was that a change was made upon the question of cables? The question of cables has always been under the jurisdiction of the Committee on Interstate and Foreign Commerce.

Mr. PAYNE. The words are "intercolonial railways and cables." The committee could not recall any intercolonial railway. There may be intercolonial cables, but as the message did not refer to either of these subjects the suggestion was made of an amendment to strike the words out. It was not my amendment, I will say to the gentleman, but it was adopted by the committee.

Mr. HEPBURN. The very fact that it was not in there would not be a reason for striking it out, it seems to me.

Mr. PAYNE. Does the gentleman know anything on the subject of intercolonial railways?

Mr. HEPBURN. No; I do not know anything about them, and I do not know how you would get railways of that kind.

Mr. PAYNE. I do not know how that got in there.

Mr. HEPBURN. I do not know.

Mr. PAYNE. I am not authorized by the committee to accept any amendments, and I think "intercolonial railways" ought to be stricken out. So far as "intercolonial cables" are concerned, if the gentleman desires it, I have no personal objection to those words remaining.

Mr. HEPBURN. I think they ought to be retained.

Mr. PAYNE. While, as I say, I am not authorized by the committee to accept any amendments, yet if the gentleman wishes to move an amendment to the amendment, so as to leave in "intercolonial cables," and strike out the "railways," I hope he will do so.

Mr. DALZELL. This is a resolution referring the subjects in the President's message. There is no such subject in the President's message as intercolonial railways.

Mr. HEPBURN. I understand that, but it takes for its model the resolution of the preceding session, and I do not want this to become a precedent.

Mr. DALZELL. There is no danger of that.

Mr. HEPBURN. It has been done in this case, and the gentleman gives as a reason because he found it in the old one.

Mr. PAYNE. In preparing the resolution we struck out a number of things that were in the former resolution, because there was no reference to them in the message, and that is the usual custom in preparing the resolution.

Mr. HEPBURN. With the understanding that this is not to be regarded as a precedent, I have no objection to its going, under the circumstances, as the gentleman has reported it. But I do not want it to be said next time that it is the custom to do thus and so.

Mr. PAYNE. I will say to the gentleman that I can not see how it can be regarded as a precedent, because no one would dispute the right of the gentleman's committee to consider the subject of intercolonial railways, if there were any such. Of course there can not be. And no one will dispute the right of the gentleman's committee to consider the subject of intercolonial cables, whenever that subject is referred to in a President's message.

Mr. PARKER. Will the gentleman allow a question? I do not understand what an "intercolonial cable" is. We have authority to report from the Military Committee as to cables to Alaska for the Signal Service.

Mr. PAYNE. That would not be regarded as an intercolonial cable; but in the Philippine Islands there are cables stretching between the islands, and while I do not think the expression "intercolonial" is an apt one, yet it has reference to that.

Mr. PARKER. "Colonial" is a very bad expression.

Mr. PAYNE. "Interisland" would be a very much better term.

Mr. PARKER. The language is to be stricken out altogether as reported by the committee?

Mr. PAYNE. That is the amendment reported by the committee, to which, I understand, the gentleman from Iowa, under the express disclaimer that it establishes no precedent, has no objection.

Mr. HEPBURN. Very well, sir.

Mr. OLMSTED. I should like to ask the gentleman from New York with reference to the change indicated on page 3, striking out the words "and to Cuba." Are there no references to relations with Cuba in the message, or why are the words to be stricken out?

Mr. PAYNE. There was a reference to Cuba in the message, but the House a year ago struck out those words, and I endeavored to have them stricken out when this resolution was drawn, but the clerk who prepared the resolution made a mistake in regard to that. The reason is that Cuba has become a foreign country, and, of course, that subject will go to the Committee on Foreign Affairs. The Insular Committee loses jurisdiction of it through that fact.

Mr. OLMSTED. Well, Cuba has always been a foreign country, has it not?

Mr. PAYNE. No; at least while it was under the control of the United States and before a government had been formed there the jurisdiction of it was given to the Committee on Insular Affairs.

Mr. OLMSTED. Are we not exercising some sort of control over there just now?

Mr. PAYNE. We are exercising a large measure of control there now, but still it has not interfered with the relations of Cuba as a foreign country in any other respect. We are trying to preserve it as a foreign country, although it is a pretty hard job.

Mr. OLMSTED. There is a rule of the House expressly providing that matters relating to Cuba shall go to the Committee on Insular Affairs. Why should the practice be changed?

Mr. HEPBURN. The rule of the House ought to be changed.

Mr. PAYNE. I do not see how this changes the rule which refers foreign affairs to the Foreign Affairs Committee.

Mr. OLMSTED. It violates the other rule.

Mr. HEPBURN. I should like to ask the gentleman from New York if all of the subjects discussed by the President have been respectively treated by being referred to appropriate committees?

Mr. PAYNE. Well, the endeavor has been to refer them all to appropriate committees. Has the gentleman anything in his mind that he thinks is not included in the resolution?

Mr. HEPBURN. Nothing that I desire specifically to discuss at this time.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. PAYNE. Certainly.

Mr. CLARK of Missouri. To what committee has that portion of the President's message about race suicide and divorce been referred?

Mr. PAYNE. That would naturally go to the Committee on the Judiciary, as that involves an amendment to the Constitu-

tion, and we refer all matters of that kind to that committee. If Congress in its wisdom should see fit to appoint a special committee having that in charge, then the matter might be reconsidered and that part of the message go to that special committee. As I look around me I could almost name the special committee well suited to have that matter in charge, but I do not wish to be personal.

Mr. CLARK of Missouri. It seems to me it would need an amendment to somebody's constitution. [Laughter.]

Mr. MANN. Will the gentleman from New York yield for a question?

Mr. PAYNE. Certainly.

Mr. MANN. I would like to ask the gentleman why, in reference to the jurisdiction of the Committee on Interstate and Foreign Commerce, the committee reports striking out the intercolonial railways and cables?

Mr. PAYNE. I fully explained that a few moments ago to the able chairman of the committee, the gentleman from Iowa, who was satisfied to have it go out under the statement that was made at the time. There is nothing in the message referring to those subjects is one complete answer to it.

Mr. MANN. I am delighted to know that there is one subject that was not touched upon in the message.

Mr. PAYNE. I explained to the committee how this case came to be brought up in the committee; the language itself is inapt, to say the least. There are no intercolonial railways; there are what might be called intercolonial cables, but it would be more appropriate to call them interisland cables.

Mr. MANN. The reason I ask the question is because it is a live question.

Mr. PAYNE. There is nothing in the message about it.

Mr. MANN. I understand that; but this is a sort of a direction to the Speaker in referring these matters.

Mr. PAYNE. No; I might say that the gentleman from Iowa is satisfied that it is not a precedent; that all these questions would go to his committee, the committee of which the gentleman from Illinois is such an honorable member; they would go to that committee by direction of the Speaker of the House, and would have to go there.

Mr. MANN. Of course I think they ought to go there, but if the House adopts an amendment striking out cables—where it adopts an amendment striking out cables from the United States to Porto Rico and from Porto Rico to Panama, it is in the nature of a direction. Now, at the last session of Congress they had that proposition before three different committees at the same time; when they couldn't work one committee they would try to work another committee. I do not say improperly for all the propositions were proper, but if this is to be construed as an expression of opinion on the part of the House that that proposition should be taken away from the jurisdiction of the Committee on Interstate and Foreign Commerce, I would like to know it.

Mr. PAYNE. The gentleman from Illinois is getting into exactly the same train of mind as the chairman of the committee, who made almost that same remark.

Mr. MANN. That is a great credit to me.

Mr. PAYNE. I think it is creditable to both gentlemen. I hope the gentleman from Illinois will emulate the gentleman from Iowa. I replied to him that I could not see how it was to be construed as a precedent, because there was nothing on that subject to refer to this committee, and it was stricken out on that ground. That being so, I did not see how it could establish any precedent. I hope the gentleman from Illinois will still follow the gentleman from Iowa.

Mr. MANN. All I wanted was the assurance of the gentleman from New York to me, because I knew as far as the merits of the proposition were concerned, the gentleman from Iowa is always able to take care of the jurisdistion of his committee.

Mr. PAYNE. I agree to that most fully. Now, Mr. Chairman, if there are no further questions, I suggest that the amendments be reported.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

On page 2, line 7, strike out the words "intercolonial railways and cables."

The amendment was considered and agreed to.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

On page 3, line 15, strike out the words "and to Cuba."

Mr. OLMSTED. Mr. Chairman, I would like to be heard just a moment on that amendment. It seems to me that it ought not to prevail. Rule 11 of this House provides for the assignment of matters to committees, and provides specifically that all matters "pertaining to the islands which came to the United States through the treaty of 1899 with Spain, and to Cuba" shall be referred to the Committee on Insular Affairs. Now, the relations of this Government to Cuba are somewhat the same as they were when that rule was adopted.

The Committee on Insular Affairs is a very large committee of nineteen members. The chairman is not here to-day. I think that if he were he would oppose this amendment, and I feel I ought to, in his behalf, oppose it. I do not see any particularly good reason why the plain letter of the rule should be violated in the adoption of this amendment.

Mr. DALZELL. Mr. Chairman, I should like to suggest to the gentleman from Pennsylvania [Mr. OLMSTED] that the conditions under which that rule was made are entirely different from what they are now. It would not be proper, it seems to me, for us to refer matters relating to Cuba under that rule. Cuba is now an independent country. Our position down there does not correspond in the least degree to what it did when that rule was adopted, and if the gentleman reads the context it will be apparent to him that it has no reference, strictly construed, to the conditions that now exist. I think it would not be the proper thing, taking into consideration our relations to Cuba, to make any such order.

Mr. OLMSTED. We are exercising now a certain control there, different perhaps from that which we exercised when the rule was adopted.

Mr. PAYNE. A year ago this question came up precisely as it does to-day. I think the chairman of the gentleman's committee was here at the time. I think the gentleman has got the size of that committee rather large, because there are no committees in the House of nineteen members.

Mr. OLMSTED. There are nineteen members accredited to this committee. I have just counted them.

Mr. PAYNE. There are only eighteen under the rule. I think perhaps the Commissioner was added as a sort of an advisory member. I want to say that a year ago this was stricken out, because we have given Cuba a separate government. Things have transpired during the past year by which we have had to go down there and try to maintain that separate government on the part of Cuba. I think it would be very unwise in the face of that, and in the face of the insinuations that have been thrown out that we are trying to grasp Cuba, to refer this part of the message to a committee that is organized for the express purpose of taking care of the insular possessions of the United States.

Mr. OLMSTED. When the Committee on Insular Affairs was created and this rule adopted we were not trying to grasp anything in Cuba any more than we are to-day.

Mr. PAYNE. The gentleman must see the difference. They had not formed a government. We were striving then to give them a separate government, and they were under the control of the United States. We had a military government down there at that time. It was under the control of the United States then, but we were striving to form an independent government. It was not formed until years afterwards.

Mr. OLMSTED. Are we not trying to form one there now?

Mr. PAYNE. The moment it was formed we struck out that part of the resolution. It only crept in this time by mistake, because the committee tried to conform to the will of the House when the matter was up before. The trouble was that the gentleman probably was absent then, though I think the chairman of his committee was present, and it went out with the universal consent on the part of all Members of the House without discussion.

Mr. OLMSTED. Conditions have changed since then.

Mr. WILLIAMS. Mr. Chairman, if the gentleman will excuse the interruption, there is another and very vital difference. At that time Cuba was under the flag of the United States. That was the flag flying there. The flag flying in Cuba now is the Cuban flag.

Mr. GAINES of Tennessee. I would like to ask the gentleman from New York [Mr. PAYNE] a question. I have not had time to read the President's message as thoroughly as I shall do, but I would like to know if there is any portion containing any references to the Isle of Pines. Where does that come in this resolution? That is a very important matter.

Mr. PAYNE. I don't think there is a word in the message about the Isle of Pines. If there were, it would go to the Committee on Foreign Relations.

Mr. GAINES of Tennessee. Well, there is nothing about it, as I can see, in this resolution.

Mr. PAYNE. I don't think there is anything in the message about it. That would be a good reason for its not being in the resolution. I want to say to the gentleman that I went through

the message very carefully for the purpose of drawing this resolution, and marked in the margin the reference to each subject as I went along and then dictated the resolution from that. I am very confident the gentleman can not find anything in the message with reference to the Isle of Pines.

Mr. GAINES of Tennessee. I do not say that I have. On the contrary, I say that I have not read the message as carefully as I shall do. It is a very important matter. The Lord knows, I believe, we do not want any more colored folks under our flag. Still a great many of our white people have gone there and have invested their money there and are very much interested in it, and the Senate has discussed the subject.

Mr. PAYNE. Of course if anything should come up hereafter, if any petition should be brought in or any bill introduced, it will be up to the Speaker to refer it in the first instance, and for the House to correct the reference if the House is not satisfied with it. This will not influence it in any way, because there is nothing in the message with reference to the Isle of Pines.

Mr. GAINES of Tennessee. That being the case——

Mr. OLMSTED. Mr. Chairman——

Mr. MANN. Will the gentleman from New York permit——

Mr. OLMSTED. I supposed I had the floor.

Mr. PAYNE. This is under the five-minute rule, Mr. Chairman. This debate on the amendment is under the five-minute rule.

Mr. OLMSTED. I wish to say, Mr. Chairman, that rather than involve the country in any international complication, as gentlemen seem to fear, I withdraw my opposition to the amendment of the gentleman from New York.

The question was taken; and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I move that the committee rise and report the resolution with amendments to the House with the recommendation that the resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House resolution 647, for the disposition of the President's message, and had directed him to report the same back with amendments, with the recommendation that the resolution as amended do pass.

The SPEAKER. Is a separate vote demanded on the amendments? If not, they will be voted upon together.

The amendments were agreed to.

The resolution as amended was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

REPRINT OF BILL.

Mr. McCLEARY of Minnesota. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. McCLEARY of Minnesota. To submit a question for unanimous consent for the reprint of a bill.

The SPEAKER. The gentleman from Minnesota.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent for the reprint of a thousand copies of the bill H. R. 13304 and the report thereon. There is a great deal of demand for the bill.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 13304) to provide a suitable memorial to the memory of Christopher Columbus.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for a reprint of a thousand copies of this bill and the report thereon. Is there objection? [After a pause.] The Chair hears none.

The Chair lays before the House the following resolution from the Senate, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution No. 28.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 6197) entitled "An act granting an increase of pension to Charles E. Henry."

The SPEAKER. Is there objection to the consideration of the concurrent resolution? [After a pause.] The Chair hears none.

The concurrent resolution was agreed to.

ADJOURNMENT FOR HOLIDAYS.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly, under the order heretofore adopted (at 12 o'clock and 50 minutes p. m.), the House adjourned to meet on January 3, 1907, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sarah Grisson against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. M. McNamee, administrator of estate of John Krider, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for marking the boundary line between the United States and Canada—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for temporary quarters for the post-office at Columbus, Ohio—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of resurvey of Honolulu Harbor, Hawaii—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of plan and estimate of new lock for St. Marys Falls Canal, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Tombigbee River from Demopolis, Ala., to Columbus, Miss.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting statement of expenditures on account of the contingent expenses of the Department for the fiscal year ended June 30, 1906—to the Committee on Expenditures in the Interior Department, and ordered to be printed.

A letter from the Secretary of State, submitting report on the subject of citizenship, expatriation, and protection abroad—to the Committe on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, a bill of the following title was reported from committee, delivered to the Clerk, and referred to the Calendar therein named, as follows:

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 23017) for the issue and redemption of national-bank guaranteed credit notes, reported the same without amendment, accompanied by a report (No. 5629); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. CALDERHEAD: A bill (H. R. 23109) to fix the pay of the Army—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 23110) declaratory of the intent of Congress in acts heretofore passed relating to Spanish and Mexican grants, and for other purposes—to the Committee on Private Land Claims.

By Mr. FOWLER: A bill (H. R. 23111) amendatory to an act entitled "An act to define and fix the standard of value of money coined by the United States"—to the Committee on Banking and Currency.

By Mr. REEDER: A bill (H. R. 23112) granting an increase of 20 per cent to pensioners of the war of the rebellion in certain cases—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 23113) authorizing the procuring of additional land for the enlargement of the site for the public building at Battle Creek, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREY of Washington: A bill (H. R. 23114) extending to the support of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of duti-

able merchandise without appraisement—to the Committee on Ways and Means.

Also, a bill (H. R. 23115) to encourage the holding of an Alaska-Yukon-Pacific exposition at the city of Seattle, State of Washington, in the year 1909—to the Committee on Industrial Arts and Expositions.

By Mr. BROWNLOW: A bill (H. R. 23116) to extend Fourth street SE.—to the Committee on the District of Columbia.

By Mr. BROOCKS of Texas: A bill (H. R. 23117) for the erection of a Federal building at Port Arthur, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23118) for the erection of a Federal building at Marshall, Tex.—to the Committee in Public Buildings and Grounds.

By Mr. FORDNEY: A bill (H. R. 23119) for enlarging the post-office site at Owosso, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. BROOCKS of Texas: A bill (H. R. 23120) for the erection of a Federal building at Orange, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. McKINNEY: A joint resolution (H. J. Res. 207) declaring Sturgeon Bay, Illinois, not navigable water—to the Committee on Interstate and Foreign Commerce.

Also, a joint resolution (H. J. Res. 208) providing for the construction of a dike or levee across Sturgeon Bay, Illinois—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: A resolution (H. Res. 672) requesting the Secretary of the Treasury to transmit to the House certain information concerning Federal buildings at Chicago—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A resolution (H. Res. 673) requesting certain information from the Secretary of the Interior concerning the Choctaw and Chickasaw Indians—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 23121) granting an increase of pension to Frank Vrooman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23122) granting an increase of pension to Melissa D. Whitman—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 23123) granting an increase of pension to Asahel E. Chaffee—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 23124) granting an increase of pension to J. P. Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23125) granting an increase of pension to J. D. McCain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23126) granting an increase of pension to James W. Kuykendall—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 23127) granting an increase of pension to Mary C. Knowles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23128) granting an increase of pension to Osborn W. Fish—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 23129) granting an increase of pension to David W. Quick—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 23130) granting an increase of pension to James Magee—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 23131) granting an increase of pension to Zelotus J. Stewart—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 23132) granting an increase of pension to Joseph W. Cummings—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 23133) granting an increase of pension to John Cowan—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 23134) granting an increase of pension to Irene J. Love—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 23135) granting a pension to Rosanna King—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 23136) granting an increase of pension to Sylvanus Sloat—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 23137) granting an increase of pension to Henry S. Irish—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 23138) granting an increase of pension to Philip Loney—to the Committee on Pensions.

Also, a bill (H. R. 23139) granting an increase of pension to Gardner H. Deremer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23140) granting a pension to Gilbert E. Burgoyne—to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 23141) granting an increase of pension to Clara E. Daniels—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 23142) to correct the military record of David C. Litchfield—to the Committee on Military Affairs.

By Mr. GILLETT: A bill (H. R. 23143) granting an increase of pension to John H. Robbins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23144) granting an increase of pension to Albert T. Chapin—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 23145) granting a pension to Annie O'Rourke—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 23146) granting an increase of pension to Alfred M. Cox—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 23147) for the relief of the estate of Jacob Driver, deceased—to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 23148) granting an increase of pension to Robert Liddell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23149) granting a pension to Louise Wilson—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 23150) granting an increase of pension to Samuel H. W. Riter—to the Committee on Pensions.

Also, a bill (H. R. 23151) granting an increase of pension to Alley S. Rose—to the Committee on Pensions.

By Mr. HUNT: A bill (H. R. 23152) granting a pension to Edward Hunt—to the Committee on Invalid Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 23153) granting an increase of pension to George Quien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23154) granting an increase of pension to Helen Hough—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 23155) granting a pension to Isabella Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23156) granting an increase of pension to Abram Mussey—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 23157) granting an increase of pension to Peleg Wiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23158) granting an increase of pension to Edward Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23159) granting an increase of pension to John D. Newton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23160) granting an increase of pension to George H. Dow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23161) granting an increase of pension to Ebenezer H. Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23162) granting an increase of pension to Stephen B. Marston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23163) granting an increase of pension to Mary E. Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23164) granting an increase of pension to Cyrus T. Wardwell—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 23165) for the relief of William Sooy Smith—to the Committee on Military Affairs.

By Mr. McGUIRE: A bill (H. R. 23166) granting an increase of pension to William S. Voris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23167) granting an increase of pension to Jacob Amberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23168) granting an increase of pension to J. P. Cummins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23169) granting an increase of pension to George L. Toombs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23170) granting an increase of pension to Nathan L. Faulkner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23171) granting an increase of pension to Harmon Veatch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23172) to remove the restrictions upon the alienation of lands held by certain Creek Indians—to the Committee on Indian Affairs.

By Mr. McNARY: A bill (H. R. 23173) granting a pension to Ann White—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 23174) granting an increase of pension to Thomas G. Matthews—to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 23175) granting an increase of pension to Henry A. Fuller—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 23176) granting an increase of pension to James Baird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23177) granting an increase of pension to David Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23178) granting an increase of pension to J. M. Ayres—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23179) granting an increase of pension to John S. Shirley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23180) granting an increase of pension to Zachariah Dodge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23181) granting an increase of pension to James H. Clark—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 23182) granting an increase of pension to Martha Ella Wrenn—to the Committee on Pensions.

Also, a bill (H. R. 23183) granting a pension to Ben F. Herring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23184) for the relief of the legal representatives of J. W. Wilkins, deceased, late of Prince William County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 23185) for the relief of the legal representatives of J. W. Darne, late of Loudoun County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 23186) for the relief of the trustees of the Methodist Episcopal Church South, of Rectortown, Va.—to the Committee on War Claims.

By Mr. SCHNEEBELI: A bill (H. R. 23187) granting a pension to Jennie Luckenback—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 23188) granting an increase of pension to O. C. Auringer—to the Committee on Pensions.

Also, a bill (H. R. 23189) granting an increase of pension to Frank Schader—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 23190) granting an increase of pension to Philip Hinkle—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 23191) for the relief of R. R. Russell, Irve W. Ellis, J. L. Barroum, N. H. Carder, and Wooten & Vasbinder—to the Committee on Indian Affairs.

By Mr. SMITH of Illinois: A bill (H. R. 23192) for the relief of J. W. Hood—to the Committee on War Claims.

Also, a bill (H. R. 23193) granting an increase of pension to Nathan G. Springs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23194) granting an increase of pension to Francis M. Anderson—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 23195) granting an increase of pension to Aurora G. Ellis—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 23196) granting a pension to Margaret Rand—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 23197) granting an increase of pension to Agnes E. Brown—to the Committee on Pensions,

By Mr. BRADLEY: A bill (H. R. 23198) granting an increase of pension to Lucie A. Allyn—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which was thereupon referred as follows:

A bill (H. R. 23062) granting an increase of pension to Lewis M. Moses—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURLEIGH: Paper to accompany bill for relief of George F. Bachelder—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: Petitions of Dagsboro Council, No. 30, and Telegraph Council, No. 29, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. Dalzell: Paper to accompany bill for relief of John Cowan—to the Committee on Invalid Pensions.

By Mr. DOVENER: Petition of Pride of Wheeling Council, No. 20, Daughters of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. ELLIS: Petition of the Daily Record, Kansas City, Mo., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FLACK: Paper to accompany bill for relief of Henry S. Irish—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of James M. Davidson—to the Committee on Pensions.

By Mr. FORDNEY: Petition of soldiers of the civil war, for legislation making the date given at enlistment the lawful date of soldier's birth—to the Committee on Invalid Pensions.

By Mr. FOWLER: Paper to accompany bill for relief of Philip Loney—to the Committee on Pensions.

Also, petition of Drew Theological Seminary, Madison, N. J., against legislation that abridges the existing rights of libraries to import books in the English language—to the Committee on Patents.

Also, petition of the Sabbath Recorder, Plainfield, N. J., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Good Intent Council, No. 75, Daughters of Liberty, of Hackettstown, N. J., and Pride of Vanalta Council, No. 94, of Morristown, N. J., Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Petition of Guiding Star Council, No. 124, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Ship and Steamboat Joiners of San Francisco, Cal., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Lodge No. 344, Boiler Makers, Sheffield, Ala., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Gazette, Lancaster, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAYES: Petitions of James D. Grahame and other citizens of California; O. A. Treitmoe; the Japanese and Korean Exclusion League; A. E. Yoell, and Painters' Union No. 9, all of San Francisco, against employment of Asiatic cooly labor within the Panama Canal Zone, and for extending the provisions of the Chinese-exclusion act to include Japanese and Koreans and other undesirable Asiatics—to the Committee on Labor.

By Mr. HENRY of Connecticut: Petition of the Hartford (Conn.) Telegram, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of Lady Wooster Council, No. 11, Daughters of Liberty, of Danbury, Conn., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Henry Dillon—to the Committee on Invalid Pensions.

Also, petition of the Ocean Grove Times, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of the Utah State Postmasters' Association, for increase of salaries of clerks and carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HUNT: Petition of F. P. Blair Council, No. 26, of St. Louis, Mo., Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LAFEAN: Petition of Golden Rod Council, No. 24, Daughters of America, of New Freedom, Pa., favoring restriction of immigration (S.4403)—to the Committee on Immigration and Naturalization.

By Mr. LAWRENCE: Petition of Kelton B. Miller, of Pittsfield, Mass., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LEVER: Paper to accompany bill for relief of Charlotte S. O'Neal—to the Committee on Pensions.

Also, paper to accompany bill for relief of George Young—to the Committee on Invalid Pensions.

Also, petition of the Daily Item, Sumter, S. C., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LILLEY of Connecticut: Paper to accompany bill for relief of Helen Hough—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George Quien—to the Committee on Invalid Pensions.

Also, petition of Bridgewater (Conn.) Grange, No. 153, against free seed distribution—to the Committee on Agriculture.

By Mr. LITTLEFIELD: Petition of Crystal Lake Council, No. 19, Junior Order United American Mechanics, Weld, Me., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LORIMER: Paper to accompany bill for relief of William Sooy Smith—to the Committee on Military Affairs.

By Mr. McKINNEY: Petition of the Daily Mail, Moline, Ill., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the town board of Ursa, Ill., for an appropriation to improve the banks of the Mississippi River between Quincy and Warsaw, Ill.—to the Committee on Rivers and Harbors.

By Mr. McMORRAN: Paper to accompany bill for relief of Jemina Grigg (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: Petitions of Silver Crescent Council, No. 3, Daughters of Liberty, of Philadelphia, Pa.; Spring Garden Council, No. 18, Junior Order United American Mechanics; Egyptian Council, No. 144, Daughters of Liberty; Liberty Bell Council, No. 76, Daughters of Liberty, of Philadelphia, Pa., and Samuel H. Ashbridge Council, No. 1026, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Franklin Printing Company, of Philadelphia, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. NORRIS: Petitions of the Reformed Presbyterian Church, the First Presbyterian Church, and the Methodist Episcopal Church, all of Superior, Nebr., for a constitutional amendment abolishing polygamy—to the Committee on the Judiciary.

By Mr. OVERSTREET: Paper to accompany bill for relief of Emily Weiland, widow and heir of Carl Weiland—to the Committee on War Claims.

By Mr. OLCOTT: Paper to accompany bill for relief of Henry A. Fuller—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany bill for relief of George S. Clark—to the Committee on Invalid Pensions.

Also, petition of the Yates County Chronicle, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYBURN: Petition of the harbormaster of Philadelphia, Pa., for an appropriation to deepen the channel of the Delaware River—to the Committee on Rivers and Harbors.

By Mr. RIXEY: Paper to accompany bill for relief of the trustees of the Methodist Episcopal Church of Rectortown, Va.—to the Committee on War Claims.

Also, petitions of Dumfries Council, No. 137; Bull Run Council, No. 104; Bell Haven Council, No. 132, and Bell Haven Council, No. 61, of Alexandria, Va., Junior Order United American Mechanics, and Martha Washington Council, No. 4, of Alexandria, Va., Daughters of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SCHNEEBELI: Petition of the Easton Argus, Easton, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHERMAN: Paper to accompany bill for relief of O. C. Ruringer—to the Committee on Pensions.

By Mr. SULZER: Paper to accompany bill for relief of Aurora G. Ellis—to the Committee on Invalid Pensions.

By Mr. WEBBER: Paper to accompany bill for relief of Asa F. Gardner—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Hudson B. Shotwell—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of the governors of the New England States and manufactures in said States, for two forest reserves in the East, to be known as the Appalachian and White Mountain Forest reserves—to the Committee on Agriculture.

SENATE.

THURSDAY, *January 3, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday, December 20, 1906, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PURCHASES OF COAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of June 29, 1906, a statement relative to the quantities and character of coal purchased during the last fiscal year for the use of the Agricultural Department, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of June 29, 1906, reports from the Quartermaster-General, the Chief of Engineers, and the Chief of Ordnance, United States Army, and the Chief of the Supply Division, War Department, together with accompanying statements, relative to the quantities and character of coal purchased during the last fiscal year for the use of the War Department, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of June 29, 1906, a statement showing the quantities and character of coal purchased by the Treasury Department for the several United States buildings under its control, throughout the country, and its bureaus and branches, during the last fiscal year, and also the quantities contracted for during the current fiscal year, etc.; which, with the accompanying paper, was ordered to lie on the table, and be printed.

FREEDMAN'S HOSPITAL BUILDING.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, recommending an increase in the limit of cost of the new Freedman's Hospital building, and also that an additional appropriation be made for the installation of a system of heating and ventilating; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

THE PHILIPPINE TARIFF.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a petition of the Agricultural Association of Panay and Negros with reference to the passage of a tariff bill in the interest of the Philippines; which, with the accompanying paper, was referred to the Committee on the Philippines, and ordered to be printed.

PAY OF ORDNANCE OFFICERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Ordnance recommending that section 1663 of the Revised Statutes be amended so that the ordnance officer in charge of any national armory shall receive no compensation other than his regular pay and allowances as an officer of the corps; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM G. LABADIE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting the draft of an item of proposed legislation for the purpose of permitting a patent in fee simple to be issued to William G. Labadie, Peoria allottee, for land allotted to him in the Indian Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ALLOTMENT OF INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting an item to correct a discrimination in the act of June 5, 1906, relative to the allotment of lands to children of Indian parentage born since June 6, 1900, whose father or mother was a duly enrolled member of either of the Kiowa, Comanche, or Apache Indians, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN W. EARLY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting the draft of an item of proposed legislation for the purpose of permitting a patent in fee simple to be issued to John W. Early, Ottawa allottee, for land allotted to him in the Indian Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

LOSS OF LIGHTER MARIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 17, 1906, certain information relative to the allowance made by the Quartermaster-General's Department on the claim of Brooks & Co., of Santiago, for the loss of the lighter *Maria* while in the service of the Government of the United States during its military occupation of Cuba; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Engineer Commissioner of the District of Columbia, transmitting certain information relative to the report authorized by Congress on a general plan for the consolidation of the public schools in the District of Columbia, etc.; which was referred to the Committee on the District of Columbia, and ordered to be printed.

D. M. CARMAN, MANILA, P. I.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 17, 1906, a report of the Quartermaster-General of the Army relative to allowances made by the Quartermaster-General's Department upon the claims of D. M. Carman, of Manila, P. I., arising out of his contracts with the Quartermaster-General's Department for lighters, cascos, and other means of transportation in the Philippines; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court, relating to the vessel brig *Bachelors*, David Churchill, master; relating to the vessel schooner *Eagle*, Jeremiah Goodhue, master; relating to the vessel schooner *Catherine*, James Cocks, master; relating to the vessel brig *Lydia*, Thomas McCray, master; relating to the vessel ship *Hiram*, Samuel A. Whitney, master; and relating to the vessel schooner *Molly*, John Alden, master.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the order of the court dismissing the case for want of jurisdiction, filed under the act of January 20, 1885, in the French spoliation claims set out by the findings of the court relating to the vessel brig *Hope*, John Prince, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law and opinion filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court relating to the vessel schooner *Maria*, William Cole, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and opinion filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court relating to the vessel brig *Juno*, Henry Atkins, jr., master, and also of the opinion of the court overruling motion for new trial; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of W. K. Spiller, administrator of C. C. Spiller, deceased, *v.* The United States;

In the cause of Richard Emmons and twenty-nine other claimants *v.* The United States;

In the cause of the trustees of the Presbyterian Church of McDowell, Highland County, Va., *v.* The United States;

In the cause of E. C. McNeel, administrator of Paul McNeel, deceased, *v.* The United States;

In the cause of Sarah C. Harsh *v.* The United States;

In the cause of Eugene Barrow, administrator of Mary J. Barrow, deceased, *v.* The United States;

In the cause of the trustees of the Methodist Episcopal Church South, of Charleston, W. Va., *v.* The United States;

In the cause of Mary Lee Dennis, executrix of Levi T. Oglesby, deceased, *v.* The United States;

In the cause of W. T. Smith, administrator of the estate of Maria A. Reinhardt, deceased, *v.* The United States;

In the cause of Lucy C. Lee, administratrix of Jane T. Lee, deceased, *v.* The United States;

In the cause of James M. Flint *v.* The United States;

In the cause of Nicholas Pratt *v.* The United States;

In the cause of Helen Bryant, granddaughter of William Black, deceased *v.* The United States;

In the cause of William L. Degn, Annette N. Degn McCoy, Minnie H. Degn Wilson, and Albert L. Degn, heirs of Laust E. Degn, deceased, *v.* The United States;

In the cause of Patrick G. Meath *v.* The United States; and

In the cause of Mrs. Mary K. Henry, Mrs. Alice A. Pope, Mrs. Jennie Alexander, and Nannie Newby, heirs of Oswell P. Newby, deceased, *v.* The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed (H. R. 21202) an act fixing time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the State Camp of New York, Patriotic Order Sons of America, praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented resolutions adopted by the Carriage Builders' National Association, praying for the adoption of certain changes in the existing tariff law; which were referred to the Committee on Finance.

He also presented a petition of the General Assembly of the Presbyterian Church, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of the General Assembly of the Presbyterian Church, remonstrating against the appropriation of public money for sectarian purposes; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Board of Trade of Washington, D. C., remonstrating against the enactment of legislation authorizing the changing of the names of avenues in that city named in honor of the thirteen original States of the Union; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the St. Louis Immigration Protective Tariff League, of Missouri, remonstrating against the passage of the so-called Dillingham bill providing an educational test for immigrants; which was referred to the Committee on Immigration.

He also presented the petition of James B. Greer and sundry other citizens of Humphrey, Ark., praying for the enactment of legislation to provide a home in Africa for ex-slaves and their offspring; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of sundry citizens of New Hampshire, praying for the enactment of legislation providing for carrying free of postage in the mails reading matter for the use of the blind; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of National Camp, Patriotic Order of Americans, of Phillipsburg, N. J., and a petition of Pennsylvania State Camp, Patriotic Order of Sons of America, of Philadelphia, Pa., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. BERRY presented a petition of the Board of Trade of Newport, Ark., praying that an appropriation be made for the improvement of White River in that State; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Clarksville, Argenta, Waldron, Mena, Booneville, and Conway, all in the State of Arkansas, praying that an appropriation be made for the extermination of the cotton-boll weevil; which were referred to the Committee on Agriculture and Forestry.

Mr. MALLORY presented a memorial of sundry property owners and residents on New Jersey avenue from Massachusetts avenue to Florida avenue in Washington, D. C., remonstrating against the enactment of legislation providing for the construction of a double-track street car line on that avenue; which was referred to the Committee on the District of Columbia.

Mr. KEAN presented resolutions adopted at a mass meeting of colored citizens of Trenton, N. J., relative to the discharge of a battalion of the Twenty-fifth United States Infantry; which were referred to the Committee on Military Affairs.

He also presented a petition of the Board of Trade of Elizabeth, N. J., praying for the enactment of legislation providing

for the readjustment of the salaries and the system of promotion of postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of sundry citizens of Rochester, N. Y., praying that the Senate Committee on Foreign Relations refrain from any act to interfere in Kongo affairs; which was referred to the Committee on Foreign Relations.

Mr. DEPEW presented a petition of Pomona Grange, No. 33, Patrons of Husbandry, of Akron, N. Y., praying for the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the New York City Indian Association, the German Baptist Ministers' Conference of New York, and of the Men's Association of the Presbyterian Church of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. SCOTT presented the petition of Charles T. Beale of West Virginia, and the petition of Harvey J. Simmons, of West Virginia, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

Mr. NELSON presented a petition of the Public Affairs Committee of Duluth, Minn., praying that an appropriation be made for the improvement of the Mississippi River near Aitkin, in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Commercial Club of Lake City, Minn., praying that an appropriation be made for the improvement of the Upper Mississippi River in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Minnesota Federation of Women's Clubs, of Duluth, Minn., praying for the enactment of legislation to remove the duty on works of art; which was referred to the Committee on Finance.

Mr. WETMORE presented a memorial of the Rhode Island State Horticultural Society remonstrating against further appropriation for the free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

Mr. ANKENY presented memorials of sundry citizens of Catlin, Ferndale, and Whitman County, all in the State of Washington, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. PILES presented a petition of H. R. Loomis Post No. 80, Department of Washington, Grand Army of the Republic, of the State of Washington, praying for the passage of the so-called "service pension bill;" which was ordered to lie on the table.

He also presented memorials of sundry citizens of Seattle, Stanwood, Cedarhome, Kent, Bellevue, Woodland, Chinook, and Clark County, all in the State of Washington, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. LONG presented a petition of Coopers' International Union, American Federation of Labor, of Kansas City, Kans., praying that an appropriation be made for an investigation into the industrial and social conditions of women and child workers in the United States; which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Colony, Independence, Ottawa, and Montgomery counties, all in the State of Kansas, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Commercial Club of Salina, Kans., remonstrating against the passage of the so-called "parcels-post bill," and praying for a reclassification of second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of William A. Greene, of the State of Kansas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 6875) granting an increase of pension to Lemuel T. Williams; which were referred to the Committee on Pensions.

Mr. CLAPP (for Mr. GAMBLE) presented memorials of sundry citizens of Custer, Clark County, and Lyman County, all in the State of South Dakota, remonstrating against the enactment of legislation requiring certain places of business to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. WARREN presented petitions of the State Camps, Patriotic Sons of America, of New York, New Jersey, and Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. BURKETT presented resolutions adopted by the Labor Council of San Francisco, Cal., relative to the recommendations of the President concerning the Japanese situation in that city; which were referred to the Committee on Foreign Relations.

He also presented the petition of R. C. Hazlett, of Lincoln, Nebr., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the South Omaha Live Stock Exchange, of South Omaha, Nebr., praying for the enactment of legislation granting authority to the Interstate Commerce Commission to regulate and enforce laws to correct the abuses known as "car shortages;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Division No. 227, Order of Railway Conductors, of Lincoln, Nebr., and a memorial of Local Division No. 35, Order of Railway Conductors, of North Platte, Nebr., remonstrating against the passage of the so-called "La Follette bill," to limit the hours of continuous service of railway employees; which were referred to the Committee on Interstate Commerce.

He also presented sundry affidavits to accompany the bill (S. 5601) granting an increase of pension to Mathew B. Reid; which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 3563) granting an increase of pension to Orin D. Sisco; which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 7293) granting an increase of pension to John White; which were referred to the Committee on Pensions.

He also presented the petition of John P. Grinstead, of Salem, Nebr., praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. ELKINS presented memorials of sundry citizens of Berea, Parkersburg, Morgantown, Spencer, Clarksburg, and Walker, all in the State of West Virginia, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. HANSBROUGH presented a memorial of sundry citizens of Williams County, N. Dak., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. SPOONER presented a memorial of sundry citizens of Bethel, Wis., remonstrating against the enactment of legislation requiring certain places in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

THE HERDIC COMPANY.

Mr. CARTER. I present a paper by Margaret Sullivan Burke, of Washington, D. C., relative to the Metropolitan Coach Company in the District of Columbia, commonly known as the "Herdic Company." I move that it be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

LARVAN GORDON.

Mr. BERRY. I report back favorably from the Committee on Public Lands, with an amendment in the nature of a substitute, the bill (S. 5869) for the relief of Larvan Gordon, and I submit a report thereon. There are only a few lines of the bill, which is for the relief of a party who is very worthy, and it is especially important that it should be passed. I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the amendment, which was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and is hereby, authorized and directed to confirm homestead entry No. 24813, made at the Camden, Ark., land office, by Larvan Gordon, of Dial, Howard County, Ark., and cause a patent to the land embraced within said entry to be issued to said Larvan Gordon, provided there is no valid adverse claim for such land.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BERRY. The committee also reports to strike out the preamble.

The VICE-PRESIDENT. The preamble will be stricken out, in the absence of objection.

ENTRIES ON CROW INDIAN RESERVATION LANDS.

Mr. CARTER. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 21678) to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana, to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for the consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WHYTE introduced a bill (S. 7417) for the relief of Mary A. Schufeldt; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 7418) to improve the consular service; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. CULLOM introduced a bill (S. 7419) to remove the charge of desertion from the military record of Hiram Henderson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7420) granting a pension to Eleanor N. Sherman; and

A bill (S. 7421) granting an increase of pension to Joseph Klein.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 7422) to amend the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901" (with an accompanying paper);

A bill (S. 7423) prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons (with accompanying papers);

A bill (S. 7424) to extend Fourth street SE.;

A bill (S. 7425) authorizing the extension of Oak street NW.; and

A bill (S. 7426) for the opening of Warren and Forty-sixth streets NW., District of Columbia.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7427) granting an increase of pension to George L. Danforth (with accompanying papers);

A bill (S. 7428) granting an increase of pension to Helen C. Lettenmayer;

A bill (S. 7429) granting a pension to Caroline A. Gilman (with an accompanying paper); and

A bill (S. 7430) granting a pension to Mary F. Johnson (with accompanying papers).

Mr. GALLINGER introduced a bill (S. 7431) to correct the military record of Otis C. Mooney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7432) granting an increase of pension to G. W. Rutherford;

A bill (S. 7433) granting an increase of pension to Charles B. Gilbert;

A bill (S. 7434) granting an increase of pension to George Blake (with an accompanying paper);

A bill (S. 7435) granting an increase of pension to Spencer Phillips; and

A bill (S. 7436) granting a pension to Lucinda Phares.

Mr. ELKINS introduced a bill (S. 7437) to provide for the appointment of an additional district judge in and for the southern judicial district of the State of West Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BLACKBURN introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7438) for the relief of the secretary and treasurer of Lexington Lodge, No. 1, F. and A. Masons, of Lexington Ky.;

A bill (S. 7439) for the relief of the trustees of the Methodist Episcopal Church South, of Brandenburg, Ky.;

A bill (S. 7440) for the relief of the secretary and treasurer of the Chamberlain Philosophical and Literary Society, of Danville, Ky.;

A bill (S. 7441) for the relief of the trustees of the Baptist Church of Shepherdsville, Ky.;

A bill (S. 7442) for the relief of the trustees of the Glasgow graded common schools, of Glasgow, Ky.;

A bill (S. 7443) for the relief of the rector of St. Augustine's Roman Catholic Church, of Lebanon, Ky.; and

A bill (S. 7444) for the relief of the trustees of the First Presbyterian Church of Danville, Ky.

Mr. ANKENY introduced a bill (S. 7445) granting an increase of pension to Charles J. Freese; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 7446) granting a pension to Patrick Kinney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 7447) granting an increase of pension to Maria Wells; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 7448) granting an increase of pension to Emma L. Harrower; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7449) granting an increase of pension to Anna M. Loomis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7450) to empower the Secretary of War to allow burial of wives of deceased enlisted men in national cemeteries in the same graves as deceased soldiers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURKETT introduced a bill (S. 7451) to prevent the nullification of State antigambling laws by interstate race gambling by telegraph; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7452) granting an increase of pension to Thomas Harrop;

A bill (S. 7453) granting an increase of pension to Samuel Steel; and

A bill (S. 7454) granting an increase of pension to John E. Meglerme (with an accompanying paper).

Mr. WETMORE introduced the following bills; which were severally read twice by their titles, and, with accompanying papers, referred to the Committee on Pensions:

A bill (S. 7455) granting an increase of pension to Annie C. Anthony; and

A bill (S. 7456) granting an increase of pension to Caroline M. Packard.

Mr. KNOX introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7457) applying the provisions of the act of June 27, 1890, to the men of the Mississippi River Ram Fleet and Marine Brigade, their widows and minor children (with an accompanying paper);

A bill (S. 7458) granting an increase of pension to J. L. Francis;

A bill (S. 7459) granting a pension to Ella J. Crosse; and

A bill (S. 7460) granting an increase of pension to Marshall H. Lewis.

Mr. HALE introduced a bill (S. 7461) to provide for the harbor accommodation, movements, and anchorage of foreign vessels of war visiting Hampton Roads during the Jamestown Exposition; which was read twice by its title, and, with the accompanying letter from the Secretary of the Navy, which was ordered to be printed, referred to the Committee on Naval Affairs.

Mr. WARREN introduced a bill (S. 7462) granting an increase of pension to Amiziah Reed; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 7463) granting a pension to George C. Rimes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7464) for the relief of Mrs. Zerelda P. Allen, and estates of William B. Poole and Mrs. Mollie Amanda Phillips (with an accompanying paper);

A bill (S. 7465) for the relief of the heirs of Joel S. Calvert; and

A bill (S. 7466) for the relief of the heirs of H. D. Flowers, deceased.

Mr. FULTON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7467) to provide for the division of a penalty recovered under the alien contract-labor law; and

A bill (S. 7468) for the relief of I. B. Hammond.

Mr. FULTON introduced a bill (S. 7469) authorizing the restoration of the name of James R. Chapman, late lieutenant, Twenty-second United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7470) granting an increase of pension to William F. Burnett;

A bill (S. 7471) granting an increase of pension to Rudolph Crandall;

A bill (S. 7472) granting a pension to James A. Baker;

A bill (S. 7473) granting an increase of pension to John M. Gilliland; and

A bill (S. 7474) granting an increase of pension to William Armstrong.

Mr. LONG introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7475) granting an increase of pension to William D. Hudson; and

A bill (S. 7476) granting an increase of pension to Oliver S. Boggs.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7477) granting an increase of pension to Patrick Cooney;

A bill (S. 7478) granting an increase of pension to William H. Brown;

A bill (S. 7479) granting an increase of pension to George L. Corey;

A bill (S. 7480) granting an increase of pension to John Bowen;

A bill (S. 7481) granting an increase of pension to A. W. Edwards;

A bill (S. 7482) granting an increase of pension to Wilford Herrick;

A bill (S. 7483) granting an increase of pension to Marinda D. Beery;

A bill (S. 7484) granting an increase of pension to Samuel E. Coover;

A bill (S. 7485) granting an increase of pension to Lester M. P. Griswold;

A bill (S. 7486) granting an increase of pension to Byron A. Williams;

A bill (S. 7487) granting an increase of pension to Andrew J. Welker;

A bill (S. 7488) granting a pension to William W. Putnam;

A bill (S. 7489) granting an increase of pension to Albert C. Wagher; and

A bill (S. 7490) granting an increase of pension to Henry Hanson, alias Halden Hanson.

Mr. CRANE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7491) granting an increase of pension to Anna V. Blaney;

A bill (S. 7492) granting an increase of pension to Benjamin Clow; and

A bill (S. 7493) granting an increase of pension to George Arthur Tappan.

Mr. HANSBROUGH introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (S. 7494) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes;

A bill (S. 7495) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota;

A bill (S. 7496) relating to commutations of homestead entries, and to confirm such entries when commutation proofs were received by local land officers prematurely; and

A bill (S. 7497) providing for the commutation of second homestead entries in certain cases.

Mr. NELSON introduced a bill (S. 7498) prohibiting the sale or disposal of beds or deposits of coal, lignite, asphalt, petroleum, and natural gas, and the lands in which the same are situate, and providing for the leasing of such deposits and lands; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 7499) to amend section 8 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896, relative to the expense allowance of United States attorneys and assistants while absent from their official residences on official business; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PILES introduced a bill (S. 7500) providing for two additional circuit judges in the ninth judicial circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7501) extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7502) providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington; which was read twice by its title, and referred to the Committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7503) granting an increase of pension to George W. Baker;

A bill (S. 7504) granting an increase of pension to David Decker; and

A bill (S. 7505) granting an increase of pension to Michael Bogue.

Mr. MALLORY introduced a bill (S. 7506) providing for completing the construction of the road from Barrancas military post, by way of the national cemetery and the navy-yard, on the naval reservation near Pensacola, Fla., to the north shore of Bayou Grande, and for repairing the bridge connecting said road with said north shore of Bayou Grande; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7507) granting an increase of pension to Clara Caro; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 7508) granting a pension to Wilmot Stevens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7509) granting an increase of pension to William T. Bennett;

A bill (S. 7510) granting an increase of pension to Millard F. Burrows; and

A bill (S. 7511) granting an increase of pension to James Fisher (with accompanying papers).

Mr. CARTER introduced a bill (S. 7512) to provide for an additional land district in the State of Montana, to be known as the Glasgow land district; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7513) granting an increase of pension to Alexander M. Cowgill; and

A bill (S. 7514) granting an increase of pension to Thomas Cornelius.

Mr. CARTER introduced a bill (S. 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MARTIN introduced a bill (S. 7516) granting an increase of pension to Margaret T. Everly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 7517) granting an increase of pension to Sarah Searle; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7518) granting an increase of pension to Charles W. Cary; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

EMPLOYMENT OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. BEVERIDGE. I submit an amendment intended to be proposed by me to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia, which I ask may lie on the table, and be printed.

I wish to give notice that on Monday, January 14, I shall submit to the Senate some remarks upon this amendment.

The VICE-PRESIDENT. The amendment will be printed, and lie on the table.

Mr. PILES submitted an amendment intended to be proposed by him to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia; which was ordered to lie on the table, and be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia; which was ordered to lie on the table, and be printed.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia; which was ordered to lie on the table and be printed, and to be printed in the RECORD, as follows:

Substitute for section 1 the following:

That no child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, saloon, hotel, apartment house, pool room, theater, or bowling alley, nor during school hours in the distribution or transmission of merchandise or messages, selling newspapers, or doing other light outdoor work, nor shall such child be employed before the hour of 6 o'clock in the morning or after the hour of 7 o'clock in the evening: *Provided*, That the provisions of this act shall not apply to children between the ages of 12 and 16 years employed in the Senate and House of Representatives nor to children between such ages who are regularly engaged in learning a trade.

ANDREW H. RUSSELL AND WILLIAM R. LIVERMORE.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (H. R. 2073) for the relief of Andrew H. Russell and William R. Livermore; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment proposing to appropriate $50,000 for compensation and actual traveling expenses of special agents to investigate trade conditions abroad, etc., intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MONEY submitted an amendment authorizing the Court of Claims as a body to employ, for work necessary to be performed, an auditor or clerk for any of its judges, etc., intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLAPP submitted an amendment directing the Court of Claims to consider and render final judgment in the matter of the claims against the Mississippi Choctaws of James E. Arnold, his associates and assigns, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. McENERY submitted an amendment proposing to increase the salary of the chief clerk and cashier, office of Assistant Treasurer at New Orleans, from $2,250 to $2,500 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ALCOHOL IN THE ARTS.

On motion of Mr. HANSBROUGH, it was

Ordered, That 500 copies of S. 7326, to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906, be printed for the use of the Senate.

HOUSE BILL REFERRED.

H. R. 21202. An act fixing time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same, was read twice by its title, and referred to the Committee on Public Lands.

MEMORIAL ADDRESSES ON THE LATE SENATOR GORMAN.

Mr. RAYNER. Mr. President, I desire to give notice that on Saturday, January 26, 1907, immediately after the routine morning business, I shall ask the Senate to consider resolutions in commemoration of the life, character, and public services of my late colleague, Hon. Arthur Pue Gorman.

TREATY WITH JAPAN.

Mr. GEARIN. Mr. President, I give notice that on Monday next after the conclusion of the routine morning business I shall call up Senate resolution 197, advising that negotiations be entered into with the Japanese Government with a view to secure a modification of the existing treaty with Japan, etc., for the purpose of making some remarks upon it.

EXTENSION OF FEDERAL POWERS.

Mr. OVERMAN. Mr. President, I desire to give notice that on Tuesday next, after the close of the routine morning business, I shall call up Senate resolution No. 200, defining the rights delegated to the Government and those reserved to the States, etc., for the purpose of making some remarks thereon.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. McCUMBER. Mr. President, I gave notice on the 18th of last month that I would call up the pension bill for consideration this morning. I understand that the senior Senator from Texas [Mr. CULBERSON] is prepared to speak upon the resolution relating to the Brownsville affair and is very anxious to go on this morning. I wish, therefore, to change that notice so that I may call up the bill after the routine morning business to-morrow, and I hope that I shall be able to have it considered at that time—that is, considered until 2 o'clock in the afternoon.

Mr. FORAKER. I do not wish to interfere with the consideration of the bill the Senator from North Dakota has given notice that he desires to bring up for consideration, but I wish to call attention to the fact that Senate resolution 208, which I offered on the last day before we adjourned for the vacation, is now before the Senate, as I understand it. The resolution we then had under consideration was No. 181. I asked and obtained unanimous consent to modify the resolution and offered it in a different form as another resolution. It is now numbered 208, and it went over, and to-day will come up, I understand. It is not the old resolution, but a new resolution modified so as to make it mandatory instead of giving an option to the Committee on Military Affairs to take testimony. I ask that that resolution may be laid before the Senate, and then I will come to an understanding with the Senator from North Dakota.

The VICE-PRESIDENT. The Senator from Ohio asks that the resolution indicated by him be laid before the Senate. Is there objection? The Chair hears none. The Secretary will read the resolution.

The Secretary read the modified resolution submitted by Mr. FORAKER December 20, 1906, as follows:

Resolved, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge of members of Companies B, C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

Mr. FORAKER. Now, Mr. President, what I inquire about is the parliamentary status of the resolution. I understand that it is now before the Senate for consideration, and of right. I do not wish to crowd out the Senator from North Dakota——

The VICE-PRESIDENT. The Chair understands that the resolution is merely a modification of the resolution previously introduced, and that its status would be governed by the status of the resolution of which it is a modification.

Mr. FORAKER. It does not signify on the face of it that it is a modification. I stated when Senate resolution 181 was under consideration that I would, if given unanimous consent, modify my resolution. When I undertook to modify it I found it so difficult to do it that I had to change it throughout almost. I simply drafted it in this form and offered it, and I see that the clerks have numbered it as a separate resolution. I understand the Senator from Texas [Mr. CULBERSON] desires to speak on the resolution this morning, and I merely want, if it is in order, to have it before the Senate so that he may have an opportunity to speak on it.

The VICE-PRESIDENT. The Chair put the Senator's re-

quest for unanimous consent that the resolution should be placed before the Senate this morning, and the Chair heard no objection to that request. The resolution was read, and the Chair understands that it is now before the Senate.

Mr. FORAKER. I am willing to yield at any time to the Senator from North Dakota after the Senator from Texas has spoken, so that he may bring up the bill he speaks of.

Mr. GALLINGER. Mr. President, I desire simply to ask the Senator from North Dakota a question concerning the bill he proposes to call up to-morrow, I understood him to say. I wish to ask the Senator if it is his intention to press that bill to a vote. It is a very important measure, and I would want to look into the question pretty carefully before I should be prepared to cast a vote on it. I should like to know the purpose the Senator has in view. If it is only to discuss the bill and then have it laid aside, of course there can be no objection.

Mr. McCUMBER. In answer to the Senator from New Hampshire I would say that my intention is simply to call up the bill for discussion during the morning hour, with a view, however, to having an agreement by which it may be made the unfinished business very soon. It has already been on the Calendar since April 2 of last year, so Senators have had considerable time to consider it.

Now, Mr. President, while I am on my feet I desire to ask a question about the status of this resolution. I do not understand that the resolution has any special right of way for any particular day in the future by reason of anything that has been done in reference to it to-day. It would have to be called up, I understand, to-morrow, the same as any other bill or resolution, and have the consent of the Senate to consider it. I have already yielded to-day to the Senator from Texas for the purpose of enabling him to discuss the resolution. I simply want to know whether that in any way interferes with the notice which I just now gave that I would call up for consideration briefly the pension bill to-morrow after the routine morning business?

The VICE-PRESIDENT. The Chair understands that under the rule the resolution has no rights beyond the morning hour. It would have to be called up the same as any other subject.

Mr. McCUMBER. That is as I understand it.

Mr. MONEY. I desire to ask a question of the Senator from North Dakota. To what pension bill is it that he alludes?

Mr. McCUMBER. It is a general service pension bill.

Mr. MONEY. A general service pension bill?

Mr. McCUMBER. Yes; Order of Business 2293. The number of the bill is Senate 976.

Mr. CULBERSON. Mr. President, when this matter was first presented to the Senate it occurred to me, for reasons which need not be stated, to remain silent, although it concerned some of the people of Texas. Since then, and in my absence from the city, great injustice has been done the people of Brownsville, which calls for that refutation which, I think, the facts easily and conclusively establish.

Three companies of negro troops of the Twenty-fifth Infantry were stationed last July at Fort Brown, which is within the corporate limits of the city of Brownsville. Some of these troops were ignorant, disrespectful, and insolent. At other stations men of the same companies had been engaged in disturbances and riots which culminated in murder. At Brownsville, previous to August 13, the conduct of some of these soldiers was offensive to the citizens, especially to women, and on the 12th day of August a criminal assault was made upon one of the most reputable women of the city by a brutal negro soldier. Complaint of this was made the next day to the commanding officer, though no arrest has yet been made, and in view of the just indignation of the people the mayor of the city requested this officer not to permit the soldiers on the streets of the city that night. Such an order was entered, which provoked resentment on the part of the soldiers. About midnight that night, August 13, some fifteen or twenty of the soldiers made an assault upon the city with arms; fired recklessly and wantonly into many residences, business houses, and hotels; terrified women and children, who miraculously escaped injury or death; seriously wounded the lieutenant of police, and murdered an inoffensive citizen. Notwithstanding this cowardly and inhuman assault, the people of Brownsville, although excited and indignant, kept the peace, Mr. President, refrained from acts of violence, and contented themselves with appealing to the State and Federal authorities for protection.

What return, sir, is made to them in some quarters for this act of self-restraint and obedience to law? They are practically charged with rioting among themselves, with firing without provocation upon their own people, with putting their women and children in jeopardy of life, with wounding their peace officer and murdering their fellow-citizen. Upon considerations and motives which I can not pretend to fathom, no people were ever more unjustly and cruelly assailed.

Nor, Mr. President, have accusations stopped with the people of Brownsville. Captain McDonald, of the Texas Rangers, and Major Blocksom, of the United States Army, in their efforts under orders to detect these midnight assassins, have been sharply and severely arraigned. I know McDonald well. Plain and rough of manner and of speech, he is as honest and as truthful as he is fearless and brave. He is a worthy successor, Mr. President, in courage and devotion to duty of Hays and Ford and McCullough and McNally, who made the Texas Rangers famous on the frontier. My acquaintance with Major Blocksom has not been so long, and he needs no defense, but I am glad to say here in my place that he is a gentleman by birth and instinct; that he is an accomplished and conscientious officer, and that his military record is without blemish or stain.

When the record in this case was presented to the President, all the soldiers denying participation in or knowledge of the crimes committed at Brownsville, he discharged the entire battalion without honor before the expiration of the term of enlistment, through the Secretary of War. This action of the President is challenged as unauthorized by law, and this raises the important legal question involved in this controversy.

It has been intimated that the discharge was ordered because the troops were negroes. But in a consideration of the law of the case it is not essential to inquire whether the discharge was ordered because the troops were negroes any more than to inquire whether the controversy arose here because the troops were negroes.

It is well to say at the outset that while, in my judgment, the President was authorized to discharge the soldiers without honor, to be followed by the disqualifications incident to such discharge provided by law and the Army Regulations, so much of the order as purports to debar them from civil employment under the Federal Government forever is inoperative as beyond his authority. Under the civil-service rules they appear to be ineligible to civil appointments for one year. The order doubtless was not intended to apply to civil employment through elective offices, and obviously could not affect such cases. Moreover, that portion of the order which seeks to debar them from reenlisting in the Army is without legal force in itself. Their reenlistment, as it may depend upon this question, is governed and controlled by the act of Congress of 1894, which provides that no soldier shall be again enlisted in the Army whose previous service has not been honest and faithful.

The general contention that the discharge of the troops in this case is without warrant of law is based upon a confusion of the discharge and the punishment of enlisted men in the Army and upon a misconception of the powers of the President and a court-martial in respect to such matters. The Constitution declares that the President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States. It may be that this provision vests in the President ample powers respecting discipline which would enable him to exercise fully the supreme command, but in my view of the question it is unnecessary to consider this phase of the subject, because undoubtedly such powers as are necessary in this case are expressly devolved upon him by the Articles of War.

The Constitution also declares that the Congress shall have power to "make rules for the government and regulation of the land and naval forces." Pursuant to this authority Congress has made such rules for the land forces, and they are incorporated in section 1342 of the Revised Statutes of the United States and are known as the Articles of War. From time to time, under the constitutional authority of Commander in Chief, regulations for the Army, not inconsistent with the Articles of War, have been promulgated by the Executive. By an Executive order, September 15, 1904, the latest regulations for the Army were promulgated by the President. Whether there can be any conflict between the power of the President to command the Army and the power of the Congress to make rules for its government is of no consequence in this discussion, for there is, on the subject of discharging the enlisted men in this instance, no conflict in the rules made by the Congress and those made by the President. The Articles of War enacted by the Congress clearly distinguish between the discharge of enlisted men prior to the expiration of the term of service in the interest of military discipline and for the good of the service and the punishment of such men for criminal offenses which are named in the Articles of War. Men may be *discharged* under the Articles of War, as provided in the fourth article, by the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial, but they can only be *punished* for the offenses named as a court-martial may direct.

A court-martial, while it may by sentence order the discharge of enlisted men, is not an essential intermediary when the discharge is ordered by the President, the Secretary of War, or the commanding officer of a department. Discharge of enlisted men is not necessarily, therefore, within the meaning of the Articles of War, punishment for criminal offenses denounced by them, except when done by sentence of a general court-martial, which from the very nature of the case implies trial, conviction, and sentence in a criminal action cognizable in such military tribunal. That discharges may be ordered by way of punishment is also recognized by section 1290, Revised Statutes, where it is provided: "When a soldier is discharged from the service (except by way of punishment) he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment." The Articles of War do not expressly classify discharges, but naturally and logically they are classified into honorable and dishonorable discharges. This classification, so far as any specific law or regulation is concerned, though in practice discharges without honor were previously recognized, obtained until 1893, when by Circular 15 from the headquarters of the Army, cases were specified in which discharges without honor would be given. It had been the practice of the Government prior to 1893, though in theory only honorable and dishonorable discharges were known, to give dishonorable discharges, *eo nomine*, by the Executive, when technically they were not dishonorable because not imposed by the sentence of a general court-martial. The Circular 15 of 1893 merely gave expression to this construction and practice and a name to the discharge. After this, therefore, three classes of discharges were expressly recognized—the honorable, the dishonorable, and the discharge without honor. The significance of an honorable discharge is obvious. Under the Articles of War, the regulations of the Army, and the practice of the Government for more than a century dishonorable discharges are those which may be given only in pursuance of a sentence of a general court-martial. As a consequence and of necessity dishonorable discharges can only be given as punishment for the commission of offenses which are named in the Articles of War. Other punishment, it is true, may be imposed by courts-martial for the commission of such offenses, within the limitations prescribed in the Articles of War, but dishonorable discharges can only be given by sentence of courts-martial, and that by way of punishment for offenses named in the Articles of War. There is a middle class of discharges, those which are not strictly honorable nor strictly dishonorable, those where there is a failure to discharge enlisted men with honor.

This class of discharges is known as discharges without honor, and may be generally defined to be discharges given not as punishment for offenses named in the Articles of War, but for causes tainting the character of the discharge or because the Government has not been served honestly and faithfully. It is the settled doctrine of the Judge-Advocate-General's Office, and always has been, that such a discharge is not a punishment and need not be given by sentence of a general court-martial. (Dig. Op. Judge Adv. Gen., 1901, p. 319.) The present very able Judge-Advocate-General of the Army, in his report of November 23, 1906, to the Secretary of War, thus states the authority of the President to discharge without honor in this case:

DISCHARGES.

The separation of an enlisted man from the military service is regulated by the requirements of the Fourth Article of War, which provides that—

"ART. 4. No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court martial."

It will be noted that the article above cited contemplates at least two classes of discharges: (1) Honorable discharges, which are given when the term prescribed in the enlistment contract has been served honestly and faithfully; (2) dishonorable discharges, which are given in pursuance of a sentence of a general court-martial. Otherwise the classification of discharges has never been assumed by Congress, but has been left by it to the executive branch of the Government. At present there are three kinds of discharges expressly recognized, to wit: The honorable, the dishonorable, and the discharge without honor. The dishonorable discharge is given only in the case of discharge by sentence of court-martial. The discharge without honor is given in the cases first specified in Circular 15, Headquarters of the Army, 1893, but this circular did not *create* such discharge; it merely gave it a name. Before the issue of the circular and as far back as the rebellion (notwithstanding that it was from time to time theoretically asserted that the only kind of discharges known to the law were the honorable and the dishonorable, and that all discharges except by sentence of court-martial were honorable) a third kind of discharge was out of necessity resorted to. It is now recognized that there is a kind of discharge which is neither honorable nor technically dishonorable, but must be classified by itself. This is the "discharge without honor."

There were many soldiers summarily discharged during the rebellion for causes tainting the character of their discharges. In numerous cases the orders were made to read *dishonorably* discharged, although a dishonorable discharge, in the technical sense of that term, can not be imposed except by sentence of a court-martial. A summary discharge can not be a dishonorable discharge, if the term is used in such technical sense, but it may be for a cause tainting the character of the discharge—a discharge manifestly not honorable. Such a summary discharge is now called "a discharge without honor." Its name, however, is only important as a recognition of a discharge, not technically dishonorable, but not honorable in fact. It might not be going too far to say that when soldiers were summarily "dishonorably discharged" during the rebellion the order was so worded simply because the soldier had done something to disgrace the service, and could not be in fact honorably discharged.

* * * * * * *

Although not having committed an offense of sufficient gravity to warrant his trial by court-martial, the conduct of a soldier may be such as to warrant the termination of his enlistment contract because he has not served the Government honestly and faithfully, as he is required to do by the engagement which is embodied in his oath of enlistment. In such a case, when reasonable efforts have been put forth with a view to the correction of his faults, his enlistment contract may be annulled in the manner prescribed in the fourth article of war. The issue of discharges without honor is regulated by paragraph 148 of the Army Regulations, which prescribes, *inter alia*, that the form for discharge without honor will be used in the following cases:

"148. Blank forms for discharge and final statements will be furnished by The Military Secretary of the Army, and will be retained in the personal custody of company commanders. Those for discharge will be of three classes: For honorable discharge, for dishonorable discharge, and for discharge without honor. They will be used as follows:

* * * * * * *

"2. The blank for discharge without honor when a soldier is discharged:

"(*a*) Without trial, on account of fraudulent enlistment.

"(*b*) Without trial, on account of having become disqualified for service, physically or in character, through his own misconduct.

"(*c*) On account of imprisonment under sentence of a civil court.

"(*d*) *Where the service has not been honest and faithful; that is, where the service does not warrant his reenlistment.*

"(*e*) *When discharge without honor is specially ordered by the Secretary of War for any other reason.*"

* * * * * * *

Paragraph 146 of the Army Regulations contains certain provisions which, if carefully read, will be found to be in entire harmony with the requirements of paragraph 148, above cited. Paragraph 146 applies *exclusively* to the case of a discharge at expiration of the soldier's term of enlistment and to the form of discharge which shall be used in that case, and provides that:

"146. The character given on a discharge will be signed by the company or detachment commander, and great care will be taken that no injustice is done the soldier. If the soldier's service has been honest and faithful he will be entitled to such character as will warrant his reenlistment—that is, to character at least "good." Where the company commander deems the service not honest and faithful, he shall, if practicable, so notify the soldier at least thirty days prior to discharge, and shall at the same time notify the commanding officer, who will in every such case convene a board of officers, three if practicable, to determine whether the soldier's service has been honest and faithful. The soldier will in every case be given a hearing before the board.

"If the company commander is the commanding officer, he will report the facts to the next higher commander, who will convene the board. The finding of the board, when approved by the convening authority, shall be final. Discharge without honor on account of "service not honest and faithful" will be given only on the approved finding of a board of officers as herein prescribed.

"When an honorable discharge is given following the action of the board, the fact will be noted on the discharge and on the muster rolls.

"The proceedings of boards convened under this paragraph, showing all the facts pertinent to the inquiry, will be forwarded by the reviewing authority direct to The Military Secretary of the Army."

As has been said, the requirements of the paragraph last above cited are only applicable in determining the character of discharge to be given an enlisted man at the expiration of his term of enlistment. It has never been regarded as restricting the authority vested in the President and the Secretary of War in the fourth article of war.

It would thus appear that the last clause of the fourth article of war vests a discretion in the President to annul an enlistment contract whenever, in his opinion, that course is dictated by the public interest. The English practice, upon which our military administration is to a considerable extent based, is substantially similar to that prescribed in the Articles of War. Clode, in his Military Forces of the Crown, says in speaking of the soldier's enlistment:

"Though an engagement is made for a term certain, the Crown is under no obligation to retain the soldier, either in pay or in arms, for that period, but may discharge him at any time. The safety of the realm may depend in some measure on the immediate discharge or dismissal of any man or regiment in arms, and, equally, that the cause of such dismissal should not at the time be disclosed by the responsible ministers of the Crown."—(II Clode, Military Forces of the Crown, p. 40.)

The provision of a suitable agency for the investigation of charges of wrongdoing on the part of enlisted men, in the operation of which questions of fact may be investigated, findings reached, and, in case of conviction, adequate sentences imposed, restricts the exercise of the power of summary discharge, which is vested in the President in the article above cited, to cases in which the conduct of the soldier and the character of the services rendered can not be investigated by a military tribunal. In the case under discussion it is an essential incident of a judicial investigation that those who are aware of the wrongful acts committed should testify, under oath, as to facts within their knowledge. To defeat such an inquiry, a considerable number of enlisted men have entered into a criminal combination, in the execution of which they decline to disclose facts which are known to them touching the very serious offenses against public order which were committed at Brownsville, Tex., in August last. In that view of the case, the question presented is, Are men who enter into such a combination rendering honest and faithful service within the meaning of their enlistment contracts? In other words, can men admittedly so disregardful of public authority be trusted and relied upon when upon an occasion of public emergency they are called upon to support it?

A court-martial, while a military tribunal, is judicial in character. In proceedings before it there must be charges against individuals, direct and specific, and in trials the same rules of evidence govern as in civil courts. After most careful and exhaustive inquiry in this case, although there was no doubt that soldiers committed the crimes, it was impossible to discover evidence against individuals as a basis for proceedings before a court-martial. It is not a case, therefore, as is pointed out by the Judge-Advocate-General, which can be investigated by a court-martial.

Other distinctions exist between a discharge without honor and a dishonorable discharge, some of which are named by the Judge-Advocate-General in his memorandum in this case, December 8, 1906. Among these is the right of admission to the Soldiers' Home, the right to be buried in a national cemetery, and the right to receive transportation and subsistence. In each of these cases this right exists when enlisted men are discharged without honor though not when they are dishonorably discharged.

This, Mr. President, is the law; this is the practice; these are the precedents. Under them thousands of soldiers, white and black, have been discharged without honor by the Executive. During the past year 352 enlisted men, doubtless including both white and black, were so discharged. The effort here, if successful, will reverse the course of military justice, shield malefactors and criminals, and enable a league of army assassins and murderers to defy public authority and perpetuate itself. Any less authority, Mr. President, than that claimed and exercised in this case would render the Government impotent and place it at the mercy of any criminal faction which might arise in the Army.

Let us now turn from the law to the facts. It is admitted that no individual soldier has been identified as having been engaged in this outrage; so that the inquiry here is limited to whether it was committed by soldiers or civilians.

I have already stated, Mr. President, that prior to August 13 the conduct of some of the soldiers was offensive to the citizens of Brownsville, and a criminal assault had been made upon a lady of the city by a soldier. In addition to this the soldiers were denied equality with whites in some of the saloons of far-away Brownsville; there was a difficulty between a soldier and a customs officer at the crossing of the Rio Grande; and a soldier was struck over the head with a pistol by another customs officer for rude conduct toward the wife of that officer. What resentment, Mr. President, this created in the minds and hearts of the soldiers is well expressed by the colored citizens of Boston and vicinity in a series of resolutions adopted by them at their recent meeting in Faneuil Hall. Hear what they say, as I read from a copy of a paper sent to me by some of them through the mail. They do not deny that soldiers committed the deed, but they give reasons why they did so. They say:

> Brooding on repeated insults and outrages, a few of these colored soldiers went into the town on the night of August 13 last with their guns, determined to do for themselves what the uniform of their country could not do for them and what the police power of white Brownsville would not do for them, viz, protect them from such insults and outrages and punish at the same time the authors of their misery.

There is the resentment, there is the motive, there is the malice, there is the purpose, Mr. President, not only to resent some injustice which may have been done them, but, as stated by their colored friends about Boston and its vicinity, to punish the authors of their misery.

Now, Mr. President, what of the evidence in this case? It has been said that the only evidence is that taken before a committee of citizens of Brownsville, the chairman of which was an ex-Army officer and a Republican. But that is not true, Mr. President. The very report and document from which that testimony was read shows that Major Blocksom, the inspector-general, made inquiry and took the testimony of more than fifty witnesses composed of all classes of people in the city of Brownsville—officials, private citizens, Confederates, Union men, Republicans, Democrats, and not a man, woman, or child in the community doubted the guilt of these ruffians.

It is not customary, Mr. President, for the Inspector-General or any of his assistants in making investigations necessarily to take the testimony in writing. An Army officer was supposed to be a man of honor, at least until these proceedings arose. Something was supposed to be due to his character and that he would not willfully misrepresent facts, which would subject him not only to the criticism and censure of the people, but to trial by court-martial. Why was not that stated?

I have nothing to do with the President personally in this matter. I care nothing about his personality in this case. My personal relations with him, Mr. President, are about as cordial as those of the Senator from Ohio [Mr. FORAKER]; but it ought to have been stated, in all fairness, that the country might know it, that this conscientious American soldier went into Brownsville, talked with the citizens, talked with the officers and soldiers, talked with every class of people, and then upon his honor reported to the President of the United States that the testimony upon this question was without doubt.

But I shall read some of the testimony that was taken by the citizens' committee, and that testimony was taken, Mr. President, in conjunction, I believe, with Major Penrose, the commanding officer of this battalion of soldiers. I wish to read some of it, and I shall print in the RECORD all of the testimony of any single witness from whose testimony I read and not present it detached and garbled. Remember, now, I am on the proposition that soldiers and not civilians committed this act of wanton savagery upon an unsuspecting and sleeping people. Talk about the uniform of the soldier; talk about the honor of the Army; talk about the glory of the flag! Mr. President, the law and public indignation should drive every such scoundrel from the Army, that its record may continue to be such that honorable men can point to it with pride.

Now, let us see. Let us take Mr. George W. Randall. His house is within 60 feet of the garrison, and remember, Mr. President, because I do not want you to get away from that proposition, the question is whether this outrage was committed by soldiers or civilians. That is the point now.

TESTIMONY TAKEN BY CITIZENS' COMMITTEE RELATIVE TO ACTION OF UNITED STATES TROOPS ON THE NIGHT OF AUGUST 13 AND MORNING OF AUGUST 14, 1906.

BROWNSVILLE, TEX., *August 14, 1906.*

Mr. George W. Randall takes the stand.

Q. Tell what you saw from the time your attention was first attracted.—A. Well, I was sleeping about 10 o'clock and was woke up *by pistol shots fired close to my house, about 60 feet from garrison, inside of garrison wall. I got up and went to the window, my wife with me. We could see men moving back and forth inside the garrison wall, and they were shooting.* One man in particular. I watched the shots, seeing the fire leave the pistol, and it was elevated up in the air and was being fired about as fast as a man can move his finger. There were other shots, but I did not notice them.

Q. What time was that?—A. About 10 o'clock, I think; though I did not strike a light to look. The next move that I saw and what I heard was one word—there was a good deal of talking, but very low—one man said "There he goes," and they made a move for the wall and passed out of my sight.

Q. Did they have guns in their hands?—A. I could not tell.

Q. *Were they soldiers?*—A. *Yes.*

Q. You could see on the town side of the garrison wall?—A. Yes.

Q. Did you see any shooting on the town side of the garrison wall toward the garrison at the time of the firing?—A. No.

Q. Then all the shooting you saw was from the inside of the garrison?—A. The shooting I saw—and that was through the flash of the pistol, and every one of those flashes was elevated—did not seem to be shooting at anything.

Q. When you saw the flashes of fire could you tell in what direction such fire was?—A. It was elevated.

Q. *Was it toward town or away from town?*—A. *Toward town.*

Q. How long did that shooting continue?—A. I do not think it was more than five or six minutes.

Q. Were there other shots fired from the post also later?—A. (Not known.) The first shot came from the garrison wall down below; the next one passed through my room and went directly over my bed.

Q. How long was that after the first shot was fired?—A. Five or six minutes.

Q. *That last shot that went through your house, judging from the direction of the shot, would you suppose it was fired by somebody who ran out of town through the alley?*—A. *No; it could not have been. My house stands [motioned toward the fort], and the place where it went into my house [motioned again] and the place where it went out [another motion] was about 6 inches above where it went in.* (Stenographer can't comprehend motions.)

Q. After the first shot was fired, how long was it until you heard the last shot?—A. I could not tell. My wife said it was between a half and three-quarters of an hour, but I think it was not that long.

Q. *The shot that came through your house came from the direction of the garrison?*—A. *Yes; about the lower end of the lower quarters.*

Q. *That was several minutes after the first fire?*—A. *Yes.*

Q. *Do you remember whether it was before or after the bugle call was sounded?*—A. *It was after; a long time after. The first bugle call that I heard—it was a peculiar call—was two or three minutes after they left the quarters and jumped the wall and started this way.*

Q. *It was after the bugle call?*—A. *Yes; and it was quite a little while before that man got the squad together and came up Elizabeth.*

Q. There were two bugle calls?—A. Yes.

Q. Was this after the first or second bugle call?—A. The last.

Q. Did you see anything of the placing of a Gatling gun in the gate last night?—A. No.

Q. You were in view of the gate all the time?—A. Yes.

Q. You could have seen it?—A. Yes. [Continued.] The first shots that I heard seemed to me as though they were a little to the left. When I got up and went to the window I saw that they were shooting up.

(Excused.)

Mr. O. J. Matlock takes the stand.

Q. (By chairman.) This committee is engaged in investigating what occurred last night. It has been stated that some soldier addressed you and told you that it would be dangerous for you to go up the street after 10 o'clock.—A. No; no one addressed me that way. The only conversation that I had was with the commander of Company B (I think it was), and he said that his instructions were to keep his men in at night, and that he was going to call them back. I had no talk with a soldier, and knew nothing of it, *except that there was a little strange situation on account of the affair Sunday night.*

Q. Where were you during this shooting?—A. Behind the guardhouse, at Mrs. Johnson's house.

Q. Did you see anybody do any shooting?—A. No. I went up to the guardhouse to see what was the matter. They said they did not know, and came near running their bayonets into me, they were so excited. They said they knew nothing about it.

Q. Do you know anything about the roll call there last night?—A. No.

Q. Anything about the guns?—A. No; except what I have heard.

Q. *Did you make the statement that the guns have not been returned to the racks yet?—A. No; for I don't know anything about it. I had a talk with some of the officers this morning, and they told me that the guns had not been tampered with. They had an idea that the guns could not be gotten hold of except for drill purposes.*

Q. *Is that still their idea?—A. No; I think not.*

Q. How long would it take a man to go from the officers' quarters over to the men's quarters?—A. They were in bed, and, having to dress, it would take maybe eight minutes to get their clothes on and get over there. Maybe all of eight minutes.

Q. Do you know anything that might be of the slightest help to this committee?—A. No; nobody out there knows anything about it. The general opinion is that they will never know anything about it as long as they stay here, unless one of them gets full and tells it.

Q. Did you state that you were told not to go out that night?—A. Yes; I was washing my hands when the shooting commenced, and I went up there, and they were very excited and told me I had better get back into the house or I might get hurt.

Q. That was while the shooting was going on?—A. Yes; I started to go, and they said, "Don't go yet awhile." So I waited.

Q. Was the officer of the guard there?—A. There is no officer of the guard, except the noncommissioned officer. He was on his round. I heard him make his round about 11 o'clock.

Q. If there was a guard on last night, did not he know anybody who went into or out of the post?—A. No; he might be around the barracks, and a person could come in the gate.

Q. But if they had a special patrol? With that they should be able to keep people out?

(Answer not known.)

Q. I understand there was one man with each squad who has entire charge of the arms and ammunition. If any arms or ammunition went out of there or went in, he was bound to know?—A. He ought to know it, if he was up all night. If he was in bed, he might be misled.

Q. These arms are under lock and key, and this party has charge of the key?—A. Yes.

Q. And he should be responsible?—A. Yes.

Q. *A guard who would be up at the end of the third quarters, it would be an easy matter for any number of men to jump the fence before he could get back and see who they were?—A. Yes. It is about 500 yards.*

Q. What Gatling gun is there in the fort?—A. There is only one, but it was not got out.

(Mr. KELLY stated:) It was a very old gun—one of the guns that was on the old Bravo in 1872.

(Witness excused.)

Mr. Jose Martinez testified before the committee:

Q. You know the object of this committee. Just state what you know or what you saw.

(Question of speaking English raised. Interpreter dispensed with.)

Q. Where were you last night?—A. In my room in Mr. Randall's house, right behind the telegraph office [pointed out place on map]. On alley fronting the post in block 61.

Q. Were you there last night?—A. Yes; I was reading the paper when I heard four shots.

Q. What kind of shots; pistol or rifle?—A. Gunshots.

Q. *Where were they?—A. Inside the quarters. I hear the noise like somebody—big crowd—jump the fence.*

Q. About how many?—A. I could not see him; I hear.

Q. Well, more or less?—A. About 20.

Q. *Did they have guns in their hands?—A. Yes.*

Q. *Were they negroes or white men?—A. Negroes.*

Q. Did you see their uniforms?—A. No; I saw their—what you call it?—bulk. I could see them shooting this way [makes motion at hips]. I could hear men come up Elizabeth street and other men go down the alley.

Q. How many shots did you hear, more or less?—A. I could not tell; about forty or fifty.

Q. Was that before or after the first bugle call? Did you hear the bugle call?—A. Yes.

Q. Did these men come over before or after?—A. They shot and then the bugle.

Q. Then you heard other shots?—A. Yes.

Q. Then a second bugle call?—A. Yes.

Q. How long was it between the two bugle calls?—A. I think it was about three minutes.

Q. Did you hear them call a roll on the other side?—A. No; I was sleeping by that time.

Q. Could you hear these soldiers talking any?—A. Yes.

Q. What did they say?—A. I did not pay any attention to them.

Q. Do you remember anything they said?—A. No.

Q. Did they curse?—A. Yes.

Q. Were they drunk or not?—A. I could not tell you.

Q. Did you see said men [Kibbe's question] go back?—A. No.

Q. Can you show us on the map where the first crossed the wall?—A. (Goes to map and points.) They jumped over the wall all along.

Q. Did they have guns in their hands?—A. Yes. I was standing in the door.

Q. *Were they inside or outside the wall when the first shots were fired?—A. Inside.*

Q. Then they jumped over the wall and ran uptown?—A. Yes.

Q. All of them with guns?—A. Most of them I saw with guns.

Q. Some of them ran straight up the alley. Do you know whether any of them ran up Washington street?—A. I don't know. I blow out my light.

Q. Have you any idea how many men crossed that wall?—A. I saw about twenty men. I don't know how many of them jumped the wall.

Q. Did you see the soldiers when they came back to the garrison?—A. No.

Q. Did you see any of them come up Elizabeth street?—A. I could not see them; I hear them come up Elizabeth.

Q. *Did you hear any shots from the town side before you heard them on the inside?—A. No.*

Q. *You live about 30 feet from the garrison wall?*—A. *Yes.* (Some one ventured the information that it is just 36 feet.)

Q. Were these four shots that you heard first all the shooting that took place until they passed your house?—A. No; when they jumped the fence they commenced shooting.

Q. Which way were they shooting?—A. This way.

Q. The guns were shooting straight?—A. Yes. Maybe some of them were elevated.

Q. That is all you know about it?—A. That is all.

Q. There were quite a number of shots fired before the first bugle?—A. Four.

Q. Were there not more shots than that before the first bugle call?—A. No.

Q. They continued until the second bugle call?—A. Yes.

Q. Were there any after the second bugle call?—A. Yes; lots of them.

(Excused.)

Mr. President, there follows the testimony of a number of witnesses. I shall print it all, but I wish to read the salient features of it to the Senate to-day. Here is a man, Baker, who climbed up on a tank so that he could see beyond the wall of the garrison. What does he say? Baker is the man who had had trouble with a soldier at the crossing of the Rio Grande.

Mr. A. Baker called to stand.

Q. Just tell what you know.—A. I heard shooting during the night; don't know exactly what hour.

Q. Was it a pistol or rifle?—A. It sounded like a pistol. I jumped up and my brother came out and asked what it was. *We climbed up on a tank and looked over into the fort.* The shooting commenced. There were four or five shots near the wall. Then they commenced shooting uptown.

Q. Where do you live?—A. Near the old ice plant, in lot 9, block 59, I think.

Q. Did you see the men cross the wall?—A. No.

Q. Do you remember hearing a bugle call?—A. Yes.

Q. Was the firing before or after the bugle call?—A. There were some shots before the bugle call; then the bugle; then more shots; then the bugle call; then more shots. *I heard the men run down the stairs, like they were coming to a fire, and some one hollered, "Fall in line," and then, "March," and they went uptown.*

Q. *Did you hear the roll call?—A. Yes; about half an hour after they got back—a half or three-quarters of an hour after the firing ceased and they went back to the post.*

Q. From where you were, could you look down in the alley?—A. Yes.

Q. At the time of the firing, or within five minutes after the firing, did you see anyone running through the alley?—A. No.

Q. *Were you expecting trouble last night?—A. Yes. Yesterday evening, about 6 o'clock, two soldiers came up to the house and asked if Mr. Baker lived there. Then they said they wanted a big, broad-shouldered fellow, who said he was from Georgia. So we got our arms and guarded our residence.*

Q. Do you know of the shot that Mr. Randall spoke of having gone through his room?—A. Yes; I heard it whistle.

Q. Did you notice the flash of any guns toward the fort?—A. No.

Q. If they had had a roll call you could have heard it?—A. Yes; I heard the last one and heard nearly every name called.

Q. Why were you noticing this?—A. After they had the other trouble the officer told him to report to him and that he would have a roll call and get who was out. So I noticed for the roll call this time.

Q. Did you hear the shooting up in town?—A. Yes.

Q. How many shots did you hear?—A. One hundred and fifty, maybe two hundred. It looked like volleys of them were being fired.

(Excused.)

Mr. A. C. Moore testified:

Q. This committee is sitting for the purpose of getting information that will place the saddle on the right horse. You are running the Miller Hotel?—A. Yes.

Q. *Are there any bullet holes in the hotel?—A. Yes; about six.*

Q. *Shot by whom?—A. By people; last night.*

Q. What time?—A. About 12.

Q. Did you see anyone shoot?—A. No.

Q. Did you hear?—A. Yes.

Q. Tell what you know.—A. *The first shooting started down by the garrison. The shooting still continued, and they came up the alley right by our rooms. They gave the command here and fired. Then they came out on Elizabeth street. There they gave the same command again—"Halt; fire!"*

Q. *Could you tell who they were—negroes or white people?—A. Well, it was a good, strong voice and English spoken.*

Q. Could you see them?—A. No; I could not leave my wife; she was in hysterics.

Q. *You heard those commands?—A. Yes; and heard them say, "There goes the son of a bitch," and something else, "Get him!"*

Q. *Could you say whether it was a negro's voice?—A. I think it was. It was very coarse.*

Q. After the command what did they do?—A. Well, they ran on down, and there was a shot or two fired then.

Q. Toward the corner of Thirteenth and the hotel?—A. Yes. Then they gave another command. The best that I could locate it was from this corner opposite the hotel. Then they fired, and must have fired that volley at the hotel, for there are the bullet holes showing that they must have been shot from that corner. One of them passed through a window facing and through a door and struck the wall.

Q. Have you got any of those bullets?—A. Yes; I gave them to Fred. Combe.

Q. What were they?—A. Steel jackets.

Q. How many shots did you hear?—A. About fifty.

Q. Where did they shoot the policeman—right here [pointing out of window of Wells's office]?—A. I do not know, but they were bound to have shot him when they came out of the alley, for then they hollowed, "There goes the son of a bitch; get him!" Then I picked up a lot of bullets [meaning cartridges, evidently] in the alley, empty and loaded.

Q. What were they?—A. 1205, new army gun, Springfield model.

Q. That is all you know?—A. Yes.

Q. Do you know whether or not any of your guests actually saw the negro soldiers?—A. Yes; Mr. Borden and Mr. Chase had their heads out of the window and saw the squad of five or six. They shot just about then, and the bullets hit right close to the window. One bullet came through the screen, and when it hit the window went straight up.

(Excused.)

Mr. Canada testified:

Q. We are inquiring into the matter of last night with a view to ascertaining who the guilty parties are. We know they were negro soldiers. If there is anything that would throw any light on the subject we would like to have it.—A. I did not see a single man that I am sure. My room is up on third floor. As soon as the shooting began I went down on second floor and went out on the gallery. I saw that policeman and saw that the horse was wounded. He staggered and fell. I could tell by his rather dark clothes that he was an officer.

Q. Could you see who fired the shots?—A. No; I could not give any description of the men. I could hear the peculiar click of the gun, and I would swear it was a rifle.

Q. Could you tell whether it was an ordinary rifle or a Krag?—A. They were the same as the shots fired in the alley.

Q. You could not hear them say anything?—A. Perhaps, if I had been listening for that purpose alone.

Q. How many shots were fired from the corner at the horse?—A. At least three.

Q. How many in all did you hear?—A. Not less than 150; perhaps 200. Between those two numbers. It is more or less a guess.

Q. Did you hear any commands? Hear "Fire," or anything that way?—A. The only thing I heard them say was, "We got him," when the horse fell.

Q. Did you see or hear anything that would lead you to believe that they were negro soldiers?—A. Nothing except the general tenor of the affair.

Q. The next firing was up the street?—A. Yes; they went on up the street firing.

Q. *From the tone of the voice that you heard make the remark, "We got him," were they Americans or Mexicans?—A. I think they were negroes. I was raised among them and knew their voices pretty well.*

(Excused.)

* * * * * * *

Doctor Combe states what Mr. Odin, who is now out of the city, said in regard to the shooting (made in presence of Judge John Bartlett):

That about the middle of the night of August 13 he was standing at a window of his room in the Miller Hotel and he heard a squad of men coming down the alley; *that they arrived at the corner of the alley and he recognized that they were five negro soldiers; that when they arrived at the intersection of Thirteenth street and this alley one, apparently in command, gave the order, "There he goes; shoot him."* That immediately a volley was fired, and then one of the men leveled his piece at the window and fired, the bullet passing through the casing and going into the ceiling directly over his head. One of his children fell to the floor and he thought it was shot. His wife was present at the window.

(Judge Barlett affirmed statement.)

Mr. McDonald testified:

Q. We are here to get what information we can that will throw light on the circumstance.—A. I board on the little block next the garrison, about the middle. I knew there was bitter feeling in town and thought that if they caught any negro soldiers up town they might to [sic] them up. So I laid awake; never pulled off my shoes. When the first fire started I jumped up. There were from six to ten shots on Elizabeth street; then they ceased. I went down the street to the next block and on to the alley, and stopped on the corner. *The shooting commenced again just inside the garrison wall. Then I saw some men assembled by the garrison wall near the telegraph office. There were about twenty men. I don't know where they came from; did not see them scale the wall or come through the gate. I think they were in trousers and shirts. I don't know whether they were negroes or white men, but they were United States soldiers.* They went into the alley where I first stopped (I had moved back) and commenced shooting. I was thirty or forty steps from them. Five or six men went up that alley, and I could see their guns distinctly. I did not hear any roll call, but I went home soon after that and then came down town.

Doctor Thorne called.

Q. Tell the committee what you know.—A. I know nothing except what I heard. I heard the firing when it commenced, and supposed there was a rampage. I was in bed. There was only a thin wall *between me and the alley. I heard one man say, "There he goes," or "There they go," or "There he is;" then another spoke in a loud voice, "Give them or him hell," and louder still, "God damn him." It was a negro's voice. Three bullets went into my house. I did not hear them go back down that alley, for I got up and went down town.*

(Excused.)

Mr. Herbert Elkins testified:

Q. You know the object of this meeting. We know that this outrage was committed by negro soldiers. We want any information that will lead to a discovery of whoever did it.—A. About fifteen minutes before the shooting came up I went up to my room in the Lahay Hotel, second story back. When the shooting commenced I got up and sat in the window. They came up the street; two of them seemed to be in the lead. There were five or six. *I could swear they were negro soldiers.* They emptied their guns into Mr. Cowen's house and then split up, and part of them went up Elizabeth street. One of them got into a mudhole and hollered for the others to go around the other way. They wore khaki pants, regulation blue shirts, and belts. *The two in advance were small black negroes, none of them over 5 feet 6.* I might recognize the voice of the one that got into the mudhole, and think I could recognize him, but maybe I could not pick him out. *They did not turn back when the bugle call sounded, but went on, and in a little while they came back. I saw them shoot into Mr. Cowen's house once, and I think they shot into it three times. They got back to the barracks before the roll call and I think before the squad went out in town. When the squad went back I was standing with Mrs. Lahay at her front gate, and the squad passed within a few feet of us. One little black negro, who I took to be the same one that got into the mudhole when they were shooting into Mrs. Cowen's house, said, "We'll kill the rest of the sons of bitches to-morrow."* I heard the policeman shoot uptown; could tell it because the shots were dull.

(Excused.)

Macedonio Ramirez called to stand. (Policeman on duty that night.)

Q. You were with Joe Dominguez?—A. Yes.

Q. Did you see the shooting?—A. Yes.

Q. Did you see the soldiers?—A. Yes.

Q. How many?—A. Five or six.

Q. Where were you?—A. When the first shots were fired I was standing at the corner of the Alamo alley. When I heard the shots I ran to the next corner. I then ran down Washington street until I reached Mr. Bolack's corner. When I reached Bolack's corner I met the lieutenant police and Padron coming from the direction of the garrison. I asked the lieutenant police what was up. He said he did not know. He supposed the soldiers were firing. As we turned the corner—the lieutenant police was ahead, Padron was behind him, and I was behind Padron—we heard one or two shots from the corner of the hotel. As we came near the alley we heard the locks of the guns that they were loading. *When we were in front of Mr. Wells's office five or six soldiers appeared at the corner of the alley. One of them said, "Here he goes; shoot him," and three or four shot at Domingo, and one of them remarked, "Give it to him."* None of us shot. Padron went up Washington street and I went up Thirteenth street. When I reached the house where Mr. Carson keeps they shot my hat off. I heard them shoot in the direction in which the other policeman ran. I ran up that way and came back down on Elizabeth street and intercepted the company. I was standing on Crichell's sidewalk; the company was in the middle of the street, and Marcellus was on the opposite side of the street. One of the men called the attention of the captain to the fact that there was a man in the street with a gun in his hand. Marcellus Daugherty stated that he was an officer of the law. He ordered them to march, and they stood still. Then he ordered them the second time, and they marched. Some of the men had their guns on their shoulders and some of them carried their guns in their hands. They were talking and seemed to be in a bad humor. They said something to their captain when he ordered them to march, and he ordered them a second time, and they marched on. They had stopped and said, "There is a man with a gun in his hand."

GENARO PADRON'S TESTIMONY.

My name is Genaro Padron. City policeman of the city of Brownsville. On the night of the 13th instant about 12 o'clock I was at the corner of the Merchants' National Bank, when I first heard some shots in the direction of the garrison. It was in the direction of Fort Brown. I was then starting up Elizabeth street with Florencio Briseño; ran very fast toward the garrison, and then as I was passing Mr. Tillman's saloon I asked him if he had a gun, and he said that he had only a .45 caliber, which I took. I ran in the same direction, up the street with Briseño, turned the other street, and went near the corner of Bolack's house, and then went up his side of the house and turned the corner and went into the Pecina's yard. Before that I had met Lieutenant Policeman Ygnacio Dominguez, who was then in front of me. I then came next, and Macedonio Ramirez was behind me. I told him "You had better not cross that alley, *for the soldiers are firing from in there," and he then crossed the alley and was looking in the direction I had told him the soldiers were, and at that moment they came out and opened fire on Dominguez.* As I said before, I was behind Dominguez and Macedonio Ramirez was behind me. I could hear the soldiers were talking. I then came around the corner and looked about, but I did not see anybody. I then saw the lieutenant police, Dominguez, cross the alley and Macedonio and myself coming right behind. After the lieutenant policeman, Dominguez, had gone across I could see the flashes of the guns giving the reflection on the glass windows of the opposite building. And then I saw the lieutenant police, Dominguez, go in a walk on his horse crossing the alley, when *I then heard a soldier say: "There he goes."* I then backed a little, but I could never see Macedonio Ramirez after that. I was trying all the time to find out where he had gone. *When the soldiers came out of the alley they turned their guns and fired. There must have been three or four of them Then about three more came out at the corner of Bolack's house out into the street and fired on Dominguez.* After that I backed and fired my pistol at them, and then they fired on me. At that time I turned toward the Sahualla's store, Washington street, *and saw that they were about seven or eight soldiers, armed with rifles,* going in the middle of the street, and I then took said Washington street, hiding and walking in the dark, taking behind the trees that are on the sidewalk, and then they fired another volley. When I got near a big nogul (walnut) tree they recognized me, and they fired again at me, but I kept backing and backing every time until I got to the corner of Sahualla's store, but I keeping in the shadow all the time, taking the sidewalk of Nicolas Lopez's store, then turned around toward Miguel Fernandez's store, when at that time I heard some one speaking, who asked me what it was, and I looked over my head and saw it was somebody, *and I then told him that the soldiers had broken out of the post, firing upon the police force.* I then went up to the corner of the First National Bank, turned there, and went toward the Merchants' National Bank and got behind a thick post—the thickest one that was around there. I then heard that some one was knocking at the door of McDonald's store and went in that direction and asked him, "Who is that?" And he replied, "It's the mayor, Federico Combe," and we then walked up the street toward the Merchants' National Bank, and I then told him that the soldiers had broken out of the garrison, and perhaps Lieutenant Police Ygnacio Dominguez was hurt, as I had left him some few moments before. I did not know where he was. We then came in the same direction of the street. By that time people were congregating on the street near Tillman's saloon, and somebody said there is a dead man in there. Then the mayor went in and told me to keep guard at the door and not to let anyone pass unless he was a peace officer. I then said, "Two more policemen are missing, José Coronado and Florencio Briseño." Both of them were not there. *Yes, sir; I know they were soldiers, because they were in their uniforms.* This talking I heard near the alley of Bolack's was just opposite the door of Bolack's, the big entrance door, about the third door from the alley corner, I think. Yes; I heard voices say, "There he goes; shoot him." Then it was when they fired on Lieutenant Police Dominguez. That is all.

That, as I will print it in the RECORD, is from the testimony taken before the committee of which Capt. William Kelly was chairman.

Now let us see if there is any testimony of the negro soldiers themselves that will throw light upon this question. Artificer George Newton, Company D, Twenty-fifth Infantry, testified before Lieutenant-Colonel Lovering:

ARTIFICER GEORGE NEWTON, COMPANY D, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. I was in my bed asleep, in quarters; in barracks.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Have you ever been in a saloon in Brownsville?—A. I went in a Mexican's place there.

Q. Ever in a white man's saloon?—A. The first night I got there I was in one, the name of Mr. Taylor, I believe; some of the Twenty-sixth fellows carried me in there and gave me a glass of beer.

Q. White men in the saloon?—A. Yes, sir. He invited us back. I never had opportunity; was a carpenter.

Q. Did they have a separate bar for colored men in the saloon?—A. Yes, sir.

Q. Did you object to that?—A. No, sir.

Q. How long have you been in the service?—A. When I complete this enlistment I will be started on my tenth year. There was nothing said about these three fellows of the Twenty-sixth taking me in and giving me a drink. The gentleman took me out to a place where he was going to open a restaurant for our boys—for colored men.

Q. Did you object to that?—A. No, sir; because in place where I was raised they have them that way; kind of garden like in rear of building.

Q. Did you ever talk with any of the men on the subject of having a separate bar?—A. No, sir; I did not have but a very little said to me anyway. Went to a drug store to get some pills, I believe it was, and to get some writing-paper tablet.

Did the white soldiers of the Twenty-sixth Infantry, displaced by the negroes, at Fort Brown, believe there was any trouble brewing on account of sending this particular battalion of troops to Brownsville? Here is the testimony of one of the soldiers, the artificer, Newton, who continues in his testimony:

Wanted to know where we were from, and I told him; he said, *"You boys is the nicest set of boys I ever met. We have learned from the boys of the Twenty-sixth that you were going to be awfully rough here.* You are the nicest set of fellows I ever met."

Q. Did you buy anything at this drug store?—A. I bought some pills and a tablet, I believe it was.

Q. Did they object to selling to you?—A. No, sir. The first drug store I went to I walked in, and nobody said anything to me. Some gentlemen in there talking. I stood around for a few minutes; nobody said anything; didn't ask me what I wanted or anything, so I walked out. They didn't say anything to me nor did I to them.

That is the statement from one of the soldiers that it had been reported by the "boys of the Twenty-sixth," a white regiment, that the men of this battalion would be pretty rough at Brownsville. The soldiers of the Twenty-fifth Infantry had been pretty rough elsewhere, as you will remember, at Fort Bliss in Texas and at some place in Nebraska.

Here is the testimony of Jacob Frazier, first sergeant Company D, Twenty-fifth Infantry. Does he believe that negro soldiers committed this offense? I think so. I will read a paragraph from his affidavit taken before Captain Lyon:

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Jacob Frazier, a first sergeant of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"About 12 o'clock midnight, August 13, 1906, I was asleep in my house, which is situated about 100 yards east of the east set of soldiers' quarters. I was awakened by two shots being fired from the road in rear of B Company quarters, as near as I can judge. My first impression was that it was the alarm of fire. I immediately got on some clothes and started to run for the company. Then a fusilade of shots was fired from along this road, and the call to arms was sounded. When I was passing in front of Company C quarters I distinctly heard some one shout 'Cease firing,' several times, and it seemed to come from the road in rear of barracks. When the fusilade of shots started and the call went, I thought the post was being shot up by the civilians of Brownsville. When I reached barracks the men were coming out with their guns, and I fell in the company and checked them, using a lantern. Two men were absent on pass, Corpl. C. H. Hawkins and Private Walter Johnson. When the company was formed Captain Lyon took command and took up a position along the wall in rear of the barracks. Then we patrolled through town and returned to the post. *I do not know who did the firing. I would not believe that the soldiers had anything to do with it until I was told that Government ammunition was found the next morning.* I do not believe that any member of D Company was implicated in the affair. I know of nothing that could have caused or that would warrant this firing.

"JACOB FRAZIER,
"First Sergeant Company D, Twenty-fifth Infantry."

Subscribed and sworn to before me at Fort Brown, Tex., this 21st day of August, 1906.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Trial Officer, Summary Court.

Here is the testimony of the cook of Company D, by name Charles Dade. What does he say?

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Charles Dade, a cook of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"About 12 o'clock midnight August 13, 1906, I was asleep in a house which I had rented for my wife and family, situated directly across the street from the kitchen door of barracks. I was awakened by my wife, who said there was some firing going on outside. I went out and saw there was no shooting near my house, so brought my family across the road to barracks. Just as I reached the wall in rear of barracks the call 'to arms' was sounded. The firing continued while I was crossing the road and after I had crossed. I did not see any flashes from guns, nor do I know what kind of firearm was being used. There was no firing in the road in rear of D Company quarters; it came from the vicinity of the post gate and the telegraph office, it seemed to me. After I had reached barracks I remained in the kitchen. I do not know who did the firing, nor do I know what could have caused it.

"Further deponent saith not.

"CHARLES DADE,
"Cook, Company D, Twenty-fifth Infantry."

Subscribed and sworn to before me at Fort Reno, Okla., this 4th day of September, 1906.

SAMUEL P. LYON.
Captain, Twenty-fifth Infantry, Trial Officer, Summary Court.

I next call attention to what Colonel Lovering, of the Inspector-General's office, born in Vermont and appointed from New Hampshire, says that Cook Dade's testimony shows:

Cook Dade's affidavit shows that a man could have taken part in the shooting and returned to his company undetected.

Mr. President, what do the Army officers say who investigated this question? I said at the outset that every Army officer who had investigated it—I do not care whether he is from Georgia or South Carolina or Ohio or Vermont or New Hampshire—reports to the President upon his honor as a soldier that there is no reasonable doubt of the guilt of these soldiers. Here is Major Penrose, who commanded the battalion, from Dakota, I believe. He says:

Were it not for the damaging evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime, *but with this fact so painfully before me I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand.*

The next day Major Penrose telegraphed to The Military Secretary at Washington.

BROWNSVILLE, TEX., *August 16, 1906.*

THE MILITARY SECRETARY,
War Department, Washington, D. C.:

Reference your telegram yesterday, a shooting occurred in Brownsville about 12.10 morning of 14th, in which one civilian was killed and the chief of police wounded in right arm, which had to be amputated. *Believe shooting was done by enlisted men of this post, but have not as yet been able to detect guilty party.*

Here is an extract from the report of Major Blocksom, which I will not stop to read, because I dare say Senators are familiar with it, but I will print what he says upon the subject:

From the evidence obtainable I believe the first shots were fired between B Company barracks and the wall separating post from town. A number were fired into the air for the purpose of creating an alarm. The soldiers, nine to fifteen, possibly more, then jumped the wall and started through town. There is no reliable evidence to support the claim that the first shots came from town, and no bullet marks were found on barracks. From their direction, etc., I am sure three shots through Mr. Yturria's house came from a point near the center of B Company's upper back porch. A Mexican boy sleeping on the floor of the Yturria porch said they were among the first fired.

Mr. Randall lives near the telegraph office opposite post gate. A bullet went through his sitting room; it came from a point near the wall opposite southwestern end of C Company barracks. Some of the first shots fired also came from the vicinity of D Company barracks. The line of barracks of D, B, and C Companies runs northeast to southwest. The wall between post and town is parallel to and about 75 feet northwest of line of barracks. An alley through town, perpendicular to wall, beginning at a point nearly opposite space between B and D Company barracks, was the line of operations (about three blocks in length).

The raiders first struck Cowan's house (at end of first block). There were two women and five children in it. It is a miracle some of them were not shot. The raiders could not help knowing they had not yet gone to bed. About ten shots were fired, nearly all going through house at a height of 4½ feet or less above floor. One shot put out the lamp sitting on a table. Mrs. Cowan has been on the verge of hysterics ever since. In is said the Cowan children had made fun of "the nigger soldiers;" but I could not pin down the reports. There must be some truth in them. The lieutenant of police, Dominguez, heard the firing and rode toward it, accompanied by two policemen. Near the corner of Miller Hotel (end of second block) the two policemen turned back, but Dominguez kept on, and the raiders started firing upon him. He said there were about fifteen colored soldiers in the party. He was mounted on a white horse, and went half a block after reaching corner of hotel, when his horse fell dead, shot through the body several times. The raiders were probably at the corner and continued firing on the fleeing man until horse fell. Dominguez was shot in right arm (afterwards amputated below the elbow). He did not even draw his revolver from holster. A number of shots were also fired at the other two policemen. Dominguez, many years on the police force, is universally respected. The raiders fired seven or eight times into the Miller Hotel, including several shots at a guest sitting by a window. After shooting Dominguez they divided. One party proceeded along the alley. Frank Natus, bartender in Tillman's saloon (about two-thirds the way down third block), heard them coming and started to close the back door, but was shot and probably instantly killed about 20 feet from door. A Mexican in the saloon, Preciado by name, was slightly wounded in the hand by a bullet which passed through his coat. Natus had never had any trouble with the soldiers, as far as known. Five or six shots were fired through that back door. This party tried to get into the back door of another saloon, but it was closed.

The other party went half a block to the right, then turned to the left and fired five or six shots into Mr. Starck's house (second from corner on street parallel to alley), evidently mistaking it for Tate's (which is third). Bullet marks in Starck's house are higher than in Cowan's. Mrs. Starck said two shots went through mosquito bar over bed in which she and two children were sleeping. These were the last attacks, and raiders then probably ran back. Bullet marks were found on several other houses in vicinity of those already mentioned.

None of the individual raiders was recognized. Streets are poorly lighted, and it was a dark night. Those who saw them were busy trying to keep out of sight themselves. The soldiers were comparative strangers in town, having arrived only two weeks before. That the raiders were soldiers of the Twenty-fifth Infantry can not be doubted. The evidence of many witnesses of all classes is conclusive. Shattered bullets, shells, and clips found are merely corroborative.

Though Senators have read the report, I wish to read just here the basis of Major Blocksom's report in this case:

I examined privately the *five* officers present when trouble occurred (Major Penrose, Captains Lyon and Macklin, Lieutenants Grier and Lawrason, all of Twenty-fifth Infantry), all men who made affidavits, etc., A" to F" (as well as post noncommissioned staff, a number of

old noncommissioned officers in each company, etc.), all important witnesses in A''' to B''', Mayor Combe, Mr. Dominguez, Mr. and Mrs. Evans, etc. I interviewed nearly all prominent officials—Federal, State, and county—saloon keepers, and other citizens of all classes. I examined the houses, interviewing inmates, of Messrs. Cowen, Randall, Starck, and Yturria, observing where shots entered and left; also saloon where bartender was killed and a number of other buildings having bullet marks.

What does General Garlington, Inspector-General of the Army, say?

It has been established, by careful investigation, beyond reasonable doubt that the firing into the houses of the citizens of Brownsville, while the inhabitants thereof were pursuing their peaceful vocation or sleeping, and by which one citizen was killed and the chief of police so seriously wounded that he lost an arm, was done by enlisted men of the Twenty-fifth Infantry belonging to the battalion stationed at Fort Brown.

The General Staff of the Army, in a paper prepared by Gen. Thomas H. Barry, takes the positon that the soldiers committed this offense, and recommends that a court-martial shall try Major Penrose and Captain Macklin for neglect of duty in allowing it to be done.

Now, what about Captain Macklin? You will remember, at least, some Senators who have read the testimony will, that Macklin commands C Company, and that with one exception all of the men who had trouble with the citizens of Brownsville belonged to that company. What does Macklin think about it? Does he think the people of Brownsville committed the outrage? Does he believe that there was an organized riot in Brownsville by which women and children might be killed in order to secure the removal of the troops from that place? He does not believe it. Macklin has not made a report on this subject, so far as I am advised, but here is a statement by Gilchrist Stewart as to what Macklin thinks:

Captain Macklin [is] the only officer whom I found so intensely confident that the men knew about it and that the soldiers did the firing.

He is not only confident, but intensely so.

There has been a great deal said about a roll call after the shooting. Let us see about it. Here is the testimony of Captain Lyon, of the Twenty-fifth Infantry. He says:

The first sergeant with a lantern, and myself, went down the line and saw that every man was present—*that is, that a man answered the name of every man.*

The idea of testing the presence of conspirators by such a method as that, testing the presence of men who had committed a crime diabolical and inhuman; whether or not they would get somebody in the ranks to answer for them. That is Company D.

What does Lieutenant Grier, who commanded Company C that night and ordered the roll call of that company, say?

LIEUT. HARRY S. GRIER, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. Asleep in my quarters.
Q. On what duty were you?—A. Post quartermaster and commissary; also acting post adjutant.
Q. Who were the first enlisted men that you saw?—A. Sergeant Harley, acting first sergeant Company C.
Q. Was this before the firing ceased or after?—A. Before the firing ceased.
Q. Do you remember any other particular name that you saw before the firing ceased?—A. No, sir; *by the time I got over to the barracks the firing stopped.* I met Sergeant Harley on the brick walk coming from the men's barracks to the officers' line about three-quarters of the way across the parade ground to the officers' line; that is, near the officers' line. I halted him, not knowing who it was (firing was still going on), and inquired who was there. Replied, "Sergeant Harley." I said, "Sergeant, what is the trouble over there?" He said, "The men say somebody in town is shooting up the barracks." I said to him, "If that is the case, what are you doing over here?" He said, "I am going to get the captain."

So here is Company C, in which were all the men but one who had trouble with the people of Brownsville, answering a roll call, such as it was, after the firing had ceased in the town.

There is something more about a roll call. I read from a paper filed in this case by Major Blocksom, dated December 6, 1906. He says:

Major Penrose says he thought the firing had all ceased when the rolls were called. (See p. 1 [94], sworn testimony, Colonel Lovering's report.) Captain Lyon's testimony plainly shows that the main shooting was over when rolls were called and that scattering shots afterwards came from frightened people in town shooting out of their windows. (See p. 3 [96], same sworn testimony.) Lieutenant Grier's statements (pp. 5 and 6 [p. 97], same testimony) and Acting First Sergeant Harley's (pp. 6 and 7 [p. 98]) plainly show that firing had entirely ceased before roll of C Company was called, and that the roll call itself was not at all accurate.

Not only that, but I want to ask if all the men, according to the roll call even, were accounted for. Major Blocksom also says in the paper referred to:

By consulting the list of men absent from company quarters (p. 2 [93] of Colonel Lovering's report) and the sworn testimony of the men themselves (on pages indicated), it will be seen that the following were absent from roll calls that night: Three in Brownsville on pass, one in Brownsville presumably without a pass, and from eight to ten at quartermaster corral, bakery, officers' quarters, and quarters in town—twelve to fourteen in all.

This is about as many men as some of the witnesses say engaged in this infamous assault upon the people of Brownsville.

Mr. President, what was done, in the next place, to verify the number of rifles that were there after the shooting? What was done to discover whether those rifles had been freshly discharged? This assault occurred at 12 o'clock on the night of the 13th. Let us see what precautions were taken:

Major Blocksom further says:

No rifles were examined for cleanliness before morning. (See Major Penrose's letter B, my report.)

Let us go further into reports that have been made upon this affair.

The consul of the United States at Matamoras, Mexico, has written a letter to the President, which is in this record, and from it I propose to read a paragraph:

Shots were also fired directly from the second story of the soldiers' quarters into the houses, facts substantiated beyond doubt by the character of the bullet holes and the angle of penetration. Mr. Cowen's house, referred to in the report, is not over 100 yards from the barracks, and all of the shooting—and it has been estimated that from 100 to 150 shots were fired—occurred within 250 yards of the garrison.

In this letter I want to call your attention to a few facts, not prominently developed in anything I have read, which show, almost conclusively, preconceived, concerted, and deliberate design and preparation on the part of every noncommissioned officer and enlisted man who was in the garrison at that time a malicious plot and agreement, which they happened to be able to carry out. Having been intimately associated with several Army officers who have been stationed here within the last few years, I am acquainted with the usual routine of garrison duty, as well as the geography of Fort Brown. The method of caring for arms is as follows: The noncommissioned officer in charge of quarters is in charge of the keys of the gun racks. No rifle can be taken out without his permission and his tour of duty is twenty-four hours. * * * *The first shots were fired from the upper porch of the barracks to the left of the entrance to the post, proven by the facts as stated above, and further substantiated by the testimony of several civilians.*

The Attorney-General of the United States sent the assistant United States district attorney to Brownsville to look into this matter. What does he say?

The city of Brownsville, without doubt, has suffered a terrible and unreasonable attack by soldiers, who should have acted just the opposite in affording them protection, and they are righteously indignant.

Mr. President, I will now read an extract from an affidavit of Wilbur F. Dennett, which was sent to me recently, made on the 10th day of December, 1906. I will print it in full in the RECORD, but I wish to read a paragraph:

The State of Texas, County of Cameron:

Wilbur F. Dennett came before me personally, and, being by me first duly sworn, on his oath deposes and says that on the night of August 13, 1906, I was awakened by firing of guns, and I remarked to my wife that the soldiers were firing on the town from the upstairs gallery of the barracks. I live on the corner of Fourteenth and Adams streets, one block from the garrison. As soon as I got up I looked at my watch, and by my time it was 11.50 p. m. The firing was almost continuous, and was from twelve to fifteen minutes in duration. There were three bugle calls during the firing, but am not familiar with them and do not know which calls they were. The first bugle call was close after the firing had begun, then in a few minutes another one, then still another one some minutes later. There was firing for at least a minute or two after the last bugle call. I did not go out after the firing ceased. The next morning, August 14, a mass meeting of the people of Brownsville was held in the United States court-house; a committee was appointed to investigate the outrage. After the meeting, we, the committee, immediately with our mayor, Dr. F. J. Combe, and Capt. William Kelly, our chairman, proceeded to the Administration building, in Fort Brown, and met the commanding officer, Major Penrose, and two of his officers. Major Penrose stated that he had believed the firing had been from the town on the garrison when the mayor, Doctor Combe, had first interviewed him last night after the firing, but that this morning Doctor Combe had visited him again, and in the face of the evidence he (Doctor Combe) had shown him—shells, unexploded cartridges, clips, etc., which had been picked up in the streets and alleys of Brownsville and turned over to the mayor as evidence—he (Major Penrose) was convinced his negro soldiers had attacked Brownsville the night before. Our chairman, Mr. Kelly, asked him the question, "if he had made a personal examination of the barracks to see if there were any bullet holes in them from the town side?" He said "he had, and had found no evidence at all of shots having been fired at the barracks from the town side." "There was," he said, "only one broken pane of glass, and that looked as if it was broken by a piece of brick." After other questions had been asked Mr. Penrose, I asked him "if he had made a personal examination of the barracks and arms, etc., immediately after the firing last night." He replied, "No; I could not be everywhere." I then asked him "if personal examinations of the troops, arms, and barracks had been made last night by any of his commissioned officers." He referred the question to the two officers present, and they each replied that "they had not personally made such examination." I then asked him if his knowledge of what had transpired last night had not been entirely obtained from what was told him by noncommissioned officers and privates of his command. He replied, "Yes," and then again told us of how much he deplored the occurrence, and that he would sooner have lost his right arm than have had it happen, and promised us that he would use his best efforts to discover who the guilty men were. Afterwards I was present at most of the meetings of the committee and at the examination of most of the witnesses, and the examiner was always careful to ask the question if the witness had seen any shots fired toward the garrison, and the reply was always the witness had seen no shots fired toward the garrison. The night was obscure; the moon did not rise till toward morning; the town is poorly lighted with coal-oil lamps, but the alley between Elizabeth and Washington streets, up which the soldiers marched until

they arrived at the Miller Hotel—two blocks—is not lighted at all, and nobody was very anxious to look and find out the color of the men behind the guns, except a few who observed from places of security; but the guns used were the Springfield 1906 pattern, as proved by the empty shells, cartridges unexploded, bullets taken from bullet holes, and other evidence picked up by the police and others in the streets and alleys of Brownsville and turned over to the proper authorities as evidence. I will state that there was no prejudice, so far as I know, against the negro soldier by the people of Brownsville; that during my forty years' residence in this city negro soldiers had often been stationed here before, and from conversation with business people here they were preferred as more beneficial to the general trade of the town than the white soldiers; but from the time this battalion of the Twenty-fifth Infantry came here it was generally remarked by our town people how sullen, poorly dressed, slouchy, and generally showing very poor discipline. The men came out in town dirty, in their shirt sleeves, without blouses, and were generally the furthest removed from my conception of a soldier than I had ever seen, either in the Volunteer or Regular Army. I will state I have been, in politics, a lifelong Republican, and it was certainly a new experience for me to have to help defend our town from United States soldiers for more than a week until aid came from elsewhere, and that I slept at night, until the negro troops were gone, with loaded rifle and other arms at hand.

WILBUR F. DENNETT.

Sworn to and subscribed by Wilbur F. Dennett before me this the 10th day of December, A. D. 1906.

JNO. BARTLETT,
County Judge of Cameron County, Tex.

Mr. President, it has been suggested, and I believe the suggestion comes from a member of another body—from Ohio—that the fact that the grand jury of Cameron County, of which Brownsville is the county seat, found no indictment against these soldiers is evidence that the jury believed they were not guilty. I have here the charge of the district judge to the grand jury on this subject, which I will print in the RECORD, stopping only long enough now to say that he assumed, from a previous investigation, that the troops were the guilty parties, and he contented himself with urging the grand jury not to find bills against individuals from malice and vindictiveness, but only where the proof would warrant conviction of individuals by a trial jury.

Mr. President, instead of this grand jury incident showing that the soldiers were guiltless, it not only establishes that in the opinion of the jury and the district judge they were guilty, but it is an additional tribute to the fairness, to the justice, and to the forbearance of the people of Brownville under extraordinary provocation.

If they had been vindictive, if their hearts were filled with hate, they could have returned bills of indictment and probably convicted some men, if they sought to do so in such a manner as that. But they did not, and instead of being held up to the country as assassins it is an additional evidence of their self-restraint and remarkable forbearance.

But I go further. The testimony before the grand jury (and there was much of it) was taken in writing, sworn to, and signed by the witnesses for perpetuation. The same objection to it, therefore, can not be urged as has been urged to the testimony taken before the citizens' committee, and I will read two or three extracts from the testimony of witnesses before the grand jury. While I will only read extracts, I will print in the RECORD the whole testimony of each witness referred to. It seems there was an honest negro down there in that town to begin with. Here is what he says:

GRAND JURY ROOM, *September 17, 1906.*

William Henry, being duly sworn according to law, deposes and says:

I live in Brownsville, Tex. I am working for Mr. McDevitt. On Saturday night before the shooting I was at saloon near the garrison fence, talking with several colored soldiers, who were there. I paid for my own beer; one of the soldiers treated me once. *I heard the soldiers talking about getting even with a saloon uptown, and some man who had knocked a soldier down. I could not hear all they said, but I knew there was something wrong at the barroom.* One of the men was Sergt. George Jackson, of Company B. He is the man who jumped the wire fence that evening while I was there and came to the barroom. If I am not mistaken, Corporal Madison was behind the bar, but I am not quite sure. Allison was behind the bar every time I went there. When they opened the barroom it was the day the soldiers had been paid off, and there was a big crowd both inside and outside the bar. Jackson is a great big black nigger; he is so black I call myself a white man alongside of him. He was one of the men who were cussing in the barroom. I could not make out right what they were saying, but I knew they were up to something. The man who told me to get out, they did not want any spy around there, was Allison, who is now in jail. This was after the shooting.

WM. HENRY.

Sworn to and subscribed before me this 17th day of September, 1906.

WM. VOLZ, *Foreman Grand Jury.*

GRAND JURY ROOM, *September 8, 1906.*

Jose Martinez, being duly sworn, says:

My name is Jose Martinez. I live in a cottage of Mr. Randalls' at corner of alley back of F. Yturria's, in front of garrison wall. I was at home on night of August 13, 1906, the night of shooting. I was awake when shooting began, reading in front of door on garrison side. *I first heard about five or six shots at once inside of garrison, between wall and quarters, right opposite my door. Then in about two or three minutes I heard men jumping wall into the street.* They gathered in front of my door, and most of them, about twenty, came up alley; the others may have gone toward Elizabeth street. I next saw the men in alley, opposite gate of my yard, next door to Cowen's. They had rifles in their hands. They started up alley shooting right along. I fell on the floor and did not go out. I heard them talking English. *I know they were negro soldiers. I saw them and their uniforms.* I could not hear what they said. There were about twenty in party going toward town, up by Cowen's. I do not know where the balance of party who jumped wall went. I think about thirty jumped wall.

JOSE MARTINEZ.

Subscribed and sworn to before me this September 8, 1906.

WM. VOLZ, *Foreman Grand Jury.*

Now, here is the testimony of this same witness, George W. Randall, who testified before the citizens' committee. I want to call particular attention to one paragraph in his testimony before the grand jury when he talks about a shot going through his house. He says:

GRAND JURY ROOM, *September 6, 1906.*

G. W. Randall, being duly sworn, says:

My name is G. W. Randall. I live over the Western Union Telegraph office in block 61, city of Brownsville, on the right hand coming out of garrison gate. House is about 34 feet from garrison gate. I was at home on night of August 13, 1906. I was awakened by the shooting. There were two shots fired before I got up and looked out of window. I judge they were pistol shots. The men I saw moving were inside of garrison wall, and the only shots that I saw as they left the weapons were pointed nearly up. It led me to believe that it was an alarm of fire. Firing continued, and I looked from one window and then another, looking for light from fire; seeing no light I went to front window looking over garrison gate, and I saw the men moving and heard some low talking, but could not distinguish what was said until one man spoke in a louder voice than they had been using, saying, "Now we go," or "Here we go," and they came over the fence, passed over the wall, about abreast of the place between my place and Yturria's. Then the shooting was up that alley toward Louis Cowen's house. After the reports got up the street pretty well there were two shots right in front of my house. Those were rifle shots. One of them came from Elizabeth street side near corner of my house, went about 2 feet over my head and through the ceiling and on out through the house. *From the direction in which shot came and the course it took indicate that it was fired from the upper gallery at lower or river end of quarters nearest river. The reason I think so is because the ball took an almost direct course. My home is a two-story one, and the bullet entered it about 28 feet from ground and came out about 6 inches above where it entered after passing through a room 20 feet wide.* The first men I saw were inside garrison between wall and middle quarters and going up toward alley between Yturria and my house. I think there were fifteen or twenty shots before the first bugle call. There were no men in sight. Everything was over before the assembly call was made and the officer came. As soon as the assembly call was made the men came right downstairs. I could hear the noise of their boots.

GEO. W. RANDALL.

Sworn to and subscribed before me this 6th day of September, 1906.

WM. VOLZ, *Foreman Grand Jury.*

Here is the testimony of this poor fellow, M. Y. Dominguez, who had his arm shot off. We have not had this testimony before. Let me read it:

GRAND JURY ROOM, *September 21, 1906.*

M. Y. Dominguez, being duly sworn according to law, deposes and says:

I live in Brownsville, Tex. I am lieutenant of police.

On Monday, the 13th of August, at about eight minutes before midnight, I was at the market, when I heard shots in the direction of the lower end of Washington street. I rode down Washington street, when I got to the corner of Dona Rosa Pecina I heard the shots in the alley near Louie Cowen's house. *A moment later the soldiers approached the crossing of the alley of Fourteenth street.* Then I returned back up Washington street, a few yards from the corner of Pecina. I dismounted and tightened the girth of my horse; mounted again and went to the lamp post at Bollack's corner. From there I rode up on Thirteenth street to the crossing of the alley back of Miller's Hotel. *When I got near Miller's Hotel I saw two files of soldiers coming in the alley, one on the hotel side and one on Bollack's side, and one of them said: "Give 'm hell!" Then I cried out: "People, wake up, here are the negro soldiers."* Then they fired a volley. I did not get hurt that time and kept on at a trot toward Elizabeth street. Then they came out of the alley and turned. One filed along the wall of Miller's Hotel and the other along the walk of Wells's office, and kept firing in the direction I was going. *When I tried to turn up Elizabeth street I received a shot in my right arm and my horse staggered down.* The horse fell on top of my left leg and then another volley came. The soldiers at this time were about 10 yards from the corner of the alley of Miller's Hotel. I got out from under the horse and saw the soldiers turn back to the alley. *It was so dark that I could not recognize any of the soldiers, but I know that they were negro soldiers, both by their clothing and their voices.* When I got out from under my horse I made my way, the best I could, to Putegnat's drug store. *The shot splintered my right arm so that it had to be amputated. I saw plainly that they were soldiers when I was at the Pecina corner.* While on my way to the drug store, when I was in front of Crisell's, I heard the shots in the alley back of the "Ruby Saloon."

M. Y. DOMINGUEZ.

Sworn to and subscribed before me this 21st day of September, 1906.

WM. VOLZ, *Foreman Grand Jury.*

Here is a man named Herbert Elkins who testified. I do not know him, but he is doubtless a good man. Let us see what he says:

GRAND JURY ROOM, *September 12, 1906.*

Herbert Elkins, being sworn, says:

My name is Herbert Elkins. On the night of August 13, 1906, I was in my room, but awoke when the shooting began. My room is room nearest alley, in second story Leahy Hotel, and immediately opposite Louis Cowen's house, on side street, I think Fourteenth. *First shooting seemed to come from the garrison wall, just inside or outside, at Cowen alley.* There were about thirty or forty shots, more or less rapidly fired. It stopped for a few seconds and then began again. There were

more shots fired before they came up the alley. They came up the alley, and I saw them in alley just before they got to the corner of Fourteenth street and alley. They were running when they got to corner; two were in lead, about 25 feet ahead of main body; these two men gave the orders. When the two men got to corner one was a little ahead of the other, and he ran into a mudhole—muddy hole was about junction of alley and street. Shots were fired down alley before they got to corner. He jumped to corner back of Cowen's and got at door, and called to the other not to go there it was muddy, and to come over on that side. These two fired about three shots each toward the Cowen house. They both reloaded and fired toward Cowen's, again reloaded, started across Fourteenth and got nearly across on up alley, then stopped as if they didn't know what to do, and fired three or four more shots into Cowen's house. These two men then ran on up alley, and the others, about fifteen in number, not less than twelve, not more than twenty, followed them up alley toward Miller Hotel. They only fired about four or five shots after they left Cowen's and before they got to Miller's. After they got up the alley about Miller's and farther they fired a good many more shots. *I saw eight or ten soldiers run on back the way they came—i. e., down alley toward the wall.* This was a few minutes, not over four or five, but time enough for Mrs. Sealy to go on over and bring the Cowen family. I saw no firing by men on their way back. I heard the bugle calls just after the firing began, and before they came up alley. The first two calls were alike. A few seconds after I heard a different call, blown once; *I heard roll call and voices. This was about twenty minutes after the shooting. Men that I saw had gotten back about ten minutes before the men had gone down from the barracks to the roll call. The men had on khaki pants, leggings, and blue shirts (light blue summer shirts).* The two in front had on hats; the others were in a run, and I didn't notice if they had caps or hats. They were niggers. The two men in front were about 5 feet 6 inches in height, one a little heavier than the other. I saw the patrol come by, and on its way down, about one hour or one hour and one-half after the shooting. I saw no white men with them, but Dr. F. Combe was behind. They stopped in front of Suly's and talked. Doctor C. talked to Mrs. Seely. The patrol stood there. As they came down by Knoklaski's office the rear part of the company made out to come on sidewalk, but followed head of column around the tree. Then they did come on sidewalk—i. e., part of them. One of the company, whom I took to be one of the two leaders in shooting at Cowen's house, the one who was warned not to get into the mud, said: "We'll kill the rest of the white sons-of-bitches to-morrow." Some were laughing and talking. They seemed not to pay much attention to the officers. Mrs. Seely heard this. I think Doctor Combe had just left, going toward the post up toward the front of the company. Just a little after the first as the shooting began, and before the second shooting and before men left wall, I saw about two lights inside of quarters, second from river, and heard one or two men on downstairs porch toward town running. I saw one or two shots fired from upper story of second barracks from river, toward town generally.

HERBERT ELKINS.

Sworn to and subscribed before me this 12th day of September, 1906.
WM. VOLZ, *Foreman Grand Jury.*

There was much other testimony before the grand jury, showing, among other things, that shells and bullets and clips were picked up in the streets, but I will simply place it in the RECORD:

GRAND JURY ROOM, *September 8, 1906.*

Grenaro Padron, being duly sworn, says:

I am city policeman. On the night of August 13, 1906, when the shooting began, I was on the corner of Merchants' National Bank, with Florencio Biseno, Mike Jagan, and M. Alonso, jr. I went down Elizabeth street and got pistol from Tillman, and went to Miller Hotel, on Thirteenth street, and on to Washington, and turned right down to Pecini's, corner of Washington and Fourteenth, and stood there. They were shooting then in alley at Cowen's. I saw them cross Fourteenth street from Cowen's to Lahay's. I saw the lieutenant of police coming down Washington on horseback. I met him and told him to get down, as he was a mark. He got down and tightened girth of horse. He remounted and we started up Washington, I ahead. On reaching Thirteenth met Macedonio Ramiquez. We turned toward Elizabeth on Thirteenth. I told Dominquez not to try and cross alley, *as soldiers were coming up alley shooting.* Again I told him and grabbed his saddle. He paid no attention, but went ahead. I got in the dark near Huyhtnes's and got in doorway, and I then jumped into street, *when I saw three soldiers in alley throw down on Dominquez.* They fired, then I fired a shot and then fired another, and then I ran to corner. When I ran they cried: "Here the two more." I looked out and saw five or six, not less, come in my direction. I then went up Washington in direction of Finks, hiding myself in shade of trees. When I got to the last tree they turned corner and fired in my direction. Again, when they saw me they fired. I ran to corner of Sahuallo, and again they shot at me. This was the time they fired on Starck's home. There were not less than five or six, and they kept advancing and shooting. I ran to Eleventh street.

GRENARO PADRON.

Subscribed and sworn to before me 8th of September, 1906.
WM. VOLZ, *Foreman Grand Jury.*

Among those soldiers there was one who had on a white shirt. The shirt was outside of his trousers. He had no hat on. I saw his bare head. Right behind the three who first come out alley at Miller Hotel corner there were several others, and he was one of them. He was a man of stout build, medium height; a little taller than I, more or less.

GRENARO PADRON.

Subscribed and sworn to before me September 8, 1906.
WM. VOLZ, *Foreman Grand Jury.*

GRAND JURY ROOM, *September 8, 1906.*

C. H. Thorn, being duly sworn, says:

My name is C. H. Thorn. I live in block 62, street 9, city of Brownsville. I was at home and awake when the shooting began on the night of August 13, 1906. My bedroom is downstairs at rear of house, about 30 or 40 feet from alley. I was in bed, but not asleep, heard firing, and it kept getting nearer; it came from direction of garrison, evidently coming up alley. I started to put on my slippers and heard reports in alley opposite my house, right outside of window Heard them talking and breathing heavily. *I distinguished, very readily by their voices, that they were negroes,* and one thing I remember, but not in exact words, it was either, "There he goes," or "There they go;" then another said twice, "Give 'em hell! Give 'em hell! God damn 'em!" in a lower voice and he fired. The others were already firing. All this time they were going on up alley. They went on by. The firing continued for about ten minutes up toward Twelfth street. I would think everything was over when I could hear more shots. These were also scattered shots, but I couldn't locate them. I found next morning that a bullet had gone through my privy and into the kitchen. It went through weatherboarding *flat.*

C. H. THORN.

Sworn and subscribed before me September 8, 1906.
WM. VOLZ, *Foreman Grand Jury.*

GRAND JURY ROOM, *September 17, 1906.*

F. E. Starck, being duly sworn according to law, deposes and says:

I live in Brownsville, on Washington street. On the night of Monday, the 13th of August, about 12.30 I was awaked by a volley being fired into my house. The bullets went into my bedroom in my children's bedroom. I jumped up out of bed and grabbed some of the children and took them to the back end of the house. I then came back, got my Winchester, and went to the front windows. I saw a man running behind the big ash trees in front of Mr. Turk's residence, opposite my home. When I got a bead on him I saw his police badge and recognized him as Policeman Genaro Padron. Almost at the same moment I heard a shot fired in the direction of Mr. Porter's residence (Carson), and I presume this is the shot which hit Mr. Turk's house. I did not see any soldiers. The shooting still continued near Miller's Hotel, and I heard a volley fired in the alley back of Turk's residence. *Next morning Mayor Combe and myself found some empty cartridge shells in front of my house. They belonged to new Springfield rifle which the Army now uses. We picked up about ten or twelve shells scattered in a space of about 10 feet.*

F. E. STARCK.

Sworn to and subscribed before me this 17th day of September, 1906.
WM. VOLZ, *Foreman Grand Jury.*

Mr. Starck states that Post Blacksmith W. H. Sharpe told him that he had repaired three gun racks at the barracks of Company C, which had been broken with axes at the order of Major Penrose, *as the man in charge of the key was running around the barracks and refused to give up the keys.* This conversation took place at the quartermaster's corral.

F. E. STARCK.

Sworn to and subscribed before me this 17th day of September, 1906.
WM. VOLZ, *Foreman Grand Jury.*

GRAND JURY ROOM, *September 18, 1906.*

W. H. Sharpe, being duly sworn according to law, deposes and says:

I live at Fort Brown. I am the post blacksmith. On the 14th of August, the day after the riot, I received verbal orders from the post quartermaster, Lieutenant Greer, through Q. M. Sergt. Roland Allsby, to repair four gun racks, which were brought to my shop. These racks belonged to Company C, as I heard, but I do not know so from my own personal knowledge. The staples which held the lock had been pulled out, and I replaced them. The piece of iron on which the staples are riveted is 2 inches wide, and one-fourth of an inch in thickness; it would require considerable force to break the staples out of the iron. The upper part of the racks, which hold the pistols, showed marks (gashes) as if made with an ax, but the locks had not been disturbed.

W. H. SHARPE.

Sworn to and subscribed before me this 18th September, 1906.
WM. VOLZ, *Foreman Grand Jury.*

GRAND JURY ROOM, *September 8, 1906.*

F. J. Combe, being duly sworn, says:

My name is F. J. Combe. I am a practicing physician; also mayor of the city of Brownsville, Tex. About 12 o'clock on the night of August 13, 1906, I was awakened by what I thought were four or five pistol shots, immediately followed by several rifle shots, which my military experience made me think were fired by high-power rifles. I was sleeping on my cot on the back gallery of my home downstairs, on corner of Elizabeth and Ninth streets. I hardly had time to get out of cot when I heard another volley of shots fired. I got into my trousers, picked up my pistol, called to my brother, Doctor Joe, saying, "I'm going down to stop that firing," or words to that effect. I had hardly gotten out of my side door when I was joined by my brother, and we ran down Elizabeth street. When we arrived opposite Putynat's pharmacy, I gave the signal for a policeman, and Gerard Padron, police officer, came running around the corner from Twelfth street, Merchants' National Bank. He was breathless and said to me, "Mr. Mayor, don't go down there, you will be shot;" and I told him, "Come on." But before we got to the corner I found blood stains on the sidewalk, and I said to Doctor Joe, "Follow these stains and find out who has been hurt." I went on down the street, as far as Crixell's saloon, in the middle of next block. By that time Doctor Joe returned and said, "Joe Dominguez is shot in the right arm." The chief of police then came up and told me that two policemen were missing. We went on down the street to look for them. It was then that Doctor Joe and I found Joe Dominguez's dead horse, opposite Mr. Wreford's office, corner Elizabeth and Thirteenth streets. I then started to go into the post, but was requested by my brother and the police officers not to do so. I said to Doctor Joe, "Go to 'central' and call up Major Penrose at Fort Brown and tell him I want to speak to him." He started off, but returned in a few minutes with Captain Lyon and about sixty negro soldiers of his battalion. Doctor Joe had halted them on Twelfth street between Elizabeth and alley. Some of Captain Lyon's men in the rear, seeing one or two of my officers with rifles, started to break and go towards them, saying "Captain, these men have guns." I ran back, calling out "Let those men alone; they are officers." Captain Lyon ordered them back into the ranks. The men did so in a surly manner. Doctor Joe and I then went into the post with Captain Lyon. I met Major Penrose at the gate, and said to him, "Major, your men have fired on the town, killed one citizen, seriously wounded a peace officer, killed his horse, and generally shot up the town." He said, "Doctor Combe, I hardly believe that. I am told, on the contrary, that the citizens have been shooting on the garrison." We talked for probably fifteen or twenty minutes, when Captain Macklin, officer of the day, walked up, saluted the commanding officer and said, "I report, sir,"—that was about 1 o'clock a. m. Major Penrose said in reply, "Where have you been, Captain Macklin? We have been looking everywhere for you." "Sir, I was in my quarters asleep," replied Macklin. Major Penrose said, "I have sent two men to your quarters and they reported that you were not there." Captain Macklin replied, "Yes, sir; I was in my quarters asleep." Major Penrose then ordered Captain Macklin to take charge of his company. (I neglected to state that when I met Captain

Lyon in town, he asked me. "Doctor, have you seen Captain Macklin? I am looking for him, and we feel that he has been gotten away with in town." I answered, "I don't think so; if so, we would have known it by this time.") I then said to Major Penrose, "I am going back into town, and I warn you not to allow any officer or man of your command to go into the city, as I will not be responsible for their lives." On arriving at Mr. Wells's office, Elizabeth and Thirteenth, I was met by some one who said, "There's a dead man in the Ruby saloon." I went to the saloon, and a short while afterwards Mr. Garito, the justice of the peace, came and requested me to examine the body. *I did so, and found that the dead man was Frank Duboisne, and that he was shot through the body by a high-power rifle, from which wound he died almost instantly.* The body was lying in the courtyard of the Ruby saloon, near a cistern. I then went to corner of Miller Hotel alley, at the place where Lieutenant of Police Dominguez had told me he was fired upon, and while walking around there I stepped on some empty brass cartridge shells, which I picked up. Amongst them were the clip with two ball cartridges. These are in possession of the sheriff, for which I have his descriptive receipt. I first saw a soldier's cap in Wells's office a day or so afterwards. I understand Mr. Charlie Starck found it.

I was on the street nearly all night. At daybreak next morning I went to the scene of firing, and a bandolier, such as comes in the ammunition boxes, with an arsenal and issue number and date on it, was handed to me with some more empty shells by, I think, Mr. Houghton. I then went around on Washington street with Mr. Starck, who told me that his home had been fired on, and found quite a number of empty brass cartridge shells strewn along the street in front of his home. These shells were the regulation shells used by the Springfield rifle, now in use by the United States Army.

The first call, in my opinion, was sounded from three to five minutes after first shooting. I think it was "Call to arms."

FREDERICK J. COMBE, M. D.

Subscribed and sworn to before me this September 8, 1906.

WM. VOLZ, *Foreman Grand Jury.*

Now, Mr. President, remember that I am maintaining the single proposition just now that Federal soldiers and not citizens committed this crime at Brownsville. Against this testimony that they did so—the testimony of reputable and to a large degree disinterested witnesses, testimony which is clear, strong, direct, natural, and consistent with indisputable physical facts—what is there? Nothing save the alibi sworn to by all the accused, and their further testimony that not one of them know a single guilty party or has knowledge of any fact or circumstance indicating who the guilty are, which in itself, under the circumstances, is *some* evidence of concerted action on the part of the soldiers.

In addition, Mr. President, to the direct testimony, which I have hurriedly reviewed, the testimony of the soldiers to which I have just adverted is disproved or disbelieved by every official, civil or military, and every disinterested citizen from General Nettleton down, who has investigated the matter on the ground. It is disproved by the manifest want of malice and motive on the part of the citizens, and the existence of such malice and motive on the part of the soldiers. It is disproved by the fact that time enough elapsed after the shooting for the soldiers to return and answer the roll call, if, in truth, any satisfactory roll call was ever had. It is disproved by the fact that no immediate and satisfactory examination of the guns was had to determine whether all were there, or if there whether they had been freshly discharged. It is disproved by the direction of the firing, no bullets whatever having entered the garrison from any quarter. How well they protected themselves and their associates! It is disproved by the direction of the firing further, bullets having entered residences at such angles as to demonstrate that they were fired from the upper story of the garrison. It is disproved by the character of the bullets and shells and clips, being such as were uniformly used by the soldiers and not by citizens, rendering it utterly improbable, if not impossible, that other than soldiers could have committed this outrage.

In short, Mr. President, the testimony of the soldiers is unnatural, improbable, and inconsistent with facts which are admitted, or which are established by physical conditions incapable of distortion or falsehood.

It may be—probably it is true, Mr. President—that some of these soldiers did not actually participate as principals or as accessories either before or after the fact in this outrage, and it may be that some of them know of no fact or circumstance implicating the guilty parties. To the extent, sir, that may be true the discharge is a hardship; but from the necessity of the case, and as in the cases cited from the military records of General Grant and General Lee, it is a hardship which must be borne for the good of the service and the peace of communities where troops are stationed. Even this hardship will be mitigated, if not wholly removed, by the course suggested by the War Department—that all men of this battalion will be permitted to reenlist who absolutely purge themselves of guilt or guilty knowledge.

It may be, Mr. President, that the discussion of this matter on my part should rest here, but in a larger view other thoughts suggest themselves. From an early day in our national life and continuously since then the negro question has been the most dangerous problem that has confronted the American people. In part, for more than half a century it bitterly estranged the sections of the Union and culminated in the destruction of the limbs or lives of nearly a million white men in the greatest civil conflict which the world has known. And that, too, Mr. President, when the condition of the black race, with its ages of slavery, its ignorance, its poverty, and its helplessness, excited, and now profoundly excites, the sympathy and compassion of the great body of white people in the South.

Notwithstanding all this, in spite of the past, with its conflicts and its sacrifices and its sorrows and its destruction of life and property, this problem is still the gravest with which we must deal. It involves labor, education, suffrage, social order, civil liberty, self-government, and the integrity of the white race. The end no man can see.

Southerners think deeply and profoundly of this race problem and its ultimate solution. Closing their eyes and looking down the ages different vistas rise. Sometimes the black race is deported. Sometimes the races continue to live here separately, as now, in comparative peace, one subordinate to the other. Sometimes they turn with unspeakable aversion from a blended and corrupted and inferior race. Sometimes there is war between the races—which may God avert—bloody, red-handed, vengeful war; war which seeks and can only end in the survival of the fittest.

In the midst of such awful possibilities human prophecy is idle, but we do know that the man or party who would create false hopes and add to the problem which will test the manhood, the patriotism, and the Christianity of the land deserves no place in the confidence or affections of the American people.

Speaking, Mr. President, in part for the people of Texas—and plainness of speech is best—it is not inappropriate to say that they have dealt fairly and generously with the negro in all essentials, in education, in charities, in helpful sympathies, and in the protection of life, liberty, and property. But I would not be candid with you if I did not say that in other respects their purposes are equally resolute and unalterable. They are opposed to political domination by the ignorant and the vicious; they are opposed to social equality with the negro, and they are opposed to every tendency which will ultimately be destructive of the purity and integrity of the white race. Above all this, however vital, there is that in the testimony in this case, and which to a degree underlies this trouble, which impels me to declare even in this great Chamber that they purpose to protect even with their lives what in their womankind "is the immediate jewel of her soul."

APPENDIX.

GRAND JURY.

[Judge Welch's charge on negro soldier outrage.]

And now, gentlemen of the grand jury, amongst the other responsible duties of your position is that of making a full, thorough, and complete investigation of the unprovoked, murderous midnight assault committed by the negro soldiers of the Twenty-fifth United States Infantry upon the citizens and homes of Brownsville on the night of the 13th of August. An inoffensive citizen was shot down and killed by them while closing his gate. An unwarranted and cowardly assault was made on the lieutenant of police of Brownsville and his arm shattered by their bullets, requiring its amputation. Fiendish malice and hate, showing hearts blacker than their skins, was evidenced by their firing of volley after volley from deadly rifles into and through the doors and windows of family residences, clearly with the brutish hope on their part of killing women and children, and thus make memorable their hatred of the white race. Hard words, these, but strictly true and warranted by uncontested facts.

It was my province to come amongst your patient people even while their terrible fears and horror of another outbreak were upon them, and God spare me in my life the sorrow of ever again witnessing the faces of agonized women and fear-stricken children, tensioned with days and nights of suffering and waiting for relief, with none coming from either nation or State to give them assurance that greater and unspeakable outrages were not to follow.

Tardy relief did come. At the eleventh hour the fiends who disgraced the uniforms they were permitted to wear and shamed a nation were removed. That all of the three companies were blamable must be conceded, for they knew who were guilty, and they shielded and sheltered them and failed to give them up. Hence it is that it has been left to the civil authorities of the State, and especially to this district court, to apprehend if possible those directly guilty of murder, assault to murder, and the ruffianly conspiracies to that end, as the authorities of the United States in charge have declared their inability to discover who were the uniformed thugs and murderers that committed the outrages.

You are the most important auxiliary of the court, its very right hand, and to you this matter must be relegated. I wish to say that the individuals against whom even the slightest evidence existed are under arrest and subject to such action as you, with due regard to your oaths and responsibility shall take. All the process and powers of this court, coextensive with the bounds of our State, are at your service to bring witnesses or other evidence before you, and you are to determine when a prima facie case of guilt is made and indict accordingly.

I know, gentlemen of the jury, that it takes a long time for blood to cool when it is raised to fever heat by such terrible outrages as your people have had to endure, but in this second test of their high moral courage you, as their special representatives, must be calm, wise, and just, and for the sake of the good name of your community you can not and must not indulge in a single thought of vengeance. You must present for trial before the courts of our State only those against whom

evidence is adduced sufficiently pertinent and strong to warrant conviction by a trial jury, and going beyond mere suspicion or even strong probability.

The lengthy investigation of a committee of your leading citizens, made while these outrages were fresh, is at your service. I also present to you three affidavits made before me by W. J. McDonald, captain of Company B of the ranger force of Texas, against twelve of the negro soldiers and one civilian, a negro exsoldier. All these parties are under arrest, and within the jurisdiction of the civil authorities of this State, and to await the action of our courts. Hence it is that if it has ever been known by committee, sheriff, State ranger, or other officer or individual who, if any, of these men are guilty, that knowledge should come to you, as the grand inquisitorial body that represents not only the county of Cameron, but the State of Texas. I have no hesitation in saying that I share in the universal belief that among those under arrest are many of the murderers, but something more than mere belief and opinion are required to vindicate the law. Evidence must be had upon which to predicate an indictment and warrant a trial. If you indict on mere suspicion or opinion and without evidence you leave our people and community open to the charge of injustice, and the proceedings will resolve themselves into mere delay, for in the end an indictment unsustained by evidence must be dismissed.

I am glad to state that our small criminal docket will give you opportunity to have with you in your investigation the counsel and experience of the district attorney. He has good red blood in his veins, and plenty of it, and will bring to your aid in serving the best interests of our people an integrity of purpose that can not be successfully impeached by any man. He is your legal adviser, but you are the keepers of your own consciences.

Remember that in the grave responsibility that comes to you, collectively and individually, your acts will be photographed to the nation, that through its press it has approved your high moral courage and patience and condemns the outrages on your people.

Do nothing to forfeit their righteous verdict of your worth.

[Official copy.]

HEADQUARTERS THIRTEENTH ARMY CORPS,
DEPARTMENT OF THE TENNESSEE,
La Grange, Tenn., November 16, 1862.

SPECIAL FIELD ORDER No. 6.

Until further orders no passes will be granted to any civilian to pass south of Wolf River, nor will any civilian be permitted to come within our lines from south of said river.

All passes heretofore granted inconsistent with this order are hereby revoked.

II. The facts having been officially reported to the major-general commanding that a portion of the Twentieth Regiment Illinois Infantry Volunteers did on the night of the 7th of November instant, at Jackson, Tenn., break into the store of G. W. Graham & Co. and take therefrom goods to the amount of $841.40, the property of said Graham and Co., and did cut the tent of R. B. Kent and N. A. Bass and take therefrom goods to the value of $345, the property of said Kent and Bass, and burn and destroy the tent and poles, also the property of said Kent and Bass, of the value of $56.25, all of which damages amount to the sum of $1,242.66, and it further appearing from said report that Capt. C. L. Page, Company D; Capt. I. M. North, Company E; Capt. G. W. Kennard, Company I; Lieuts. Harry King, Company B; William Seers, Company C; John Edmonston, Company E; David Wadsworth, Company I; I. Bailey, Company F; Vietor H. Stevens, Company H; R. M. Evans, Company I; Charles Taylor, Company I, of said regiment, were absent from their commands at the time of the perpetration of these outrages, in violation of orders, and without proper cause, when they should have been present, and also that Capt. Orton Frisbie, of Company H, acting in capacity of major, and Capt. John Tunison, of Company G, the senior captain, immediately after the commission of these depredations did not exercise their authority to ferret out the men guilty of the offenses, but that on the contrary Captain Tunison interposed to prevent search and discovery of the parties really guilty, and that Captain Frisbie, after the commission of the said depredations, being in command of the regiment, remained behind twenty-four hours after the regiment marched, and the names of the individual parties guilty not having been disclosed, it is therefore ordered:

I. That the said sum of $1,242.66 be assessed against said regiment and the officers hereinbefore named, excepting such enlisted men as were at the time sick in hospital or absent with proper authority; that the same be charged against them on the proper muster and pay rolls and the amount each is to pay noted opposite his name thereon, the officers to be assessed pro rata with the men on the amount of their pay proper and that the same so collected will be paid by the commanding officer of the regiment to the parties entitled to the same.

II. That Capt. Orton Frisbie and Capt. John Tunison, of the Twentieth Regiment Illinois Volunteer Infantry, for willful neglect of duty and violation of orders, are hereby mustered out of the service of the United States, to take effect this day.

By order of Brig. Gen. U. S. Grant.

[SEAL.]

JNO. A. RAWLINS,
Assistant Adjutant-General.

[The Charlotte Observer, November 29, 1906.]

PRECEDENT FOR PRESIDENT'S ACTION.

The Observer takes great pleasure in presenting below conclusive evidence that President Roosevelt's order disbanding three colored companies for an offense by some of their number is not, as has been claimed, without precedent in the military history of this country. It will be universally admitted that no higher authority than General Lee's on what is right and just in military discipline could possibly be offered. As for the authenticity of the evidence, all North Carolina will vouch in the most absolute manner for the truth of any statement sponsored by Colonel Burgwyn. And as Colonel Burgwyn says, the name of the command can be given if desired. His communication and the appended military order follows:

"I see it stated that President Roosevelt's order disbanding a battalion of colored troops is without precedent in the military history of this country. There are those now living who read the following order on dress parade and witnessed its execution. I omit the name of the command, but it can be given if desired:

"'HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
"'*October —, 1863.*

"'General Order No. —.

"'The —— —— Battalion, for cowardly conduct on every battlefield from Gettysburg to the present time, is unworthy of a place as an organization in the Army of Northern Virginia. It will be marched to division headquarters Wednesday afternoon, at 4 o'clock, and surrender its colors and be marched to the rear in disgrace. The general commanding the Army of Northern Virginia regrets that there are some brave officers and men belonging to this organization who must share in this common disgrace, but the good of the service requires it, and they must bear it as brave soldiers.

"'By command of GEN. R. E. LEE.

"'——, *Assistant Adjutant-General.*'

"Yours, truly,

"WM. H. S. BURGWYN.

"WELDON, N. C., *November 26.*"

It is here explicitly stated that "there are some brave officers and men belonging to this organization who must share in this common disgrace, but the good of the service requires it, and they must bear it as brave soldiers." In this case, as in the Brownsville affair, the offense was very grave, and the "good of the service" required that the innocent suffer disgrace with the guilty, since separation was impossible. That one offense occurred in time of war and the other in time of peace makes not the least difference in principle. The unsoldierly conduct punished by General Lee could not have occurred at all in time of peace, and the riot at Brownsville could not have given a tenth of the scandal had it occurred in time of war—to each its own guilt, but each equally meriting punishment.

The Observer has always earnestly and at times vehemently insisted upon equal and exact rights before the law for the colored man. Any injustice to him by the dominant race is hateful to it. But no more than the white man is he entitled to immunity from punishment on account of race. We hold that the three companies were justly discharged from the Army, and if they had been white troops it would have made not the slightest difference in our sight. Indeed, if they had been white, no one would ever have chirped at their discharge.

We commend Colonel Burgwyn's communication to the especial consideration of our highly esteemed contemporaries, the New York Sun and the New York Evening Post.

During the delivery of Mr. CULBERSON'S speech,

The VICE-PRESIDENT. The Senator from Texas will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be laid aside temporarily. Without objection, it is so ordered. The Senator from Texas will proceed.

After the conclusion of Mr. CULBERSON'S speech,

Mr. FORAKER. I do not rise, Mr. President, for the purpose of engaging in a discussion of the race question. That question, as I have repeatedly said since this matter has been debated in the Senate, does not belong in the controversy we have been having. It belittles this question to introduce that subject. At another time, however, I may take occasion, if that question is to be thrust upon us, to make some remarks in answer to it; but for the present I pass that by.

Neither do I intend now, Mr. President, to discuss the question of the constitutional or legal power of the President to make the order he made discharging these troops. I do not propose to discuss that because some days ago, in response to the President's message, I made some remarks upon that subject, and because, in the second place, the resolution now before the Senate is simply a resolution directing the Committee on Military Affairs to make an investigation as to the facts in this case. When this resolution shall be adopted and the committee shall have made that investigation and shall have reported to the Senate, if it be in order, we can again discuss the question of constitutional and legal power, but for the present I pass that by for the reason indicated.

Neither do I propose at this time, Mr. President, to discuss the facts as disclosed by the testimony that has been sent to the Senate by the President, or the testimony that has just now been added by the Senator from Texas to what was sent us by the President.

I do not propose to discuss the facts at this time because this is not the time to try the case if we are to further investigate it. I discussed the competency of the testimony and the weight of it some days ago, because challenged to do so by statements found in the President's message, but only for the purpose of showing why, in my judgment, the testimony that had seemed sufficient to the President was not in fact sufficient.

I pass that by, therefore, until I know what the action of the Senate will be upon this resolution. If it be adopted, as I think it should be, and as I hope it will be, the investigation will follow, all the testimony will be brought before us in due time by the committee, and then we can discuss it and weigh it and determine what it establishes and what it does not establish.

My purpose in rising at this time, Mr. President, is not, therefore, to discuss any of the questions to which the Senator from Texas has addressed himself, but rather only to defend myself from the charge made by the Senator from Texas that in the remarks submitted to the Senate some days ago I reflected

on Captain McDonald, a distinguished acquaintance of his and a citizen of Brownsville, who met with commendation at the hands of Major Blocksom. The reference to my remarks submitted a few days ago just now made by the Senator from Texas is of such a character that one not being advised would conclude that I had disparaged the character of Captain McDonald. Not so, Mr. President. I called attention in the following language to Captain McDonald. Speaking of the report of Major Blocksom, in which he spoke of having met a number of the "sterling citizens of Brownsville," I proceeded as follows:

One man who seems to have won his admiration and excited it unduly was a Captain McDonald, who is described as a captain of Texas Rangers, whatever they may be, and he pays him this high compliment. Now, Mr. President, think of this going into an official report:

It is possible—

Says Major Blocksom—

It is possible McDonald might have fought the entire battalion with his four or five rangers were their obedience as blind as his obstinacy. It is said here he is so brave he would not hesitate to "charge hell with one bucket of water."

Then immediately he says:

I met many sterling people in Brownsville.

I was then interrupted by the Senator from Wisconsin [Mr. SPOONER] to know what that adjective was, and I repeated it, "sterling," and remarked:

Captain McDonald is one of them. Like Ben Adhem, his "name led all the rest."

With that I quit Captain McDonald and did not refer to him again in the course of those remarks except to say later the following. I was speaking of my desire to have an investigation. I was speaking of my desire to secure for these discharged soldiers, who have been made to suffer so severely, an opportunity somewhere, some time, in some manner, a day in court, where they could confront their accusers and cross-examine their witnesses, and in this connection I said:

I want to see that gentleman who is "able to charge all hell with one bucket of water." I should like to cross-examine him, Mr. President.

That is all I said about him. I do not know why he should be offended, unless because I called him a gentleman. [Laughter.] But, Mr. President, I had no thought then of reflecting upon him. He was an entire stranger to me. The reference to him made by Major Blocksom was quite unusual. It does not seem to me unnatural that I should have made comment upon it. Since then, however, I have learned a great deal about Captain McDonald, and I want here and now, in view of the remarks of the Senator from Texas, and in view of some other things that have come to me, to pay proper tribute to Captain McDonald, to show what a brave, public-spirited man he is, and to put it into the RECORD, where it will live forever, for I assume our institutions will be perpetuated.

Mr. GALLINGER. It will never be read.

Mr. FORAKER. The Senator from New Hampshire suggests that it will never be read. I do not know. I think this will be read, but for fear it will not be read I will read it myself. I read from the Cincinnati Enquirer of a few days ago, in order that we may know who this gentleman is and what he is. I do not intend to comment upon him, but will give him just as his friends have given him in this article, just as he has caused himself, in what seems to be an inspired article, to appear before the American people. This article has a rather sensational headline and it makes some references to me, which I hope I will be excused for reading under the circumstances:

GLITTER IN M'DONALD'S EYE—NOTED TEXAS RANGER, WHO PROBED NEGRO RIOTS, RESENTS ALLEGED SLURS OF SENATOR FORAKER—WALKING ARSENAL DESIRES TO MEET THE OHIOAN—PICTURESQUE WESTERNER "WOULD CHARGE HELL WITH A BUCKET OF WATER," SAYS MAJOR BLOCKSOM.

[Special dispatch to the Enquirer.]

AUSTIN, TEX., *December 29.*

Capt. Bill McDonald is willing to go to Washington to tell what he knows about the negro soldiers' riot at Brownsville before a Congressional investigating committee. He is anxious to go. He says that he wants to meet Senator J. B. FORAKER, who, according to published dispatches, referred to him slurringly on the floor of the Senate the other day as "that Captain McDonald." Captain McDonald is the man mentioned in Major Blocksom's report on the Brownsville riot as the man who would "charge hell with a bucket of water."

Probably having no other use for the water. [Laughter.]

Captain McDonald does not say that he would make any trouble for Senator FORAKER when he meets him—

What a relief that is to me [laughter]—

but the cold glitter in his steel-blue eyes when he refers to the Ohio Senator does not indicate that it would be an altogether pleasant meeting.

Captain McDonald is said to know more about the Brownsville affair than any of those who investigated it.

How natural therefore, Mr. President, that we should have an opportunity to examine him.

He was sent there by Governor Lanham as soon as it occurred, and spent some time making a personal inquiry into the trouble. As a direct result of his research, twelve negro soldiers were arrested on the charge of being implicated in the shooting up of the town, in which one man was killed and another wounded.

These are the men selected by Captain McDonald and arrested upon his order as the men who, as the result of his investigation, were by him regarded as the guilty persons who had done the firing, and they are the same twelve men who were discharged by the grand jury, as we were advised by the Senator from Texas [Mr. CULBERSON] in his remarks a moment ago, after they had taken a great deal of testimony, all the testimony presumably that Captain McDonald had before him when he directed these twelve men, as the guilty ones, to be arrested and taken before the grand jury.

Captain McDonald made a written report of his findings to Governor Lanham and to President Roosevelt.

I think we ought to have that.

BIG TEXAS RANGER.

Captain McDonald is the most noted peace officer in the Southwest. He has been commander of a company of Texas Rangers for nearly twenty years, and during that period he has experienced many thrilling encounters with desperate men. Only a few weeks ago he and three members of his company were riding along a road near Rio Grande City when they were fired upon by Mexicans in ambush. Captain McDonald and his men returned the fire in the darkness, being guided in their aim by the flashes of the guns of the attacking party. They killed four Mexicans and wounded others.

That is his account of that transaction. I have another account written by people who were not in sympathy with what Captain McDonald did on that occasion, which does not put quite so favorable a view upon it either as to the bravery of the man or as to the justification for the killing of four men and the wounding of five others. But that is not in order now. I mention it only that we may get thoroughly, or at least as thoroughly as we may be able to, acquainted with the gentleman who is vouched for by the Senator from Texas as truthful and honest, and as fearless and brave as he is truthful and honest. More of this:

Captain McDonald has killed a number of men while in the performance of his duty as an officer of the law. He is literally "shot to pieces," but he is still as lithe and active as a boy. He is never unarmed. Day and night he wears a big .45, and one of the latest improved automatic pistols. He sleeps with both these pistols by his side, whether in a hotel in town or in camp in some remote and dangerous locality of the border region. He says that he never knows when he may need them.

The article goes on at that same rate telling of a number of other difficulties and a number of other killings. I shall not take the time to read further, but I ask that it all may be printed in the RECORD where it can be read by anyone who may desire to read it.

The VICE-PRESIDENT. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

LIFE ON THE FRONTIER.

Practically all of Captain McDonald's life has been spent upon the frontier. He trailed Indians and hunted buffalo upon the plains of Texas forty years ago. He has a record for coolness and bravery that is almost unequaled.

Ten years ago Captain McDonald had a pistol duel with Sheriff Joe Matthews, of Childress County, and two deputies at Quanah. He killed Sheriff Matthews and was himself wounded almost to death. The two men had trouble over who should have custody of a prisoner whom Captain McDonald had arrested in an adjoining county. Sheriff Matthews and two deputies came to Quanah with the avowed intention of killing McDonald. The latter heard of this threat and was prepared for trouble. Matthews and McDonald met upon the public square and both pulled their pistols. Matthews got in the first shot, the bullet going through McDonald's right lung. They were within ten feet of each other, but the force of the bullet and the terrible wound did not floor McDonald. He fired at Matthews, and the bullet struck a piece of plug tobacco and a thick notebook that shielded Matthew's heart. The two men fired the second shots simultaneously. Matthews was struck near the heart, and he fell to the ground unconscious. McDonald was hit in the right side, and the bullet ranged upward and came out at his neck. While Matthews and McDonald were having this duel the two deputies of Matthews were shooting at McDonald at close range, but all of their bullets went wild.

TENDED TO THE DEPUTIES.

When McDonald saw that he had killed Matthews, he turned his attention to the two deputies. He fired at them as they fled down the street and he then sank down unconscious. He was a long time recovering from the wounds he received.

Seven years ago John and George Humphries, two white farmers who lived in the "trans-cedar" country in the northeastern part of the State, were lynched one night by a party of unknown men. Governor Sayers sent Captain McDonald to the scene of the crime with instructions to discover, if possible, the guilty parties and to arrest them. Alone and unaided Captain McDonald arrested twelve of the most desperate men of that community and was successful in establishing the guilt of all of them. They were sentenced to long terms of imprisonment. In hunting up evidence against these men he traveled about the country and visited them at their homes alone. He received a number of threats against his life, but he paid no attention to them.

It was through the individual efforts of Captain McDonald that the notorious Reese-Townsend feud, which caused many killings in Colorado and Bastrop counties, was broken up. On one occasion, when the members of these opposing factions, numbering more than 100 men, were drawn up in fighting array at Columbus, Captain McDonald walked up to them and ordered them to deliver over their arms to him. The crowd demurred at first, and he had to knock one of the more ob-

streperous objectors to his order down with a gun. He searched every member of both factions and took all of their guns and knives away from them. At another threatened outbreak of these same feudists a few months later at Bastrop he performed a similar service.

FOE TO SMUGGLERS.

Captain McDonald has hunted down many desperate robbers and smugglers along the Rio Grande. He was also stationed in the Panhandle for several years, and it was through his active work that that part of the State was rid of the bands of cattle and horse thieves who formerly made it their rendezvous. He had many fights with these outlaws. He left the town of Quanah one day on the trail of a notorious criminal who was badly wanted in different parts of the State for murder and robbery. He followed the outlaw for more than 400 miles, stopping only an hour or two at a time to get a little sleep and give his horse its needed rest. He finally overtook his man in what was then known as "No Man's Land," which is now a part of Oklahoma. He found him in camp with four other men, who were also probably outlaws, but Captain McDonald did not recognize them. He was after this particular man, and he unhesitatingly dismounted at the camp and walked to where the men were sitting and told the fellow that he was his prisoner. Captain McDonald says that he expected every minute to be shot before he got away from that remote camp, but he was not molested as he forced his prisoner to mount a horse and ride away with him toward Texas.

Three or four years ago Captain McDonald had a fight with cattle thieves in the Panhandle. Three of them escaped, and he followed them alone for 300 miles, finally rounding them up near Norman, Okla., where he arrested them single-handed and placed them in jail.

These are only a few of the incidents in Captain McDonald's long career as a commander of the State rangers. They serve to show what kind of a man Senator FORAKER would have to deal with if he should meet him in Washington.

Mr. FORAKER. Mr. President, I have here another account of him. This is in the nature of an interview with him, and it comes from a newspaper, the reliability of which can not be questioned, I imagine, for it is taken from the Houston Post, of Texas, of the 24th of December, 1906. I read as follows:

RANGER CAPTAIN M'DONALD—HE IS PERFECTLY WILLING TO BE CROSS-EXAMINED BY FORAKER—STORY OF THE BROWNSVILLE RAID AND WHY MAJOR BLOCKSOM FORMED HIS OPINION—M'DONALD ACCUSED MAJOR PENROSE OF BEING AN ACCESSORY AFTER THE FACT TO THE BROWNSVILLE OUTRAGE—SOME THINGS THAT HAVE NOT HERETOFORE BEEN PUBLISHED.

Captain of Rangers William J. McDonald spent last night in Houston en route to Madisonville, where he has business that demands his attention. As usual, the captain is going "squirrel hunting." In other words, the captain's business is no one else's business. He doesn't talk much. He simply acts when the time comes.

"Foraker doesn't seem to know much about the Rangers of Texas, Captain," suggested the Post man last night at the Rice Hotel.

"What is that fellow jumping on me for, anyway? I haven't done anything to him. I could tell him who the Rangers are and what they are for, though. I could tell him that the Rangers are the fellows that bring the scalawags and rascals that he is trying to defend to justice. When the Rangers get hold of them, and they generally get hold of them when they start after them—they may stand hitched. We had those negroes down there at Brownsville, and we were making them stand hitched. They would have been hitched yet if the matter had not assumed a new phase, over which we had no control. Now, I don't care to break into the limelight, but if Foraker is anxious to put questions to me concerning the Brownsville affair, I will not dodge the issue."

When Major Blocksom suggested that Captain McDonald "would charge hell with one bucket of water," there is no doubt but he meant just what he said. Foraker, however, seized upon this and used it with derision in his address. Major Blocksom had every reason to believe that Captain McDonald was not afraid of a whole regiment of soldiers. The captain's actions in Fort Brown before the officers and the soldiers demonstrated that he was able to take care of himself, even though many loaded guns were aimed at him.

Now follows the account:

HOW M'DONALD FOUND BROWNSVILLE.

The captain was in Dallas filling the position of sergeant-at-arms for the Democratic convention when the outrage was committed at Brownsville. It was ten days after this that he arrived in Brownsville, and he went to work at once.

I think that should be two days.

The whole populace was in a state of uproar. The soldiers on the inside of the fort were on guard with their firearms loaded, and feared lest the people of the city made an assault upon the fort, while the people of the city, wrought up to the pitch of desperation and ready to fight, nevertheless were in a state of fear lest the soldiers inside the fort should make another onslaught upon the town.

When Captain McDonald, with his trusted sergeant, McCauley, arrived they went quietly to work gathering evidence. They did not go directly to the fort, but finding an ex-soldier who knew something of the assault made by the negroes, got from him all he knew.

He was one of the twelve men caused to be arrested by Captain McDonald, who was afterwards acquitted by the grand jury.

The captain and his sergeant then went to the fort. On the way the citizens met them and warned them that they would never get back alive if they entered the fort; that the negro soldiers would kill them.

HOW HE TALKED TO THE NEGROES.

As they entered about twenty negroes leveled their guns at them and demanded that they halt. They did not halt, but kept moving toward the negro soldiers and their aimed guns. The captain was doing some talking meanwhile. He talked to them like he would talk to a negro, and told them what kind of stunts he would have them doing if they didn't put up their guns, and they put up their guns.

"I'm Captain McDonald, of the Texas Rangers. I've come down here to investigate you black scoundrels. If you make a move with those guns I'll show you how to make kinky fur fly. Where is Major Penrose?"

Involuntarily the hands of most of the negroes went to their hats. There was a ring in the captain's voice that they did not mistake. That ring carried time backward in its flight more than forty years. It was not United States soldiers standing menacingly over a civilian. It was negroes—the old-time plantation negroes—in the presence of a southern gentleman.

"Yes, sir, cap'n; yes, sir. Majah Penrose he ovah dar in his house."

"One of you black scoundrels show me to him."

They all bent their bodies in a bow and all were ready. The captain selected the one for the service and the darkey led the way to where Major Penrose was in consultation with Major Blocksom and Captain Macklin.

WHEN BLOCKSOM FORMED HIS OPINION.

"I am Captain McDonald, of the Texas Rangers. The governor has sent me down here to investigate this outrage," is the manner in which Captain McDonald introduced himself to Major Penrose and the other officers. "What have you learned about this thing?"

"Absolutely nothing," answered Penrose.

"Nothing! Do you mean to tell me that you have investigated this matter and have learned nothing about it? How about Corporal Miller's connection with it?"

In connection with Corporal Miller, McDonald mentioned the names of other negroes. He had secured information from the ex-soldier and had gathered the names of many negroes who were mixed up in the affair, and he was able to talk in a manner which showed that he was familiar with the affair.

"Corporal Miller was not mixed up in this affair at all. He was at roll both at 8 o'clock and at 11 o'clock. I saw him, and Captain Macklin saw him."

"Have Corporal Miller brought in here, and let me question him, and I'll prove to you that you are mistaken."

Corporal Miller was brought in and the captain conducted the examination. Penrose and Blocksom would occasionally break in with a question, but the captain informed them that it was he that was conducting the examination; that they could ask him questions as to where he was last year or the year before, but they would have to postpone their questions until he got through with the negro; that he wanted to know where Miller was on the night of the shooting up of the town.

CORPORAL MILLER MADE ADMISSIONS.

They all got good, and Miller became very humble, and he admitted that he was not in the fort at either 8 o'clock or at 11 o'clock and that he did not return to the fort until about or after 12 o'clock on the night of the shooting up of the town. During this examination the negro had his cap off. Captain McDonald had his attention. It was to this civilian and not to his superior officers that he humbled himself. To the captain he was a negro; to Penrose, Blocksom, and Macklin his attitude was not even that of a soldier in the presence of his superiors. He had forgotten that he was a soldier. And he belched up things right along, and he got himself arrested for it, and the captain made the arrest.

Then they go on, Mr. President, with a half column more of it. I shall ask to have it all printed in the RECORD. I have read just enough to show the character of this man's knowledge of this affair and to show something of the character of the man himself. I did not intend, when I referred to him some days ago, to do him any injustice; but in view of the fact that he seems to think I have, and especially in view of the fact that my much esteemed colleague, the Senator from Texas, seems to think I have reflected upon him, I think it but due to Captain McDonald that these interviews with himself, which are apparently his own picture of himself, should be put in the RECORD, where all the Senate and all the country and all posterity may read them and know of this man, who is as fearless and brave as he is truthful and honest and who seems to have had much to do with the preparation of this case.

The VICE-PRESIDENT. The matter referred to by the Senator from Ohio will be printed in the RECORD, in the absence of objection.

The matter referred to is as follows:

Captain McDonald arrested thirteen negroes on warrants issued from the State courts. Major Penrose told him that seven or eight of the negroes under arrest were the right ones, but that he was mistaken about the others.

ACCUSED PENROSE OF BEING AN ACCESSORY.

"If you know that much about this thing, how is it that you do not know all about it and who were connected with it? Why don't you assist me in bringing the guilty scoundrels to justice?"

And right there Captain McDonald threw it into the teeth of Major Penrose that he was an accessory to the crime.

Major Blocksom heard it and there isn't much wonder that he is of the opinion that Captain McDonald, of the Rangers of Texas, "would charge hell with one bucket of water."

But this is not all that Major Blocksom saw of the captain that firmly fixed this in his mind. During the time that the thirteen negro soldiers were locked up in the guardhouse the wires were kept hot. The order to move the troops came. Captain McDonald had the warrants in his pocket and the negroes were in the guardhouse inside the fort. He could not place them in the county jail. At least he deemed that the temper of the people made it advisable that the negroes be kept locked up inside the fort. The officers of Brownsville had allied themselves with Major Penrose and against McDonald. They demanded that he give over the warrants which he had in his possession. He still refused. The demand was made upon the order of the court, and officers went to him as officers and made the demand and fortified themselves, as officers do under such circumstances, back of their guns. It was no use. The captain had the warrants. He was ready for any test, and he stood them off. Meanwhile he had asked the governor for instructions. The message came back:

"Cooperate with the officers of Brownsville."

FORCED COMPANY OF TROOPS BACK TO FORT.

Meantime the troops were on the move. A company was taken to the depot. Captain McDonald and his trusted sergeant went down to the depot to see if any of the negroes for whom he had warrants were among those being taken away. They did not have any of his negroes, so he and his sergeant started toward the fort. They met a company of negroes coming up. They were on the way to the depot to be removed

to San Antonio. Among them were some of the negroes that McDonald had arrested.

"Take them negroes back to that fort and lock them up; they are my prisoners. I'll show you people some things. I know just where I am at in this matter, and if you people attempt to take those negroes another step toward that depot we'll get busy."

The negroes were "righted about" and taken to the fort, and those that McDonald had warrants in his pocket for were locked up again. The governor's message had arrived by this time, but McDonald did not deliver up his warrants until the next morning, and then the negroes were placed on board a train and scooted out of Brownsville.

INFLUENCE ON THE NEGRO.

During their contact with McDonald they had become negroes again, all of them. They had become subdued, notwithstanding they had made the threat that one company of the Twenty-fifth was not afraid to charge the whole State of Texas, and as the captain passed among them at the fort their hands went to the caps and they bowed in respectful manner. The influence of the captain remained with them until they were many miles away from Brownsville. A gentleman who was on the train which took the negroes away from Brownsville states that they were meek and that not a word did any soldier speak until Brownsville was 20 or more miles behind them. They then showed signs of boastfulness again.

FORAKER might have misinterpreted the meaning of Major Blocksom, but when Blocksom gave expression to his now famous epigram, he felt that way about it.

Captain McDonald has written several reports of the Brownsville affair, giving the inside of the whole thing. He has written a report to Governor Lanham and a report to President Roosevelt, and upon instructions from Governor Lanham has written a report to Senator CULBERSON.

HAS GIVEN ROOSEVELT INFORMATION.

He has also written a letter to the President congratulating him upon his action in disbanding the negro soldiers. In this letter he told the President some things that the President did not know before.

Just what these things were is another story. At any rate President Roosevelt has ordered a court-martial of Major Penrose and Captain Macklin. Just where Captain Macklin was on the night of the murder is an unknown quantity. He averred that he saw Corporal Miller at roll both at 8 o'clock and at 11 o'clock. It transpires, however, that he will have a hard time proving that he himself was there.

THE CAPTAIN WHEN NOT IN ACTION.

This man, Captain McDonald, is a little bit of a fellow. One can almost span his waist with two hands. He is not to say abbreviated of stature, but he is by no means tall, and he is very frail. He is mild of manner and unassuming and as docile as a lamb, and his eye is kindly and twinkles with a smile. He is as plain as an old shoe, and no one to meet him on the street would take him to be a "bad man." But this is the Captain McDonald when not in action. Major Blocksom, it seems, can best tell what the man looks like when he is in action, and should FORAKER ever come in contact with him during such a time it would not be in a derisive way that he would say that he was one of those fellows who "would charge hell with a bucket of water."

Mr. FORAKER. I now ask for a vote on the resolution, Mr. President.

Mr. LODGE obtained the floor.

Mr. CULBERSON. Will the Senator from Massachusetts yield to me?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. Certainly.

Mr. CULBERSON. Mr. President, it was not my pleasure to hear all the remarks of the Senator from Ohio [Mr. FORAKER] who has just taken his seat, but from what I can learn of his remarks I think the country is to be felicitated upon the fact that he has now turned his attention from attempting to establish the innocence of the guilty persons to a species of ridicule of the captain of the Texas Rangers. From what I caught, what the Senator has read seems to be merely an effusion of some newspaper reporter in Texas, I believe, and some representative of the Cincinnati Enquirer, as to the character of man Captain McDonald is—of course, purposely exaggerated.

There is one thing else I ought to add to what I have said about Captain McDonald, and that is this: In view of the wish expressed in this Chamber a few days ago—but which has been omitted from the RECORD—to meet him, it affords me very much pleasure to say, in the same spirit, that he never declined an invitation of that character in all his life, and he is too old to change his habits now.

Mr. LODGE. Mr. President, I offer to the resolution the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts to the resolution will be stated.

The SECRETARY. After the word "discharge" it is proposed to insert "by the President of the United States in the exercise of his constitutional and legal authority as Commander in Chief."

Mr. LODGE. Mr. President, as a member of the Committee on Military Affairs, which will be charged with the proposed investigation and with hearing the testimony, I think it would be very unbecoming in me to form any final opinion as to the question of fact which has been raised, and certainly most improper for me to express any opinion in regard to it. The question of fact is all that is covered by the resolution of the Senator from Ohio [Mr. FORAKER], and I hope that resolution will pass at the earliest moment, and that the committee will take it up and press their hearings to a conclusion. But until they have heard all the testimony, as a member of the committee I think it would be, as I have said, unfitting for me to discuss the question of fact.

But the question of law is an entirely different one. That question was opened up by the Senator from Ohio the first day he spoke. It has been discussed again to-day by the Senator from Texas [Mr. CULBERSON]. While it would be an impropriety for me to form or express an opinion as to the facts, I can see no possible objection to myself or any other Senator, whether a member of the committee or not, expressing an opinion as to the question of law. I have given some study to it during the recess, and I have no doubt whatever as to the President's constitutional and legal authority to issue the order which he did discharging the soldiers. Whether the facts justified that order is a wholly different question, and that is the question which the resolution refers to the committee for decision; but as the legal and constitutional question has been raised, I think it would be just as well for the Senate to pass upon that question and remove it entirely from the jurisdiction of the committee, confining them, as the resolution purports to confine them, to the question of fact.

It is for this reason that I have moved the amendment which I have sent to the desk.

Mr. FORAKER. Mr. President, I am opposed to the adoption of the amendment. That is a question as to which the Senate should not estop itself from giving further consideration. It is a very important question. It is true I made some remarks upon that point when I spoke a few days ago, and it is true that the Senator from Texas [Mr. CULBERSON] discussed that proposition to-day; but the discussion of the Senator from Texas and the discussion I indulged in are enough in themselves to show that it is at least a controverted proposition.

The Senator from Massachusetts [Mr. LODGE] says that he has no doubt about the President's authority. I have no doubt either as to the view I have expressed. It is a matter which, it seems to me, ought not to be acted upon in connection with the resolution providing for an investigation of the facts. Let us confine the resolution to its purpose, namely, to investigate the facts, and then, when we have all the facts, we can consider not only the law applicable to the state of facts we may report, but also all the law applicable to the case as it is insisted by others it has already been established. So I hope the amendment will be voted down.

Mr. BEVERIDGE. I ask before action is taken that the original resolution of the Senator from Ohio [Mr. FORAKER] and the amendment proposed by the Senator from Massachusetts [Mr. LODGE] be read.

The VICE-PRESIDENT. The Secretary will read the resolution of the Senator from Ohio as it is proposed to be amended by the Senator from Massachusetts.

The Secretary read the resolution as proposed to be amended, as follows:

Resolved, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge, by the President of the United States in the exercise of his constitutional and legal authority as Commander in Chief, of members of Companies B, C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

Mr. LODGE. Mr. President, the Senator from Ohio says very justly that his resolution deals only with the facts. It is for that purpose—to confine the committee entirely to the facts—that I have offered the amendment. I think the Senate will have to pass upon the question of constitutionality, as it has been raised, and it seems to me they can pass on it just as well at one time as another.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. I yield.

Mr. WARREN. I do not wish to take the Senator from Massachusetts from the floor, but now or at the conclusion of his remarks I wish to ask unanimous consent that the resolution of the Senator from Ohio and the amendment to it proposed by the Senator from Massachusetts lie over until to-morrow or until our next meeting, allowing it to keep its place until it comes up in regular order after morning business.

Mr. FORAKER. I object.

The VICE-PRESIDENT. Objection is made.

Mr. LODGE. Mr. President, I am very anxious to have this resolution disposed of as soon as possible. I should like to be heard briefly upon my amendment. I am suffering to-day from a cold and a somewhat sore throat, and it is extremely difficult for me to go on this afternoon——

Mr. FORAKER. In view of that statement, I withdraw the objection.

Mr. LODGE. But if the Senator from Ohio insists, I will go on.

Mr. FORAKER. In view of the statement of the Senator from Massachusetts—I did not know that the request was made by the Senator from Wyoming [Mr. WARREN] on account of the Senator from Massachusetts—I withdraw my objection.

Mr. LODGE. I did not ask the Senator from Wyoming to make the request; he made it entirely upon his own motion. I was about to make the request when the Senator from Wyoming took the floor. But it would be a great convenience to me if this matter could go over until Monday, because, as I say, it is only with difficulty that I can speak, owing to the extreme hoarseness from which I am suffering.

Mr. FORAKER. Mr. President, in the event the resolution goes over, what will be its parliamentary status?

Mr. HALE. Let it be understood, Mr. President, that the resolution comes up at the end of the routine morning business, as it did to-day, and is before the Senate. If that is the understanding, I shall move that when the Senate adjourns to-day it be to meet on Monday next.

The VICE-PRESIDENT. Is there objection to the request?

Mr. McCUMBER. I should like to ask the Senator to indulge me just one remark before he makes that motion.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from North Dakota?

Mr. HALE. Certainly; I yield.

Mr. McCUMBER. Mr. President, we have just had a recess of nearly two weeks. There is considerable business that should be accomplished by the Senate before we adjourn on March 3. In a very short time we will have the appropriation bills before us, and they will have the right of way to the exclusion of nearly everything else.

Some days ago I gave notice that I would call up the pension bill to-day; but at the request of Senators who wished to debate to-day the Brownsville matter I gave way, giving notice at the time that I would call up the bill to-morrow morning immediately after the routine morning business. It seems to me almost wholly unnecessary to have us here for just one day for a couple of hours after a two weeks' recess and then immediately adjourn for three more days. We ought to have time at this session of Congress to consider something else besides the Brownsville affair and the appropriation bills. I should very much appreciate it if the Senate would adjourn only until to-morrow and take an hour or two in the forenoon to consider other bills than appropriation bills.

I should like to bring up the pension bill to which I have referred. I do not object to the Brownsville matter taking its place on Monday. There has been, I think, no notice given for Tuesday, but the time will be so short that, unless we can take up the pension bill during the early part of the session before the appropriation bills come before us, we can not take it up at all.

Mr. HALE. Mr. President, I would not interpose a motion that when the Senate adjourns to-day it be to meet on Monday next if I believed that any legislative business would be done in the meantime. Senators have been away, and a great many of them are not here now. If we have a session to-morrow nothing will be done about the subject-matter that has occupied the Senate to-day, and nothing will be done upon the measure which the Senator from North Dakota [Mr. McCUMBER] has in hand and at heart, except perhaps some debate, and then the matter will go over. For one, I am entirely willing to come here to-morrow and spend an hour or two in listening to debate on the pension bill, but there will be no action upon it; there will be no action upon anything; it will simply occupy so much time. But I leave all that to the Senate.

First, I ask, Mr. President, that the resolution in regard to the Brownsville affair go over, retaining its place, to be considered when the Senate next meets, at the end of the routine morning business, in order that Senators who desire to be heard can be heard upon that, and in order, as no reference has yet been made, that the Senate may at an early day pass upon the main question, which is, Shall the resolution be referred to the committee?

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that, at the end of the routine morning business on the next legislative day, the resolution respecting the Brownsville matter be laid before the Senate. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. HALE obtained the floor.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Montana?

Mr. HALE. Yes.

Mr. CARTER. I should be glad to have the Senator prefer a request that the resolution, together with the amendment, be printed.

Mr. HALE. That will of course be done.

Mr. CARTER. I presume the amendment has been offered separately. I should like to see the resolution and the amendment printed together.

The VICE-PRESIDENT. Without objection, the resolution will be printed with the amendments noted in the proper connection.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from North Dakota?

Mr. HALE. I yield to the Senator from North Dakota.

Mr. McCUMBER. I wish to ask, Mr. President, if any notice has been given as to taking up any subject next Tuesday morning?

Mr. HALE. I should like to say right here that there seems to have grown up a belief——

Mr. McCUMBER. I ask for information——

Mr. HALE. That because a Senator gives notice, he can therefore bring up a bill. There is nothing in the history of the Senate, there is nothing in the precedents, which sustains that idea. I get no additional advantage by notifying that next Wednesday or a week from next Wednesday or two weeks from next Wednesday I will call up a bill. It ought not to be journalized. The clerks have fallen into a fashion, if a Senator announces that he proposes to make a speech on a certain day next week, and he either wants to bring all his friends here or wants to keep them away, of journalizing the notice. The clerks have no right to do that. It is not a part of the proceedings of the Senate. Giving notice that on a certain day a Senator will call up a bill expresses nothing except how the Senator's mind is working, and that he is going to try it at that time. It adds nothing to the privileges of a Senator, and does nothing in the way of obstructing the business of the Senate. I do not object to the Senator from North Dakota giving his notice.

Mr. McCUMBER. Mr. President, during the time I have been here this custom has been almost universal in the Senate. It is a custom which has worked to the advantage of the Senate in the dispatch of business, inasmuch as it makes it possible for us to know beforehand what subject is liable to be called up at a given time. Most Senators have conceded that right, and have fallen in with it. I know, as the Senator from Maine has already expressed it, that it carries no particular right with it, except a right which has been granted as a matter of courtesy.

I desired to have the Senate take up the bill to-day. I desire to have it taken up some other day, if it can not be taken up at this time, and I desire to have it understood that I should like to have it taken up at some time when it will be most convenient for other Senators who have other measures which they wish to have considered. That is the only object of giving notice, and with that object in view very much good can be accomplished.

Mr. HALE. The Senator is quite right. Let him give his notice that he will try to get up his bill, and I will try to help him.

Mr. McCUMBER. Before I give the notice I should like to have the information which I sought to obtain.

The VICE-PRESIDENT. The Chair ascertains from an examination of the record of to-day that the Senator from North Carolina [Mr. OVERMAN] gave notice that on Tuesday next, after the close of the routine morning business, he would call up Senate resolution No. 200 for the purpose of making some remarks thereon.

Mr. McCUMBER. The very fact that the Senator from North Carolina has given that notice induces me to refrain from giving notice for Tuesday in order that the Senator may have the time he wishes. It is but proper that he should have the time when he has given notice that he wishes to speak, as that will undoubtedly be most convenient for him.

That being the case, I should like to give notice that I will call up the pension bill for consideration, not for final vote, after the routine morning business next Wednesday.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day, it be to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent

in executive session the doors were reopened, and (at 2 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, January 7, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 3, 1907.

SURVEYOR OF CUSTOMS.

Marcellus O. Markham, of Georgia, to be surveyor of customs for the port of Atlanta, in the State of Georgia. (Reappointment.)

COLLECTORS OF CUSTOMS.

George L. Smith, of New Jersey, to be collector of customs for the district of Newark, in the State of New Jersey. (Reappointment.)

Daniel W. Patrick, of North Carolina, to be collector of customs for the district of Pamlico, in the State of North Carolina. (Reappointment.)

Morton Tower, of Oregon, to be collector of customs for the southern district, in the State of Oregon. (Reappointment.)

PROMOTIONS IN REVENUE-CUTTER SERVICE.

First Lieut. Preston Henry Uberroth to be a captain in the Revenue-Cutter Service of the United States, to rank as such from December 25, 1906, in place of Walter Spooner Howland, retired.

Second Lieut. Henry Ulke, jr., to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from December 25, 1906, in place of Preston Henry Uberroth, promoted.

Third Lieut. Ralph Waldo Dempwolf to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 1, 1906, in place of Second Lieut. Ernest Eugene Mead, promoted.

Third Lieut. Roger Chew Weightman to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from November 4, 1906, in place of Second Lieut. Henry Granville Fisher, promoted.

PROMOTION IN PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. John S. Boggess to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from December 5, 1906.

ASSISTANT TREASURER.

Edwin Upton Curtis, of Massachusetts, to be assistant treasurer of the United States at Boston, Mass., in place of George A. Marden, deceased.

ASSISTANT ATTORNEY-GENERAL.

Edward T. Sanford, of Tennessee, to be Assistant Attorney-General in place of James C. McReynolds, resigned.

UNITED STATES MARSHAL.

William H. Mackey, jr., of Kansas, to be United States marshal for the district of Kansas. A reappointment, his term having expired on December 8, 1906.

APPOINTMENT IN THE ARMY.

General officer.

Brig. Gen. J. Franklin Bell to be major-general from January 3, 1907, vice Lee, retired from active service.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be captain.

First Lieut. Guy S. Norvell, Eighth Cavalry, from October 2, 1906, vice Carleton, Thirteenth Cavalry, promoted.

To be first lieutenants.

Second Lieut. Guy Kent, First Cavalry, from August 2, 1906, vice Odell, Eleventh Cavalry, resigned.

Second Lieut. Copley Enos, First Cavalry, from August 10, 1906, vice Karnes, Sixth Cavalry, resigned.

Second Lieut. Emory J. Pike, Second Cavalry, from August 20, 1906, vice Whitside, Fifteenth Cavalry, promoted.

Second Lieut. Williams S. Martin, Fourth Cavalry, from September 13, 1906, vice Purviance, Fourth Cavalry, promoted.

Second Lieut. Frank E. Sidman, Eighth Cavalry, from September 13, 1906, vice Johnson, Second Cavalry, promoted.

Second Lieut. Frederick Mears, Fifth Cavalry, from September 20, 1906, vice Cushman, Eleventh Cavalry, promoted.

Second Lieut. Alden M. Graham, First Cavalry, from October 1, 1906, vice Tilford, First Cavalry, promoted.

ARTILLERY CORPS.

To be first lieutenant.

Second Lieut. Norris Stayton, Artillery Corps, from December 21, 1906, vice Mitchell, retired from active service.

PROMOTIONS IN THE PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

Second Lieut. Teofilo Marxuach, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from November 20, 1906, vice Woodruff, promoted.

Second Lieut. Eugenio C. de Hostos, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from November 20, 1906, vice Angel, promoted.

PROMOTIONS IN THE NAVY.

Professor of Mathematics Lucien F. Prud'homme, United States Navy, retired, with the rank of commander, to be a professor of mathematics on the retired list of officers of the Navy, with the rank of captain, from the 29th day of June, 1906, in accordance with a provision contained in the naval appropriation act approved on that date.

Gunner Cornelius Cronin, United States Navy, retired, to be a chief gunner on the retired list of the Navy, to rank with but after ensign, from the 29th day of June, 1906, in accordance with the provisions of the naval appropriation act approved on that date.

PENSION AGENT.

John R. King, of Maryland, to be pension agent at Washington, D. C., his term having expired. (Reappointment.)

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 3, 1907.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Infinite Spirit, our God and our Father, whose blessings are new every morning and fresh every evening, we lift up our hearts in gratitude to Thee for the care Thou hast exercised over us as individuals and as a nation in the past, and we pray that Thou will continue the same. We thank Thee for the holiday season which has come and gone with its lessons of love, peace, and good will. Grant that they may remain with us that we may be the better prepared to prosecute the work of the new year, and grant, oh, most merciful Father, that the laws enacted by these, Thy servants, may lessen the evils in the world and promote the good. Through Jesus Christ our Lord, Amen.

The Journal of the proceedings of Thursday, December 20, 1906, was read and approved.

SWEARING IN OF MEMBERS.

Mr. NEEDHAM. Mr. Speaker, the Hon. William F. Englebright, who has been elected as the successor of Hon. J. N. Gillett, resigned, is present, and I ask that his credentials be read and that he be sworn in.

The SPEAKER. The Clerk will read the credentials.

The credentials were read.

Mr. GILLETT. Mr. Speaker, Hon. Charles G. Washburn, who has been elected to complete the term of the late Hon. Rockwood Hoar, is present and I ask that the oath be administered to him.

The SPEAKER. The Clerk will read the credentials.

The credentials were read.

Mr. Englebright and Mr. Washburn appeared at the bar of the House and took the oath required by law.

COMMITTEE ON MILITARY AFFAIRS.

Mr. HULL. Mr. Speaker, I ask the consent of the House that the Committee on Military Affairs may have leave to sit during the sessions of the House for the rest of this session.

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent that the Committee on Military Affairs may have leave to sit during the sessions of the House for the remainder of the session. Is there objection?

There was no objection.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to:

Mr. BRICK, for ten days, on account of serious illness in his family.

Mr. LAMAR, until January 8, 1907, on account of sickness.

Mr. CLARK of Florida, indefinitely, on account of sickness in family.

Mr. LINDSAY, until further notice, on account of sickness in family.

Mr. MCMORRAN, for ten days, on account of important business.

Mr. GRIGGS, until January 8, 1907, on account of sickness.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 10 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a recommendation as to legislation for compensation of ordnance officers in charge of national armories—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a draft of a bill for increasing the limit of cost of the Freedmen's Hospital building and setting forth the need of additional appropriations therefor—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a draft of proposed legislation relating to allotments to certain children of the Kiowa, Comanche, and Apache reservations—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the chairman of the commission on consolidation of schools and general plan of school buildings in the District of Columbia, submitting a preliminary report—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a draft of proposed legislation relating to a proposed patent in fee simple to William G. Labadie—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of War, transmitting a memorial of the Agricultural Association of Panay and Negros with reference to the tariff in its relation to the Philippines—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a letter from the Judge-Advocate-General, a recommendation as to the payment of claims for liquors destroyed by the Federal authorities at the time of the earthquake in San Francisco—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, submitting a recommendation as to the claim of George Kingsland, of Bath Beach, Brooklyn, N. Y.—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusion of fact and law in the French spoliation cases relating to the brig *Juno*, Henry Atkins, jr., master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Maria*, William Cole, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. P. McCleudon, administrator of estate of Meredith King against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Eagle*, Jeremiah Goodhue, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Catherine*, James Cocks, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Bachelors*, D. Churchill, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Lydia*, Thomas McCray, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Hiram*, Samuel A. Whitney, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the *Hope*, John Prince, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for seacoast defense guns at West Point, N. Y.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for protecting public lands, timber, etc.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for a tender for the Seventh light-house district—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Molly*, John Alden, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of allowance on the account of Capt. George H. Cameron, United States Army—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for repair of fortifications at Pensacola, Mobile, and New Orleans—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for defense at Pensacola—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of the Smithsonian Institution, submitting an estimate of appropriation for protection of the Casa Grande ruin in Arizona and continuation of investigations—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for repairs and supply of stores at artillery posts on South Atlantic and Gulf coasts—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Flat Rock Baptist Church, Missouri, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an urgent estimate of appropriation for navy-yard at Norfolk, Va.—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of G. D. Able, administrator of estate of Catherine Rutherford, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of deficiency appropriation for yards, docks, and equipment—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a draft of proposed legislation for permitting the issue of a patent in fee simple to John W. Early, Ottawa allottee—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. T. Forbess, administrator of estate of Archie B. Forbess, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of channel from Aransas Pass to Corpus Christi, Tex.—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, estimate of 6-foot channel in the Mississippi River between the Missouri River and St. Paul, Minn.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Postmaster-General, transmitting report of the finance of the Department, balance due, accrued postage, amount paid for carrying the mail, etc.—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a let-

ter from the Chief of Engineers, report of examination and survey of channel in Newark Bay, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Galveston Harbor, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of channel from Aransas Pass to Cuero, Tex.—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Pamlico and Tar rivers, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Merrimac River, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Old South River, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HENRY of Texas: A bill (H. R. 23199) for the erection of a Federal building for the post-office at Marlin, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 23200) to provide additional judges for the district of Alaska—to the committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 23201) to amend the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia, approved February 28, 1901'"—to the Committee on the District of Columbia.

By Mr. SULLOWAY: A bill (H. R. 23202) to increase the rate of pension of certain widows under the act of June 27, 1890, and its amendments—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 23203) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes"—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: A bill (H. R. 23204) to establish a biological and fish-culture station in the Territory of Hawaii—to the Committee on the Merchant Marine and Fisheries.

By Mr. MORRELL: A bill (H. R. 23205) causing a survey to be made of the Delaware River, etc.—to the Committee on Rivers and Harbors.

By Mr. COCKS: A bill (H. R. 23206) requiring the American flag to be flown from post-office buildings from sunrise to sunset each day that the offices are open for business—to the Committee on the Post-Office and Post-Roads.

By Mr. VOLSTEAD: A bill (H. R. 23207) reserving coal, lignite, petroleum, and natural-gas deposits from disposal of under existing land laws, and providing that such deposits may be mined under mining leases—to the Committee on the Public Lands.

By Mr. MACON: A bill (H. R. 23208) to prohibit the receipt, delivery, or transmission of interstate or foreign messages or other information to be used in connection with or furtherance of any project or transaction concerning the interstate or foreign buying or selling, or otherwise dealing in futures in agricultural products or commodities, and to prohibit the interstate or foreign buying or selling or otherwise dealing in said products and commodities—to the Committee on Agriculture.

By Mr. COLE: A bill (H. R. 23209) to provide for a soil survey in the Territory of Hawaii—to the Committee on Agriculture.

By Mr. RANDELL of Texas: A bill (H. R. 23210) providing for the transmission and delivery of semiweekly and triweekly newspapers through the mails in same manner and at the same rate of postage as weekly newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. MONDELL: A bill (H. R. 23211) authorizing the leasing of Indian lands—to the Committee on Indian Affairs.

By Mr. SCOTT: A bill (H. R. 23212) for the construction of a breakwater at Hilo Harbor, in the Territory of Hawaii—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 23213) for the further improvement of Honolulu Harbor, in the Territory of Hawaii—to the Committee on Rivers and Harbors.

By Mr. MONDELL: A bill (H. R. 23214) to provide for the erection of a hospital at Fort McKenzie, Wyo.—to the Committee on Military Affairs.

By Mr. VOLSTEAD: A bill (H. R. 23215) to regulate the issue of certain stocks and bonds of common carriers engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: A bill (H. R. 23216) to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio—to the Committee on the Judiciary.

By Mr. HUGHES of West Virginia: A bill (H. R. 23217) to provide for the appointment of an additional district judge in and for the southern judicial district of the State of West Virginia—to the Committee on the Judiciary.

Also, a bill (H. R. 23218) to authorize Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on east side of said river in Pike County, Ky.—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 23219) to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River about 2½ miles west of Devon, W. Va., a station on Norfolk and Western Railway—to the Committee on Interstate and Foreign Commerce.

By Mr. WELBORN: A bill (H. R. 23220) providing for an amendment to section governing compensation of registers and receivers of United States land offices—to the Committee on the Public Lands.

By Mr. GROSVENOR: A bill (H. R. 23221) for the erection of a public building at the city of Athens, in the State of Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23222) providing for the erection of a monument to Januarius Aloysius MacGahan—to the Committee on the Library.

By Mr. MORRELL: A joint resolution (H. J. Res. 209) concerning the dredging of the Delaware River—to the Committee on Rivers and Harbors.

Also, a resolution (H. Res. 674) authorizing the appointment of a committee to investigate railroad wrecks—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 23223) granting a pension to Margaret Mars—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23224) granting a pension to Ella J. Crosse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23225) granting an increase of pension to James D. Leech—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23226) granting an increase of pension to Joseph Swihart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23227) granting an increase of pension to Charles Weller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23228) granting an increase of pension to Jacob Hambake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23229) granting an increase of pension to Joseph Cornell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23230) granting an increase of pension to Thomas J. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23231) granting an increase of pension to Robert Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23232) granting an increase of pension to Lucas B. Brewster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23233) granting an increase of pension to Theophilus Jones—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 23234) granting an increase of pension to James W. Walsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23235) granting an increase of pension to James L. Barney—to the Committee on Invalid Pensons.

By Mr. BONYNGE: A bill (H. R. 23236) for the relief of Edward H. Phelps and to correct his military record—to the Committee on Military Affairs.

Also, a bill (H. R. 23237) to remove the charge of desertion from the military record of Charles L. Thompson—to the Committee on Military Affairs.

Also, a bill (H. R. 23238) granting a pension to L. W. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23239) granting a pension to Charles L. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23240) granting an increase of pension to Ezra B. Ide—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23241) granting an increase of pension to Mary Loomis—to the Committee on Pensions.

Also, a bill (H. R. 23242) granting an increase of pension to William E. McFarland—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 23243) for the relief of Charles P. Ryan—to the Committee on Military Affairs.

Also, a bill (H. R. 23244) granting an increase of pension to Michael Andrews, jr.—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 23245) for the relief of Alexander Morgan—to the Committee on Military Affairs.

Also, a bill (H. R. 23246) for the relief of James Holder, jr.—to the Committee on Military Affairs.

Also, a bill (H. R. 23247) granting an increase of pension to George I. Stults—to the Committee on Pensions.

Also, a bill (H. R. 23248) granting a pension to Andrew J. Mullins—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 23249) granting an increase of pension to Patience G. Reddy—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 23250) granting a pension to Georgie A. Mercer—to the Committee on Invalid Pensions.

By Mr. COCKS: A bill (H. R. 23251) granting an increase of pension to Joseph C. Hibson—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 23252) granting an increase of pension to John Powell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23253) granting an increase of pension to Thomas W. Murray—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 23254) granting an increase of pension to William W. Brightman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23255) granting an increase of pension to Napoleon B. Moore—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 23256) granting a pension to Samuel H. Gebhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23257) granting an increase of pension to Calvin C. Shank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23258) granting an increase of pension to John J. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23259) granting an increase of pension to J. M. Francis—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 23260) granting an increase of pension to Thomas Wilkinson—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 23261) granting an increase of pension to George W. Plummer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23262) granting an increase of pension to William Spatch—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23263) granting an increase of pension to Michael Downs—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 23264) granting a pension to James W. Officer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23265) granting a pension to Henry Hilton—to the Committee on Pensions.

Also, a bill (H. R. 23266) granting an increase of pension to Samuel Watts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23267) granting an increase of pension to Franklin Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23268) granting an increase of pension to John N. Trimble—to the Committee on Pensions.

Also, a bill (H. R. 23269) granting an increase of pension to Samuel E. Smith—to the Committee on Invalid Penions.

Also, a bill (H. R. 23270) granting an increase of pension to John Bogenschutz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23271) granting an increase of pension to Carmin Watkins—to the Committee on Pensions.

Also, a bill (H. R. 23272) granting an increase of pension to Samuel Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23273) granting an increase of pension to James R. Atkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23274) to correct the military record of McDonald Meade—to the Committee on Military Affairs.

Also, a bill (H. R. 23275) to correct the military record of James H. Murphy—to the Committee on Military Affairs.

Also, a bill (H. R. 23276) to correct the military record of James M. Morrow—to the Committee on Military Affairs.

Also, a bill (H. R. 23277) to correct the military record of John Hurst and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 23278) granting an increase of pension to James M. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23279) granting an increase of pension to D. H. Moore—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 23280) granting an increase of pension to Bartholomew Burke—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 23281) granting an increase of pension to William T. Fisher—to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 23282) granting an increase of pension to John W. Tumey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23283) granting an increase of pension to David D. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23284) granting an increase of pension to Albert M. Moore—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 23285) for the relief of M. N. Dominguez, of Brownsville, Tex.—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 23286) granting a pension to Sophia R. Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23287) granting an increase of pension to William T. Gullett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23288) for the relief of John Mason—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 23289) granting a pension to Rebecca Greenlee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23290) granting a pension to Sarah J. Boles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23291) granting an increase of pension to Francis M. Huston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23292) granting an increase of pension to C. E. Bacon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23293) granting an increase of pension to Amos S. Ladd—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 23294) granting a pension to F. M. Sampson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23295) granting an increase of pension to Grace Aram—to the Committee on Pensions.

Also, a bill (H. R. 23296) granting an increase of pension to George H. Blakeslee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23297) granting an increase of pension to Charles T. Smith—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 23298) for the relief of Fredrick Hughson—to the Committee on War Claims.

By Mr. JONES of Washington: A bill (H. R. 23299) granting an increase of pension to Henry Goodlander—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 23300) granting an increase of pension to George W. Fletcher—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 23301) for the relief of H. E. Middleton & Son—to the Committee on Military Affairs.

By Mr. KEIFER: A bill (H. R. 23302) granting a pension to Samuel B. Dump—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23303) granting a pension to Mary J. Rush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23304) granting an increase of pension to William W. Levering—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23305) granting an increase of pension to Bessie Sharp Pettit—to the Committee on Pensions.

Also, a bill (H. R. 23306) granting an increase of pension to James Mahaffey—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 23307) granting an increase of pension to Andrew Casey—to the Committee on Pensions.

By Mr. LITTAUER: A bill (H. R. 23308) granting an increase of pension to Harrison Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23309) granting an increase of pension to Thomas Durkee—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 23310) granting an increase of pension to Charles Palmer—to the Committee on Pensions.

Also, a bill (H. R. 23311) granting an increase of pension to Jeremiah Burke—to the Committee on Pensions.

Also, a bill (H. R. 23312) granting an increase of pension to William Lewis—to the Committee on Pensions.

By Mr. LAWRENCE: A bill (H. R. 23313) granting an in-

crease of pension to Benjamin D. Reed—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 23314) granting an increase of pension to Henry King Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23315) granting an increase of pension to Mary A. Marvin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23316) granting an increase of pension to William G. Haynes—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 23317) granting an increase of pension to Elias Garrett—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 23318) granting a pension to James M. Childers—to the Committee on Pensions.

Also, a bill (H. R. 23319) granting a pension to Philip S. Day—to the Committee on Pensions.

Also, a bill (H. R. 23320) granting a pension to Thomas J. Cornell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23321) granting a pension to Sylvester Hendrix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23322) granting an increase of pension to Franklin D. Allen—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 23323) granting an increase of pension to Robert Foote—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23324) authorizing the sale of certain land to the city of Buffalo, Wyo.—to the Committee on the Public Lands.

By Mr. MINOR: A bill (H. R. 23325) granting an increase of pension to Noah D. Lindsay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23326) granting an increase of pension to Ann Sprague—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 23327) granting an increase of pension to Paul Sheets—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 23328) granting an increase of pension to Thomas M. Farrell—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 23329) granting an increase of pension to E. Y. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23330) granting an increase of pension to William Ure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23331) granting an increase of pension to Samuel Holmes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23332) granting an increase of pension to Uriah Blair—to the Committee on Pensions.

Also, a bill (H. R. 23333) granting an increase of pension to Bradley Webster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23334) granting a pension to Hellen A. Duvall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23335) granting a pension to Jethro Carpenter—to the Committee on Pensions.

Also, a bill (H. R. 23336) granting an extension of Patent No. 426012—to the Committee on Patents.

By Mr. SHERMAN: A bill (H. R. 23337) granting an increase of pension to Susan McLaughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23338) granting an increase of pension to John C. Thorn—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 23339) granting an increase of pension to Martha Louise Burnham—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 23340) granting an increase of pension to Mary E. Alling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23341) granting an increase of pension to Asa L. Rees—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23342) granting an increase of pension to James Hamrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23343) granting an increase of pension to William M. Harrod—to the Committee on Invalid Penions.

Also, a bill (H. R. 23344) granting an increase of pension to Isaac B. Hughey—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 23345) for the relief of the city of Glasgow, Mo.—to the Committee on Claims.

Also, a bill (H. R. 23346) for the relief of Dennis Sullivan—to the Committee on War Claims.

Also, a bill (H. R. 23347) for the relief of John Fischer—to the Committee on Claims.

Also, a bill (H. R. 23348) granting a pension to Fred Wakefield—to the Committee on Pensions.

Also, a bill (H. R. 23349) granting a pension to Mary Brady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23350) granting a pension to Mary E. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23351) granting a pension to Leonidas H. Hightshoe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23352) granting a pension to Orpha A. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23353) granting a pension to Charles W. Gist—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23354) granting an increase of pension to James A. Ellison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23355) granting an increase of pension to Thomas Cossins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23356) granting an increase of pension to George Richard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23357) granting an increase of pension to James M. Houston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23358) granting an increase of pension to Robert J. Pray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23359) granting an increase of pension to Joseph Potts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23360) granting an increase of pension to Robert Hastie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23361) granting an increase of pension to James A. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23362) granting an increase of pension to Elbert Nugent—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 23363) granting an increase of pension to Louis Sherard—to the Committee on Pensions.

By Mr. WEISSE: A bill (H. R. 23364) granting a pension to Mary Ann Whittaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23365) granting an increase of pension to William Seitz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23366) granting an increase of pension to August Maffert—to the Committee on Invalid Pensions.

By Mr. WEBBER: A bill (H. R. 23367) granting an increase of pension to Asa A. Gardner—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 23368) granting a pension to Patrick McGrain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23369) granting an increase of pension to Stephen Loranger—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 23370) for the relief of the estate of Thomas G. Morrison, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23371) granting an increase of pension to Clark Crecelius—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23372) granting an increase of pension to Smith McCallister—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 23373) granting a pension to John Paul—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23374) granting a pension to Rose A. Doyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23375) granting an increase of pension to Jeremiah Wall—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9714) granting an increase of pension to George Wood—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22610) granting an increase of pension to Margaret C. Storts—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22637) granting an increase of pension to William A. Buchanan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23167) granting an increase of pension to Jacob Amberg—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Washington Board of Trade, against change of names of avenues as established in original plans—to the Committee on the District of Columbia.

Also, petition of General Assembly of the Presbyterian Church, against appropriation of public funds for sectarian purposes—to the Committee on Appropriations.

Also, petition of General Assembly of Presbyterian Church in United States, for constitutional amendment abolishing polygamy—to the Committee on the Judiciary.

Also, petition of Inland Waterway Association, for action relative to construction of a waterway from Norfolk, Va., to Beaufort Inlet, N. C.—to the Committee on Rivers and Harbors.

Also, petition of Carriage Builders' National Association, for regulation of tariff rates by a permanent commission—to the Committee on Ways and Means.

Also, petition of Twentieth Century Club, for repeal of law placing duty on works of art—to the Committee on Ways and Means.

Also, petition of Edward K. Lilikalani, for action on his claim to crown lands of Hawaii—to the Committee on the Judiciary.

Also, petition of Catholic Church Extension Society of the United States, relative to the relations of church and state in France—to the Committee on Foreign Affairs.

Also, petition of Pasadena Central Labor Council and other labor organizations, for passage of merchant marine shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ACHESON: Paper to accompany bill for relief of Theophilus Jones, James W. Milligan, Lucian B. Brewster, and John Vandegrift—to the Committee on Invalid Pensions.

Also, petition of Daily Tribune, Beaver Falls, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Joseph V. Cumming—to the Committee on War Claims.

Also, petition of National Association of Colored Women, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of council of city of Cincinnati, Ohio, favoring appropriation for improvement of waterways—to the Committee on Rivers and Harbors.

Also, petition of Willard Council, No. 46, Daughters of America, New Castle, Pa., favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. ADAMSON: Petition of G. W. Poer et al., for increase of pay of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of King Hardware Company, Atlanta, Ga., for legislation to prevent the jug trade in States or counties where prohibition prevails—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Western States Portland Cement Company, favoring bill to provide 2 cents per mile fare on all railways of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of New Jersey: Petition against application of the antitrust laws so as to militate against cooperation of small dealers—to the Committee on the Judiciary.

Also, petition of executive committee of the Inter-Church Conference on Federation for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of National Camp, Patriotic Order of Americans, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BARCHFELD: Petition of Charles K. Harris, of New York, relative to the extension of the copyright laws to devices adapted to reproduce musical works—to the Committee on Patents.

Also, petition of James Pollock, harbor master of the port of Philadelphia, relative to the deepening of the channel of the Delaware River—to the Committee on Rivers and Harbors.

Also, petition of Andrew G. Austin Council, No. 67, of McKees Rocks, Pa., and Welcome Council, No. 134, of Pittsburg, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Edwin A. Abbey and 65 other artists, asking for the removal of duty on works of art—to the Committee on Ways and Means.

Also, resolution of Oakland Board of Trade, of Pittsburg, Pa., indorsing bill H. R. 19076, calling for increased compensation of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of James Carothers & Co., of Pittsburg, Pa., and of New York Produce Exchange Bank, urging that some action be taken at this session of Congress for the relief of the money markets of this country—to the Committee on Banking and Currency.

By Mr. BARTLETT: Petition of J. W. Burke & Co., of Macon, Ga., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BENNET of New York: Petition of American Artists for Free Art, against tariff on art works (bill H. R. 15268)—to the Committee on Ways and Means.

By Mr. BONYNGE: Petition of W. F. Robinson Printing Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Petition of The World, Lawrence, Kans., against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William A. Green, as per bills S. 7149 and H. R. 21701, awarding travel pay as an officer in United States Volunteers in war service in Philippines—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of Waterville Morning Sentinel, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of veteran soldiers of the civil war and war with Spain of Togus, Me., for restoration of army canteen—to the Committee on Military Affairs.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Andrew J. Mullins—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George J. Stultz—to the Committee on Pensions.

By Mr. CAPRON: Paper to accompany bill for relief of Patience G. Reddy—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mary A. Pecor—to the Committee on Invalid Pensions.

Also, petition of The D. and W. Fuse Company, of Providence, R. I., in favor of increasing the pay of the corps of examiners in the Patent Office and of increasing the facilities for the transaction of business in said office—to the Committee on Appropriations.

Also, resolution of Local No. 133, U. T. W., of White Rock, R. I., in favor of the passage of the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition and resolutions of Thomas A. Walton, teacher commercial department Pentecostal Collegiate Institute, of North Scituate, R. I.; Pawcatuck Council, No. 15, Junior Order United American Mechanics, of Shannock, R. I.; Miantonomah Council, No. 7, of Providence, R. I.; of Arthur L. Taylor, of Phenix, R. I, and of John G. Ulmer, principal of the Grammar School, Anthony, R. I.—to the Committee on Immigration and Naturalization.

Also, petition of Evening Times, Pawtucket, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CASSEL: Resolutions of Lancaster Council, No. 912, of Lancaster, Pa., and Intercourse Council, No. 650, Junior Order United American Mechanics, in favor of the passage of the immigration bill (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Wisconsin: Petition of Milton Journal, Milton, Wis., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DARRAGH: Petition of Daily Eagle and Daily Times, Flushing, N. Y., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DOVENER: Paper to accompany bill for relief of Elizabeth H. Brubaker and Duncan Cunningham—to the Committee on Invalid Pensions.

Also, petition of Valley Star Council, No. 60, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Eli B. Fleming—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of George W. Maynard—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Adaline Ploer—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas H. Cook—to the Committee on Pensions.

Also, paper to accompany bill for relief of Dolly Bivens, A. J. James, et al.—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Republic, Rockford, Ill.—to the Committee on Ways and Means.

By Mr. HAYES: Petition of Excelsior Homestead Progressive Association, against Asiatic coolies in Panama and for application of Chinese-exclusion act to Japanese—to the Committee on Foreign Affairs.

By Mr. GOULDEN: Petition of National Camp and Pennsylvania State Camp, Patriotic Order of Americans, favoring re-

striction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of New York Produce Exchange Bank, relative to the stringency of the money market—to the Committee on Banking and Currency.

Also, petition of Pride of the West Council, No. 157, of Allegheny, Pa., and Aspinwall Council, No. 238, of Aspinwall, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Sandusky Avenue Baptist Church, of Allegheny, Pa., for passage of a bill forbidding the sale of intoxicating liquors in Government buildings; also for the passage of the Littlefield-Carmack original-package bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of James Pollock, harbor master of the port of Philadelphia, relative to the deepening of the channel of Delaware River—to the Committee on Rivers and Harbors.

Also, petition of Edwin A. Abbey and 65 other artists, for the placing of works of art on the free list—to the Committee on Ways and Means.

Also, petition of Oakland Board of Trade, of Pittsburg, Pa., indorsing bill H. R. 19076, for increasing pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Petition of Scholl Printing Company, Chillicothe, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of directors of the Ship Owners' Association of the Pacific Coast, San Francisco, Cal.—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Atlantic Harbor, No. 77, American Association of Masters, Mates, and Pilots of Steam Vessels, Brooklyn, N. Y., for merchant marine shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Nelsonville, Ohio, Council, No. 108, Daughters of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Seattle Printing Pressmen's Union, for ship-subsidy bill (S. 529)—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAY: Paper to accompany bill for relief of Frederick Hughton—to the Committee on War Claims.

By Mr. HAYES: Petition of California Miners' Association, favoring House bill relating to revision of section 2325 of the Revised Statutes of the United States, relative to location of claims of mineral lands—to the Committee on Mines and Mining.

Also, petition of F. J. Hipp et al., citizens of California, against cooly labor on Panama Canal; also that Chinese-exclusion act apply to Japanese—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of Grace Aram—to the Committee on Pensions.

Also, petition of Excelsior Homestead Association, against employment of coolies in Panama Canal Zone, and that Chinese-exclusion act apply to Japanese—to the Committee on Foreign Affairs.

Also, petition of the Evening News, San Jose, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of George H. Blakeslee—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of certain officers of the Second Louisiana Volunteer Cavalry—to the Committee on Military Affairs.

Also, petition of Ben Harrison Council, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of California Promoters' Commission for improvement of California harbors—to the Committee on Rivers and Harbors.

Also, resolution of citizens of San Francisco, against stand taken by the President relative to matters concerning the Japanese in San Francisco—to the Committee on Foreign Affairs.

Also, petition of Labor Council, of San Francisco, for exclusion of Asiatic laborers—to the Committee on Foreign Affairs.

By Mr. HEPBURN: Resolution of conductors of Delaware and Hudson Railroad system, against passage of sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of railway employees of Chicago, Burlington and Quincy Railway, employed at Creston, Iowa, against passage of bill limiting hours of service of railway employees—to the Committee on Interstate and Foreign Commerce.

Also, petition of Gate City, Keokuk, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of locomotive engineers, Delaware and Hudson system, against bill limiting hours of labor on railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of Citizens of Ringgold and Wayne counties, Iowa, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. HINSHAW: Petition of citizens of Nebraska, against tariff on art works (bill H. R. 15268)—to the Committee on Ways and Means.

By Mr. KAHN: Paper to accompany bill for relief of John F. Bishop, as per House bill 21701, for travel pay of officers of United States Volunteers in war service in Philippines—to the Committee on War Claims.

By Mr. KEIFER: Paper to accompany bill for relief of Frances F. Mower, widow of Carl K. Mower, as per House bill 21701, for travel pay of United States officers in war service in Philippines—to the Committee on War Claims.

By Mr. KENNEDY of Ohio: Petition of Morning Gleaner, Massillon, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Operative Plasterers' International Association, Philadelphia Board of Trade, and Wellsville Division, No. 289, Order of Railway Conductors, for the subsidy shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Boston, against the summary discharge of the Twenty-fifth United States Infantry—to the Committee on Military Affairs.

Also, petition of International Association Mechanics, Lodge No. 200, Youngstown, Ohio, for ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Legislative Committee of Pomona Grange, No. 62, Mount Nebo, Ohio, for legislation establishing parcels post and postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of Crescent Council, No. 10, Daughters of Liberty; General McPherson Council, No. 110; Lincoln Council, No. 16; Valley Forge Council, No. 179; New Waterford Council, No. 153; Pride of the East Council, No. 8; Paul Jones Council, No. 203; Diamond Council, No. 5; Ensign Bagley Council, No. 123; Thomas Jefferson Council, No. 100; Washington Council, No. 12, and Loyal Council, No. 22, Junior Order United American Mechanics, and Molly Pitcher Council, No. 10, Daughters of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Paper to accompany bill for relief of Middleton & Son—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Edgar F. Morris—to the Committee on Invalid Pensions.

Also, petition of Reunion and Daily Standard, Watertown, N. Y., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LACEY: Paper to accompany bill for relief of Franklin D. Allen—to the Committee on Invalid Pensions.

Also, paper to accompany bill for the relief of Caroline Eckess, sister of Frank W. Eckess (House bill 21701), for travel pay of officer of United States Volunteers in war service in Philippines—to the Committee on War Claims.

Also, petition of Iowa Academy of Sciences, for the metric system—to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of Colonial Council, No. 605, Junior Order United American Mechanics, and State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of B. M. Root Company, York, Pa., against increase of rate of postage on trade publications—to the Committee on the Post-Office and Post-Roads.

Also, petition of S. Morgan Smith Company, York, Pa., for appropriation of $200,000 for hydrographic investigation of United States Geological Survey—to the Committee on Appropriations.

Also, paper to accompany bill for relief of Charles P. Kibler—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: Petition of Clinton Publishing Company and the Dispatch, of Frankfort and Kokomo, Ind., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Liberty Bell Council, No. 5, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LAWRENCE: Petition of Evening Journal, Pittsfield, Mass., and North Adams Transcript, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of John N. Truden (bill H. R. 21701), for travel pay as United States volunteer

officer in war service in Philippines—to the Committee on War Claims.

By Mr. LINDSAY: Petition of Frank H. Lancaster, Publishers' League, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of American Artists for Free Art, against tariff on art works—to the Committee on Ways and Means.

Also, petition of Charles K. Harris, favoring that part of Senate bill 6330 protecting authors and composers of music from manufacturers of mechanical devices—to the Committee on Patents.

Also, petition of E. W. Ordway, for forest reservation in White Mountains—to the Committee on the Public Lands.

Also, petition of San Francisco Labor Council, against President's utterances in message regarding attitude of people of California toward Japanese—to the Committee on Foreign Affairs.

Also, petition of the State Water Supply Commission of New York, for appropriation for gauging of streams by the United States Geological Survey—to the Committee on Appropriations.

By Mr. LITTAUER: Papers to accompany bills for relief of Thomas Durkee and Harrison Hall—to the Committee on Invalid Pensions.

Also, petition of Daily Sun, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MAHON: Papers to accompany bills for relief of Paul Sheets and Frederick Kriner—to the Committee on Invalid Pensions.

By Mr. MAYNARD: Petition of citizens of Iowa, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. MOON of Tennessee: Petitions of Social Council, No. 31; Keystone Council, No. 114; Sherman Council, No. 20; Friendship Council, No. 2; Tranquillity Council, No. 23; Sweetwater Council, No. 61; Riceville Council, No. 41, and Wattauga Council, No. 63, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of California Miners' Association, favoring House bill relative to revision of section 2325 of the Revised Statutes of the United States, relative to location of claims of mineral lands—to the Committee on Mines and Mining.

Also, petition of State Camp of New York and National Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Santa Cruz Board of Trade, for increase of salaries of clerks in all first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Sentinel, Santa Cruz, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ROBERTS: Petition of St. Mark Literary and Musical Union, against the President's order discharging the Twenty-fifth United States Infantry, and for a reconsideration of the same—to the Committee on Military Affairs.

Also, petition of Egg Rock Council, No. 23, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SCHNEEBELI: Petition of National Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SHERMAN: Petition of Evening Telegram, Herkimer, N. Y., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Council No. 1, Daughters of Liberty, Ilion, N. Y., favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of John C. Thorn—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Susan M. Laughlan—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of Business Men's Association of New Haven, Conn., for passage of House bill 9754, for reclassification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of Ansonia Sentinel, Ansonia, Conn., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Business Men's Association of New Haven, Conn., for appropriation for completion of harbor of refuge, Point Judith, R. I.—to the Committee on Rivers and Harbors.

Also, petition of Liberty Bell Council, No. 3, Junior Order United American Mechanics, of New Haven, Conn., favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce, New Haven, Conn., for improvement of harbor at New Haven—to the Committee on Rivers and Harbors.

Also, petition of Chamber of Commerce of New Haven, Conn., for forest reservation in Southern Appalachian and White Mountains—to the Committee on Agriculture.

By Mr. SULLIVAN: Petition of Jamaica Plain News, and Christian Endeavor World, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of Times-Democrat, of Muscogee, Ind. T., and Columbus Citizen, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Ex-Soldiers and Sailors' Association of Franklin County, Ohio, for bill for increase of pensions—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of Union Sun, Lockport, N. Y., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WELBORN: Petition of citizens of Saline and Lafayette counties, Mo., for appropriation for work on Missouri River—to the Committee on Rivers and Harbors.

Also, petition of the Leader, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of city of Glasgow, Mo.—to the Committee on War Claims.

By Mr. WILEY of Alabama: Petition of Montgomery Times, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of Knights of Columbus, Hancock, Mich., for a bill making October 12 of each year a public holiday, to be called "Columbus Day"—to the Committee on the Judiciary.

Also, petition of New York State Pharmaceutical Association, for reorganization of Medical Corps of United States Army—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 4, 1907.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Monday next.

The question was taken; and the motion was agreed to.

COMMITTEE APPOINTMENT.

The SPEAKER. The Chair desires to announce the following committee appointment, which the Clerk will report.

The Clerk read as follows:

The Chair appoints Mr. ENGLEBRIGHT, of California, a member of the Committee on Mines and Mining in the place of Mr. Williamson, of Oregon, who has not appeared and taken his seat in this House.

The SPEAKER. In connection with this appointment the Chair desires to say that Mr. Williamson was appointed as a member of the Committee on Mines and Mining at the beginning of the first session of this Congress. In accordance with the parliamentary law, as laid down in Jefferson's Manual, a Member-elect may be named on a committee before he has qualified. There are quite a number of early precedents in similar cases where Members had been appointed to committees before taking their seats and afterwards were removed from the committees by the Speaker because of nonappearance, and in order to make room for the appointment of other Members in their places. The Chair is inclined to the opinion on all of the precedents that this appointment is in harmony with the precedents, but prefers to say that if there be no objection the appointment will stand. [After a pause.] The Chair hears no objection.

WAR CLAIMS.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. RODENBERG in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar under the rule. The Clerk will report the first bill.

The Clerk read as follows:

House resolution 225.

OMNIBUS CLAIMS BILL.

Mr. MAHON. Mr. Chairman, I move that the committee take up the bill H. R. 19003, the omnibus bill.

Mr. MANN. Mr. Chairman, I ask for order. It is not possible to hear the motion of the gentleman from Pennsylvania or the bill to which he refers.

Mr. MAHON. It is the omnibus bill.

Mr. MANN. I would like to ask how the bill gets before the House?

The CHAIRMAN. The gentleman from Pennsylvania moves to take up the bill. It is not yet before the House.

The Clerk read as follows:

A bill (H. R. 19003) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and to provide for the payment of French spoliation claims recommended by the Court of Claims, under the provisions of the acts approved January 20, 1885, and March 3, 1891, and for other purposes.

The CHAIRMAN. The question is, Will the committee take up this bill?

Mr. MANN. It has not been possible to hear at this place in the Hall what the motion is or what the bill is.

The CHAIRMAN. The motion is that the committee take up the bill the title of which has just been read.

Mr. SIMS. I would like to ask the chairman of the Committee on War Claims if this bill contains anything but the findings of the Court of Claims?

Mr. MAHON. And four miscellaneous claims.

The title of the bill was again reported.

Mr. SIMS. Mr. Chairman, I ask this question, and I would like to have a reply: Does this bill contain any items except those that have been passed on by the Court of Claims?

Mr. MAHON. I will tell you in a minute. There are four miscellaneous claims.

Mr. PAYNE. I would like to inquire of the gentleman from Pennsylvania if he can tell us where a copy of this bill can be obtained. I sent to the document room and there were none there.

Mr. MAHON. I will give the gentleman a copy.

Mr. SIMS. I understand the gentleman to say that there are four claims that have not been passed upon by the Court of Claims?

Mr. MAHON. There are six miscellaneous claims.

Mr. SIMS. That have not been passed upon by the Court of Claims?

Mr. MAHON. Yes.

Mr. SIMS. Does this bill propose to refer these to the court to pass upon or to make the appropriation for them direct?

Mr. MAHON. The facts as to what is due to these people have been ascertained in the Departments, and it is not necessary to send them to the court.

Mr. SIMS. Does the report show what each of these claims is for—what they are? I have been unable to see what they are for.

Mr. MAHON. Yes, sir. I will have the reports read when we reach them.

The CHAIRMAN. The question is, Shall the bill be taken up?

Mr. MANN. Mr. Chairman, a parliamentary inquiry. Is the motion subject to debate?

Mr. GROSVENOR. I make the point of order that the bill is now in order, and it is not necessary to vote upon the question of taking up the bill. The bill comes up on the call of the Chairman and is now before the House.

The CHAIRMAN. The bill is not the first bill on the Calendar.

Mr. GROSVENOR. I make the point of order that the committee has the right to call up any of the bills on the Calendar, not necessarily in the order in which they stand on the Calendar, but the order in which they shall be called is to be determined by the Chairman.

Mr. MAHON. I make this motion because the first bill on the Calendar is one to refer a matter to the Court of Claims, introduced by Mr. HAUGEN, of Iowa. He is not in the House. The next bill is one in which Mr. FULKERSON, of Missouri, is much interested, and Mr. FULKERSON is not here. This bill comes third, so I have called it up.

The CHAIRMAN. The question is, Shall the bill be taken up?

The question was taken; and the motion was agreed to.

The CHAIRMAN. The Clerk will report the bill.

The Clerk proceeded to report the bill.

Mr. MAHON. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. PAYNE. I hope we will have better order. It is impossible to hear what is going on.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with.

Mr. MANN. Mr. Chairman, as it is not possible to obtain a copy of the bill, I object.

The bill was read at length.

During the reading—

Mr. MANN. Mr. Chairman, I ask unanimous consent to dispense with the further first reading of the bill.

Mr. GROSVENOR. I object, Mr. Chairman.

The Clerk resumed and completed the reading of the bill, and then proceeded to read the committee amendments.

Mr. MANN. Mr. Chairman, is this a part of the first reading of the bill?

The CHAIRMAN. This completes the first reading of the bill.

Mr. MANN. Has the first reading of the bill been completed?

The CHAIRMAN. Yes; it has.

Mr. MANN. Mr. Chairman, I wish to make a point of order on this bill, or so much of it as relates to the French spoliation claims, on the ground that the Committee on War Claims has no jurisdiction to report a bill of this sort, it being a private bill and subject to a point of order at this time.

I may say, Mr. Chairman, that the rules provide that all bills carrying private or domestic claims and demands, other than war claims against the United States, shall be referred to the Committee on Claims. Bills providing for claims arising from any war in which the United States has been engaged shall be referred to the Committee on War Claims.

It has been the universal custom and practice in the House that bills providing for the payment of French spoliation claims shall be referred to the Committee on Claims and not to the Committee on War Claims. Now, I insist that the Committee on War Claims can not enlarge its jurisdiction in violation of the rules of the House because a bill may be introduced carrying one claim properly referable to that committee, but including a large number of claims properly referable to the Committee on Claims. If that could be allowed, any committee dealing with private bills could obtain jurisdiction of any kind of a bill by putting one section in the bill properly referable to that committee, and including in the bill a number of things properly referable to some other committee. I understand, of course, the reason that is given in this case. It has been the custom and the practice heretofore that when the House passed an omnibus war-claims bill and it went to the Senate, that the Senate amended the bill, as it had a right to do, by adding to that bill French spoliation claims. But that is a matter that deals with the rules of the Senate, with which we have nothing to do, and we have the right, I think, to insist that where one committee has for years entertained jurisdiction over these claims, perhaps favoring or disfavoring certain of them, that that committee shall retain the jurisdiction which the rules give to the committee and not have the jurisdiction taken by another committee, no matter what the reason may be, and no matter how justifiable that reason may seem. If the Committee on War Claims think they ought to have jurisdiction of French spoliation claims, then they ought to ask for the amendment of the rules of the House and have these claims sent to their committee, instead of to the committee that the rules now provide for.

Mr. MAHON. Mr. Chairman, I have no disagreement with the gentleman about the technical correctness of the point of order which he makes. I do not think the Committee on Claims of this House, since I have been a Member, during the last fourteen years, have ever reported a French spoliation claim to the House. The Senate has one Committee on Claims, which handles all claims presented before that body. When we pass an omnibus bill, they put these French spoliation claims on, as they did during the last Congress. Then we go into conference, and the conference committee, consisting of members of the War Claims Committee of the House, must take up these French spoliation claims. There was a long contest in the last Congress over a lot of these claims, which were stricken out until we knew more about them. We thought they needed careful investigation. Now, the committee took up those claims and examined them carefully. They did not have them all in here. We put them in the bill, so that when we get to conference the House Committee on War Claims will be familiar with them. Now, it was only out of due precaution that this was done, knowing that any French spoliation claims which were put on the bill in the Senate would in conference go to the Committee on War Claims of the House eventually. If the gentleman insists on his point of order, he is right, and I do not object to it. The Senate will put these claims in the bill.

Mr. GAINES of Tennessee. Mr. Chairman, I make the point of order that the point of order of the gentleman from Illinois

[Mr. MANN] comes too late. I do not know much about parliamentary law, but recall that a few days ago we had a similar question up. A bill had been improperly referred to a committee, which reported. A similar point of order was made, and the Speaker, as I recall it, ruled that the point of order came too late.

Mr. MANN. Will my distinguished friend permit me to make a suggestion?

Mr. GAINES of Tennessee. Yes.

Mr. MANN. The gentleman is talking about a public bill, with reference to which one rule prevails; but this is a private bill, in reference to which another and an entirely different rule prevails. The point of order does not come too late on a private bill.

The CHAIRMAN. The Chair will state the time to make the point of order is after the bill has been read, and the gentleman from Illinois [Mr. MANN] made the point of order in sufficient time.

Mr. MAHON. It is only a question of procedure, Mr. Chairman. I have no objection to the gentleman's point of order.

The CHAIRMAN. In the opinion of the Chair, there is no question that such portion of the bill as relates to the French spoliation claims belongs properly to the jurisdiction of the Committee on Claims, and for that reason the Chair will sustain the point of order of the gentleman from Illinois [Mr. MANN], and order those portions of the bill relating to French spoliation claims to be stricken from the bill. Can the gentleman from Pennsylvania indicate that portion of the bill relating to French spoliation claims?

Mr. MAHON. Yes; it will be found on page 25, commencing with line 17, and from that on to the end of the bill.

The CHAIRMAN. The Clerk will now read the bill by paragraphs for amendment.

Mr. MANN. Oh, Mr. Chairman, one moment. Does the gentleman from Pennsylvania [Mr. MAHON] desire to consume any of his time? If not, I desire to take the floor.

Mr. MAHON. This bill is all one section and will have to be read first, and then we will take the bill up for amendment.

Mr. MANN. I am talking about general debate.

Mr. MAHON. I mean that we will have to read the bill the second time. It is only one section.

Mr. MANN. But the gentleman understands that after the bill has been read for amendment he can cut off debate in ten minutes' time.

Mr. MAHON. Well, go ahead. If the gentleman wants to kill it, I say kill it; I do not care.

Mr. MANN. Oh, I want to get some information about the bill.

Mr. MAHON. I am ready to give it to the gentleman.

Mr. MANN. If the gentleman desires to occupy his time——

Mr. MAHON. I will take the floor in my own right. How much time does the gentleman from Illinois want?

Mr. MANN. Oh, I am not asking the gentleman for any time for myself.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. MANN. It seems to me, Mr. Chairman, that we ought to have some explanation of the bill.

Mr. MAHON. Mr. Chairman, the first part of the bill is made up of findings of the Court of Claims for stores and supplies under the Bowman Act and for property rented under the Tucker Act. Under these two acts of Congress, by resolution, these claims have been sent by Congress to the Court of Claims to ascertain the facts. After the Court of Claims has investigated them and has found the facts, they have been reported back to this House, and they were then referred to the Committee on War Claims. Of course we included them in the bill. The French spoliation claims have gone out.

Mr. Chairman, I now reserve the balance of my time.

Mr. MANN. Will the gentleman yield for a question?

Mr. MAHON. Yes.

Mr. MANN. I would like to ask the gentleman, in view of the fact that there can be no debate practically upon the bill under the five-minute rule, if he will explain to us these miscellaneous claims that are in the bill?

Mr. MAHON. I will yield to the gentleman when we reach them, if he wants to find out.

Mr. MANN. The gentleman understands that he will have no time to yield when the claims are reached, and that anybody can offer an amendment.

Mr. MAHON. Let the gentleman take the floor. I reserve the balance of my time. Let the gentleman attack any claim in this bill, and I will reply to him in due season. Let him go ahead, and I will ask him questions in his time.

Mr. MANN. Mr. Chairman, it is a remarkable circumstance that the chairman of the committee, distinguished as he is, the gentleman from Pennsylvania [Mr. MAHON], bringing a bill into the House covering a large number of claims, involving nearly a million of dollars, declines to explain any one item in the bill in his own time. I say it is a remarkable circumstance. Nobody in the House knows what these claims are unless it be the distinguished gentleman from Pennsylvania and the members of his committee. It was impossible to obtain a copy of the bill this morning from the document room for a considerable length of time. I asked for a copy of this bill in the document room days or weeks ago and obtained no copy. Yet, when the bill is presented to the House, our distinguished chairman of that committee declines to explain an item in the bill in the presentation of the bill to the House.

Mr. MAHON. Mr. Chairman, I would ask the gentleman what item he wants me to explain. It will take me five hours to explain every one.

Mr. MANN. I asked the gentleman to explain, for instance, the miscellaneous claims which have been allowed by no court, which have been passed upon by nobody, so far as I know, which are not referred to specifically in any way in the report of the committee, which have not a word of explanation in the report of the committee, which carry thousands of dollars. Who knows what those claims are for? Nobody in the House, unless it be the distinguished gentleman from Pennsylvania, and he declines to explain the claims.

Mr. MAHON. Mr. Chairman, I will explain it in my own way and in my own time.

Mr. MANN. I suppose so.

Mr. MAHON. This bill carries a great many claims, and I do not propose to explain any court findings of seven judges. If the gentleman wants any information we have the findings of the court on every one of these court claims.

Mr. MANN. The gentleman can not consume my time, having declined to use his own time.

Mr. MAHON. Go ahead, I understand the gentleman's purpose fully.

Mr. MANN. The gentleman says he will explain these claims after I have called attention to them. It is the duty of the gentleman to explain the claims when he brings the bill into the House and when the question is asked of him. It is not the duty of the chairman to present the bill and wait until somebody else points to a specific provision of the bill before he is willing to make explanation of it. Here is a claim on page 34 of the bill which I know, providing that there shall be paid to the legal representatives of Samuel Schiffer, deceased, New York County, N. Y., $73,022.46. What is it for? A legal claim? No. Any reason given for the payment of the claim? No. Any report made by the committee showing why the claim should be paid? No. Any line in the report on the subject? No. Any explanation by the chairman of the committee bringing in the bill? No. What is the claim? It is a gratuity proposed to be paid by the Government. Has it ever been referred to the Committee on Claims under the Bowman Act? No. Has it ever been referred to the Court of Claims under the Tucker Act? No. Has it ever been passed upon by the House favorably? No. What right has that claim in the bill? The distinguished gentleman from Pennsylvania says that this bill covers claims which have been passed upon by the Court of Claims. There are hundreds of claims pending in this House not yet passed upon by the Court of Claims which the gentleman from Pennsylvania and his committee decline to put in this bill. Why did they put this claim in? I do not wonder the gentleman from Pennsylvania did not explain the claim in the first instance. It will be a difficult matter to give any reasonable explanation for putting it in the bill. The man, Mr. Schiffer, has no claim against the Government. He is entitled to not the payment of a dollar. He had his claim adjudicated by the Court of Claims and it was thrown out of court. His claim went to the Supreme Court of the United States and was thrown out by that court, and yet the Committee on War Claims brings that claim to the House in an omnibus bill and proposes, without a word of explanation, to pay the heirs of this man or his estate $73,000.

Mr. GARRETT. What was his claim?

Mr. MANN. His claim arose in this way. He went South and bought cotton during the war. Cotton had been accepted by the Government from various people in the South, and the cotton having been turned over to the Government, he bought their certificates. Of course they received the money. The Supreme Court and the Court of Claims held that under the circumstances he was not entitled to be dealing in cotton, that he had no right to be there buying cotton, that he was not entitled to maintain any claim against the Government in reference to the cotton. I do not know whether he ought to have been paid

any money or not. He presented his case to the Court of Claims of the United States and it was rejected. His claim went to the Supreme Court of the United States on appeal and the rejection was sustained, and yet without a line in the report, without a word given to the House in defense of the claim in an omnibus claim bill, lined up by States, so as to make it difficult for Members of the House to vote against it, because they would be voting against the interest of some constituent of their State, this claim is brought into the House, as rank and unjust a claim, in my opinion, so far as its present status is concerned, as could be well imagined.

Now, there are other of the miscellaneous claims. I do not know what they are. I happened to see, by a mere accident probably, this claim under the head of "Miscellaneous Claims"—the first one—and I happened to remember that I had read some report somewhere in reference to the Schiffer claim and had the information. I do not recognize the other claims, but no explanation is offered of those.

The gentleman from Pennsylvania [Mr. MAHON] would have us believe, however, he ought to give no explanation of any of the claims allowed by the Court of Claims under the Bowman Act. Mr. Chairman, it is a fortunate circumstance in our country that the American people, as a rule, are perfectly willing to accept the judgment of the court as decisive upon any proposition properly submitted to that court. And hence when we see that the Court of Claims has allowed a claim after a hearing, the disposition of Congress is to pay the claim, supposing that the Court of Claims has carefully considered it, has disposed of it upon its merits, and that the Court of Claims has declared upon the merits of the case, and that the Government owes the money.

What was the Bowman Act under which these claims are referred to the Committee on Claims? The Bowman Act was passed in 1883, and provided:

That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

The Court of Claims practically passes simply upon the papers which are presented when the claim is filed with Congress. It would be a peculiarly constituted court, passing merely upon the papers laid before it by the plaintiff, that did not find a case in favor of the plaintiff. It would be a peculiar court, passing upon claims upon papers presented by the claimant, who did not find facts in favor of the plaintiff. It is true that under this act the Attorney-General of the United States is authorized to appear in defense. It is also true that under the Bowman Act claims which have been allowed by that court have been universally considered of little validity so far as final judgment was concerned. It was the custom for years, or some time, at least, under this act, for different departments of the Government which were given the same authority as the committee to refer claims under the Bowman Act for adjudication, and I think it has been the universal, or the uniform, history of Congress never to permit any of those claims to be included in an appropriation bill, although a mere claim audited by the department can go into a deficiency bill. These claims have no standing so far as an adjudication is concerned. It is merely the same as though the committee should report the facts in the case. If the committee has obtained facts through the Court of Claims which the committee might have obtained itself, of course those facts should have been given to Congress. The House of Representatives and the members are entitled to know what the facts are in reference to these claims. I notice——

Mr. GARRETT. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARRETT. Do I understand that on claims which are referred under the Bowman Act no additional proof is taken—nothing except just ex parte statements that are sent over?

Mr. MANN. No additional proof is required.

Mr. GARRETT. But when the Government attorney appears there he has the right to take evidence, has he not?

Mr. MANN. I presume so.

Mr. GRONNA. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GRONNA. Has this particular claim been referred to the Court of Claims?

Mr. MANN. This claim I referred to, the Schiffer claim, has not been referred to the Court of Claims. It was originally brought before the Court of Claims under a law allowing the same to be brought there, and was thrown out, as I understand it. It never has been referred to the Court of Claims. Now, there are other of these miscellaneous claims. Here is one to a gentleman by the name of J. B. Orbison, of Butler County, Pa., $300, being the sum unlawfully collected from him by the board of enrollment in 1863. Also the same amount to William G. Keats, of Walworth County, Wis. There are a number of these claims pending before the Committee on War Claims, some of which they have reported favorably upon. Why does the committee take out those two claims and put them in this bill and leave other claims for the future tender consideration of special bills?

Mr. Chairman, I reserve the balance of my time.

Mr. MAHON. I want to answer the gentleman's question on that. We have a great many that we refuse to report, because there is no merit in the cases. These are the only two that the committee are willing to report.

Mr. MANN. Are these the only two that the gentleman's committee has reported?

Mr. MAHON. The balance we have refused to report, because they had no merit.

Mr. MANN. Of course, I take the gentleman's statement. I was under the impression that the committee had already reported some other claims besides these two. I thought the committee had reported a claim of a man in Missouri for $300 for money which they claimed was unlawfully collected from him.

Mr. OTJEN. Mr. Chairman, as the honorable gentleman from Illinois has criticised the Schiffer claim, I ask that the report be read for the information of the committee during my time.

The CHAIRMAN. Without objection, the report will be read in the gentleman's time.

Mr. MANN. I would ask the gentleman what report he is going to have read?

Mr. OTJEN. It is on the claim of Samuel Schiffer.

Mr. MANN. I have examined the report on this bill, and find nothing in it referring to the Schiffer claim.

Mr. OTJEN. There was a separate report made on it, and I think if the gentleman had been diligent he could have found it.

Mr. MANN. I do not want the House to understand, after I have said that there was nothing in the report of this bill on that subject, that the gentleman was having read the report on this bill.

Mr. OTJEN. The report on this bill does not bear on the Schiffer claim. This was separately reported.

Mr. MANN. I found that report.

Mr. OTJEN. I ask for the reading of the report.

The report was read as follows:

[To accompany H. R. 16201.]

The Committee on War Claims, to whom was referred the bill (H. R. 16201) for the relief of the legal representatives of Samuel Schiffer, deceased, submit the following report:

A favorable report on this case was made by this committee in the Fifty-eighth Congress. The facts involved are set forth in that report, which is adopted and made part of this report, a copy being hereto appended.

Your committee recommend the passage of the bill.

[House Report No. 116, Fifty-eighth Congress, second session.]

The Committee on War Claims, to whom was referred House bill 5990, respectfully submit the following report, and also refer to House Report No. 4041, Fifty-first Congress, second session, for the full text of certain documents herein quoted.

Prior to the war of the rebellion the late firm of Schiffer & Co. were largely engaged in the cotton trade, with extensive southern connections, especially in and about Savannah. When the war broke out many southern merchants were heavily indebted to them.

It was generally understood at this time, by both the citizens and the Federal authorities, that the permanent occupation of belligerent territory restored the freedom of business intercourse between its citizens and those of the North. This is evidenced by the policy adopted by the Government of appointing an agent for the purpose of collecting property in such territory and of recognizing and encouraging permits to purchase issued by such agent. Millions of dollars of such transactions were finally consummated under circumstances identical with those in this case, and it was not until the Supreme Court rendered its decision in the case of Lane (8 Wall., 185), December 29, 1869, that it was discovered that the nonintercourse laws, which were not penal in character, had been violated thereby. In many of these transactions the Government had a direct pecuniary interest, to the extent of one-fourth of the profits, and in all it profited by the consummation of its political policy. The President himself was a party to these illegal proceedings, and in these very cases issued a permit, pass, or license to Schiffer's agents, guaranteeing them safe conduct in locating and acquiring cotton "to be purchased near Savannah, Ga.," and brought through the Federal lines. The parties to this transaction were Hanson A. Risley, "an authorized agent of the Treasury Department," and Abraham Lincoln on the one part and J. Schiffer & Co. and James B. Stewart on the other. No suggestion of bad faith or moral turpitude can be made against one party without impunging the other.

When Schiffer's agents reached Savannah early in 1865 they found all of the cotton in that neighborhood nominally seized by the military forces. The provost-marshal had directed all owners of cotton to report the same to him, and it was being then transported to New York as rapidly as vessels for that purpose could be secured.

In this state of affairs Schiffer's agents made purchases from fifteen different parties of their rights to the proceeds of their cotton when sold, in consideration therefor canceling the indebtedness of such parties to them and paying them the balance, when any, in cash.

The loyalty of these fifteen original owners is fully established in suits brought in the Court of Claims.

The cotton was sold in New York by Simeon Draper, the selling agent of the Government, and the proceeds, less expenses, were deposited in the Treasury to the credit of the "Abandoned and captured property fund," where it still remains.

The original owners of the cotton instituted suits in the Court of Claims in their own names for the use of Schiffer & Co., under the provisions of the act of Congress approved March 12, 1863. One case only came to trial, that of Solomon Cutner. (6 Ct. Cls., 415; 17 Wall., 517.) The Supreme Court summarily disposed of the case by saying that intercourse between the inhabitants of the belligerant sections was still prohibited when the sales were consummated, in March, 1865, and was therefore clearly illegal. It said:

"The sale being illegal, suit can not be sustained for the benefit of the vendees. It can not be sustained for Cutner's own benefit because he received the full consideration of the cotton, and had no interest remaining."

It is hard to understand how a transaction between these claimants and Schiffer, which could not legally invest the latter with title, was yet sufficient to divest title from the former, and it is still more difficult to understand upon what authority a transaction of this kind could be held to have invested the United States with title to this property—legal, equitable, or moral. Upon every consideration of equity and sound morality the proceeds of this cotton belonged to either Schiffer or the original claimants, and the latter having received full consideration for their property, and no longer making any claim thereto, Schiffer's equitable rights became paramount.

It should be borne in mind that the act of 1863 was in no sense a penal one, and that there could be no confiscation thereunder. It was, on the contrary, a remedial statute, pure and simple, the sole purpose of which was the preservation of property rights.

But for the accident of Schiffer's place of residence he would have recovered in the Court of Claims. After the President's proclamation of amnesty he would have recovered even if he had lived south of Mason and Dixon's line, had been in active rebellion against the Government, and red-handed in secession instead of a devoted Union man.

Your committee can see no sound reason in law, equity, or good morals why a geographical residence, either North or South, should, at this time, work a forfeiture to or confiscation by the Government of any property, and especially of property which was acquired as this was, by the active connivance of the Government, and where there is no suggestion of any intentional wrongdoing, but, on the contrary, an admittedly honest mistake on both sides.

The nonintercourse laws grew out of the necessities and perils which beset the Government during the war of the rebellion. These necessities and dangers are now long since happily past, and it is, in the opinion of your committee, now only just and proper that a less stringent application of these laws should be applied. Technically, there was a violation of the law, to which both Schiffer and the Government authorities, including President Lincoln, were parties. These technical defenses should now be waived by the Government and restitution made of property to which it has no shadow of title, to the heirs of him who is entitled to every equitable consideration.

In the original fifteen suits brought in the Court of Claims the records are voluminous and the proof conclusive as to all the material facts, including the loyalty of the original owners of the cotton. The suits are as follows: Kesiah Hall, No. 2827; Abraham Leffler, No. 2829; Morris Rich, No. 2832; John Ruckert, No. 2833; A. Fawcett, No. 2834; John Elkan, No. 2835; Mary Haley, No. 2836; A. B. Wissolowski, No. 2838; Lewis Levi, No. 2839; Raphael Cohen, No. 2840; Solomon Cutner, No. 2841; L. Hohenstein, No. 2845; Hannah Kenney, No. 3444; Hannah Fowler, No. 3445, and S. W. Silverhill, No. 3447.

The aggregate amount of the proceeds of the cotton now in the Treasury, according to the official report, is $73,022.46.

Your committee therefore recommend the passage of the bill authorizing the Secretary of the Treasury to pay this amount to the party equitably entitled thereto.

Mr. OTJEN. Mr. Chairman, I reserve the balance of my time.

Mr. MAHON. Mr. Chairman——

Mr. HEPBURN. Will the gentleman allow me just a moment to ask a question of the gentleman from Wisconsin?

Mr. MAHON. Certainly.

Mr. HEPBURN. As I understand this last report, it is alleged that the original owners of this cotton were people who could and did establish their loyalty; that the proceeds of this cotton when sold by Draper in New York were covered into the Treasury and are now in the Treasury. Do I understand those to be the facts?

Mr. OTJEN. I understand those to be the facts.

Mr. HEPBURN. Now I want to know, if that is true, why they can not recover this amount from the Secretary of the Treasury without any act of Congress or without any action at law, in the Court of Claims, simply upon the establishment of these facts? The law as it exists to-day is ample for that purpose. If it is true that the loyalty of the original owners was established, that this cotton was seized by the Government and it went into the hands of this gentleman, Draper, that it was converted into money and by him covered into the Treasury, there is ample legislation now for the recovery; for these are the essential facts that must be established to authorize the Secretary of the Treasury, without any other legislation than that which now exists, to make payment.

Mr. OTJEN. This report was made by the gentleman from Pennsylvania [Mr. MAHON], who is more familiar with it than I am, and I yield to him to answer that question.

Mr. MAHON. Mr. Chairman, I reported this bill during the last Congress and this one. I did not know Mr. Schiffer or his wife or children; but I am ready to stand by my report. If there is anyone in the United States who is entitled to this money, it is the wife of Mr. Schiffer and his children. In answer to the question of my friend, I will say that he knows as well as I know that Congress may pass laws and the Treasury officials will interpret them, and very frequently the effect of their interpretation is to repeal the laws of Congress and to make laws. They actually refuse to pay these claims unless Congress appropriates the money for it, and the money has been paid into the Treasury. What are the facts in this case? They are simply these: That this man was doing a large business in New York when the war broke out. There were reasons, Mr. Chairman, why Schiffer should get this cotton north. The more cotton we got into our ports the less was left for the blockade runners to carry to England and bring back gold to the Confederate States. Mr. Schiffer, under a permit given by the President and signed by the officers of the Treasury, was authorized to go down South and attempt to collect his debts and take it in cotton, which he did, losing a large amount. The only embargo was that he should deal with loyal men, and he dealt with fifteen old debtors that were found, not by the Court of Claims, but by the Supreme Court of the United States, to have been loyal. Now, then, the Treasury Department refuses to pay him this money, although the officials state that it has been in the Treasury for years, and if interest were to be paid upon it it would be three times the amount that it is now proposed to pay him. He went into the Supreme Court, where all the facts were found as stated. The fact was found that this money was in the Treasury, but the objection was raised in the court that he had violated the nonintercourse act. He knew nothing of it. It appears that President Lincoln knew nothing of it, and neither his Secretary of War nor the Commanding General knew anything of it. The violation of this act was the only reason which actuated the Supreme Court in refusing to render a judgment in his favor. Of course that decision was technically proper under the law, because the nonintercourse act stared him in the face.

Now, suppose he had lived in Georgia. Under the very same act of Congress General Sherman took $27,000,000 worth of cotton, and after deducting the expenses of sale over $16,000,000 were paid to men in the South. The nonintercourse act did not apply to southern men. That was their home. There are hundreds of cases where men in the Confederate army, men commanding brigades—Confederate brigadiers and Confederate colonels—were paid for cotton so taken. The question of loyalty was not raised against those men, because this was a trust fund. But when this man from New York comes into court, although these people who had been in rebellion against the Government received $16,000,000 out of this fund in the Treasury, this technical objection was raised against him that he had violated the nonintercourse act. In the last Congress I presented the case of Capt. Warren Mitchell, an old captain in the Army, who had a claim of $176,000. His claim passed this House and passed the Senate without a dissenting vote and the old man at last got his $176,000 that this Government had held for nearly twenty-eight years.

Now, this man Schiffer comes to Congress and asks that this money be paid him. I defy the gentleman from Illinois [Mr. MANN] to point out any statement of mine in reference to this matter which is incorrect. The violation of the nonintercourse act was the only ground upon which the Supreme Court refused to allow judgment in favor of the claimant.

Mr. HEPBURN. Will the gentleman permit me?

Mr. MAHON. Yes.

Mr. HEPBURN. Has this claim been presented to the Treasury Department?

Mr. MAHON. Yes.

Mr. HEPBURN. What is the objection made by the Treasury Department?

Mr. MAHON. They turned him into court; told him to go to the Court of Claims. The case was sent there by the Department. It was tried by the Court of Claims and went to the Supreme Court, and all the facts are as I have stated. The Supreme Court refused to render judgment in favor of Mr. Schiffer because the nonintercourse law stared him in the face.

Mr. HEPBURN. The gentleman thinks that the Treasury Department, without some action of Congress, will refuse to make payments in cases like this? There is something in connection with this case that has not come to the knowledge of the gentleman, I am confident, because the Treasury Department has paid out millions of dollars in cases similar to this, as the facts are stated in this report. There are two essentials to entitle a man to secure his payment from the Treasury Department, namely, the establishment of the loyalty of the original owner of the cotton and that it went into the hands of Mr. Draper, the agent of the Government at New York, and that the proceeds from the sale of the cotton were by him covered into the Treasury. Any man who has a claim where these essential facts are shown can have his adjudication perfected in the

Treasury Department and receive his money. That is the state of the law, and I assert that millions of dollars have been paid under that statute upon circumstances such as are narrated in this report.

Mr. MAHON. Will the gentleman allow me to make an explanation?

Mr. HEPBURN. Yes.

Mr. MAHON. This property was taken under the captured and abandoned property act.

Mr. HEPBURN. Yes.

Mr. MAHON. And that act expired by its own limitation in 1889. This man was then after his money. It had not been paid him yet when that act expired, and that ended it so far as that was concerned. Not only Mr. Schiffer, but other men went into court to establish their claims. Now, this man would have received judgment in his favor if the nonintercourse act had not been pleaded by the United States attorney against him. There is no question about that. Other cases were pending. The question of loyalty had been raised. There are four millions of this money in the Treasury yet. The question of loyalty was raised, as I said, and during the time that trial was in court—I think it was the Cline case—during the time the Supreme Court had under consideration the question of loyalty, as to whether it should enter into securing this money or not, the act expired by the limitation placed upon it. The Supreme Court in the Cline case held, first, that that money paid into the Treasury was a trust fund; second, that as to any man in the South who had money in the Treasury disloyalty was no bar any more; that under the proclamation of President Johnson, of August, 1867, if that owner of funds in the Treasury took the oath of allegiance, he was restored to his political, personal, and property rights, and that was a property right that he had in that fund as a trust fund. I say this act expired in 1889. The Treasury will not pay it because the act is not in force. Now, this man comes to Congress. He went into the court. He was not afraid of the court. He has established his case beyond all peradventure, and I have no doubt the Supreme Court was sorry that they had to knock this old man out of court. I say that the merits of this case, the equity, and everything surrounding, entitles this old man to this money which is in the Treasury of the United States. They have already got part of his money that he can not get back. He must come to Congress for relief. It is for you to give it to him or to refuse him. This is the last of these cases, I think, in our committee. In the case of John Mitchell and of Vogel, the old German down in Virginia, this Congress has given relief, and this case is on the same footing.

Mr. MANN. The gentleman says the act expired in 1889.

Mr. MAHON. I think I am right about that.

Mr. MANN. It is a long time between the time this cotton was sold and 1889.

Mr. MAHON. Yes.

Mr. MANN. Why was not the claim presented during that time?

Mr. MAHON. Now, here is a resolution of Congress which I shall read:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all moneys which have been received by any officer or employe(e) of the Government, or any Department thereof, from sales of captured and abandoned property in the late insurrectionary districts, under or under color of the several acts of Congress providing for the collection and sale of such property, and which have not already been actually covered into the Treasury, shall immediately be paid into the Treasury of the United States, together with any interest which has been received or accrued thereon.

SEC. 2. *And be it further resolved,* That if any officer or person having the custody, possession, or control of any money derived or arising from the sale or other disposition of any such property mentioned in the preceding section shall convert the same to his own use, or shall refuse or neglect for the space of thirty days next after the passage of this resolution to pay the same into the Treasury of the United States, or shall in any wise pay away or dispose of the same otherwise than by paying the same into the Treasury as aforesaid, shall be deemed and held guilty of embezzling the public money of the United States, and shall be punished therefor by imprisonment for a term of not more than ten years, and shall pay a fine equal to the sum so embezzled.

SEC. 3. *And be it further resolved,* That a sum of the proceeds of such sales not exceeding seventy-five thousand dollars is hereby appropriated for the payment of the necessary expenses incurred by or under the authority of the Secretary of the Treasury for incidental expenses in acting under the laws respecting the collection and disposition of captured and abandoned property, and for the necessary expenses of defending, in the discretion of the Secretary of the Treasury, such suits as have been brought against him or his agents in the premises, and for prosecuting suits in the United States for the recovery of such property, and for providing for the defense of the United States against suits for or in respect to such property in the Court of Claims.

They held a man had to go to the Court of Claims, whether right or wrong. This money, having been covered into the Treasury of the United States, can not be paid out except by an act of Congress.

Now, as to these other small cases, I might say that every omnibus bill passed through this House has carried miscellaneous cases. This case would not be in this bill if the court had not found all the facts. The court has found all the facts about this bill. There is no use of sending it back to the court again, because the same plea would be raised against this old man as was raised before. Here is the case of Myron Powers, late a major of the Ninth Colored Infantry. He has a little bill, which this man is entitled to beyond all controversy—some four or five hundred dollars. Now, why send him to the Court of Claims? He would have to employ an attorney, and the Court of Claims would go to the War Department, and it would be purely a matter of record evidence. That is all. They would simply give the record to the Court of Claims that they have there now.

Mr. MANN. Will the gentleman yield for a question?

Mr. MAHON. Yes.

Mr. MANN. Why would it be necessary for an officer or an enlisted man in the Army to go to the Court of Claims to recover his traveling pay, which the law provides for and for which we appropriate?

Mr. MAHON. Why, the Department admits they owe him this money, but they will not give it to him unless we appropriate. They say they have no funds.

Mr. MANN. But we appropriate for such purposes. The Department pays out every year not only thousands, but yet the gentleman says that the Department admits that they have the money and will not pay. If that is the case as against this man, why would not the same be true as against the 55,000 other men in the Army?

Mr. MAHON. Well, that is no credit to the Government. I will say of the United States Government, as stated by Mr. Garfield, when a Member of this House, that the United States Government for her treatment of her private citizens, if she got her just deserts, would be wearing a striped suit and be in the penitentiary for life. The gentleman knows, I do not care how good a claim is or how honest it is, I do not care what equity it has, it is put on this Private Calendar of war claims and——

Mr. PAYNE. How long has it been since Garfield said that?

Mr. MAHON. When he was a Member of Congress. I can go and get it.

Mr. PAYNE. That is long before we had such a bill as an omnibus claim bill.

Mr. MAHON. I know that was the time when it went on the Private Calendar——

Mr. PAYNE. Was it not long before the House legislated for any payment of French spoliation claims?

Mr. MAHON. I do not know anything about that.

Mr. PAYNE. This kind of a bill was unknown to Congress at that time.

Mr. MAHON. Yes.

Mr. PAYNE. Does not the gentleman think if Garfield was here to-day he would condemn this kind of legislation, especially the omnibus claims bill that came back from another House at the last session?

Mr. MAHON. No; because Garfield of Ohio and the gentleman from New York look at claims in a different light.

Mr. MANN. Will the gentleman yield now for a question?

Mr. MAHON. Yes.

Mr. MANN. Is it not a fact, notwithstanding the quotation the gentleman has made from President Garfield, that any claim against the Government which is audited by any Department at once goes in the general deficiency bill?

Mr. MAHON. No, sir; not claims.

Mr. MANN. Well, the gentleman is wrong; more information is coming to him.

Mr. MAHON. Well, I have it and a good deal of it.

Mr. MANN. Any audited claim becomes in order on that bill, and they are all put on that bill, and they are put on it by the Committee on Appropriations.

Mr. MAHON. Certain claims audited by the War Department.

Mr. MANN. Of course claims which are not audited do not go on the bill.

Mr. MAHON. Why, there are thousands of claims in this country which the Treasury Department under the law could not take control of and would not.

Mr. MANN. The Department can audit any claim except possibly these war claims.

Mr. MAHON. Well, I have studied this business for fourteen years, and I think I know something about it.

Mr. MANN. These claims against the Government for which there is due authority of law to incur——

Mr. MAHON. Can the Treasury audit a Bowman Act claim for storage and supplies?

Mr. MANN. Why, certainly, they could audit a claim if authorized.

Mr. MAHON. Why do not they do it?

Mr. MANN. If there is any law for storing supplies, and they are paying them every day. There are supplies all over the United States which are not audited and paid.

Mr. MAHON. You provide the money for payments under the War Department for the fiscal year ending the 1st of July, and every dollar of unexpended money will go back into the Treasury on that date, and any claim not paid will come back to Congress.

Mr. MANN. The gentleman is again mistaken. The money does not go back the 1st of July.

Mr. MAHON. When does it go back?

Mr. MANN. Not for several years.

Mr. MAHON. Well, it gets there.

Mr. MANN. Well, the money does not go back into the Treasury for several years—until ample time is given to present claims and audit them. They pay these claims out of appropriations for previous years, and if the appropriations of previous years are exhausted they pay these claims in the general deficiency bill.

Mr. MAHON. Who passes on them?

Mr. MANN. And as to the gentleman's statement about that, there is no legal claim against the Government which can not be collected as easily as a claim can be collected against a private individual. I know an impression to the contrary prevails, but we provide methods for collecting all these claims, if they are legal claims.

Mr. MAHON. No, sir. You only provide in the case of the War Department for certain claims. You specify where the money shall be paid, do you not?

Mr. MANN. We make an appropriation. Of course the appropriation provides what the money is to be expended for, but one of the items is travel pay. The War Department has authority to allow travel pay; it not only has the authority to allow it, but is required to allow travel pay. Now, why? I do not say there may not be an instance where it was not legal, but what is the reason?

Mr. MAHON. Let me explain.

Mr. MANN. Certainly.

Mr. MAHON. When you go to an Auditor of the War Department, he may know the law and he may not, but very often——

Mr. MANN. That is the case with all of us.

Mr. MAHON. He either does know it or he does not know it. Then he takes it to the Comptroller, and he approves that finding. Right or wrong, from that Comptroller there is no appeal, and which is an outrage on the people of this Government who have dealings with that Department; and thousands of these cases have come up where auditors have turned them down unjustly and illegally, and the claimants have no place to go except to Congress.

Mr. MANN. The gentleman says there is no appeal from the Comptroller. Now, whoever has an appeal against the Government can present it to the Court of Claims, and that is an appeal from the Comptroller.

Mr. MAHON. I can tell the gentleman a good many claims that can not be appealed.

Mr. MANN. All legal claims against the Government, all evidences of indebtedness, which are legal in their character, every claim which could be sued upon against a private individual, except in the case of a tort, can be presented to the Court of Claims and allowed by the court and paid as a matter of cost——

Mr. MAHON. The gentleman forgets this fact that when this property was taken from loyal people the great civil war was sweeping over the country, the Departments were disorganized, and claims were turned down. This property was taken, the evidence could not be reached, time had gone by, and so they flooded Congress with claims, and Congress created what was known as "the Court of Claims" under the Bowman and Tucker acts. They send these claims there, and does the gentleman say they would render a judgment on a few affidavits, which no court would do? I take it that it is the gentleman's judgment that they do not render findings in that way. An official from the Attorney-General's office, who is a Deputy Attorney-General, is notified when the cases are to be tried, and the attorney for the claimant is on hand. The claimant must offer his evidence either by deposition or in some way, and then the Government has the right to go out and take depositions to show that his testimony is not true, and after a fair trial the Court of Claims renders a finding of fact. Now, what is a finding of facts? First, it is a jurisdictional fact that the claimant's loyalty has been proved beyond all question. If that is not proven it is the end of the case. Second, that the stores and supplies were taken. If not all he alleged to be taken, the court finds how much—what was the value of those supplies in the market at the time they were taken. That is the next finding. Fourth, that the Government of the United States owes the man for stores and supplies furnished to the Army of the United States so many dollars. The court makes that report to Congress.

Now, neither Congress nor the committee could investigate all these claims. That is the trouble I have with this bill. Every time I bring it in the gentleman from Illinios [Mr. MANN] wants me to explain every little item. There are some 150 findings. I do not know anything about them. Congress said to the court, "You try the cases, ascertain the facts, and report back to Congress, and then we will appropriate for them." I would not like to report on these court's findings. The gentleman would not ask the Committee on War Claims to review the Court of Claims, would he? It would be disrespectful to the court. We do examine all of them; every one of these findings has been gone over carefully by the committee, and here they are. We do not propose to write every report.

Mr. MANN. The bunch of reports which the gentleman holds in his hands is not very large for the number of claims. It is not much bigger than the bill.

Mr. MAHON. I would say to the gentleman that here are the findings upon every case in this bill. If the gentleman desires any information as to court findings we can supply that information.

The Committee on War Claims are not going to review the court and are not going to reverse the court. They examine the findings, and if they are found to be in due form they place them in this bill for this House to consider. The committee do not care whether you pass the bill or do not. There is nothing personal in the matter to the committee. Can the gentleman tell me what percentage of those claims have passed? Just to show you what a good court you have, I will state that in the last five years that the average is not 4 per cent. They are taken up in this Court of Claims——

Mr. PAYNE. May I interrupt the gentleman at that point? Is that 4 per cent of the claims examined? There are thousands of claims that have been presented or referred to the court.

Mr. MAHON. That is what has been found by the court.

Mr. PAYNE. We see by the reports that there are thousands of cases that have gone there that have not been acted upon at all, and the committee say that the most of these will be finally rejected and some that they rejected; and it looks as though that 4 per cent was of the amount of claims that went to the Court of Claims——

Mr. MAHON. No.

Mr. PAYNE. Nine-tenths of which claims have not been acted upon by the court.

Mr. MANN. Will not my friend answer two questions at the same time? Is not the 4 per cent based upon the number of claims disposed of in this way, that a large number of claims are dismissed on motion without examination, and that you include that as a claim adjudicated?

Mr. MAHON. Yes; we do.

Mr. MANN. And that makes the 4 per cent of the claims, while the balance have never been prosecuted or the claims adjudicated.

Mr. MAHON. It is 4 per cent of all claims sent down for trial that are adjudicated. Now, it has been the policy for the last two or three years, when thousands of these bills have been introduced (in the last Congress there were 3,000 bills), we send them to the Court of Claims. The Attorney-General or his assistants go down there for their trial and whenever claims have reached a certain age they are dismissed. There will be over 1,200 cases dismissed this year because the claimants at this late day can not get the evidence to prove their claims. A great many have been dismissed. We send them there and that relieves the Member of Congress. When you send the claims to the Court of Claims, you are sending them to what may be known as the "Claim graveyard." Now, as to this claim of J. B. Orbison, of Butler County, the facts are that this was a colored man who wanted to enlist, and they would not muster him. They would not take him into the service, as there was no provision for enlisting colored men. The draft came along and they drafted him. They took from him the $300, notwithstanding the fact that he claimed he was not subject to draft, which he was not, but still the Government took his $300, and they have had it from that day to this; and we put that in this bill. This man is still living, a very old man. The Government took from him $300 unlawfully and this committee wants you to pay it back.

Now, as to the case of William G. Keats, of Walworth County, Wis. They drafted him, although he was a foreigner, a man who had not become a citizen of the United States, which was a violation of the specific statute.

Mr. MANN. Did he live in the United States, was he protected by the United States, was he enjoying the benefits of the United States, and then too mean to go and protect it for the benefits which he enjoyed?

Mr. MAHON. That is no argument.

Mr. MANN. It is a very strong argument.

Mr. MAHON. It only appeals to prejudice.

Mr. MANN. It appeals to common sense, to common decency, and to patriotism.

Mr. MAHON. When the Government of the United States takes $300 illegally from a man, I think it ought to do as the gentleman from Illinois would do, and the gentleman from Georgia [Mr. BARTLETT] would do, and every Member of this House would do—if you have found you have taken money illegally, unconsciously, you would pay it.

Mr. MANN. Has the return of the money to these claimants not been provided for by law where proof was given showing that they were illegal?

Mr. MAHON. No, sir.

Mr. MANN. The gentleman will not deny that. If the gentleman will read the report, I expect he will find that.

Mr. MAHON. That act expired long ago.

Mr. MANN. Well, I say the gentleman knows that there was such an act.

Mr. MAHON. This comes down to the question of whether the Government can afford to take money illegally; and this provision is that the Government restore the money without interest. Now, here is the case of the Rev. George W. C. Smith, late second lieutenant. I tried to pass the bill last Congress in reference to that; and these are the only cases that we have down there now.

During the war the War Department, or some authority having the right to do so, fixed the minimum of a regiment at 1,000 men. Every regiment raised during the war had to have ten full companies, making a thousand men. They commissioned the colonel, the major, the adjutant, the captains, the lieutenants, and the chaplain to raise the regiment. These men went through the States where they lived, recruited men and mustered them into the service. The regiments reached perhaps six or seven hundred in number when the draft came on, and local bounties being offered and men hard to get, here were a number of officers who had parts of regiments running from five to eight hundred, who were in the service five or six or seven months, and some of them more than a year, rendering service to the Government, and some of them in the field, but not being able to raise their full complement of a thousand. The War Department disbanded those regiments. They did not send the men home, but distributed them among other regiments to fill up old regiments and sent these officers home. This magnanimous War Department that the gentleman from Illinois [Mr. MANN] talks so much about, in its fairness, paid nothing to these officers for their services.

Mr. WALDO. Have all these claims in this bill been passed upon and judgment rendered for them by the Court of Claims?

Mr. MAHON. Yes; all but six small claims.

Mr. WALDO. Why have they not been sent to the Court of Claims?

Mr. MAHON. It would cost these men more to prosecute them in the Court of Claims than they are worth.

Now, that is this bill. You may pass it or defeat it as you please. The committee have discharged their duty, and have nothing personal in it except to see that this House pays these claimants what the courts say they are entitled to—pays Mr. Schiffer what he is absolutely entitled to in all fairness, and pays these six old soldiers their mileage and their pay for the time they were in the service of the Government.

Mr. MAHON. Will the gentleman explain any item in the bill at all in his own time?

Mr. MAHON. What item do you want explained?

Mr. MANN. I should like very much to have the gentleman explain the item on page 23:

To the Pennsylvania Company for insurance on lines and granting annuities, executor of Henry Etting, deceased, of Philadelphia County, $665.86.

Mr. MAHON. I will have the Clerk read the finding of the Court of Claims in reference to that item. Would the gentleman like to have me do that?

Mr. MANN. If the gentleman desires to do it in that way.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 5, 1906.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the United States Senate, under the act of March 3, 1887, known as the "Tucker Act."

I am, very respectfully, yours, JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. CHARLES W. FAIRBANKS,
President of the Senate.

[Court of Claims. Congressional case No. 10942–463. The Pennsylvania Company for Insurance on Lives and Granting Annuities, executor of Henry Etting, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for difference between sea pay and shore pay whilst claimant's decedent was serving as an officer in the Navy of the United States, to wit, a lieutenant, upon receiving and other ships belonging to the Navy was transmitted to the court by Senate resolution on the 4th day of June, 1902, referring Senate bill No. 5949, for proceedings and report under the provisions of the act of Congress approved March 3, 1887.

The case was brought to a hearing on its merits on the 4th day of December, 1905. Messrs. Pennebaker & Jones appeared for claimant, and the Attorney-General, by L. A. Pradt, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in its petition makes substantially the following allegations:

This claim was previously presented to the proper accounting officers of the Treasury Department for settlement and was allowed by such accounting officers under the decision of this court and of the Supreme Court of the United States in the case of Strong *v.* The United States (125 U. S., 656), the sum thus allowed being $665.86. This action was reported to Congress by the Secretary of the Treasury in Senate Executive Document No. 144, Fifty-first Congress, first session. In appropriating for said allowance (and others of like character) Congress made the following proviso: "That no part of any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the date of the filing of the petition in the Court of Claims upon which the judgment was rendered, which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim." (Act approved September 30, 1890.)

Thereafter, pursuant to said proviso, the accounting officers readjusted said claim for such difference of pay, as the same had been settled under the said decision in United States *v.* Strong, and refused to allow that portion which accrued more than six years prior to July 17, 1886, the date on which the petition in the said case of Strong *v.* The United States was filed in the Court of Claims. Upon such readjustment there was found to be due, and then paid to claimant nothing out of said appropriation, and nothing, being the amount which accrued subsequent to July 16, 1880, and to which said proviso did not relate.

The accounting officers also found that the difference in pay between that received prior to July 16, 1880, and that to which claimant's decedent would have been entitled under the decision in The United States *v.* Strong had Congress not prohibited the payment of the same, was $665.86.

Subsequent appropriation statutes have contained the same proviso, and the accounting officers of the Treasury, pursuant to said provisions, have continuously refused to allow this and other similar claims, and the same are still unpaid.

The court, upon the evidence and the report of the Treasury Department, and after considering briefs and arguments of counsel on both sides, makes the following

FINDING OF FACTS.

The claimant is a citizen of the United States and a resident of the county of Philadelphia, in the State of Pennsylvania, and is the executor of Henry Etting, deceased, whose claim, under decision of the Supreme Court of the United States in The United States *v.* Strong (125 U. S., 656), was adjusted by the accounting officers, reported to Congress, and appropriated for as alleged in the petition.

The amount found due the claimant by the accounting officers under said decision was $665.86, and the amount paid claimant was nothing. The amount suspended under the proviso to the act of Congress approved September 30, 1890, and which still remains unpaid is $665.86 (six hundred and sixty-five dollars and eighty-six cents).

Filed December 18, 1905.

A true copy of the finding of facts as filed by the court.

Test this 5th day of January, 1906.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. MANN. Mr. Chairman, if the gentleman will yield——

Mr. MAHON. Yes.

Mr. MANN. I know I am a little thickheaded and always was. I was born that way. I listened to the reading just as carefully as I could. Everybody else in the House may understand it, but I do not. The gentleman will pardon me for asking a question: Is this $665.86 the amount that was barred by the six-year limitation or the amount that was not barred by the six-year limitation?

Mr. MAHON. I think it was the amount that was barred.

Mr. MANN. The report, I suppose, indicates that, but I could not tell by listening to it.

Mr. MAHON. The man is unquestionably entitled to his money. You can not plead the statute of limitations against the United States, and it is not fair to plead it on the other side.

Mr. MANN. Is this similar to the bill which has been reported from the gentleman's committee waiving the statute of limitations as to Army officers on longevity pay?

Mr. MAHON. This does not come under that.

Mr. MANN. I know; this is a naval matter.

Mr. MAHON. Yes.

Mr. MANN. But is this similar to that proposition?

Mr. MAHON. No. This man probably did not know his rights. He did not know about the statute of limitations, but

when he went to make application for his money they pleaded the statute of limitations against him.

Mr. MANN. It was not a case of pleading the statute of limitations. The law provided that he could file his claim, but that the claim must not extend back of six years. Now, does this propose practically to override that law?

Mr. MAHON. Yes; in a case like this, where we believe that the man acted in good faith, and that he ought to have judgment, and that he was not guilty of gross laches.

Mr. MANN. But we have absolutely nothing in the report as to whether he was guilty of laches or not.

Mr. MAHON. That is all the committee gets from the court—the finding of facts.

Mr. MANN. I hope the gentleman will not understand that in anything I say I intentionally criticise the committee. The Committee on War Claims has not only my profound respect, but most of the time, in considering these bill, my profound sympathy.

Mr. MAHON. I say let the gentleman move to strike it out. I have no objection.

Mr. MANN. I am trying to get at what these claims consist of.

Mr. MAHON. Of course when a man comes here to get relief limitations and all that do not enter into it. That is what he comes here for. This man probably did not know, and it is not supposed that all these men living in the United States who were in the service knew of all the laws of Congress. He no doubt did allow the statute to bar him. But I do not know whether the gentleman can point out a case where there is a statute which runs as against a claim of the Government of the United States. Let the gentleman be a revenue collector, and a claim be put in after six years, and the Government will raise the bar, but the Government will follow you for eighty years afterwards if they find out that you owe them a dollar and a half.

Mr. MANN. It never has followed me yet in that respect.

Mr. MAHON. It is pleading the bar of the statute on one side and not upon the other, and in cases of this kind we do not say that the bar does not run, but these men come to Congress and they go to court, and they get the facts before Congress and the court. We act on principles of equity—does the Government owe this money to the man? The court says that it does. Now, it is simply a question for Congress to say whether this man shall be paid or not.

Mr. MANN. Is not this the case, that without Congressional action a man whose claim is against the Government has no standing anyway?

Mr. MAHON. No; he has not.

Mr. MANN. Thereupon a lot of claims come up out of the past which would not be allowed, which are not allowed by any government, and then Congress passed a law at the request of the claimant providing for the payment of those claims, but limiting the operation of that law to a certain period of time, which usually has been six years, the ordinary period of the statute of limitations. Then the people having been perfectly satisfied with that law at first, having filed their claims under that law and secured their claims under that law, set up as a precedent for paying other claims the allowance of those claims, without regard to any limitation at all. And does the gentleman believe, and does his committee in its action believe, that that is a proper course to take?

Mr. MAHON. We believe, the committee believes, and we think that Congress believes that when a man shows that he knew nothing of the law, and when he did file his claim, he can come to this representative body, the body that represents the people, and that there should be no restriction or limitation or anything of that kind on this body. If the man can show that he has a just and equitable claim that the Government owes him, then we believe that the Government ought to pay him. I want to say this to the gentleman. It is true that you could not sue the Government of the United States, nor could anybody without an enabling act of the legislature, but there is a compact between the citizens and the Government. The citizen promises to support the Government in time of stress, and there are times when the Government promises to take care of him. The trouble with this House is that the old laws have been enforced. Other nations have been more generous with people who suffered in war than has this nation.

Mr. MANN. With people who suffered in war?

Mr. MAHON. Yes; they have been more generous than this nation has been.

Mr. MANN. That will be news to the people of the other nations.

Mr. MAHON. They have abandoned long ago the doctrine that the man who lost his property should not be paid. That doctrine has been abandoned by the civilized peoples of the world. Let us take the Franco-Prussian war as an example. That war had scarcely ended when France, with that enormous indemnity which she had to pay—France almost on the verge of bankruptcy, without a dollar in the treasury and having to go out and borrow millions of dollars with which to pay that indemnity—very promptly, through her parliamentary body, appointed a commission. That commission went down along where those two armies contended, and in less than eight months paid every citizen of the Government of France, whether the property had been destroyed by the German army or by the French army. It was not a question of whether the property had been taken for the use of the French or for the use of the German army. It was not a question of whether the property had been destroyed or taken by the German army. The question was not that at all. But France, as a Government, in an open-hearted way, said that these people had stood by her, that these men had been in the ranks, and that now she, as a Government, would pay them for the losses that they had incurred, and that she did not care who destroyed that property, whether the French or the Germany army. And France paid $17,000,000 inside of a year—every loss was paid.

Mr. MANN. Will the gentleman yield for a question now?

Mr. MAHON. Yes.

Mr. MANN. Is France still paying war claims growing out of the Franco-Prussian war?

Mr. MAHON. I am coming to that. Notwithstanding the fact that we had had a civil war which lasted for four years, in which thousands of lives had been sacrificed—laid upon the altar of either side of the contending forces—notwithstanding the fact that untold millions had been expended, and that eleven of the Southern States had been prostrated, yet the States represented by the Northern Army—in other words, the United States—were greater and richer when the war closed than they were when the war commenced so far as resources were concerned.

There are plenty of these claims before the Committee on War Claims filed in the Treasury and War Departments and Quartermaster's Department in 1866, 1867, and 1868. My State alone filed over 1,800 claims for horses and supplies taken by the Union Army in the six counties in the border which I represent. Two cavalry officers, colonels, commissioned by the War Department, went into Adams, York, and my own county and took 800 horses from the people of that section, horses worth from $200 to $300. What did they do with them? They took them from these men and gave vouchers for them. Three regiments of cavalry were equipped, mounted, and sent to the field and remained in the field until the end of the war. These claims were piled up here, one man for one horse, another for two or three, and so on, and they were deviled by this Department until they got disgusted. Not a horse was paid for, because the farmers of that section will not stand around Washington waiting for three or four hundred dollars. Not a claim was paid.

Mr. MANN. Did not Congress pass a law providing expressly for the payment of those claims or claims for horses taken by the Treasury Department?

Mr. MAHON. No, sir.

Mr. MANN. The gentleman is again mistaken. There is a law upon the statute books authorizing the Treasury Department to audit and pay claims for horses taken.

Mr. MAHON. I do know I was attorney for these people, and when we presented our claims the gentleman said that this major and this captain and this lieutenant did not have authority to take the horses from the people, and refused to recognize their vouchers and threw the people back on the legal proof that the officer had been commissioned directly from the War Department. Not only that. They stripped those five counties, not a barn nor building was left, and never paid those people one dollar. Now, I want to say that these people are making no demand; they have quit long ago. The treatment they received at the hands of this Government is infamous and outrageous, and it disgusted them, their sons, and children afterwards. Now, if Congress, or the powers that be, had appointed a commission to go among those loyal men who sacrificed their sons and their money, as did the men from your State, in addition to the immense loss that should be borne by the whole people of the Government, as France recognized, these bills would have been paid long ago and there would not be any war claims before Congress to-day, forty-five years after that war. It looks badly for this Congress to talk of "stale claims." They are not, because the men have been persistently knocking at the doors of Congress and Congress has refused to dispose of them. I have been fourteen years on the committee, and I think if I stayed fourteen years more I would like to be re-

lieved. If the gentleman from Illinois had served on that committee that long, he would have gotten so well acquainted with the methods of the Departments at Washington City in paying people what they ought to pay them he would change his mind very greatly. Now, Mr. Chairman, I ask for the reading of the bill under the five-minute rule.

Mr. PAYNE. May I ask the gentleman a question? If I understand him, these claims that go to the Court of Claims after hearing—of course the hearing is largely ex parte on the part of the United States——

Mr. MAHON. If it is ex parte the Government consents to it.

Mr. PAYNE. Still the claimants are the only people who can get at the evidence usually. Does not the gentleman think, in view of the fact that only 4 per cent of those claims are found to be valid on such investigation, that which is largely one sided at least, almost ex parte, that Congress is justified in looking into these claims, and not simply handing over a check because some one presents them with an affidavit, and that after all the Congress of the United States and the Government of the United States is not so mean and outrageous and robberlike in its character and treatment of these claimants as the gentleman's declamation would seem to indicate?

I appeal to the gentleman's patriotism and sense of fairness and his knowledge of what has always been done in these cases, and in view of the fact of the small percentage of allowance, if his language, after all, does not seem to him to be almost extravagant when condemning the United States and the Congress of the United States?

Mr. MAHON. Not at all. The cause of the low percentage in the last three or four years is because these people have been held up, and forty years have gone by and nearly all of these people are dead. If these claims had been referred to the Court of Claims immediately after the war, they would have proven 80 or 90 per cent of them. The French spoliation claims have been largely reduced, and I think cases under the Bowman Act and the Tucker Act are about 300, because the percentage is getting so low that they can not prove their cases. The witnesses are dead. It is the same with an old soldier who is trying to prove his pension claim when he is required to get the affidavits of two or three officers and finds that they are dead, and the Department will not accept any other evidence.

Mr. PAYNE. Does the gentleman recommend that Congress pay these claims without evidence?

Mr. MAHON. No; but pay them with the little evidence that can be produced at this late day.

Mr. PAYNE. Does the gentleman want them all paid notwithstanding the fact that they can not produce the evidence?

Mr. MAHON. Pay what the court finds. It is the gentleman's court and mine. I do not know anything about these findings. The gentleman from New York [Mr. PAYNE] does not know about them. It is a waste of time to talk about it.

Mr. PAYNE. Does the gentleman not think he ought to withdraw his extravagant criticism of Congress?

Mr. MAHON. No, sir; I emphasize it.

Mr. PAYNE. The gentleman is a part of Congress.

Mr. MAHON. I know I am.

Mr. PAYNE. And he is a citizen of the United States, and he ought to have some patriotic pride.

Mr. MAHON. I take no pride in a government that robs her people.

Mr. PAYNE. But with the bad names he has given here, and in view of the facts he has presented in this report, will he tell us on the floor of this House——

Mr. MAHON. I repeat it. This Government is more unfair, more dishonest, in refusing to pay the honest debts she owes her people than any government on the face of the earth. I am a part of the Government, and as chairman of the Committee on War Claims I have been trying to get them out.

Mr. PAYNE. I do not know so much about the other governments and what they do.

Mr. MAHON. It may be well for the gentleman to read up a little on them.

Mr. PAYNE. I think the Congress of the United States is disposed to be eminently fair and just in the payment of these claims, and that the people recognize the fact that they are not only to see that those claimants are paid, but that the interest of the taxpayers of the United States require that the Treasury shall not be robbed by unjust claims, and the duty is just as strong to look into these claims and see that none but honest claims get through as it is to see that honest claims get through.

Mr. MAHON. I hope the gentleman from New York [Mr. PAYNE] will carry that out when the river and harbor bill comes in. Further, I am not anxious to appear in any other light than that which I have stated.

Mr. PAYNE. Of course, if I can not appeal to the gentleman in that way, I am going to ask him another question. In line 7, page 19, the claim of Charles B. Stark, assignee, etc., $3,702, and the appropriation of $1,851 in this case, contained in the act of the last omnibus bill——

Mr. MAHON. What page?

Mr. PAYNE. Page 19, line 7. It appropriates double the amount to this gentleman, Mr. Stark, that is claimed, and that passed in the last omnibus bill. What new light has come to the committee?

Mr. MAHON. I will read the findings of the gentleman's court and mine to the gentleman, as follows:

[Court of Claims. Congressional, No. 11078. Charles B. Stark, assignee of Joseph C. Stark, deceased, *v.* The United States.]

STATEMENT OF CASE.

The following claim was referred to the court on the 2d day of March, 1903, by a resolution of the United States Senate, under an act of Congress approved March 3, 1887, known as the Tucker Act.

The claimant appeared and filed his petition in this court April 20, 1903, in which he makes the following allegations:

"That he is a citizen of the United States and a resident of the State of Missouri; that he is the sole owner of this claim; that during the war of the rebellion claimant's father was tenant in common with one Beverly G. Hilliard of an estate of about 675 acres in Robertson County, Tenn.; that on divers dates the military forces of the United States took from said estate property of the aggregate value of $14,377; that said property was used by the Army of the United States; that vouchers for said property were refused by officers commanding said troops; that said claimant was at all times loyal to the Government of the United States; that said claim was presented to the Quartermaster-General in 1873, and by him disallowed as to part of the property on the ground that it was not in his jurisdiction and part on the ground that it was seized before the claimant took the oath of allegiance; he did allow for three mules $400, and claimant got $200, being one-half belonging to said claimant; that the present claimant bought this claim at a sale duly authorized by the court."

The case was brought to a hearing on the 22d of November, 1904. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by George M. Anderson, his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. It appears from the evidence that the deceased claimant, Joseph C. Stark, was loyal to the Government of the United States throughout the war for the suppression of the rebellion.

II. It appears from the evidence that Beverly G. Hilliard, partner of the said Joseph C. Stark, also deceased, was not loyal to the Government of the United States throughout the war for the suppression of the rebellion.

III. Charles B. Stark, the present claimant in this cause, is the son of Joseph C. Stark, the original claimant, and he brings this suit in his own right by virtue of a bill of sale of and for said claim, made to him by H. C. Crunk, clerk and master of the chancery court of Robertson County, in the State of Tennessee, on the 20th day of January, 1896, pursuant to a decree duly rendered by the said court at the May term of 1895, whereby the said clerk and master was ordered to sell the said claim for cash publicly to the highest bidder.

IV. Joseph C. Stark and Beverly G. Hilliard, under the name of Stark & Hilliard, owned, as tenants in common, and operated for joint account, a farm in Robertson County, Tenn., 5 miles from Springfield, the county seat thereof. Said farm consisted of 625 acres of fertile and productive land, 400 of which were in cultivation. There was located on said property a distillery, with a capacity of 5 or 6 barrels of whisky per week. Said farm was fully equipped with farming implements and utensils, and with horses, mules, and cattle. There were usually employed on said farm, and in and about said distillery, eighteen to twenty hands, and most of the produce of said farm went into consumption thereof and in said distillery.

V. In 1858 the said Stark sold a one-half interest in said farm and distillery to the said Hilliard, and thereafter, until about 1874, the same was operated for their joint benefit. In 1862, when the Federal forces took possession of Springfield and the surrounding territory, the said Hilliard expressed a desire to the said Stark to close up their business relations, fearing that the Federal forces would take their property and that they would get no compensation therefor.

The said Stark, however, insisted that their business relations should continue as before, and assured the said Hilliard that if they suffered any losses by reason of the Federal occupation he, the said Stark, would be responsible to him, the said Hilliard, for his share therein. Subsequently, and in the year 1868, there was a settlement between the said Stark and Hilliard as to their business matters, and in said settlement the said Stark allowed the said Hilliard credit for one-half of the amount of the claim against the Government of the United States hereinafter set forth, as though the same had been paid to him, the said Stark, in cash.

VI. During the years 1863 and 1864 the Federal authorities from Nashville and vicinity used and carried off 25 barrels, amounting to about 1,000 gallons, of whisky, which had been manufactured at the said distillery of Stark & Hilliard, and was stored in their warehouse. The reasonable value of this property so used and carried off was $500 (five hundred dollars).

VII. During the years 1863 and 1864 the Federal military authorities took, carried off, and converted to the use of the United States Army horses, mules, wagons, harness, oxen, and farm produce to the reasonable value of $3,202, making in all the sum of thirty-seven hundred and two dollars ($3,702), being the amount allowed for the taking of the aforesaid property, one-half owned by Stark and one-half owned by Hilliard, at the time of taking. After said taking claimant Stark paid Hilliard for his share of the loss.

BY THE COURT.

Filed December 5, 1904.
A true copy.
Test this 10th day of December, 1904.
[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Now, those are the findings of the court.

Mr. PAYNE. I have listened to the gentleman, and I still do not understand how it is that this claim has been increased from $1,850 to $3,702 since the omnibus claim bill was passed in 1905.

Mr. MAHON. It means that this court finds that $3,702 is due him.

Mr. PAYNE. When were the findings made?

Mr. MAHON. In 1904.

Mr. PAYNE. Was it not found that one of the parties was loyal and the other party disloyal?

Mr. MAHON. It appears from the findings that they dissolved their partnership and that this Mr. Hilliard took the other share.

Mr. PAYNE. They dissolved their partnership after the war on this whisky was over?

Mr. MAHON. And he was paid by Stark.

Mr. PAYNE. The disloyal man can not revive a claim by assigning it to some one else who was loyal.

Mr. MAHON. There was no divisibility of property. Hilliard was a loyal man.

Mr. PAYNE. Congress has time and again divided such claims, where one party was loyal and the other was disloyal, and given a moiety. I remember a case which occurred up in New York, and I brought the facts to the attention of the gentleman, where one of the persons was loyal and the other disloyal, and the proposition was to pay the loyal man and the disloyal man, and the gentleman denounced in scathing terms an act by which such a thing should be allowed. Now he comes in here and reverses the action of Congress on the theory that one of the persons was loyal and the other person being disloyal he can not recover, and he comes and says a disloyal man may transfer his claim, and therefore comes, contrary to the judgment of the Court of Claims and the judgment of Congress two years ago, and gives the whole amount. That seems to be the size of the case.

Mr. MAHON. The court says he is entitled to that much money after they had dissolved their partnership. I do not have all the evidence that the court had.

Mr. PAYNE. The gentleman says he does not know what the findings included.

Mr. MAHON. The Committee on War Claims does not have all the information that the court has. They have the evidence, and the court finds for $3,702; and that is all I know about it.

Mr. PAYNE. Where does the gentleman get these facts in the report?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have time to conclude his remarks.

Mr. PAYNE. I was going to ask that.

The CHAIRMAN. Is there objection?

Mr. MANN. Is the gentleman through?

Mr. PAYNE. No; the gentleman is not through. I am trying to get unanimous consent that he may have time to conclude his remarks so that I can ask a question, and the gentleman from Illinois is seeking the same purpose.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that the gentleman from Pennsylvania be given time to conclude his remarks? [After a pause.] The Chair hears none.

Mr. PAYNE. Now, I would like to know where the gentleman got these facts that he has read to the House from that report if he does not know anything about the case?

Mr. MAHON. What I have read is the certificate of the Court of Claims, which is sent down to the Speaker of the House, and by him to the Committee on War Claims.

Mr. PAYNE. Is that the findings of the court?

Mr. MAHON. That is the findings of the court.

Mr. PAYNE. Then the court found one of these men was disloyal?

Mr. WALDO AND OTHERS. No! no!

Mr. PAYNE. Now, from what you said you are coming here with an adjudication for the money for a disloyal man as well as the loyal man. A clear case. Now, if you were right two years ago, you are wrong now.

Mr. MAHON. I want to say to the gentleman that when we reach that item he can move to cut it in two. I do not care. That is the way to get the bill straightened.

Mr. MANN. There is no way to reach this item that is included here.

Mr. MAHON. Why not?

Mr. MANN. Because there is only one section to the bill.

Mr. MAHON. You can amend the different items of the bill.

Mr. MANN. You can move to close debate ten minutes after the bill is read practically, and I presume you will do it.

Mr. BARTHOLDT. I would just like to say a word about this matter.

Mr. LACEY. Will the gentleman allow me to ask a question before he commences? As I understand the gentleman, there was a precedent heretofore where they allowed half of the claim—that is, where there were two persons they allowed the loyal person his part of the claim and disallowed as to the other, who was disloyal. As I understand, the suggestion is made that this is the same identical claim.

Mr. MANN. It is not the same claim.

Mr. LACEY. This is a different claim? The loyal man in this case got his half before.

Mr. MAHON. The court gave him that much money.

Mr. BARTHOLDT. Mr. Chairman, when this bill was originally passed the amount was cut in two. The claimant, who happens to live in St. Louis and is one of my constituents, a prominent lawyer there, is the son of the original claimant. He rejected what Congress had given him——

Mr. MAHON. Refused to take it.

Mr. BARTHOLDT. Because there was no question about the loyalty of the one partner. This amount which this bill carries merely pertains to the loyal claimant, and no part of it will go to the disloyal claimant. The very fact that this gentleman rejected the allowance of Congress two years ago and refused to accept the money which Congress wanted to give him is, it seems to me, proof that he was in the right. When he came back to the Committee on Claims and presented the matter a second time, the committee readily admitted that they had been in error, and that he was entitled to the full amount of the original claim. Hence this provision in the bill.

Now, if there is any further question about it, I am ready to answer, and I think I can dispel any doubt about it.

Mr. PAYNE. There were two partners in this case, and one of them was found by the court to be disloyal.

Mr. BARTHOLDT. This claim refers only to the loyal partner. The disloyal partner gets nothing.

Mr. PAYNE. Does the gentleman dispute the facts stated by the gentleman from Pennsylvania [Mr. MAHON], that the finding of the court for the whole claim was $3,702?

Mr. BARTHOLDT. But my understanding is that the disloyal claimant never put in a claim.

Mr. PAYNE. It was stated distinctly that the loyal partner had an assignment from the disloyal man of his right to the property.

Mr. BARTHOLDT. That is a misunderstanding.

Mr. PAYNE. The gentleman says they get that from the finding of the Court of Claims. The gentleman had better go back to the Court of Claims and get them to rectify their finding.

Mr. BARTHOLDT. As far as the Court of Claims is concerned, it finds the sum of $3,702 to be due to this loyal man, and certified in favor of him.

Mr. NORRIS. Is it not true, however, that one-half of that claim was due to the disloyal claimant, and that the loyal claimant had bought him out and taken an assignment of his claim?

Mr. BARTHOLDT. No; I do not so understand it.

Mr. NORRIS. As I understand the reading of the report by the chairman of the committee, that is what the court itself says, that at the time the Federal forces were in the vicinity the disloyal man wanted to close up the business, but the loyal partner said no, that they should continue on, and that if they lost anything he would make it up to him, and that he afterwards did pay him one-half of the loss, and he added that to his half, and together it makes the amount called for in this bill. So that, as a matter of fact, this item does include the entire damage, one-half of which has already been paid by the loyal man to the disloyal man.

Mr. BARTHOLDT. But this $3,702 represents the total loss of the loyal man.

Mr. NORRIS. That may be so, but the half of that loss was incurred by paying the disloyal man. If it would be right to allow that claim, then I could purchase the claim of any disloyal man and have a good claim.

Mr. MAHON. If the Government had taken this property from a disloyal man, then the question of disloyalty would come in, but this claimant had purchased his partner's interest before the property was taken by the Federal forces.

Mr. NORRIS. Oh, no; he made the settlement afterwards.

Mr. MAHON. Not the settlement, but the payment.

Mr. NORRIS. He paid his partner for it after the war closed.

Mr. BARTHOLDT. My understanding is that the loyal man is a loser to the extent of $3,702.

Mr. NORRIS. That may be, but half of that is what he paid to the disloyal man. In other words, he bought half of it from the disloyal man.

Mr. BARTHOLDT. Why shouldn't he?

Mr. NORRIS. That means that you would have to pay practically every disloyal claim, because if that is good law, then, all that would be necessary would be for some loyal man to get an assignment of the claims of disloyal men.

Mr. MANN. More than $250,000,000 depend upon the answer to the question, "Why shouldn't he?"

Mr. MAHON. The Government took the property after it had become the property of the loyal man.

Mr. NORRIS. You would have to pay practically every war claim whether the claimant was loyal or not.

Mr. MAHON. Oh, no. Men dissolved partnership all over the South when the war broke out.

Mr. SIMS. In view of the circumstances of this case, does it not strike the gentleman that this raising of this question of loyalty at this late day in this era of good feeling is rather technical than substantial?

Mr. NORRIS. That would apply to every such claim.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 21678. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5869. An act for the relief of Larvan Gordon.

OMNIBUS CLAIMS BILL.

The committee resumed its session.

Mr. BARTHOLDT. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. GAINES], because he represents the district, I think, in which the claim originated, and he knew the claimant, as well as his son, the St. Louis attorney.

Mr. SIMS. But I wanted my friend to answer my inquiry in connection with my question—I mean as to this particular claim.

Mr. GAINES of Tennessee. Mr. Chairman, if I can be heard for just a moment I think I can elucidate something that is confusing to the minds of the gentleman from Nebraska [Mr. NORRIS] and the gentleman from New York [Mr. PAYNE]. Judge Stark was a distinguished lawyer of the Springfield-Robinson County bar. He was absolutely loyal throughout and under the most trying circumstances right in the very heart, you might say, of the Confederacy. He had grit and nerve to stand by his convictions. That is the way I recollect this proof.

Mr. PAYNE. Is he the man that the court found was loyal?

Mr. GAINES of Tennessee. The claimant now is the son of Judge Stark. This son, grit of the old man's grit, says this claim, all of it, is just, and he wants it all, and he refuses to take a part of it—the same sort of grit that his father had when he refused to take sides against the Government that is now about to deny his son, forty years afterwards, the payment of this claim. This son is made of the same stuff as his father was, and he refuses to take part of the claim that the proof shows is absolutely just. Now, as to the division of it, here is the report, which says that "the said Stark, however, insisted that their business relations should continue as before, and assured the said Hilliard that if they suffered any loss by reason of the Federal occupation he, the said Stark, would be responsible to him, the said Hilliard, for his share therein, and that subsequently, and in the year 1868, there was a settlement between the said Stark and the said Hilliard as to their business matters, and in said settlement said Stark allowed the said Hilliard credit for one-half the amount of the claim against the Government of the United States herein set forth as though the same had been paid the said Stark." Now, the proof in this case, as I recollect it, is as I have stated. I tried here for years to get the amount paid, and young Mr. Stark came here to see me. The matter was finally taken up by Senator Cockrell and by the gentleman from St. Louis [Mr. BARTHOLDT], and they have been managing the matter ever since. The young man Stark, who lives in St. Louis, is a leading lawyer there, was once one of the judges there, and he contends, and my recollection is the proof shows, that the part of the claim that is now insisted upon is as good as the balance, and that it is the father's part, the part of the deceased Judge Stark, who, I say, the proof shows, and the court finds, was absolutely loyal to the Government at a time when it meant something more to be loyal than it does to-day. He was loyal then to the Treasury of the United States and loyal then to the cause of the Federal Government, and I think it comes with somewhat poor grace for us at this late day to refuse this claim of the son who comes up here with clean hands, and who is a respected citizen and a member of the bar of St. Louis, and who asks Congress that part of the funds in an overflowing Treasury be now turned toward the payment of this claim, which I believe is absolutely just.

Mr. NORRIS. Will the gentleman from Pennsylvania yield?

Mr. MAHON. I yield five minutes to the gentleman from Nebraska.

Mr. NORRIS. Mr. Chairman, it seems to me that what my friend from Tennessee [Mr. GAINES] has said only emphasizes the fact that one-half of this claim ought not to be allowed. If his theory is true, then it ought to be paid on the ground that the man himself says it is just. He submitted it to a committee and to Congress and they allowed half of it, on the theory that he and his father were loyal, and that one-half of the claim ought to be paid. But the gentleman says the man believes that he ought to have it all and for that reason we ought to give him all. If that is true, we, and every court or every organization or body of any kind that passes on a claim, would have to give whatever the claimant honestly believed he ought to get. The fact remains that one-half of this claim, as it is shown by the gentleman's remarks and by the report which he read, was owned by a man who was disloyal. The loyal man proposed to him, or in the settlement he allowed him, which would be the same, the entire amount of his claim, after the war was over in 1868. If that makes a valid claim here, then there is no reason why any disloyal man should not sell his claim to a loyal man and the loyal man have a right under that kind of a precedent to have it paid here in Congress or allowed by the Court of Claims.

Mr. BARTHOLDT. No; but that would be partnership.

Mr. NORRIS. Very well. The man had a half interest in it. He sold his interest to his partner. He could just as well, as a matter of law, have sold it to somebody else. If he had any claim at all it was assignable. He sold it to this man who was his partner. He could as well have assigned it to somebody who was not his partner.

Mr. JOHNSON. Does the gentleman overlook the fact that the loyal man guaranteed this claim, that he was a surety?

Mr. NORRIS. No, sir; I do not; but if this is going to be the procedure——

Mr. JOHNSON. He was quite sure the claim would be paid and he acted as surety.

Mr. NORRIS. He agreed he would pay if the loss occurred, and he kept his word. That is not a basis upon which a man should be paid money who was not loyal to his country. If a man has agreed not to pay him it would be a very easy matter to fix up another kind of a claim, and——

Mr. JOHNSON. How many cases of this kind do you suppose will arise in the history of the Government?

Mr. NORRIS. I think that if we allow this there will be about as many cases arising as there are claims. It will be a very easy matter to get up that kind of a claim. You know how those things are done.

Mr. SIMS. Mr. Chairman, I think I can explain the facts so that there will be no question about this partnership of Judge Stark. Here are the facts about it. They were operating a farm and distillery, and the Federals came to Nashville. One of the partners was afraid that the Federals would take their property, not upon the ground that he was loyal or disloyal, but he wanted to wind up the business of said partnership. Stark said to go ahead, he needed his partner's services, and that if there was a loss occasioned by this property being taken that he would hold him harmless. This was in effect a transfer or assignment. They went ahead. The soldiers did take part of his property for the use of the Government without any reference whatever to whether anybody was loyal or not. They took it, and the United States got the benefit of it. Then in a settlement afterwards between Judge Stark and this man whom he had induced to remain in the business Judge Stark accounted for the one-half in value of what the Government had taken. This claim did not arise upon the idea that the retiring partner was disloyal at all. It was not guaranteeing him against loss on account of loyalty or disloyalty, but simply that if the Federal soldiers took any part of it, he would be held harmless for that part.

Mr. NORRIS. Does that make a legal claim against the Government now?

Mr. SIMS. It makes a moral obligation, and that is about the only kind you can get against the Government.

Mr. MANN. Suppose you guaranteed a man who was not a partner?

Mr. SIMS. If the loss had already occurred, if the soldiers

had already taken the property, then that would be a different matter; but Judge Stark evidently did not think there would be any property taken at all. He did not believe that the property would be taken. Now, there is the highest possible moral obligation to reimburse this loyal man who had faith that the property would not be disturbed.

Mr. NORRIS. Is there any higher obligation to reimburse him than to reimburse the man himself who lost the property? Do you make the obligation higher and better by having it transferred to somebody else?

Mr. SIMS. I do in this way. I was speaking of the facts in this case where one partner did not have confidence the property would not be taken and the other man, Judge Stark, did have it and did not think the property would be taken.

Mr. NORRIS. I do not know as to that.

Mr. SIMS. Judge Stark trusted the Government, had confidence and faith in it, and the other man did not, and he is therefore upon a higher moral plane, because he had confidence in the Government.

Mr. NORRIS. This is simply to pay a man for his confidence; that is all there is to it——

Mr. SIMS. This is to pay for property used by the Government——

Mr. NORRIS. Who did not lose anything.

Mr. SIMS. Who did not lose anything.

Mr. NORRIS. That so far as an assignment made of the claim is concerned.

Mr. SIMS. Suppose the Government had not gotten his property, they would have had to buy it from somebody else. Does not that create a moral obligation? It creates a moral obligation, the effect of which is avoided by proving disloyalty, upon the idea that the Government has the right to take property from a disloyal citizen. So far as it being a necessity of war does not waive moral obligations in the slightest.

Mr. PAYNE. May I ask a question right there? This man Stark had confidence in the Government, and on the face of that he made a bet and lost his bet.

Mr. SIMS. I do not think that when one has confidence——

Mr. PAYNE. He stakes his money on the confidence he had in the Government that they would not take his property.

Mr. SIMS. I think that when one has confidence in his Government he is not necessarily betting. If he had bought the claim afterwards speculatively, it would have been a very different thing, but he simply asked that this partnership be continued. Suppose he had bought the man out, would not the Government have owed him?

Mr. PAYNE. Before the war?

Mr. SIMS. Suppose he had bought him out before the property was taken at all. Of course, the gentleman is bound to know that if Judge Stark had bought out his partner before the property was taken that the Government would pay for it.

Mr. MANN. We are dealing with the facts, not suppositions. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. MANN. If a wholesale merchant in New York desired his client or customer in New Orleans to continue in business, and had guaranteed him against loss, and then the Army had taken the goods of the disloyal merchant in New Orleans, does the gentleman think that under the practice of Congress we ought to reimburse the wholesale merchant at New York?

Mr. SIMS. I do not think that the practice of Congress has been governed by the highest moral conceptions. We were talking about moral obligations, and not of the practice of Congress.

Mr. MANN. Now then, the gentleman goes into the question of whether Congress is to appropriate money that was taken away from a loyal or disloyal citizen. I take it that has been foreclosed. I do not know how I should vote upon the proposition if it were a new one now, but it has been the practice of Congress always, and I do not think the gentleman or any other Member from the Southern States would make a proposition here to-day that the Government should pay for all property taken by the Army without regard to the loyalty of the person who owned it. I am sure the gentleman would not support the proposition.

Mr. SIMS. But this is a different case entirely. I think the question of loyalty in this case is technical and not substantial.

Mr. BARTHOLDT. Will the gentleman permit me to make a suggestion?

Mr. SIMS. Certainly.

Mr. BARTHOLDT. Is it not true that there is but one claimant?

Mr. SIMS. That is true.

Mr. BARTHOLDT. There are not two claimants. Not a loyal and disloyal claimant, but only one claimant, and that claimant was loyal under the most trying circumstances, at the most trying time of our country. He was loyal. He comes with this claim, and no one else does, and he was not a disloyal man. He represents his individual loss, which amounted to $3,702.

Mr. PAYNE. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. To whom does the gentleman from Pennsylvania [Mr. MAHON] yield?

Mr. PAYNE. I understand the gentleman from Pennsylvania [Mr. MAHON] yields for that purpose. If this gentleman came in here as a claimant in his own right and also assignee of a disloyal person and presented it all in one claim, the gentleman's argument would still hold good. He came in here and presented one claim. He was loyal, and that is all Congress had the right to inquire into.

Mr. BARTHOLDT. He is not the assignee of a disloyal person at all.

Mr. PAYNE. That is all he is.

Mr. BARTHOLDT. These two people had a partnership, and when he——

Mr. PAYNE. It has been gone over a good many times. He was assignee of this party who was disloyal, was he not?

Mr. BARTHOLDT. I do not admit that to be the case.

Mr. PAYNE. He comes as the assignee in this bill——

Mr. BARTHOLDT. The loyal man paid him——

Mr. PAYNE (continuing). As assignee of this claim.

Mr. BARTHOLDT. If my friend from New York will permit, the money which this disloyal man paid was the money of a loyal man, and he asks for a reimbursement for that loss.

Mr. PAYNE. I know. If I bought a claim of a disloyal man, I being a loyal man, my money would be the money of a loyal man in the same way.

Mr. BARTHOLDT. But, Mr. Chairman, it seems to me a distinction can be easily drawn there. If I am in the business of buying up claims of disloyal people and then present them to Congress, I would have to expect to be turned down by the committee, but that was not that kind of a transaction. It was a transaction made in good faith. It was not for the purpose of securing reimbursement from the Government. It was a transaction that occurred in the case of a partnership, when one of them retired and the other simply paid him the amount he was entitled to under the partnership arrangement.

Mr. PAYNE. This was in 1868. I do not know how it was, but if I believed that the Government would pay a claim of a disloyal man. Suppose in 1868 a disloyal claimant had come along with his claim and offered it to me. Suppose I paid him my money for it, having confidence in the Government. Would I not be in the same situation as this man?

Mr. BARTHOLDT. You have not made the right distinction. Here was a man who was the partner, and in the case you suggest he is an entire stranger.

Mr. PAYNE. Now, my contention is that the first intention of this committee in 1905 was entirely correct, that they put it in the omnibus bill at the correct amount, and Congress did the same thing, and now you reverse the judgment of Congress. We know it is the custom under different acts of Congress, when the bills are passed, to appeal from the action of the Court of Claims and of everybody else, and finally they come to Congress two or three times. But here is a case where Congress evidently did the correct thing.

Mr. BARTHOLDT. The fact that this claimant here has refused to accept what Congress did offer him in the last Congress——

Mr. PAYNE. That did not bear upon the question at all.

Mr. BARTHOLDT (continuing). Is certainly evidence of the fact that he feels himself to be honestly and squarely entitled to the whole amount, and if he thought there had been any question or there would be any question in the least as to his being entitled to the whole amount he would have been ready and willing to accept what Congress voluntarily offered him. But he simply takes the high ground that he is entitled to the full amount, and consequently he refused half of it, and comes back here and says "Congress owes me the whole amount, and I want it all or nothing."

Mr. MAHON. This property was taken in 1863 or 1864, when that part of Tennessee was under Federal control, and it never went back. The Confederates never again got hold of this territory. The proclamation of President Lincoln, especially with regard to the State of Tennessee, was that all the property of the citizens, the persons, and all their property, should be protected by the Federal officers, because it was under Federal control. That proclamation covered all the territory wherever the Federals got control of the territory. No man, whether loyal or disloyal, should have his property taken. It is not a question of loyalty. That did not enter into it. It was very evident that the Confederates had no control of this country. Here was a

man who was disloyal, the other partner was loyal. The disloyal man wanted to get out of the business for some purpose, and the other man, who was loyal, wanted to go on. He said "We will have protection of the Government; we are under the proclamation of President Lincoln, that no man's property can be taken in this part of Tennessee and used without compensation or without protection." That was the situation down here when this property was taken.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. MAHON. Yes.

Mr. MANN. I would like to ask the gentleman with reference to this item on page 23, "To the Columbia National Bank, of Columbia, Lancaser County, $51,150." What are the facts in that case?

Mr. MAHON. I am familiar with the facts in that case without reading from the report.

Mr. MANN. Will the gentleman state them?

Mr. MAHON. This was the largest bridge in the United States at that time, a bridge over a mile long, over the Susquehanna. The stock was owned by this bank, and to prevent Johnson coming down from Cumberland with 25,000 Confederates the Federal troops, by direction of the Secretary of War, burned the bridge to keep Johnson from crossing. It was done as an act of absolute military necessity, and, under the rulings of the courts, where property belonging to a party whose loyalty is admitted is destroyed as an absolute military necessity, the Government must pay for it. This has been pending in the Departments for years, and finally we sent it to the Court of Claims. There is no question of loyalty involved in it. I want to say this. I am familiar with the case—the United States district attorney in this case agreed with the attorneys of the bridge company that the Government would confess judgment for $90,000. Their claim was $100,000.

Mr. STEPHENS of Texas. Who built that bridge and to whom did it belong?

Mr. MAHON. Let me finish this statement first. They said that they would confess judgment for $90,000. The claimants were very foolish that they did not take it, but they thought that they could recover the whole $100,000, and so they went into the Court of Claims, and the Court of Claims rendered a judgment for $50,000.

Mr. STEPHENS of Texas. The question I wanted to ask was, Was the bridge built by a joint stock company?

Mr. MAHON. Yes. The bank held the stock.

Mr. MANN. I understood the gentleman to say that this bridge was ordered to be destroyed by the Secretary of War. Is the gentleman correct about that?

Mr. MAHON. It was ordered destroyed by some military authority.

Mr. MANN. Is it not a fact——

Mr. MAHON. General Meigs and General Couch ordered it destroyed.

Mr. MANN. Was it not destroyed by the army in the same manner as thousands of millions of dollars worth of property in the South was destroyed, in the conflict between the two armies?

Mr. MAHON. Oh, no.

Mr. MANN. Not being property taken, but property destroyed, just as though it were in battle or by troops in retreat.

Mr. MAHON. No; the courts draw this distinction. Take the battle of Gettysburg. The property destroyed in that battle was lost, and there could be no reimbursement for that. The courts have never held——

Mr. MANN. And never will.

Mr. MAHON. I do not think there has ever been a dollar paid for property destroyed in battle; but where the military authorities destroy property as a military necessity, to prevent an army from following, and where there was no battle, but simply a military necessity, even the destroying of houses in order to obtain a better view, or something like that, the courts have always held in those cases that the property must be paid for.

Mr. MANN. Does the gentleman claim that the courts have held—I do not suppose that the courts have had an opportunity to hold——

Mr. MAHON. They have.

Mr. MANN. But that the Government has ever held that where an army in retreat destroyed property to protect itself from an advancing enemy payment could be made for property so destroyed?

Mr. MAHON. This is a different case. This army was not in retreat.

Mr. MANN. But this comes within the case that the gentleman mentions, of an army destroying property to protect itself. As nearly as I can get at it, they destroyed this property to prevent the advance of an enemy. Has it ever been held that the Government is liable to pay for property so destroyed?

Mr. MAHON. The gentleman does not understand the situation——

Mr. PAYNE. Will the gentleman from Pennsylvania allow me right here to read the finding of the court?

Mr. MAHON. Yes.

Mr. PAYNE. This is finding No. III:

III. The bridge was occupied for military purposes on the 15th day of June, 1863, by order of Major-General Couch, of the United States Army commanding the military department of the Susquehanna, and under his orders was thereafter used and for the benefit of the public service in transporting military stores, supplies, and troops thereover to and from the several military posts under his command on opposite sides of the river, and for such other purposes as the needs of the service required until the 28th day of June, 1863, when on the evening of that day the bridge was, by his orders, fired, and the superstructure was destroyed under circumstances of immediate public exigency then arising necessitating its destruction, the public danger being so imminent and impending, and the public service so extreme and imperative as not to admit of delay.

Mr. MANN. But what was this? Does the court make a finding and state that there was a public necessity and imminent danger and not state what it was? Is that the kind of finding that the Court of Claims has made?

Mr. MAHON. Why burn the bridge, if that condition did not exist?

Mr. MANN. I want to know what the emergency was.

Mr. MAHON. Here was this bridge. It belonged to this bank. There was no battle and there was no battle imminent.

Mr. MANN. The reason there was no battle was because the bridge was destroyed.

Mr. MAHON. There was no army in retreat.

Mr. PAYNE. Will the gentleman right here allow me to read further from the report?

Mr. MAHON. Yes.

Mr. PAYNE. Point 2 in the petition of the claimant:

II. That Maj. Gen. D. N. Couch, of the United States Army, on the 15th day of June, 1863, took possession of the Columbia Bridge for military purposes, situated on the Susquehanna River, between the town of Columbia, county of Lancaster, State of Pennsylvania, and Wrightsville, county of York, in said State, and used the same for such purposes as the needs of his department required from the 15th day of June, 1863, until the 28th day of said month, when said property was by his order destroyed, to prevent the enemy from crossing the river.

Mr. MANN. That is it—to prevent a battle. That is what I said to the gentleman before. There was no battle, because the bridge was burned.

Mr. MAHON. The gentleman does not know what prevented that battle. The gentleman was not born at that time. [Laughter.]

Mr. MANN. I can assure the gentleman that whether I was born at that time or not, I am born now. The gentleman is finding that out, I think.

Mr. MAHON. It says the danger was imminent. Why would they burn the bridge unless there was great necessity for it?

Mr. MANN. I have no doubt there was great necessity for it. There was equal necessity if the Union Army had been in retreat and had burned the bridge to keep the enemy from capturing it.

Mr. MAHON. The courts of this country have never allowed this Government, even in a case of great necessity, to destroy my property for military purposes without paying me for it.

Mr. MANN. They did it at Gettysburg.

Mr. MAHON. That was a battle. You must allow the distinction.

Mr. MANN. In a battle, or as a part of a battle, or to prevent a battle, or to prevent capture.

Mr. MAHON. Oh, no; I beg the gentleman's pardon. The gentleman can go to his library to-night and take the writers on war law and he can not find one authority that does not sustain my position. Where the Government takes property and destroys it for military purposes or because of military necessity, the courts of this country and the courts of all countries have held that the Government must pay for that property if the man to whom it belonged was loyal.

Mr. MANN. Does the gentleman claim that the courts hold that a claimant can recover under such circumstances?

Mr. MAHON. Yes.

Mr. MANN. Then why does not the claimant in this case go to the courts?

Mr. MAHON. He has been to the courts.

Mr. MANN. And has been thrown out.

Mr. MAHON. Where?

Mr. MANN. Has not the claimant been to the court? Is he still in court or has he been thrown out?

Mr. MAHON. No, sir.

Mr. MANN. The gentleman says that they have a right to recover in the courts. Why not appeal to the court.

Mr. MAHON. The gentleman knows as well as I do that you can not sue the Government in the courts.

Mr. MANN. I know there is a Court of Claims where everybody who has a claim against the Government can sue the Government.

Mr. WILLIAMS. But they have been there.

Mr. MANN. And have been defeated. Are they still there?

Mr. WILLIAMS. No; they have got a favorable finding.

Mr. MAHON. This was referred to the Court of Claims.

Mr. MANN. That is not a suit. This was sent by one House of Congress for a statement of facts. There is no doubt about the question of liability. The Court of Claims does not pass upon that.

Mr. PAYNE. This was referred by a Senate resolution.

Mr. MANN. This was referred by a Senate resolution to the Court of Claims to state the facts, and having stated the facts, it appears that there is no claim as against the Government.

Mr. MAHON. Let the House decide the liability, and let the gentleman produce his authorities that the Government is not bound.

Mr. MANN. That is what we are thrashing out now. I ask the gentleman to produce the authorities. The gentleman has the affirmative of the case.

Mr. KEIFER. Will the gentleman from Pennsylvania yield?

Mr. MAHON. Yes; I yield the gentleman five minutes.

Mr. KEIFER. Mr. Chairman, I do not know enough of this particular claim to comment upon it, and I only want to utter one sentence here in illustration of what has been going on throughout all the history of the Government of the United States, so far as the matter of having no proper machinery to settle claims against the Government is concerned, and I hope the time will come when we can have a means of settling claims that do not directly grow out of existing law which may be settled through the Departments.

I do not agree with the general statement going around here that the Government of the United States is liable to pay for general devastations of the property of either friend or foe in time of war, and there is no occasion for drawing a fine distinction between the destruction of property or the devastation of property in battle, and when the army is marching through the country.

Mr. MAHON. The courts have drawn that.

Mr. KEIFER. Oh, no; the rule is settled; the international rule is settled. It is settled in all the countries of the world, and has been long ago, that property which is incidentally destroyed by a marching army the Government is not legally liable to pay for, even though it is the property of friends, saying nothing about the property of the disloyal, which is never paid for. What is paid for in other countries than this and what was laid down long ago in decisions of this country by courts that had jurisdiction to determine what should be paid for in the way of war damages by the Government, was that an army marching through a country would pay for supplies such as they could use in the commissary or quartermaster's department; that is, those things that supplemented the general supply for maintaining the army, and that such things should not be classed as devastation of property; but the incidental burning of fences and the destruction of property or the destruction of fields of growing grain, or of matured grain, and all such things as were incidental to marches and campaigns, such as the destruction of bridges, the destruction of roads, and everything of that kind, belonged in the general class of devastations of war and were not paid for to either friend or foe, loyal or disloyal.

I do not know the circumstances of the case under consideration, and it is quite immaterial to my mind whether the bridge was burned to prevent an enemy from crossing to bring on a battle or whether it was burned as the judgment of some officer, or even by private soldiers wantonly. It is not a subject to be paid for under the general rules of law governing in such cases. We fought that matter out early in the history of this country. I have not the decisions at hand, but I made reports on this question many, many years ago, concurring with the distinguished gentleman from Kentucky, Mr. Carlisle, then in this House, and with others, on this very question. We fought it out in Ohio. We had loyal people out in Ohio who had property destroyed, not only by John Morgan in his raid extending through the State, but we had property destroyed by Union troops that pursued him, and the general judgment was to pay for none of it. That class of claims is easily distinguished from another class arising on account of an army that is marching through a country that is friendly to it, where the quartermaster and commissary officers go to the mills and get flour if it can be obtained there, or take grain from the bins of the farmer, or gather anything that is necessary to supply the commissary department or get forage for horses, or even horses for cavalry or artillery, or anything that is necessary to supply the quartermasters' department, even to build up quarters for the sick or for barracks, etc. Those are necessary things that you would buy at home and pay for, and they are plainly distinguishable from merely destroyed property, and they ought to be paid for, and the rule is to pay for them to loyal people, but the rule does not go any further than that.

Mr. GAINES of Tennessee. These claims are mostly based on moral rights. Let me put a case to the gentleman. Supposing driving along now with your army, your horses hitched to a cannon or some large machinery, should turn over a man's house or destroy it. Does the gentleman not think that a moral obligation would rest upon him to pay for that house?

Mr. KEIFER. I am not dealing with the question of morals at all. I think that would belong to the general devastation of war as much as if the men came in the fields and took the top rails off the fences for the purpose of cooking their provisions and supplies. So also I might say that if they happened to kill a horse that would belong to the devastation of war; but if they take from a private loyal person a horse to put in the artillery or put in a wagon that horse ought to be paid for.

Mr. JAMES. So your position is that if they go to a mill and get a bushel of flour they ought to pay for it, but if they go in a farmer's field and burn up 200 bushels of corn they ought not to pay for it.

Mr. KEIFER. That pretty nearly illustrates the rule.

Mr. JAMES. Then it is a very bad one.

Mr. KEIFER. That is the rule universal in this country and in other civilized countries of the world, and always has been and probably always will be.

Mr. MAHON. The gentleman has been speaking about taking wood, fences, and all that sort of thing for the Government, as to whether the Government is responsible. The Government is under certain circumstances. If an officer having authority takes wood, a fence, or a building, and that wood or building were used for the soldiers to cook or warm themselves, that is a supply, I do not care what it is, and the Government should pay for it. Now, if a soldier or half a dozen or a dozen soldiers go in and burn a man's house or his grain, that is a tort on the part of the soldier for which the Government is not responsible and never has been responsible and never has paid for it. There is the distinction between soldiers taking things and a commissioned officer taking things. I have studied this case, and I will give the gentleman a leading case. Now, here was a bridge. There was no likelihood of a battle or any fight taking place there, but Johnston was pressing in that direction, and the general commanding burned that bridge as a military necessity—it was the private property of this bank—so that Johnston could not cross there, but would have to retreat and return to Cumberland Valley, 28 miles, and go in by the way of Gettysburg, up over the mountain. So he had to take another crossing. Now, why should these people contribute a hundred thousand dollars? If the soldiers had burned that bridge, it was a tort on their part, but it was destroyed by the commanding general——

Mr. KEIFER. No distinction.

Mr. MAHON. Here is Grant's case, which is a leading case. I am only going to read the syllabus.

William S. Grant *v.* United States. The officer of the United States commanding troops in the vicinity of Tucson, Ariz., ordered his subordinate to destroy such Government stores as he can not transport, together with such private property of the claimant as may be of value to the public enemy or to the disloyal people of Tucson. The subordinate officer, acting under circumstances of immediate and pressing necessity, notified the claimant to save his papers, and in half an hour fires his mills and other property.

Mr. KEIFER. What court decides that?

Mr. MAHON. The Supreme Court—no, the Court of Claims. It was never taken up.

Mr. KEIFER. I think it was never taken to the Supreme Court.

Mr. MAHON. Hold on; this is the law and the court is right.

The taking of private property for use or for destruction, when the public exigency demands it, by a military officer commanding any part of the public forces, is an exercise of the right of eminent domain. Whenever the officer is justified, the Government is liable. The state of the facts as they appeared to the officer when he acted must govern the decision.

Mr. KEIFER. That decision was reversed twenty-five years ago.

Mr. MAHON (reading):

There is no discrimination to be made between property taken to be used and property taken to be destroyed. It is no defense that the circumstances must have rendered the property valueless to the owner

if the officer had not destroyed it. It is the imminence of danger that gives the State a right to destroy property, but the certainty of the danger does not relieve the State from liability for the property which it takes to destroy.

And that has been the decision of the court since the civil war, and every decision——

Mr. KEIFER. I want, Mr. Chairman, to say it is easy to find a decision so long ago rendered.

Mr. MAHON. It has never been reversed.

Mr. KEIFER. What volume are you reading from?

Mr. MAHON. The gentleman himself individually might reverse it, but it takes a court to do it.

Mr. WILLIAMS. It is the difference between an authorized act of the Government and an unauthorized act of an individual.

Mr. MAHON. That is the old law four or five hundred years ago, and it is the law of all nations. The Government is held responsible where it destroys private property through pressing necessity for it. But they draw this distinction, that property destroyed in battle and incident to a battle was not by order of any officer. Like at Gettysburg, it can not be paid for. But when an army is lying in a peaceful country and the enemy is approaching and the army destroys a valuable bridge, it does it for what purpose? To keep the enemy from crossing. Can anyone tell me why the Columbia Bridge people should lose that money? That was the method they used to defeat the enemy, the same as money would be used to buy shells and other munitions of war, to prevent them from coming over. It saved the Government probably a battle and a great loss of life. I believe there is no question about the legal position.

Mr. PAYNE. In line 10, on the same page, it says:

The Pennsylvania Company, for insurance on lines and granting annuities.

Mr. MANN. We have already had that up. I have something more to say about that.

Mr. MAHON. Mr. Chairman, I ask that the bill be read under the five-minute rule, and then the gentlemen may have opportunity to amend and strike out.

The CHAIRMAN. The Clerk will read the bill.

Mr. PAYNE. I have no objection to it if we will be allowed to do that.

The Clerk began the reading of the bill.

Mr. MANN. Mr. Chairman, I believe I have some time reserved.

The CHAIRMAN. The gentleman has forty-five minutes.

Mr. MAHON. I have the floor, but the gentleman can have it if he desires.

Mr. MANN. Mr. Chairman, I desire to refer to several of the claims which have been referred to by the very distinguished chairman of the Committee on War Claims. Merely at random, without ever having seen this bill until this morning, after the noon hour I asked the gentleman in reference to several claims in the bill, only one of which did I in any wise recognize. And the explanation as to each one of the claims shows that that particular claim has no merit whatever. The first claim that I asked the gentleman in regard to was the claim in favor of the legal representatives of Samuel Schiffer. I had received the report of the committee upon the bill introduced for that claim alone and had read it some time ago. And I had been impressed with the fact that there was no merit in the claim. I happened to notice it in this bill, there having been one bill reported to the House covering the claim, but never having been referred to the Court of Claims; and it never having been passed upon by any judicial or semijudicial body, I was surprised to see that claim in this bill.

Now, I have heard the criticism of the distinguished gentleman from Wisconsin [Mr. OTJEN] and the distinguished gentleman from Pennsylvania as to the decision of the Supreme Court. This was an old cotton claim. There were thousands of those claims in the United States. There are still, as I understand, millions of dollars in the Treasury of the United States dependent upon these claims if they can be properly proven. Whom that money belongs to I do not know, but this claimant filed his claim in the Court of Claims. It was rejected. He appealed to the Supreme Court of the United States. They rejected it, and the distinguished Committee on War Claims passes the decision of the Supreme Court and refers to that decision in this fashion:

It is hard to understand how a transaction between the claimants and Schiffer, which could not legally invest the latter with title, was yet sufficient to divest title from the former, and it is still more difficult to understand upon what authority a transaction of this kind could be held to have invested the United States with title to his property—legal, equitable, or moral.

The Supreme Court of the United States had decided in this way, and the committee says it is hard to understand. Well, I suggest that the gentleman attend law school or read the decisions of the Supreme Court of the United States. I know it is a very common fashion on the part of the man who is defeated in a lawsuit to "cuss" the court, but it was news to me that it was the fashion of the Committee on War Claims in the House of Representatives to "cuss" the Supreme Court because the court had decided in favor of the United States and against the claimant, and yet that is the language, practically, "cussing" the court, which the committee presents to the House. It is the excuse which they give for overruling the Supreme Court. The committee says it is hard to understand why the Supreme Court so decided.

It is not here for my understanding; it is not here for the understanding of the average Member of Congress, nor do I think it would be here for the Committee on War Claims' understanding if they had ever read the decision. I do not think that one of them has ever read the decision of the Supreme Court of the United States rejecting that claim.

Then there was another claim that I asked the chairman of the committee in regard to; and I suppose I never would have asked that question if the bill had been properly printed. The bill says: "To the Pennsylvania Company for insurance on lines and granting annuities, executor of Henry Etting, deceased." I had a curiosity to ascertain how it was to compensate the Pennsylvania Company for insurance on lines. It did not occur to me that it was "lives," and that was the title of the company, because the words were not printed in capital letters, or I would not have inquired as to the explanation of it.

Now, some years ago there was a dispute arose, after the Navy Department had been organized for nearly one hundred years, as to a certain abuse and how that compensation should be computed. There was a direction that there should be an adjudication of a number of claims. The report of that adjudication was made to the Fifty-first Congress. That Congress appropriated, after full consideration of those claims, an amount of money to pay the claims with this provision.

That no part of any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the date of the filing of the petition with the Court of Claims upon which the adjudication was rendered.

That provision was put in the law, because if there had been no limitation of time put upon these claims, claims would have had to be paid from the foundation of the Government. There had been a ruling adopted in the Navy Department and the Treasury Department which they followed up from the beginning of the Navy. This ruling was reversed. Congress was not obligated to pay a cent for any back claims, but after full consideration the committee proposed to pay these claims within the ordinary statute of limitation, and without that provision there was not a single naval officer who had served in the Navy who would not have received this extra compensation. Now, Congress put in the limitation. How many of the cases there are I do not know. How many thousands there might be which would come under this rule now proposed to be wiped out, if anyone had claims unpaid back of the six years, if justice should be handed out, why, then, every naval officer from the foundation of the Government, by his legal representatives, would be entitled to the same compensation. That is the claim which the gentleman takes up as a basis for abusing the United States because it does not pay its claimants, saying that the United States holds back the money of these claimants. That is one of the claims the gentleman uses for the abuse complained of, about how the Government robbed the people. Let me tell the distinguished gentleman from Pennsylvania that under the Tucker Act any man, woman, or child who has a legal claim against the Government of the United States which the Departments refuse to audit can present that claim before the Court of Claims and before any district or circuit court of the United States and have it allowed and paid. The man who has a just legal claim against the United States has the best asset in the world, and therefore every naval officer who has one, notwithstanding the statement my friend from Pennsylvania has thrown out, we have made provision for the payment of these claims, but if we should wipe out the statute of limitations, we would have to pay all claims against the Government. Then there was one other claim I asked about.

Mr. KEIFER. If the gentleman will allow me before he goes to the other claim.

Mr. MANN. Certainly.

Mr. KEIFER. With the permission of the gentleman from Illinois, I want to make a further statement, coupled with a request. The authority read by the gentleman from Pennsylvania sustains his view of the law. I remembered this Grant case was the only one that seemed to have any weight at one time in the consideration of the class of cases under consideration. It was a decision made in 1863, not in the midst of civil war; it had no relation directly to the civil war, and it was taken up and reviewed especially by a tribunal appointed by

the United States, and I will put the decision in the RECORD if my request is granted. But this case came pretty nearly up to the point of holding exactly what the law on the subject is that has been reviewed by some great writers of our own and other countries. The judge states, in his opinion—and I read from page 50 of the report, which was one of the first reports made by the Court of Claims—the judge says this:

> Private property must not only be taken upon urgent necessity, but for public use—

That public use, Mr. Chairman, is that kind of use that I have described, that can be appropriated to the maintenance of the Army—

> in order to fix the liability of the Government to make compensation. Was the destruction of this property a taking of it for public use? It is almost of equal public importance that military supplies be kept from the use of the enemy as that they minister to the support of our own armies.

Reading further:

> Writers on public law do not discriminate between property destroyed to prevent it from falling into the hands of an enemy, and property taken for the actual sustenance of our own military forces. In both cases it is treated as a taking for public use.

It is the latter part of this decision that was criticised and overruled, and the law laid down that the common devastations of war, the destruction of property not taken and applied for public use, was to come within the general class of property destroyed in war, either by a friendly or unfriendly army, and whether property of the loyal or disloyal, was not to be paid for, and this I can clearly make appear if given an opportunity to refer to the books.

Mr. MAHON. If that position has ever been reversed by the courts I should like to know it, and have the gentleman refer me to it.

Mr. KEIFER. Yes; I can do so, and will do so fully.

I request, Mr. Chairman, that I may be allowed to add some references to my remarks.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KEIFER. Here follows all I deem now necessary to amply support my recollection as to the law relation to a government's liability for damages caused in a period of war by the general destruction of property by the armies in the field. It might easily be enlarged.

The House was kind enough to grant my request to add something to the oral remarks I made, as appears above, on the subject of war claims; and this it did because I was unable at the moment to give the citations of authorities in support of the principles I endeavored to state. I now think it unnecessary to add at great length anything on the subject, as the case I cited later of the United States *v.* The Pacific Railroad, from the one hundred and twentieth United States Supreme Court Reports, page 227, fully covers all the rules and principles upon which I based my recollection of the law, but to those who are curious enough to want to pursue this subject, I call attention to a collation of decisions in a report made to this House by the Committee on War Claims in the second session of the Forty-third Congress, Report No. 134. The whole subject of the right or duty of the Government to pay for claims of the loyal or disloyal that are mere incidents of battle or to the movements of armies, whether friendly or unfriendly, will be found between pages 274 and 297 of that report, and perhaps incidentally more will be found on the subject in the same report.

As some weight seemed to be given to the Grant case, found in the first Court of War Claims Report, page 41, I make the following quotation from a report made in the third session of the Forty-fifth Congress, No. 187, by the Committee on War Claims. I do this particularly to show that the Grant case was long ago under consideration and disregarded, as I have already stated. Here follows an extract from the report mentioned:

> The claimant's property was destroyed by the general ravages of war, and for which payment is never made, under the law of nations, or upon any principles of public policy or duty.
>
> Primarily the destruction was caused by the enemy. Confederate troops fired the buildings, but this fact would not, in the opinion of your committee, change the liability from what it would have been if the Union forces had, when a battle was imminent, or while it raged, set fire to the buildings or caused their destruction. The loss would still have been classed with property destroyed by the misfortunes and casualties of war, for which no compensation is ever made to friend or foe, loyal or disloyal. The petitioners have pressed with much earnestness upon your committee, through their counsel and otherwise, the theory that the seizure of houses under the circumstances stated there was the appropriation of the same to a public use within the meaning of the Constitution, and its destruction while thus appropriated gave the owners the right to a just compensation for the same. They contend that the latter clause of the fifth amendment to the Constitution of the United States secures them this right.
>
> The clause relied on is as follows:
>
> "Nor shall any person * * * be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation."
>
> The error is in assuming that a commanding officer by occupying, under the exigencies of a battle, by his troops, private buildings, or by shielding himself and his troops behind them during a conflict, within the meaning of the Constitution appropriates private property to a public use. The temporary occupancy of private property by the troops of the United States, even where a battle is not imminent or actually raging, has never been held or regarded as an appropriation of the same to a public use. When private property is taken for public use merely to be held temporarily no appropriation in any constitutional sense results. Mere possession of private property by public officers or soldiers of the United States can not be construed to be an appropriation of the property to a public use.
>
> It has been expressly held that where a building was burned by accident, where it had been seized by the war power of the General Government for a hospital or for other use by the United States authorities, that there was no liability resting upon the Government to pay for it. (Lagow's case, 10 Court of Claims, 266; Green's case, 10 Court of Claims, 466; Filor's case, 9 Wall., 45.)
>
> It is said there is a case where the United States were held liable for the appropriation of a mill burned by an officer of the United States to prevent it from falling into the hands of the so-called "government." This case is known as the "Grant case," and will be found reported in 1 Court of Claims, page 41. It is only a decision of the Court of Claims, and as authority it has been doubted.

Under article 12 of the treaty of May 8, 1871, between the United States and Great Britain, there was provision made for the payment of claims of British subjects who owned property in the United States and in regions where the armies passed over it or had access to it. After this treaty there was organized what was known as the "American-British Claims Commission," for the purpose of determining the character of claims British subjects were entitled to have favorably considered. This commission was composed of distinguished American and English lawyers, learned in international and other law. They considered in the light of the law of nations the claims of the British subjects, and according to a report made by Hon. R. S. Hale to the Secretary of State, dated November 30, 1873, as to the claims of the British subjects before the American-British Claims Commission under said article 12, it appears that claims for property destroyed by general devastations of war were unanimously rejected by the commission. The report (p. 49) says:

> 2. Claims for property alleged to have been wrongfully injured or destroyed by the forces of the United States.
>
> These claims were also numerous and involved a large variety of questions. They included claims for property injured or destroyed by the bombardment of towns of the enemy, as in the case of Charles Cleworth, No. 48, and in other military operations of war, such as the passage of armies, and the erection of fortifications, as in the case of Trook, administrator, No. 58, etc.
>
> Also for timber felled in front of forts and batteries to give clear range for the guns and deprive the enemy of cover, as in the case of Trook, administrator, No. 58, and of William B. Booth, No. 143.
>
> In these claims for destruction of property it may be stated generally that, with very few exceptions, and those mostly insignificant, no awards were made against the United States.
>
> The claims for injuries by bombardment, the passage of armies, the cutting of timber to clear away obstructions, the erection of fortifications, etc., in the enemy's country, were all disallowed by the unanimous voice of the commissioners.
>
> The same may be said of the incidental destruction of innocent property involved in the destruction of public stores and works of the enemy.

It will be observed that this high commission recognized the principles I have tried to state as the law relating to war claims of the class under consideration.

Mr. MANN. Mr. Chairman, I am glad that I yielded in order to allow the distinguished gentleman from Ohio to interrupt me. I am somewhat familiar with the decision which the gentleman from Pennsylvania [Mr. MAHON] read. I do not agree with the gentleman from Pennsylvania that it carries out the judgment that he expresses, in reference to the opinion. That case does not cover the case of the Columbia Bridge at all. It is an entirely different proposition, the seizing of supplies and then destroying them.

Now, Mr. Chairman, in answer to the criticism of the gentleman from Pennsylvania [Mr. MAHON] and other gentlemen whom I have heard criticise the Government of the United States on the floor of this House in reference to the payment of claims. I was referring to the fact that there is a widespread impression in Congress that a claim against the Government can not be paid. I notice reported from the Committee on Claims the other day a bill which never will be considered by this House, a bill introduced by a very distinguished Member of the House. That claim could be audited and paid at any time. If it were not audited and paid it could be presented to the Court of Claims and adjudicated at any time by that court and paid as a necessary consequence. Through lack of information on the part of the claimant, or, possibly, on the part of the Member who introduced the bill, he has introduced it into the House as a private claim, and it has about as much show, in its place on the Calendar, as though it never had been introduced.

But the man who has a legal claim against the Government, not for a personal injury, has an opportunity to have that claim determined and paid.

I ask to read a portion of the first section of the Tucker Act.

That the Court of Claims shall have jurisdiction to hear and determine the following matters:

All claims founded upon the Constitution of the United States—

and, mind you, these are not determinations under the Bowman Act. They are not determinations under a resolution referring these claims to the committee under the so-called "Tucker Act." These claims, when allowed by the Court of Claims, are put into the general deficiency bill and paid.

All claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or upon any regulation of an Executive Department, or upon any contract, express or implied, with the Government of the United States, or for damages liquidated or unliquidated, in cases not sounding in tort, in respect of which claim the party would be entitled to redress against the United States either in a court of law, equity, or admiralty, if the United States were suable.

So that under the law any person who has a claim against the United States upon which he could bring a suit against a private individual, except torts, can bring a suit in the Court of Claims against the Government. I may say, of course, that there is a specific exception as to war claims.

Now, there was another case about which I asked the gentleman from Pennsylvania—the Columbia Bank. And what is the explanation of that case? If the Columbia Bank is entitled to $50,000, the Government ought in all justice to pay out anywhere from one to ten hundred million dollars to the people of this country. It has been the universal custom throughout the ages that an army in motion did not pay for the property it destroyed. For the property which was consumed the army paid. For the property destroyed there was no pay. No military officer in command of troops would know where he stood if he felt all the time the necessity of being economical in the destruction of property.

These people they may say are loyal. Very likely. They took the chances which other people take. If this were a fresh claim, if this were something which happened yesterday, sympathetic considerations might cause us to appropriate for it; but the men who lost the bridge, the men who lost the money, will never get it back. It is not the men who owned the Columbia National Bank who will receive the money, not the men who owned the property when it was taken. There is no sympathetic consideration in this case, and this claim ought not to be allowed; it ought not to be paid unless it is the settled purpose of Congress to appropriate money in payment of every dollar's worth of property which was destroyed by the Union Army belonging, at least, to loyal citizens. I do not know whether Congress is yet ready to go as far as the Stark case proposes, in which it is claimed that we must not only appropriate for the loyal citizens who lost property, but also permit them to purchase by assignment claims of disloyal citizens and then allow the loyal citizen for the full amount. I do not know. In this era of good feeling it would be a delight to my heart, if it were possible without bankrupting the Government, to vote to many of the people in the South who were injured by the war, whose property was destroyed by the Army without any special fault on their part, money to reimburse them; but I take it that that question has been foreclosed and that if the proposition were made in the House in its broad term it would be opposed mostly by the Representatives from those States.

Mr. Chairman, these illustrations at random, selected in the House at random, are sufficient reason, in my mind, for insisting upon an explanation of every item in this bill, and so far as lies within my power I propose to insist, under the Rules of the House, that there shall be an explanation of each and every item in this omnibus bill. I am not willing to say that because an omnibus claims bill can be brought into the House with certain claims from the State of Illinois, one of which is in favor of a constituent of mine whom I honor and respect most highly—I am not willing to say that because, perchance, I would like to vote for his claim, that all of the rest of the Members of the House in similar circumstances should now vote for my claim if I vote for theirs. I think these claims ought to be considered on their merits. If the Committee on War Claims would say in these cases that it had considered the report of the Committee on Claims, very well. But how is it done? The Senate will refer a claim to the Committee on Claims. Take this naval-pay case. The Committee on Claims has never reported in favor of the payment of the $665. There is not a line in the judgment which the gentleman has had read here in favor of the payment of that claim. Everybody knew who knew the case that that had been adjudicated upon before. There was nothing for the Committee on Claims to report upon. Thereupon the Senate of the United States passed a resolution to have that claim referred to the Court of Claims. It comes back to the Senate, and there is not a line in the report indicating that the money should be paid. The Court of Claims does not render any judgment. It simply says that according to their previous finding there would have been six hundred and sixty-five and odd dollars due this man if Congress had not fixed the limitation of time.

Mr. MAHON. Will the gentleman yield?

Mr. MANN. Yes; how much time?

Mr. MAHON. Ten minutes.

Mr. MANN. I yield ten minutes to the gentleman from Pennsylvania.

Mr. MAHON. Now, Mr. Chairman, the nigger is out of the wood pile, and we might as well face the situation.

Mr. KEIFER rose.

Mr. MAHON. No; I have not the time now.

Mr. KEIFER. I want to give the gentleman an opportunity to reply to my suggestion about the law.

Mr. MAHON. I am satisfied that I am right about that, and I do not care to hear from the gentleman.

Mr. KEIFER. If the gentleman will allow me five minutes before he makes his speech.

Mr. MAHON. I will after a while, after I get through.

Mr. Chairman, we hear talk that every man in this country, if he has a legal claim, can be easily paid in Congress. Here are 300 people at least, and there can be no dispute about their claims. Every Member of this Congress knows that you can not pass these claims one after another on private-bill days. The rules of this House are very nicely fixed, which I opposed, giving the Committee on Pensions two days in each month for the consideration of pension bills, and the Committee on War Claims one Friday, and the Committee on Claims one Friday in each month. My experience has been since the rule was adopted that generally a big appropriation bill is rushed ahead of the day set apart for the Committee on Claims, and so during the long term of the last Congress this committee had no consideration. I am not complaining. It is the rule that was made. It is so easy for these people to be paid! I do not want to impugn the motives of the gentleman from Illinois [Mr. MANN]. He is in earnest in this matter. But I have been around this House so long that when I see movements made with military precision I think I have sense enough—I have judgment enough—to know what is going on, and I am going to be perfectly frank with what I have got to say.

Two or three little bills here to-day—the Stark bill, which the committee proposes to amend when they reach it by reducing it to one-half; then one little bill from the Court of Claims. They have not found any fault with any other except the Columbia Bridge bill, and I will stake my reputation I am right on that as to the law, and if the gentlemen will come to my office and give me a little leisure I will give them enough law to keep them reading for a month.

Mr. KEIFER. I want to save the gentleman the humiliation of being in conflict with the Supreme Court of the United States.

Mr. MAHON. Now, Mr. Chairman, this bill is not perfect. The Committee on War Claims—I ignore myself—is composed of thirteen men, mostly lawyers. All these claims have been given very careful consideration for the last four or five months. I have given my own, I know, but like all other appropriation bills, things come in that probably should not be in, and I have appealed to those gentlemen to wait until we reach them under the five-minute rule and then they could be stricken out, but no, they wanted to debate them now. I say the bill is not perfect. If we treated the river and harbor bill, which I have always voted for, if the gentlemen who oppose this bill would be so anxious about every little item in that bill and wanted to know all about it in general debate, it would take us six months to pass it—as this bill. We would not put in an appropriation for Raccoon River, New Jersey, $20,000, for boats drawing 21 or 22 inches of water, or, as was said by a gentleman in making a speech in regard to an appropriation, that out in his county a flood had changed the stream and had left his port 10 or 12 miles away from water. If the gentlemen are in earnest in saying that these people are entitled to be paid, this is the way to have them paid. An omnibus bill has been recognized by Congress. It is no more an omnibus bill than the river and harbor bill, no more than any other appropriation bill or public buildings bill. They are all omnibus bills. Now, the claims in here from the Court of Claims have had the sanction from the court. I am very free to say I have read their decisions, most of them, all of them, but we are not going to criticise the court we created. If they make a mistake, that is their business. The gentleman from Illinois ruled the French spoliation items out on the point of order, which point is well taken. We put that in

simply to guard this Congress against fraudulent claims. Now, Mr. Chairman, as I say, the committee worked hard on this bill. There is nothing personal in it. I do not know these claimants. I have always stood by what I believe, that when a man had an honest claim against the Government the Government ought to pay him. I reported that Schiffer claim myself. I wrote that report, and with all due deference to my friend from Illinois, he could not write a better one. There is a great deal of work on it, and I am satisfied that man should be paid, but, Mr. Chairman——

Mr. OTJEN. A gentleman said you criticised the Supreme Court.

Mr. MAHON. I said the nonintercourse act was pleaded, and, of course, the court very properly refused to give judgment. That is all. These gentlemen talk about being willing to have all these people paid. There has been a disposition on the part of Congress—not of Congress, but some gentlemen on the floor of this Congress and on this side—to defeat this bill by parliamentary tactics and delay. There is no use whitewashing, I understand that. It is the purpose to kill this bill to-day and keep the House from voting for it and not let it come up this session. If the gentleman from Illinois was chairman of the Committee on War Claims and should put these bills on the Calendar, though a young man—I am nearly old enough to be his grandfather——

Mr. MANN. Older in wisdom.

Mr. MAHON. And attempt to pass the legitimate claims that come in this Congress, he would have the frosts of one hundred and fifty winters on his head before he got half through. The gentleman knows it is impossible. Now, as I said to the committee, to the gentleman from Illinois, and the gentleman from New York, if there are any bills that they object to, when they are reached I agree to give plenty of time to amend or to strike out, and I am very frank to say, in regard to the Stark case, I was not in sympathy with appropriating the whole amount. I had intended when reaching that part of the bill to move to cut it out and pay one-half.

But taking that bill and the other, which is the insurance case, which will probably open some very just criticism, there is no criticism which can be made justly as to the balance of these claims against the Court of Claims. So let us bring this bill up and pass it, and if the gentlemen move to strike out and amend I will agree to give them time in which to do it. If we are not to pass this bill there is no use to waste the time of the House, because if the gentleman is going to have every item scrutinized and every item debated we could not pass it if we were to stay here for six months.

Mr. KEIFER rose.

Mr. MANN. Mr. Chairman, I want to keep my time. The gentleman from Ohio [Mr. KEIFER] is entitled to some time himself.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has twelve minutes.

Mr. MANN. I will reserve the balance of my time, if I may, until the gentleman from Ohio [Mr. KEIFER] yields.

Mr. KEIFER. Mr. Chairman, I am only in this debate accidentally. I undertook to state from memory what I believed was the law relating to this class of claims, perhaps not to all of them included in this bill, and did not rise originally to antagonize the bill or any provision of it. I undertook to state merely from memory the principle I understood, from having examined the subject more than a quarter of a century ago, obtaining in all of the civilized nations of the world, and in my imperfect way I succeeded in stating so much of it as led gentlemen all around me to contend that I had fallen into an error. And the distinguished chairman of the committee found a case and read it that was in exact opposition to the principle that I stated.

Now, I did state that the principle of that case had been overruled long ago—totally overruled in this country—by a tribunal that met for the purpose of considering war claims, and by various other courts, and I only now arise for the purpose of settling the question so far as justifying myself, and to read from only one case, a case of the highest authority, that of the United States *v.* Pacific Railroad, found on page 227 of 120 United States Reports, and decided in 1886. I may state preliminarily that the decision rendered was the unanimous judgment of the Supreme Court of the United States, all the judges of that court concurred therein, and the opinion which I may read from is that of Justice Field, one of the most eminent of the justices of that court. I read the first proposition of the syllabi of the case, as follows:

The United States are not responsible for the injury or destruction of private property caused by their military operations during the civil war.

Now, so that we may get a clear statement——

Mr. MANN. I hope the gentleman will read that over again, so that the gentleman from Pennsylvania [Mr. MAHON] will get the full import of it.

Mr. KEIFER. I will read what will include it. Justice Field, in considering this case, which was a claim for large damages—about $136,000—took pains, for the benefit of the country, to review the decisions and the writers on law of this country and other countries. Let me read a little from his opinion, reading first from page 233 of the volume:

The war, whether considered with reference to the number of troops in the field, the extent of military operations, and the number and character of the engagements, attained proportions unequaled in the history of the present century. More than a million of men were in the armies on each side. The injury and destruction of private property caused by their operations, and by measures necessary for their safety and efficiency, were almost beyond calculation. For all injuries and destruction which followed necessarily from these causes no compensation could be claimed from the Government. By the well-settled doctrines of public law it was not responsible for them. The destruction or injury of private property in battle, or in the bombardment of cities and towns, and in many other ways in the war, had to be borne by the sufferers alone as one of its consequences. Whatever would embarrass or impede the advance of the enemy, as the breaking up of roads or the burning of bridges, or would cripple and defeat him, as destroying his means of subsistence, were lawfully ordered by the commanding general. Indeed, it was his imperative duty to direct their destruction. The necessities of the war called for and justified this. The safety of the State in such cases overrides all considerations of private loss. *Salus populi* is then, in truth, *suprema lex*.

These views are sustained in treatises of text writers, by the action of Congress, and by the language of judicial tribunals. (Respublica *v.* Sparhawk, 1 Dall., 357; Parham *v.* The Justices, 9 Geo., 341; Taylor *v.* Nashville and Chattanooga Railroad, 6 Coldwell, 646; Mayor *v.* Lord, 18 Wend., 126.)

Vattel, in his Law of Nations, speaks of damages sustained by individuals in war as of two kinds—those done by the state and those done by the enemy. And after mentioning those done by the state deliberately and by way of precaution, as when a field, a house, or a garden belonging to a private person is taken for the purpose of erecting on the spot a town rampart or other piece of fortification, or when his standing corn or his storehouses are destroyed to prevent their being of use to the enemy, and stating that such damages are to be made good to the individual, who should bear only his quota of the loss, he says: "But there are other damages caused by inevitable necessity, as, for instance, the destruction caused by the artillery in retaking a town from the enemy. They are merely accidents; they are misfortunes which chance deals out to the proprietors on whom they happen to fall."

The sovereign, indeed, ought to show an equitable regard for the sufferers if the situation of his affairs will admit of it; but *no action* lies against the state for misfortunes of this nature—for losses which she has occasioned, not willfully, but through necessity and by mere accident, in the exertion of her rights. The same may be said of damages caused by the enemy. All the subjects are exposed to such damages, and woe to him on whom they fall. The members of a society may well encounter such risk or property, since they encounter a similar risk of life itself. Were the state strictly to indemnify all those whose property is injured in this manner, the public finances would soon be exhausted, and every individual in the state would be obliged to contribute his share in due proportion, a thing utterly impracticable.

A word more, Mr. Chairman. I read further from the same opinion:

The principle that for injuries to or destruction of private property in necessary military operations during the civil war the Government is not responsible is thus considered established. Compensation has been made in several such cases, it is true; but it has generally been, as stated by the President in his veto message, "a matter of bounty rather than of strict legal right."

In what we have said as to the exemption of government from liability for private property injured or destroyed during war by the operations of armies in the field, or by measures necessary for their safety and efficiency, we do not mean to include claims where property of loyal citizens is taken for the service of our armies, such as vessels, steamboats, and the like, for the transport of troops and munitions of war, or buildings to be used as storehouses and places of deposit of war material, or to house soldiers or take care of the sick, or claims for supplies seized and appropriated. In such cases it has been the practice of the Government to make compensation for the property taken. Its obligation to do so is supposed to rest upon the general principle of justice, that compensation should be made where private property is taken for public use, although the seizure and appropriation of private property under such circumstances by the military authorities may not be within the terms of the constitutional clause. (Mitchell *v.* Harmony, 13 How., 115, 134; United States *v.* Russell, 13 Wall., 623.)

While the Government can not be charged for injuries to or destruction of private property caused by military operations of armies in the field or measures taken for their safety and efficiency, the converse of the doctrine is equally true, that private parties can not be charged for works constructed on their lands by the Government to further the operations of its armies. Military necessity will justify the destruction of property, but will not compel private parties to erect on their own lands works needed by the Government, or to pay for such works when erected by the Government. The cost of building and repairing roads and bridges to facilitate the movements of troops or the transportation of supplies and munitions of war must therefore be borne by the Government.

The concluding sentence of this admirable opinion, in so far as it relates to the disposition of the claim for such damages, is:

The court will leave the parties where the *war* and the *military operations* of the Government left them.

Now, Mr. Chairman, I feel like congratulating myself that I made a pretty good guess at what the law of this country is on the question of war damages. My statement a few moments ago was warranted by a decision of the highest judicial tribunal in

this country. The case of Grant was decided in October, 1863, and was not well considered by the then new Court of Claims, and it has been long ago overruled in principle and by name as we have seen. But whether so or not, the principle laid down here by Justice Field in his opinion, which was put, with the concurrence of all his associates, into the first proposition of the syllabi of the case, disposes of that and of all other cases of this class, and firmly establishes the rule which should obtain here in disposing of this class of claims, unless you propose to treat them as mere bounties and deal with them as such.

Mr. MANN. Mr. Chairman, I am perfectly willing that the gentleman should have more time if he desires it. I will yield him all the time he wants, but I do not want to lose my rights.

Mr. MAHON. I do not care to indulge in personalities or to talk about the movement of military forces. There was no conflict in hundreds of miles. I still sustain and still hold to my legal position. There had been marching to battle and to conflict, and property had been destroyed all the time, for which there was no compensation paid. That was all thrashed out in the decision before the Court of Claims, and the question was, Shall the Attorney-General refuse to appeal it to the Supreme Court of the United States?

Now, Mr. Chairman, it is very evident that if we are going to examine every claim in this bill, it will take all night, and I move that the committee do now rise.

Mr. MANN. Before the gentleman makes that motion, will he not allow me to make a statement?

Mr. MAHON. I have no objection.

Mr. MANN. A few moments ago the gentleman from Pennsylvania stated that he did not propose to impugn the motives of the gentleman from Illinois, referring to me, and said that the procedure in the House practically established that under the rules of the House the purpose was to prevent the consideration of this bill, the intimation being this was probably somewhat directed by the Speaker of the House.

Now, Mr. Chairman, so far as I am concerned, I want to say that I never have exchanged words with the Speaker of the House of Representatives in reference to the omnibus claims bill or in reference to this matter in any way whatever. During the holidays I obtained some of the claims which had been reported from this committee, as a sort of light reading. It was my misfortune, when born, to be born with an inquiring turn of mind. That is something that, while I may be blamed for it, still gentlemen will have to forgive me, because it is natural. [Laughter.] I endeavored to obtain the bills which had been reported from this committee, knowing that they were entitled to a day soon in the House, and, being in favor of giving them their day, I asked for a complete set, from the document room, of all the bills on the Calendar that had been reported from this committee and from the Committee on Claims. And I want to assure the gentlemen of the House, as an aside, that I never have had more entertainment than in reading some of the reports of these two committees, which were so interesting that several nights, without even an indication of sleepiness, I continued their perusal until after 2 o'clock in the morning. But I failed to get the omnibus claims bill. I did not know there was an omnibus claims bill pending in Congress, and when some gentleman said to me on the floor to-day when we met, that we were going to consider the omnibus claims bill, I said: "There is no such bill on the Calendar. Was that bill reported this morning?" So that the insinuation of the gentleman, that this is a prearranged plan, is wholly the product of his vivid imagination, which he has not confined to his statements concerning my action, but has put into some of his reports on these claims. If he had left his vivid imagination behind him in passing upon some of these claims, and had confined the report of this committee to claims which ought to be paid and about which there could be no question, I would not be found here to-day objecting.

Now, there is another thing. The gentleman from Pennsylvania [Mr. MAHON] has been here fourteen years. There is no man in this House for whom I have more respect and more honor than the gentleman from Pennsylvania. I appreciate his trying position. I appreciate the fact that he has been the target for more lobbyists, more people desiring to get money out of the Treasury, than any other man in Congress during those fourteen years. I do not criticise him for bringing in these reports. I understand that we are all subject to be influenced, not by improper motives, but by the facts that are stated to us, the arguments that are made before us, and very often we are persuaded, possibly against our will, to decide in favor of a thing at a particular time, which afterwards we think was wrong. The gentleman from Pennsylvania has been here fourteen years. I have not been here so long. I am just closing my tenth year in this House; but I have been here long enough to know that whenever an omnibus claims bill has passed this House, it usually has passed with most of the claims in it perfectly proper and legitimate; but after leaving this House it has gone to another place and there been filled up with claims which no honest government ought to pay, and then under certain peculiar circumstances, which are always allowable in legislative bodies in the closing days of Congress, the situation has arisen referred to the other day by the distinguished gentleman from Missouri [Mr. CLARK], where the jobs have been put through, where things that ought not to go in have been allowed, because people wanted to pay just claims and in order to pay just claims they were required to pay others which were unjust. I know that gentlemen in the House here who are waiting to have their little claims considered for people in their districts, claims that ought to be paid, are not willing to vote against their own claims in order to kill other claims which they never would favor; and when the gentleman from Pennsylvania [Mr. MAHON] is willing to say to the House that when this bill passes the House, certain classes of claims shall be stricken out and that they shall not be reinserted and agreed to by him in conference, and that other claims which ought not to be paid shall not be agreed to by him in conference and then reported into the House of Representatives in the closing hours of the session, when probably there will not be forty men in the House, when no one dares to raise the question of no quorum because it would mean an extra session of Congress—when the gentleman makes that agreement, I am willing to waive my rights under the rules of the House; but until he does, I shall insist upon my rights as a Representative under the rules of the House.

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask the gentleman a question.

Mr. MANN. Certainly.

Mr. GAINES of Tennessee. The gentleman has well stated that matters are crowded through Congress here at the last days of each session. We all know that that is a fact. Does he not think that all of the troubles which he has been alluding to, or a great many of them, could be avoided if all the Members of the House and all the members of the Senate would come here every day, as he does, and a few others that I could mention, and attend to the business of the people, instead of waiting until the dying hours of Congress and then rushing the business through?

Mr. MANN. Well, Mr. Chairman, if the gentleman will pardon me for answering that question, I may say that I have some doubt whether if all the Members were as "numerous" on different occasions as I am, when probably they ought to be in their seats—if they all came here and did the same thing that I am doing, I am afraid there never would be anything done. [Applause and laughter.]

Mr. GAINES of Tennessee. I think it is a godsend, and I think it is a blessing to the country and to the Treasury of the United States, that the gentleman is not only in his seat as often as he is, but that he is on his feet as often as he is, protesting against the wrongs and pointing out the evils that creep into legislation here because of the chronic absence of the Members of this House.

Mr. KEIFER. I would like to ask the gentleman from Illinois [Mr. MANN] whether he did not include with himself the gentleman from Tennessee [Mr. GAINES] in the statement he has just made. [Laughter.]

Mr. GAINES of Tennessee. Oh, I am always included in everything that is wrong by some people, and I would rather be thus included than otherwise, considering the sources the criticisms sometimes come from. [Laughter.]

Mr. MAHON. Mr. Chairman, I want to say to the gentleman from Illinois that I am very sorry he brought the name of the Speaker into this matter. The name of the Speaker was not in my mind at all. I saw when we started that if the gentleman were to exercise his rights under the rules of this House, the bill could never be passed at this session. Of course he has a right to do that, and I have no complaint to make. As to this bill going over to the Senate, I have had charge of some very large omnibus bills. We once passed a bill out of this House carrying eight or nine hundred thousand dollars. When it came back from the Senate it had $9,000,000 added, and my friend from New York [Mr. PAYNE] will bear me out in the statement that we stood for two months in conference and forced the Senate conferees to knock out about $8,000,000 of the claims that they had put on. Gentlemen who have served on conference committees between the Senate and the House on omnibus bills will understand the situation. I know the men who are familiar with the passage of these conference reports and bills will do me the credit of saying that I always try to get for the House what I think will satisfy the House. I am not anxious to get

on the conference committee this year. It means long work. I have no reflections to make. I have been here long enough to know some things, and we had not been on this bill ten minutes before I knew that I would not get it through to-day. I saw the movements of, not the Speaker, but of lieutenants and captains of legislation. I am not complaining. They have a right to do it, but when I saw the getting together and the movements I knew exactly the plan of battle that had been laid out and what I was up against, and I knew this bill could not go through to-day.

Now, the gentleman from Tennessee [Mr. GAINES] is complaining about our not remaining here. The only complaint I have got to make of the gentleman from Tennessee is in reference to an interview which I noticed in the Washington Times the other day, in which he said that my friend from New York [Mr. PAYNE] and himself and a few others were "frazzled out," as he used the term. A gentleman sitting alongside of me suggested that if our friend from Tennessee would go down to Tennessee for a month or two and get the good of mountain air there and get the frazzle out of him, it would be a good thing for everybody. [Laughter.]

Mr. GAINES of Tennessee. I am sure, Mr. Chairman, that if I follow the example of the distinguished gentleman from Pennsylvania [Mr. MAHON] I would be away from here 95 per cent of my time. Now, if the gentleman wants to make this matter personal, I want to say to the country at large and to this House that if there is any law on the statute book for docking absentees, whether the gentleman from Pennsylvania [Mr. MAHON] or the gentleman from Ohio [Mr. KEIFER] or the gentleman from Tennessee or elsewhere, I am going to have that law enforced if I can, even though the gentleman from Pennsylvania is going to try to keep this House from enforcing this law.

Mr. MAHON. Yes; and I did not dock myself.

Mr. GAINES of Tennessee. Oh, I have been reading the gentleman's speech in the House in 1894 on that question. He says there is no law on the books for that, and he protested against it because the Sergeant-at-Arms of the House undertook to dock him. Now, I have a record of being here and standing by the law, and I want the gentleman, if he can not take an example from me in anything else, to at least remain here in his committee room working on these claims, so that he may bring in cleaner claims and better claims, and so that the gentleman from Illinois [Mr. MANN] and others will not take up all of the time of the House in trying to purge the bill of its evil claims, which could be avoided if the gentleman would bring in a clean bill, one that we can pass in a few hours.

Mr. MAHON. Mr. Chairman——

Mr. SIMS. A good deal of the time of the House has been used up by the gentleman from Illinois in purging the bill of the Stark claim.

Mr. GAINES of Tennessee. That is all right, if it is an unclean claim coming from my district let it be purged, but let the gentleman from Pennsylvania stay in his committee room instead of staying at home, thereby forcing the bill to be purged by the Committee of the Whole.

Mr. SIMS. Does the gentleman think that the Stark claim is a bad claim?

Mr. GAINES of Tennessee. Oh, no; but——

Mr. MANN. I have not referred to the Stark claim to-day.

Mr. GROSVENOR. Mr. Chairman, I have a question of privilege. I would ask that the gentleman from Tennessee indicate more clearly to what gentleman from Ohio he refers.

Mr. GAINES of Tennessee. I meant the gentleman's colleague, Mr. KEIFER, who made his usual sling at me. No man can run me from this House or elsewhere.

Mr. GROSVENOR. Then the gentleman acquits me.

Mr. GAINES of Tennessee. I acquit the gentleman.

Mr. MAHON. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RODENBERG, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19003), the omnibus claims bill, and had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same.

H. J. Res. 196. Joint resolution relating to the construction of a bridge at Fort Snelling, Minn.;

H. R. 4554. An act to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnewski;

H. R. 21200. An act to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River, in Allegheny County, Pa.;

H. R. 21408. An act to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906.

H. R. 1871. An act granting an increase of pension to Alonzo Cooper;

H. R. 2315. An act granting a pension to Miranda Birkhead;

H. R. 2715. An act granting an increase of pension to Charles Martine;

H. R. 2978. An act granting a pension to Amanda M. Webb;

H. R. 3338. An act granting an increase of pension to Lafayette Franks;

H. R. 4205. An act granting an increase of pension to Amanda W. Ritchie;

H. R. 4292. An act granting a pension to George W. Kelley;

H. R. 4689. An act granting an increase of pension to James Reeder;

H. R. 4690. An act granting an increase of pension to Andrew J. Slinger;

H. R. 4707. An act granting an increase of pension to John H. Pitman;

H. R. 5728. An act granting an increase of pension to William Harvey;

H. R. 5846. An act granting an increase of pension to John M. Chandler;

H. R. 6956. An act granting an increase of pension to Henry L. Johnson;

H. R. 7580. An act granting an increase of pension to James W. Stewart;

H. R. 7719. An act granting an increase of pension to George Fetterman;

H. R. 8273. An act granting an increase of pension to John M. Pearson;

H. R. 8481. An act granting an increase of pension to Richard Callaghan;

H. R. 8712. An act granting an increase of pension to Josiah Hall;

H. R. 9107. An act granting a pension to James W. Russell;

H. R. 9262. An act granting an increase of pension to Thomas J. Farrar;

H. R. 9465. An act granting a pension to Ella Q. Parrish;

H. R. 9836. An act granting an increase of pension to Dier Collett;

H. R. 10814. An act granting a pension to Eugene A. Myers;

H. R. 11142. An act granting an increase of pension to James McQuade;

H. R. 11483. An act granting a pension to Maria Niles;

H. R. 12128. An act granting an increase of pension to Dennis A. Litzinger;

H. R. 12190. An act granting an increase of pension to Milton R. Dungan;

H. R. 12339. An act granting an increase of pension to Charles T. Murray;

H. R. 12482. An act granting an increase of pension to Samuel B. McLean;

H. R. 12517. An act granting a pension to William Bays;

H. R. 12667. An act granting an increase of pension to Charles W. Weber;

H. R. 13057. An act granting an increase of pension to James S. Salsberry;

H. R. 14144. An act granting a pension to Allen M. Cameron;

H. R. 14199. An act granting an increase of pension to John Ewing;

H. R. 14480. An act granting an increase of pension to Mary C. Moore;

H. R. 14537. An act granting an increase of pension to Robert B. Crawford;

H. R. 14680. An act granting an increase of pension to Sampson Parker;

H. R. 15619. An act granting an increase of pension to Samuel W. Atkinson;

H. R. 15620. An act granting an increase of pension to David D. Owens;

H. R. 15713. An act granting an increase of pension to William McCrea;

H. R. 16211. An act granting an increase of pension to John W. Montgomery;

H. R. 16342. An act granting a pension to Matilda Foster;

H. R. 16397. An act granting an increase of pension to Allie Williams;

H. R. 16513. An act granting an increase of pension to Bridget M. Duffy;
H. R. 16741. An act granting an increase of pension to William J. Girvan;
H. R. 16747. An act granting a pension to Sherman Jacobs;
H. R. 16748. An act granting an increase of pension to Lucius C. Fletcher;
H. R. 16856. An act granting an increase of pension to Joseph McBride;
H. R. 17481. An act granting a pension to Eliza F. Wadsworth;
H. R. 17651. An act granting an increase of pension to Mary A. Riley;
H. R. 17675. An act granting an increase of pension to Jonas M. Sees;
H. R. 17691. An act granting an increase of pension to George W. Henrie;
H. R. 17874. An act granting an increase of pension to Roseanna Hughes;
H. R. 17918. An act granting a pension to Walter S. Harman;
H. R. 18018. An act granting an increase of pension to David Evans;
H. R. 18045. An act granting an increase of pension to John M. Webb;
H. R. 18066. An act granting an increase of pension to Alexander M. Fergus;
H. R. 18113. An act granting an increase of pension to Louisa M. Sees;
H. R. 18193. An act granting an increase of pension to Walden Kelly;
H. R. 18214. An act granting an increase of pension to John Ingram;
H. R. 18227. An act granting an increase of pension to Catharine F. Fitzgerald;
H. R. 18343. An act granting an increase of pension to John N. Oliver;
H. R. 18363. An act granting an increase of pension to Rudolph Bentz;
H. R. 18403. An act granting an increase of pension to Mary Jane Ragan;
H. R. 18429. An act granting an increase of pension to David Mitchell;
H. R. 18493. An act granting an increase of pension to George H. Reeder;
H. R. 18705. An act granting an increase of pension to Thomas T. Page;
H. R. 18860. An act granting an increase of pension to Andrew J. Anderson;
H. R. 19080. An act granting an increase of pension to Frederick Fienop;
H. R. 19101. An act granting an increase of pension to Sarah C. A. Scott;
H. R. 19119. An act granting an increase of pension to Susan M. Osborn;
H. R. 19161. An act granting an increase of pension to Marcus D. Tenney;
H. R. 19162. An act granting an increase of pension to Charles Van Tine;
H. R. 19174. An act granting an increase of pension to Martha A. Billings;
H. R. 19215. An act granting an increase of pension to John Lingenfelder;
H. R. 19256. An act granting an increase of pension to Louisa J. Birthright;
H. R. 19293. An act granting an increase of pension to William Colvin;
H. R. 19298. An act granting an increase of pension to Job B. Crabtree;
H. R. 19300. An act granting an increase of pension to Phebe Easley;
H. R. 19318. An act granting an increase of pension to Mary E. Rivers;
H. R. 19319. An act granting an increase of pension to Elizabeth Spruell;
H. R. 19320. An act granting an increase of pension to Louise J. Pratt;
H. R. 19321. An act granting an increase of pension to Mary E. Turner;
H. R. 19322. An act granting an increase of pension to Mary Isabella Rykard;
H. R. 19323. An act granting an increase of pension to Orlando L. Levy;
H. R. 19324. An act granting an increase of pension to Susan M. Long;
H. R. 19325. An act granting an increase of pension to George Oppel;
H. R. 19326. An act granting an increase of pension to Margaret R. Vandiver;
H. R. 19357. An act granting an increase of pension to Anna Lamar Walker;
H. R. 19359. An act granting an increase of pension to Levi Brader;
H. R. 19494. An act granting an increase of pension to Elias S. Falkenburg;
H. R. 19415. An act granting an increase of pension to Sarah Ann Reavis;
H. R. 19416. An act granting an increase of pension to Antonio Macello;
H. R. 19463. An act granting an increase of pension to Emma L. Patterson;
H. R. 19483. An act granting a pension to Lydia A. Patnaude;
H. R. 19503. An act granting an increase of pension to David S. Jones;
H. R. 19504. An act granting an increase of pension to Margaret E. Walker;
H. R. 19511. An act granting an increase of pension to Alexander Dixson;
H. R. 19514. An act granting an increase of pension to James H. Stimpson;
H. R. 19529. An act granting an increase of pension to Nancy Elizabeth Hutcheson;
H. R. 19530. An act granting an increase of pension to Charles P. Gray;
H. R. 19534. An act granting an increase of pension to Noah Ressequie;
H. R. 19587. An act granting an increase of pension to Martha Ann Jones;
H. R. 19601. An act granting an increase of pension to John E. Kingsbury;
H. R. 19611. An act granting an increase of pension to Jacob Kinkerly;
H. R. 19626. An act granting an increase of pension to Samuel Campbell;
H. R. 19743. An act granting an increase of pension to W. P. McMichael;
H. R. 19744. An act granting an increase of pension to George Casper Homan Hummel, alias George C. Homan;
H. R. 19819. An act granting an increase of pension to Johanna Kearney;
H. R. 19889. An act granting an increase of pension to John M. Melson;
H. R. 19922. An act granting an increase of pension to Mary A. Sutherland; and
H. R. 21678. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana.

The Speaker announced his signature to enrolled bills of the following titles:

S. 5565. An act to close certain alleys in the District of Columbia;
S. 5246. An act to provide for the extension of Geneseo place and Summit place, District of Columbia;
S. 2098. An act authorizing the extension of Second street NW. from Elm street north to Bryant street, of W street from its present terminus west of Flagler place to Second street, and W street west of Second street eastwardly to Second street;
S. 2260. An act authorizing the extension of Meridian place NW.;
S. 133. An act authorizing the extension of Twenty-third street NW. to Kalorama road;
S. 68. An act for the widening of a section of Columbia road east of Sixteenth street;
S. 55. An act for the widening of Bladensburg road, and for other purposes;
S. 64. An act for the extension of Seventh street and Franklin street NE., and for other purposes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

An act (S. 5869) for the relief of Larvan Gordon—to the Committee on Private Land Claims.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MARSHALL was granted leave of absence, on account of delayed trains.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly, under the order previously made (at 4 o'clock and 37 minutes p. m.), the House adjourned to meet again on Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph C. Smith against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Laura E. Roulston, administratrix of estate of James W. Roulston, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William T. Hamner against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Michael Canal, Alaska—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of the Interior, transmitting, in response to the inquiry of the House, a statement of public lands withdrawn from entry since July 1, 1906—to the Committee on the Public Lands, and ordered to be printed, with illustrations.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for an improved telephone service between the various Departments—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for construction of a keeper's dwelling at Fort Point light station, California—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for survey of Pine Ridge and Standing Rock Indian reservations—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for steel file cases—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to enable his Department to survey, plat, and appraise certain town sites in the Indian Territory—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a recommendation that a law be enacted authorizing a patent in fee simple to be issued to Charles C. Geboe, Quapaw allottee—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cold Spring Inlet, Cape May, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Commissioner of the Freedmen's Saving and Trust Company, transmitting report for the year ended December 1, 1906—to the Committee on Banking and Currency, and ordered to be printed.

A letter from the chairman of the Interstate Commerce Commission, recommending legislation authorizing experimental tests of safety devices for preventing railroad collisions—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for electrical protection for vaults in public buildings—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of the General Land Office, a statement of the action of the Department in relation to surveys within railroad land grants—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a recommendation for legislation relating to the capitalization of certain Indian annuities—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Postmaster-General submitting a report of all mail entered at the Washington post-office under the penalty privilege, and the sum which would have been required to pay postage on the same—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of the proceedings of the American National Red Cross for the year 1906—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, a bill of the following title was reported from committee, delivered to the Clerk, and referred to the Calendar therein named, as follows:

Mr. GAINES of West Virginia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21942) to construct bridges across the Tug Fork of Big Sandy River, reported the same with amendment, accompanied by a report (No. 5630); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 23376) to increase the compensation of rural carriers to $80 per month—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of California: A bill (H. R. 23377) providing for the sale of grazing and stone lands and milling timber, and for other purposes—to the Committee on the Public Lands.

By Mr. BROOCKS of Texas: A bill (H. R. 23378) to provide for a survey of the Sabine River in Louisiana and Texas—to the Committee on Rivers and Harbors.

By Mr. STEPHENS of Texas: A bill (H. R. 23379) for cleaning, clearing, and putting in navigable condition Red River above Fulton, Ark.—to the Committee on Rivers and Harbors.

By Mr. ALLEN of Maine: A bill (H. R. 23380) to amend the laws relating to the shipment and discharge of American seamen—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 23381) for the widening of Benning road, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 23382) authorizing the extension of Oak street NW.—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: A bill (H. R. 23383) to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE (by request): A bill (H. R. 23384) to amend an act entitled "An act to amend an act entitled 'An act to establish a Code of Law for the District of Columbia' regulating proceedings for condemnation of land for streets"—to the Committee on the District of Columbia.

By Mr. BOWERS: A bill (H. R. 23385) for a survey of the harbor at Biloxi, Miss.—to the Committee on Rivers and Harbors.

By Mr. McGUIRE: A bill (H. R. 23386) for cleaning, clearing, and putting in navigable condition the Red River above Fulton, Ark.—to the Committee on Rivers and Harbors.

By Mr. WALLACE: A bill (H. R. 23387) for the improvement of the Red River from Fulton, Ark., to the mouth of said river, cleaning, clearing, and putting in navigable condition—to the Committee on Rivers and Harbors.

By Mr. BARTLETT: A bill (H. R. 23388) to establish a subtreasury at Macon, Ga.—to the Committee on Ways and Means.

By Mr. WALLACE: A bill (H. R. 23389) for cleaning, clearing, and putting in navigable condition Red River above Fulton, Ark.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 23390) to establish a national wood-testing laboratory—to the Committee on Agriculture.

By Mr. THOMAS of North Carolina: A bill (H. R. 23391) to change the time of holding the United States district courts in the eastern district of North Carolina and to provide for the appointment of a clerk of the courts at Washington, N. C.—to the Committee on the Judiciary.

By Mr. LEVER: A bill (H. R. 23392) to establish a sub-

treasury at Columbia, S. C.—to the Committee on Ways and Means.

By Mr. MUDD: A bill (H. R. 23393) providing that hours of service of certain employees engaged in operating any steam railroad in the District of Columbia shall be limited to not more than eight hours in any twenty-four consecutive hours—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 23394) to provide for an additional district judge for the northern district of California—to the Committee on the Judiciary.

By Mr. VREELAND: A resolution (H. Res. 675) for the employment of five additional folders in the folding room of the House—to the Committee on Accounts.

By Mr. GREENE: A resolution (H. Res. 676) requesting information from the Postmaster-General—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLESON: A joint resolution (H. J. Res. 210) extending the pension act of July 27, 1892, to certain officers and men of the Army—to the Committee on Pensions.

By Mr. McCLEARY of Minnesota: A joint resolution (H. J. Res. 211) authorizing the transfer of the files, books, and pamphlets of the Industrial Commission—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 23395) granting a pension to Amanda Pearson—to the Committee on Invalid Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 23396) to refund customs taxes illegally assessed and collected of John B. Keating, of Portland, Me.—to the Committee on Claims.

By Mr. ANDREWS: A bill (H. R. 23397) granting an increase of pension to David Denholm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23398) granting an increase of pension to Quincy Adams Stiteler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23399) granting an increase of pension to Frank A. Hill—to the Committee on Pensions.

Also, a bill (H. R. 23400) granting an increase of pension to C. H. Kirkpatrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23401) for the relief of Louis Kahn—to the Committee on Claims.

Also, a bill (H. R. 23402) granting an increase of pension to Henry W. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23403) for the relief of Manuel Madril, of New Mexico—to the Committee on Claims.

By Mr. AMES: A bill (H. R. 23404) granting an increase of pension to Lewis Zaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23405) granting an increase of pension to David Curran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23406) granting an increase of pension to Dennis Sullivan—to the Committee on Pensions.

Mr. ANDRUS: A bill (H. R. 23407) granting an increase of pension to Hurd L. Miller—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 23408) granting a pension to Charles E. Holcomb—to the Committee on Pensions.

Also, a bill (H. R. 23409) for the relief of the heirs at law of Wesley C. Welch, deceased—to the Committee on War Claims.

By Mr. BENNET of New York: A bill (H. R. 23410) to amend the military record of Howard A. Whitfield—to the Committee on Military Affairs.

By Mr. BISHOP: A bill (H. R. 23411) granting a pension to George H. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23412) granting an increase of pension to Daniel L. Barnes—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 23413) granting a pension to the surviving members and the widows of members of the Forsythe Scouts—to the Committee on Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 23414) granting an increase of pension to Joseph Riddle—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 23415) granting a pension to Frank West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23416) granting a pension to William Goodwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23417) granting a pension to Lafayette J. Spangle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23418) granting a pension to William Cockrun—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23419) granting a pension to William J. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23420) granting a pension to Benjamin F. Longacre—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23421) granting a pension to Thomas Inman—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 23422) granting an increase of pension to Samuel Richard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23423) granting an increase of pension to Eldrige Simpson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23424) granting an increase of pension to William H. Cannon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23425) granting an increase of pension to James Cheffer—to the Committee on Invalid Pensions.

By Mr. COCKS: A bill (H. R. 23426) granting an increase of pension to John S. Bergen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23427) granting an increase of pension to Mary E. Young—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 23428) granting a pension to Louie E. Read—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23429) granting an increase of pension to William McAdams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23430) granting an increase of pension to Giles J. Titus—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 23431) granting a pension to Henry S. Corey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23432) granting a pension to James Le Gro—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 23433) granting an increase of pension to James T. Cantrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23434) granting an increase of pension to James T. Gothard—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 23435) granting a pension to Martha R. O. Oleson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23436) granting an increase of pension to Jonas P. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23437) to remove the charge of desertion from the military record of John Regan and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. DAWSON: A bill (H. R. 23438) granting an increase of pension to Harvey Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23439) granting an increase of pension to Charles E. Goodno—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 23440) granting a pension to Carrie May Allen—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 23441) granting an increase of pension to John Mess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23442) granting an increase of pension to James J. Lawley—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 23443) granting an increase of pension to Louisa R. Matthews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23444) granting an increase of pension to Jennie E. Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23445) granting an increase of pension to Phaon F. Gerhard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23446) to correct the military record of Aaron B. Galloway—to the Committee on Military Affairs.

By Mr. ELLIS: A bill (H. R. 23447) granting a pension to John H. T. Yost—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 23448) granting an increase of pension to William D. Galloway—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 23449) granting a pension to Menzo W. Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23450) granting a pension to Edson Billings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23451) granting a pension to William Woodhouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23452) granting a pension to Stephen L. Tobey—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 23453) granting an increase of pension to Margaret T. Everly—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 23454) for the relief of Sarah E. Terrill—to the Committee on War Claims.

By Mr. FOSTER of Indiana: A bill (H. R. 23455) granting an increase of pension to Robert Magill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23456) granting an increase of pension to William H. Hutchinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23457) granting an increase of pension to Nathan S. Martin—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 23458) granting an increase of pension to Edgar D. Ellis—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23459) granting an increase of pension to Mary Morgan—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 23460) authorizing a survey of the Arroya Colorado, in Texas, from Harlingen to Point Isabel—to the Committee on Rivers and Harbors.

By Mr. GILL: A bill (H. R. 23461) for the relief of the Sanford & Brooks Company—to the Committee on Claims.

Also, a bill (H. R. 23462) granting a pension to Catherine Myer—to the Committee on Pensions.

Also, a bill (H. R. 23463) granting an increase of pension to Thomas E. Kelly—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 23464) authorizing the President to nominate and appoint Trangett F. Keller as second lieutenant in the United States Army—to the Committee on Miliary Affairs.

Also, a bill (H. R. 23465) granting a pension to Abraham W. Eckstein—to the Committee on Pensions.

Also, a bill (H. R. 23466) granting a pension to Michael Baker—to the Committee on Pensions.

Also, a bill (H. R. 23467) granting an increase of pension to Michael Flanagan—to the Committee on Pensions.

Also, a bill (H. R. 23468) granting an increase of pension to Martin Becker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23469) granting an extension of letters patent No. 482951 to William D. Stratton and John H. Drake—to the Committee on Patents.

By Mr. GRONNA: A bill (H. R. 23470) for the relief of Henry Rustan—to the Committee on Claims.

By Mr. HASKINS: A bill (H. R. 23471) granting an increase of pension to Joseph A. Robinson—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 23472) granting an increase of pension to John Bolles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23473) granting an increase of pension to Henry E. Silcox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23474) granting an increase of pension to Horace R. Chester—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 23475) granting an increase of pension to T. J. Green—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 23476) granting an increase of pension to Fredrick Ellison—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 23477) granting an increase of pension to Caroline Vick—to the Committee on Pensions.

By Mr. LORIMER: A bill (H. R. 23478) granting an increase of pension to Ezekiel Downey—to the Committee on Pensions.

Also, a bill (H. R. 23479) granting an increase of pension to Charles L. Cureton—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 23480) granting a pension to William Pouder—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 23481) granting an increase of pension to John G. Price—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 23482) granting a pension to Louise H. Curtis—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 23483) granting an increase of pension to James R. Wiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23484) granting an increase of pension to Chancy Buckingham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23485) granting an increase of pension to Samuel Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23486) granting an increase of pension to Cornelius Kramer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23487) granting an increase of pension to Mrs. John H. Ash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23488) granting an increase of pension to David Furnas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23489) granting an increase of pension to John S. Cantril—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23490) granting an increase of pension to John Doyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23491) granting an increase of pension to Thomas R. Hornaday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23492) granting an increase of pension to John W. Shirley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23493) granting an increase of pension to William Kunkle—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 23494) granting a pension to Wenzel Patzelt—to the Committee on Pensions.

Also, a bill (H. R. 23495) granting an increase of pension to Adam Sliger—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 23496) for relief of trustees of Harpeth Academy—to the Committee on War Claims.

Also, a bill (H. R. 23497) for relief of the trustees of Porter Female Academy—to the Committee on War Claims.

Also, a bill (H. R. 23498) for relief of heirs of Joseph W. Baugh, sr., deceased—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: A bill (H. R. 23499) granting an increase of pension to Thomas J. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23500) for the relief of William A. Chisholm, administrator of William S. Chaplin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23501) for the relief of the estate of Stephen A. Kittles, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23502) for the relief of the estate of John Fripp, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23503) for the relief of the heirs of Daniel P. Jenkins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23504) for the relief of the heirs of T. B. Fripp, deceased—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 23505) granting an increase of pension to Richard Welch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23506) granting an increase of pension to William B. Yawger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23507) granting a pension to Myron C. Marshall—to the Committee on Pensions.

By Mr. PRINCE: A bill (H. R. 23508) granting an increase of pension to William M. Veach—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 23509) granting a pension to Kate Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23510) granting a pension to Jennie C. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23511) granting a pension to Garratt Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23512) granting an increase of pension to Barbara N. Stephenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23513) granting an increase of pension to Hobart Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23514) granting an increase of pension to David Everitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23515) granting an increase of pension to Edward P. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23516) granting an increase of pension to Thomas G. Pratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23517) granting an increase of pension to John B. McDowell—to the Committee on Pensions.

Also, a bill (H. R. 23518) granting an increase of pension to Jacob Dougherty—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 23519) granting a pension to Sarah Schafhirt—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 23520) granting an increase of pension to William Harvey—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 23521) granting a pension to Henry Roper—to the Committee on Pensions.

By Mr. RUCKER: A bill (H. R. 23522) granting an increase of pension to George W. Shacklett—to the Committee on Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 23523) granting an increase of pension to Theodore Groner—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 23524) for the relief of the legal representatives of Samuel Dickins—to the Committee on War Claims.

Also, a bill (H. R. 23525) for the relief of the legal representatives of Samuel Dickins—to the Committee on War Claims.

Also, a bill (H. R. 23526) granting an increase of pension to Stephen D. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23527) granting an increase of pension to Joseph E. Knighten—to the Committee on Pensions.

Also, a bill (H. R. 23528) granting an increase of pension to John M. Smith—to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 23529) for the relief of Cora Cousens—to the Committee on War Claims.

Also, a bill (H. R. 23530) for the relief of Louisa Henderman—to the Committee on War Claims.

Also, a bill (H. R. 23531) granting a pension to Barbara Mehringer—to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 23532) granting an increase of pension to Jacob Slemp—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 23533) granting an increase of pension to James T. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23534) granting an increase of pension to John L. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23535) granting an increase of pension to Thomas Eckols—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 23536) for the relief of the drafted men of Henderson County, Kentucky, and other counties of Kentucky—to the Committee on Military Affairs.

Also, a bill (H. R. 23537) granting an increase of pension to Kinchen L. Terry—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 23538) granting an increase of pension to Robert G. Marsee—to the Committee on Invalid Pensions.

By Mr. SULLIVAN: A bill (H. R. 23539) granting a pension to Henry Wanderly—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 23540) granting an increase of pension to M. S. Anderson—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 23541) authorizing the President to nominate and appoint Birchie O. Mahaffey, John A. Cleveland, and Traugett F. Keller as second lieutenants in the United States Army—to the Committee on Military Affairs.

By Mr. WALLACE: A bill (H. R. 23542) granting an increase of pension to Julia B. Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23543) granting an increase of pension to Isaac T. Grindstaff—to the Committee on Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 23544) granting an increase of pension to Clayton E. Blackwell—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 23545) granting a pension to Columba F. Mitchell—to the Committee on Pensions.

Also, a bill (H. R. 23546) for the relief of R. R. McMullan, administratrix of Thomas J. McMullan, deceased—to the Committee on War Claims.

By Mr. WOOD: A bill (H. R. 23547) granting an increase of pension to John Shields—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 23548) granting a pension to George Peyton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23549) granting an increase of pension to Isaiah Carter—to the Committee on Invalid Pensions.

By Mr. ELLERBE: A bill (H. R. 23550) granting an increase of pension to Elizabeth C. Smith—to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 22286) granting a pension to Joseph Felix Bath—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16886) granting a pension to James W. Murray—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Danville Commercial News, against tariff on linotype machines—to the Committee on Ways and Means.

Also, memorial of the International Seamen's Union of America, protesting against passage of the so-called "ship-subsidy bill"—to the Committee on the Merchant Marine and Fisheries.

By Mr. ACHESON: Petition of Beaver Valley News, New Brighton, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Theophilus Jones—to the Committee on Invalid Pensions.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. ADAMSON: Petition of the Ledger, Columbus, Ga., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of R. M. McCaslan, Greenville, Ga., favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of International Seamen's Union of America, against effect of petition of so-called "Maritime Trades' Council" relative to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN of New Jersey: Petition of International Seamen's Union of America, against effect of petition of the so-called "Marine Trades' Council" relative to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. ANDREWS: Petition of Evening Citizen and Daily Optic, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BABCOCK: Paper to accompany bill for relief of James W. Walsh and James L. Barney—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of State Camp of Pennsylvania, Patriotic Order Sons of America, and National Camp, Patriotic Order of Americans, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of San Francisco Labor Council, against utterances of the President relative to status of citizens of said city with Japanese—to the Committee on Foreign Affairs.

Also, petition of Arthur E. Paige for appropriation to provide for continuous housing and care of Patent Office model exhibits now in Union Building—to the Committee on Patents.

Also, papers to accompany bill for relief of John Powelson and Joseph Newmeyer—to the Committee on Invalid Pensions.

Also, petition of City Library Association of Springfield, Mass., protesting against the amendment of the copyright law in regard to the free importation of books, etc., by libraries and other institutions of learning—to the Committee on Patents.

Also, petition of the International Seamen's Union of America protesting against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BARTLETT: Paper to accompany bill for relief of Wesley C. Welch—to the Committee on War Claims.

By Mr. BELL of Georgia: Petition of C. W. Grant, of Clarksville, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BENNET of New York: Petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Howard A. Whitefield—to the Committee on Military Affairs.

By Mr. BOWERS: Petition of Day Progress, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURLEIGH: Paper to accompany bill for relief of Osborn W. Fish—to the Committee on Invalid Pensions.

By Mr. BURNETT: Papers to accompany bill H. R. 22182, relative to judgment in James R. Boyd *v.* W. D. Clay et al.—to the Committee on the Public Lands.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Thomas Inman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas Inman—to the Committee on Invalid Pensions.

Also, petition of the Lead Daily Call, South Dakota, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William J. Sanders, William Cockrum, Lafayette J. Spangle, William Goodwin, and Frank West—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of Home for the Blind, Brooklyn, N. Y., for free postage on books for the blind—to the Committee on the Post-Office and Post-Roads.

Also, petition of Eliza M. Stephenson Council, No. 62, Daughters of Liberty, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. CAPRON: Petition of publishers of Manufacturing Jeweler, of Providence, R. I., against increase of rate of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rhode Island Horticultural Society, against free seed distribution—to the Committee on Agriculture.

By Mr. CASSEL: Petition of Lititz Springs Council, No. 196, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. COLE: Petition of the Courier, Findlay, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of Pittsburg Council, No. 34, Daughters of Liberty; Pennsylvania State Camp, Patriotic Order Sons of America; Battleship Maine Council, Daughters of

Liberty; National Camp, and State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of McKeesport Evening Times and Pittsburg Christian Advocate, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Petition of Commercial Club of St. Paul, for appropriation to reclaim overflowed and swamp lands—to the Committee on Appropriations.

By Mr. DAWSON: Petition of Ministerial Union of Iowa City, for the McCumber-Tirrell bill, relative to sale of liquor on Government property—to the Committee on Alcoholic Liquor Traffic.

By Mr. DOVENER: Paper to accompany bill for relief of Calvin C. Shank and Samuel H. Gebhart—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Shirt-Waist and Laundry Workers' International Union, for passage of House bill 17562 and Senate bill 5469—to the Committee on Labor.

Also, petition of Hall of Division No. 461, Order of Railway Conductors, Whitehall, N. Y., against legislation restricting hours of labor on railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce, Troy, N. Y., favoring passage of bill H. R. 9754 (the Wilson bill), for increase of salaries of clerks of first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of American Artists for Free Art, against tariff on art works—to the Committee on Ways and Means.

Also, petition of Edward H. Lisk, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of New York State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Robert S. Waddell, against the monopoly of the Dupont Powder Company—to the Committee on Military Affairs.

By Mr. DUNWELL: Petition of National Camp, Patriotic Order of Americans, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of San Francisco Labor Council, against the President's utterance relative to attitude of people of San Francisco toward the Japanese—to the Committee on Foreign Affairs.

Also, petition of Pennsylvania State Camp and New York State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. ELLIS: Petition of stockholders and officers of Bank of Greenwood, Mo., for addition of an inclosed bill of lading amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Kansas City Directory Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ESCH: Paper to accompany bill for relief of William D. Galloway—to the Committee on Invalid Pensions.

Also, petition of State Camp of New York, Patriotic Order Sons of America; National Camp, Patriotic Order of Americans, and Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committtee on Immigration and Naturalization.

Also, petition of International Seamen's Union of America, against effect of petition of the so-called Maritime Trades Union relative to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FLOOD: Paper to accompany bill for relief of Margaret T. Everly—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of John Bogenschultz, Henry Hilton, and Corinia Watkins—to the Committee on Pensions.

Also, paper to accompany bill for relief of James H. Murphy and James M. Morrows—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of James W. Officer, Samuel Watts, and James R. Atkins—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: Petition of the Demokrat and the Courier, Evansville, Ind., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Ohio Valley Council, No. 23, and Golden Rule Council, No. 5, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Free Trader, Ottawa, Ill., against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Mary Morgan—to the Committee on Invalid Pensions.

Also, petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Papers to accompany bill (H. R. 22252) granting an increase of pension to William W. Tyson—to the Committee on Invalid Pensions.

Also, petition of Arthur E. Paige, requesting an appropriation to provide for the housing and care of the model exhibits of the Patent Office—to the Committee on Appropriations.

Also, petition of A. McLean, in reference to conditions in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Charles K. Harris, regarding the passage of a copyright law—to the Committee on Patents.

Also, petition of Pennsylvania State Camp, National Camp, and New York Camp, Patriotic Order Sons of America, favoring the passage of the immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of San Francisco Labor Council, in reference to the Japanese conditions in San Francisco—to the Committee on Labor.

Also, petition of the International Seamen's Union of America, of Boston, protesting against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GOULDEN: Petition of New York Produce Exchange, against free-seed distribution—to the Committee on Agriculture.

Also, petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Paper to accompany bill for relief of James M. Morris and D. H. Moore—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of Hardwick Council, No. 46; Green Mountain Council, No. 9, and Lincoln Council, No. 4, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HAYES: Petition of Henry Evert et al., citizens of California, against employment of Asiatic cooly labor on Panama Canal and for application of Chinese exclusion law to the Japanese—to the Committee on Foreign Affairs.

Also, petitions of Unity Council, No. 39, Junior Order United American Mechanics, of San Jose, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Charles T. Smith—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of Order of Railway Conductors, against bill limiting hours of labor of railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. HIGGINS: Paper to accompany bill for relief of David Conner—to the Committee on Invalid Pensions.

Also, petition of New Haven Chamber of Commerce for an appropriation to complete Point Judith Harbor—to the Committee on Rivers and Harbors.

By Mr. HILL of Connecticut: Petition of Banner Council, Daughters of Liberty, South Norwalk, and Friendship Council, of Winstead, Conn., indorsing Senate bill 4403—to the Committee on Immigration and Naturalization.

By Mr. HOUSTON: Paper to accompany bill for relief of E. L. Judkins, Columbus A. Bailiff, and Thomas G. Bratton—to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of State Camp of New York, Patriotic Order Sons of America, and Loyalty Council, No. 314, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Business Men's Association, Butler, Pa., for bill H. R. 9754 (Wilson bill)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Butler Eagle, Butler, Pa., and The Despatch, Jeannette, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HULL: Paper to accompany bill for relief of Anson W. Brandt—to the Committee on War Claims.

By Mr. HUNT: Petition of T. S. Beeler Lodge, No. 19, Brotherhood Railway Trainmen, against bill (H. R. 18671) limiting hours of labor of railway employees—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Pennsylvania State Camp and New York State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of American Artists for Free Art, against tariff on art works—to the Committee on Ways and Means.

Also, petition of National Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Inland Waterway Association, held in Wilmington, N. C., for appropriation to construct waterway from Norfolk, Va., to Beaufort Inlet, North Carolina—to the Committee on Rivers and Harbors.

Also, petition of San Francisco Labor Council, against utterances of the President relative to status of citizens of said city with the Japanese—to the Committee on Foreign Affairs.

By Mr. KAHN: Petition of librarian of University of California, against part of copyright law (section 30, bill H. R. 19853)—to the Committee on Patents.

Also, petition of California Miners' Association, indorsing House bill known as the mineral-land bill for segregation of mineral lands within railway land grants—to the Committee on Mines and Mining.

Also, petition of San Francisco Labor Council, against President's utterances relative to status of citizens of California with the Japanese—to the Committee on Foreign Affairs.

Also, petition of Calkins Publishing House, San Francisco Chronicle, Pacific Unitarian, and the Bulletin, San Francisco, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAFEAN: Paper to accompany bill for relief of Francis Weaver and Elias W. Garrett—to the Committee on Invalid Pensions.

Also, petition of Hillam Council, No. 58, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LAMB: Petition of the Times-Dispatch, Richmond, Va., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of William Buckalew—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of International Seamen's Union of America, against effect of petition of so-called Maritime Trades Council, relative to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Mississippi River Ram Fleet and Marine Brigade, favoring passage of bill H. R. 7216—to the Committee on Invalid Pensions.

Also, petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LITTAUER: Paper to accompany bill for relief of Edmund Coward—to the Committee on Invalid Pensions.

By Mr. MOUSER: Petition of Daily Mirror, Marion, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of Star of Union Council, No. 77, Junior Order United American Mechanics, and John E. Armstrong Council, No. 24, Daughters of Liberty, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of International Seaman's Union of America, against effect of petition of so-called Maritime Trades Council, relative to ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Petition of Charles B. Matson et al., against passage of new copyright bill—to the Committee on Patents.

By Mr. PADGETT: Paper to accompany bill for relief of Joseph J. Pritchett, George W. McKim, and John R. Morris—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Harpeth Academy, Porter Female Academy, Joseph W. Baugh, Sarah Powell, Sarah J. Cleves, administratrix of estate of Mary Crocket, C. S. Moss, administrator of W. R. Haynes, and John C. Seward, heir of John C. Seward, deceased—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for the relief of Claude E. Sawyer and William S. Blair—to the Committee on War Claims.

By Mr. PATTERSON of Tennessee: Petition of International Seamen's Union against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. PAYNE: Petition of Newark Grange, No. 366, against free distribution of seeds—to the Committee on Agriculture.

By Mr. PEARRE: Petition of members of St. John Catholic Church, of Frederick, against attitude of French Government toward Catholic Church—to the Committee on Foreign Affairs.

Also, petition of members of the Methodist Episcopal Church of Baltimore, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. REYBURN: Petition of Schreibers & Sons, Philadelphia, favoring the copyright bill—to the Committee on Patents.

Also, petition of Pennsylvania State Camp and National Camp, Patriotic Order of Americans, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Hygienic Fleeced Underwear Company, for Lakes to Gulf deep waterway—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of William Harvey—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of International Seamen's Union of America, against effect of petition of the so-called Maritime Trades Council relative to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. SCHNEEBELI: Petition of Seamen's Union of America, against effect of petitions of so-called Maritime Trades Council favoring the subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Illinois: Petition of citizens of Illinois, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLIVAN: Resolution of International Seamen's Union, against passage of so-called ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAWNEY: Paper to accompany bill for relief of Jacob W. Pierce—to the Committee on Invalid Pensions.

By Mr. WALLACE: Paper to accompany bill for relief of Isaac T. Grindstaff—to the Committee on Pensions.

Also, paper to accompany bill for relief of Julia B. Reynolds—to the Committee on Invalid Pensions.

Also, paper to accompany bill for establishment of a national wood-testing laboratory—to the Committee on Appropriations.

By Mr. WOOD of New Jersey: Petition of sundry advertisers, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of mass meeting of colored citizens of New Jersey and colored citizens of Trenton, N. J., against discharge of the Twenty-fifth Infantry, three companies—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Henry S. Scudder—to the Committee on Invalid Pensions.

By Mr. WOODYARD: Paper to accompany bill for relief of Harvey J. Simmons—to the Committee on War Claims.

By Mr. ZENOR: Paper to accompany bill for relief of Clark Crecelius—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *January 7, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

TREASURY DEPARTMENT MAIL MATTER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a statement showing the mail matter entered by the Treasury Department at the Washington City post-office under the penalty privilege during the period July 1 to December 31, 1906; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

GIFT TO AMERICAN MINISTER TO MOROCCO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting, pursuant to law, that Mr. Samuel R. Gummeré, the American minister to Morocco, be authorized to accept a sword recently presented to him by the Sultan of Morocco on the occasion of Mr. Gummeré's mission to Fez to present his letters of credence; which was referred to the Committee on Foreign Relations, and ordered to be printed.

CAPITALIZATION OF INDIAN FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting drafts of seven items for incorporation in the Indian appropriation bill for the fiscal year ending June 30, 1908, for the capitalization of funds belonging to the various tribes under treaty stipulations; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PREVENTION OF RAILROAD COLLISIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, recommending the enactment of certain legislation to authorize the Commission to conduct experimental tests of safety devices to prevent railroad collisions, etc.; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

PERPETUAL ANNUITIES OF INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs relative to large sums of money due certain tribes of Indians as perpetual annuities, which before the obligations of the Government are fulfilled with these Indians will have to be capitalized; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

INCIDENTAL EXPENSES OF INDIAN SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an item for incorporation in the Indian appropriation bill for the fiscal year 1908 for general incidental expenses of the Indian Service, being a substitute for the fourteen separate items in the bill as it now stands; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

CHARLES C. GEBOE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting the draft of an item of proposed legislation for the purpose of permitting a patent in fee simple to be issued to Charles C. Geboe, Quapaw allottee, for land allotted to him in the Indian Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

FIVE CIVILIZED TRIBES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting the draft of proposed legislation to enable the Secretary of the Interior to survey, plat, and appraise towns in each of the Five Civilized Tribes, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

LOWER BAND OF CHINOOK INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of facts filed by the court in the cause of the Lower Band of Chinook Indians of the State of Washington *v.* The United States; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

PURCHASES OF COAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of June 29, 1906, a statement relative to the quantities and character of coal purchased during the last fiscal year for use of the Interior Department, together with certain information with reference to the areas of coal land now owned by the United States and their localities; which, with the accompanying papers and maps, was ordered to lie on the table, and be printed.

OFFICE OF ASSISTANT TREASURER AT NEW YORK.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the assistant treasurer of the United States at New York requesting that an increase be made in the salaries of the chiefs of division and other employees of that office; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of facts filed by the court in the following causes:

In the cause of The Trustees of the Forest Hill Methodist Episcopal Church, of Dumfries, Va., *v.* The United States;

In the cause of G. B. Wallace, administrator of Robert N. Blake, deceased, *v.* The United States;

In the cause of Benjamin Fenton, surviving partner of the firm of Fenton & Co., *v.* The United States;

In the cause of Estelle Landry, administratrix of the estate of Joseph Landry, deceased, *v.* The United States;

In the cause of The Vestry of St. Paul's Protestant Episcopal Church, of Haymarket, Prince William County, Va., *v.* The United States;

In the cause of Irene E. Johnson, administratrix of the estate of Leo L. Johnson, deceased, *v.* The United States; and

In the cause of The Trustees of the Walnut Grove Baptist Church, of Gibson County, Tenn., *v.* The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 55. An act for the widening of Bladensburg road, and for other purposes;

S. 64. An act for the extension of Seventh street and Franklin street NE., and for other purposes;

S. 68. An act for the widening of a section of Columbia road east of Sixteenth street;

S. 133. An act authorizing the extension of Twenty-third street NW. to Kalorama road;

S. 2098. An act authorizing the extension of Second street NW. from Elm street north to Bryant street, of W street from its present terminus west of Flagler place to Second street, and W street west of Second street eastwardly to Second street;

S. 2260. An act authorizing the extension of Meridian place NW.;

S. 5246. An act to provide for the extension of Geneseo place and Summit place, District of Columbia; and

S. 5565. An act to close certain alleys in the District of Columbia.

H. R. 1871. An act granting an increase of pension to Alonzo Cooper;

H. R. 2315. An act granting a pension to Miranda Birkhead;

H. R. 2715. An act granting an increase of pension to Charles Martine;

H. R. 2978. An act granting a pension to Amanda M. Webb;

H. R. 3338. An act granting an increase of pension to Lafayette Franks;

H. R. 4205. An act granting an increase of pension to Amanda W. Ritchie;

H. R. 4292. An act granting a pension to George W. Kelley;

H. R. 4554. An act to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnewski;

H. R. 4689. An act granting an increase of pension to James Reeder;

H. R. 4690. An act granting an increase of pension to Andrew J. Slinger;

H. R. 4707. An act granting an increase of pension to John H. Pitman;

H. R. 5728. An act granting an increase of pension to William Harvey;

H. R. 5846. An act granting an increase of pension to John M. Chandler;

H. R. 6956. An act granting an increase of pension to Henry L. Johnson;

H. R. 7580. An act granting an increase of pension to James W. Stewart;

H. R. 7719. An act granting an increase of pension to George Fetterman;

H. R. 8273. An act granting an increase of pension to John M. Pearson;

H. R. 8481. An act granting an increase of pension to Richard Callaghan;

H. R. 8712. An act granting an increase of pension to Josiah Hall;

H. R. 9107. An act granting a pension to James W. Russell;

H. R. 9262. An act granting an increase of pension to Thomas J. Farrar;

H. R. 9465. An act granting a pension to Ella Q. Parrish;

H. R. 9836. An act granting an increase of pension to Dier Collett;

H. R. 10814. An act granting a pension to Eugene A. Myers;

H. R. 11142. An act granting an increase of pension to James McQuade;
H. R. 11483. An act granting a pension to Maria Niles;
H. R. 12128. An act granting an increase of pension to Dennis A. Litzinger;
H. R. 12190. An act granting an increase of pension to Milton R. Dungan;
H. R. 12339. An act granting an increase of pension to Charles T. Murray;
H. R. 12482. An act granting an increase of pension to Samuel B. McLean;
H. R. 12517. An act granting a pension to William Bays;
H. R. 12667. An act granting an increase of pension to Charles W. Weber;
H. R. 13057. An act granting an increase of pension to James S. Salsberry;
H. R. 14144. An act granting a pension to Allen M. Cameron;
H. R. 14199. An act granting an increase of pension to John Ewing;
H. R. 14480. An act granting an increase of pension to Mary C. Moore;
H. R. 14537. An act granting an increase of pension to Robert B. Crawford;
H. R. 14680. An act granting an increase of pension to Sampson Parker;
H. R. 15619. An act granting an increase of pension to Samuel W. Atkinson;
H. R. 15620. An act granting an increase of pension to David D. Owens;
H. R. 15713. An act granting an increase of pension to William McCrea;
H. R. 16211. An act granting an increase of pension to John W. Montgomery;
H. R. 16342. An act granting a pension to Matilda Foster;
H. R. 16397. An act granting an increase of pension to Allie Williams;
H. R. 16513. An act granting an increase of pension to Bridget M. Duffy;
H. R. 16741. An act granting an increase of pension to William J. Girvan;
H. R. 16747. An act granting a pension to Sherman Jacobs;
H. R. 16748. An act granting an increase of pension to Lucius C. Fletcher;
H. R. 16856. An act granting an increase of pension to Joseph McBride;
H. R. 17481. An act granting a pension to Eliza F. Wadsworth;
H. R. 17651. An act granting an increase of pension to Mary A. Riley;
H. R. 17675. An act granting an increase of pension to Jonas M. Sees;
H. R. 17691. An act granting an increase of pension to George W. Henrie;
H. R. 17874. An act granting an increase of pension to Roseanna Hughes;
H. R. 17918. An act granting a pension to Walter S. Harman;
H. R. 18018. An act granting an increase of pension to David Evans;
H. R. 18045. An act granting an increase of pension to John M. Webb;
H. R. 18066. An act granting an increase of pension to Alexander M. Fergus;
H. R. 18113. An act granting an increase of pension to Louisa M. Sees;
H. R. 18193. An act granting an increase of pension to Walden Kelly;
H. R. 18214. An act granting an increase of pension to John Ingram;
H. R. 18227. An act granting an increase of pension to Catharine F. Fitzgerald;
H. R. 18343. An act granting an increase of pension to John N. Oliver;
H. R. 18363. An act granting an increase of pension to Rudolph Bentz;
H. R. 18403. An act granting an increase of pension to Mary Jane Ragan;
H. R. 18429. An act granting an increase of pension to David Mitchell;
H. R. 18493. An act granting an increase of pension to George H. Reeder;
H. R. 18705. An act granting an increase of pension to Thomas T. Page;
H. R. 18860. An act granting an increase of pension to Andrew J. Anderson;
H. R. 19080. An act granting an increase of pension to Frederick Fienop;
H. R. 19101. An act granting an increase of pension to Sarah C. A. Scott;
H. R. 19119. An act granting an increase of pension to Susan M. Osborn;
H. R. 19161. An act granting an increase of pension to Marcus D. Tenney;
H. R. 19162. An act granting an increase of pension to Charles Van Tine;
H. R. 19174. An act granting an increase of pension to Martha A. Billings;
H. R. 19215. An act granting an increase of pension to John Lingenfelder;
H. R. 19256. An act granting an increase of pension to Louisa J. Birthright;
H. R. 19293. An act granting an increase of pension to William Colvin;
H. R. 19298. An act granting an increase of pension to Job B. Crabtree;
H. R. 19300. An act granting an increase of pension to Phebe Easley;
H. R. 19318. An act granting an increase of pension to Mary E. Rivers;
H. R. 19319. An act granting an increase of pension to Elizabeth Spruell;
H. R. 19320. An act granting an increase of pension to Louise J. Pratt;
H. R. 19321. An act granting an increase of pension to Mary E. Turner;
H. R. 19322. An act granting an increase of pension to Mary Isabella Rykard;
H. R. 19323. An act granting an increase of pension to Orlando L. Levy;
H. R. 19324. An act granting an increase of pension to Susan M. Long;
H. R. 19325. An act granting an increase of pension to George Oppel;
H. R. 19326. An act granting an increase of pension to Margaret R. Vandiver;
H. R. 19357. An act granting an increase of pension to Anna Lamar Walker;
H. R. 19359. An act granting an increase of pension to Levi Brader;
H. R. 19404. An act granting an increase of pension to Elias S. Falkenburg;
H. R. 19415. An act granting an increase of pension to Sarah Ann Reavis;
H. R. 19416. An act granting an increase of pension to Antonio Macello;
H. R. 19463. An act granting an increase of pension to Emma L. Patterson;
H. R. 19483. An act granting a pension to Lydia A. Patnaude;
H. R. 19503. An act granting an increase of pension to David S. Jones;
H. R. 19504. An act granting an increase of pension to Margaret E. Walker;
H. R. 19511. An act granting an increase of pension to Alexander Dixson;
H. R. 19514. An act granting an increase of pension to James H. Stimpson;
H. R. 19529. An act granting an increase of pension to Nancy Elizabeth Hutcheson;
H. R. 19530. An act granting an increase of pension to Charles P. Gray;
H. R. 19534. An act granting an increase of pension to Noah Ressequie;
H. R. 19587. An act granting an increase of pension to Martha Ann Jones;
H. R. 19601. An act granting an increase of pension to John E. Kingsbury;
H. R. 19611. An act granting an increase of pension to Jacob Kinkerly;
H. R. 19626. An act granting an increase of pension to Samuel Campbell;
H. R. 19743. An act granting an increase of pension to W. P. McMichael;
H. R. 19744. An act granting an increase of pension to George Casper Homan Hummel, alias George C. Homan;
H. R. 19819. An act granting an increase of pension to Johanna Kearney;
H. R. 19889. An act granting an increase of pension to John M. Melson;
H. R. 19922. An act granting an increase of pension to Mary A. Sutherland;

H. R. 21200. An act to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Allegheny County, Pa.;

H. R. 21408. An act to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906;

H. R. 21678. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana; and

H. J. Res. 196. Joint resolution relating to the construction of a bridge at Fort Snelling, Minn.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Credit Men's Association of Minneapolis, Minn., remonstrating against the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of National Camp, Patriotic Order Sons of America, and a petition of the Pennsylvania State Camp, Patriotic Order Sons of America, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of the State Woman's Christian Temperance Union of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the petition of E. L. Sampson and 54 other citizens of Dover and Foxcroft, Me., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Yarmouth, Me., and a memorial of sundry citizens of Richmond, Me., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Maritime Association of New York City, N. Y., praying for the enactment of legislation abolishing the requirement for the inspection of sail vessels and the licensing of mates thereof; which was referred to the Committee on Commerce.

Mr. TELLER presented a petition of the Woman's Club of Leadville, Colo., praying for the enactment of legislation to remove the duty on works of art; which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Longmont, Colo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of Denver, Colo., praying for the enactment of legislation providing for the classification of the salaries of postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Pomona Grange, No. 3, and a petition of Left Hand Grange, No. 9, Patrons of Husbandry, of Boulder County, Colo., praying for the passage of the so-called "parcels-post bill" and the savings-bank bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented resolutions adopted by the Bankers' Club of Chicago, Ill., favoring the principles of a bank-note issue as recently enunciated by the currency commission of the American Bankers' Association at Washington; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Chicago, Springfield, Evanston, Decatur, and Oregon, all in the State of Illinois, praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented memorials of the Copper River Railway Company, remonstrating against the enactment of legislation to aid in the construction of a railroad telegraph and telephone line in the district of Alaska; which were referred to the Committee on Territories.

He also presented petitions of the Business Men's Association and the city council of Rock Island and the Chamber of Commerce of Quincy, all in the State of Illinois, praying that an appropriation be made for the improvement of the upper Mississippi River; which were referred to the Committee on Commerce.

Mr. McCREARY presented a memorial of sundry citizens of Louisville, Ky., remonstrating against an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Richmond, Ky., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. CULBERSON presented the petition of John A. Hulen, of Texas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on Claims.

Mr. BRANDEGEE presented the petition of David Conner, of Connecticut, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

He also presented the petition of P. and F. Corbin, of New Britain, Conn, praying for a continuance of the appropriation for the maintenance of models in the United States Patent Office; which was referred to the Committee on Appropriations.

Mr. LA FOLLETTE presented memorials of sundry citizens of Albion, Moon, La Farge, Deerfield, Vernon County, and Dane County, all in the State of Wisconsin, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. BERRY presented a memorial of sundry trainmen employed by the Fort Smith and Western Railroad Company, of Fort Smith, Ark., remonstrating against the passage of House bill 18671, commonly known as the "sixteen-hour bill;" which was ordered to lie on the table.

Mr. STONE presented a memorial of sundry citizens of Douglas County, Mo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Lawrence, Barry, and Newton counties, in the State of Missouri, remonstrating against the enactment of legislation granting the right to national banks to issue legal-tender currency; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Springfield, Mo., praying for the ratification of certain treaties for the enlargement of the jurisdiction of The Hague Tribunal, and also for the enactment of legislation providing for an increase of the United States Navy; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Society of the Athenæum, of Kansas City, Mo., praying for the enactment of legislation to establish a bureau for women and children in the Department of the Interior; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry newspaper publishers of St. Joseph, Mo., praying for the enactment of legislation to permit newspapers to contract with railroads for transportation to be paid for in advertising at regular rates; which was referred to the Committee on Interstate Commerce.

He also presented memorials of C. V. McLaughlin, general chairman of the general protective board, Brotherhood of Locomotive Firemen, Union Pacific Railway, Omaha, Nebr.; H. L. Bronson, chief dispatcher, J. E. Johnson, first dispatcher, T. A. Smith, second dispatcher, and A. G. Stratton, third dispatcher, eastern district, Kansas division, Union Pacific Railway, at Kansas City, Mo.; J. L. Chandley, chief dispatcher, G. F. Payne, first dispatcher, G. A. Stebbins, second dispatcher, and R. Woodard, third dispatcher, western district, Kansas division, Union Pacific Railway, of Ellis, Kans.; J. E. Cave, chief conductor division 342, Order of Railway Conductors, of Kansas City, Mo.; W. C. Turner, general chairman Order of Railway Conductors, Missouri Pacific Railway system, St. Louis, Mo.; and H. J. Cheney, M. E. Smith, George B. Oder, J. F. Allen, J. E. Thomas, Walter Lord, C. E. Foster, all railway conductors, of Kansas City, Mo.; and L. S. Bennett, Val W. Robertson, H. M. Murray, W. T. Mills, I. N. Hughes, A. E. Hilburt, W. R. Stenry, and J. E. Hedges, all railway brakemen, of Kansas City, Mo.; J. G. Trimble, general attorney, Quincy, Omaha and Kansas City Railroad Company, and J. Fred Williams, of Sedalia, Mo., remonstrating against the enactment of the so-called "sixteen-hour law;" which were ordered to lie on the table.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Springfield, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Chi-

cago, Ill., praying that the Isthmian Canal Commission operate one-third of the Government's shipping out of the Gulf ports, with New Orleans as the most practicable port; which was referred to the Committee on Interoceanic Canals.

Mr. PERKINS presented a petition of the Clearing House Association of San Francisco, Cal., praying for the adoption of an amendment to the interstate-commerce law relating to bills of lading; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the librarian of the University of California, Berkeley, Cal., remonstrating against the enactment of legislation abridging existing rights of libraries to import books in the English language; which was referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Selma and Sebastopol, in the State of California, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented the petition of F. W. Richardson, publisher of the Gazette, of Berkeley, Cal., praying for the removal of the existing tariff on linotype and composing machines; which was referred to the Committee on Finance.

Mr. MILLARD presented a memorial of sundry citizens of Nebraska, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented the petition of Jacob H. Culver, of Nebraska, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. ANKENY presented a memorial of sundry citizens of College Place, Wash., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. DEPEW presented a petition of the Chamber of Commerce of Watertown, N. Y., praying for the reclassification and increase of the salaries of the postal clerks of all first-class and second-class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted at a mass meeting of citizens at Cooper Union, New York City, N. Y., relative to the discriminations against colored soldiers, and praying for the establishment of an impartial tribunal to determine the assertions and proceedings made against the soldiers of the Twenty-fifth Infantry; which were referred to the Committee on Military Affairs.

Mr. WARNER presented sundry papers to accompany the bill (S. 6772) granting an increase of pension to Henry J. Lyda; which were referred to the Committee on Pensions.

Mr. CLARK of Montana presented a petition of sundry citizens of Browning, Mont., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. PATTERSON presented a petition of Left Hand Grange, No. 9, Patrons of Husbandry, of Boulder County, Colo., and a petition of Pomona Grange, No. 3, Patrons of Husbandry, of Boulder County, Colo., praying for the passage of the so-called "parcels-post bill," and the postal savings-bank bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LATIMER presented the petition of Claude E. Sawyer, of South Carolina, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. DOLLIVER presented petitions of sundry citizens of Iowa, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

Mr. LONG presented a memorial of sundry citizens of Trego County, Kans., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the National Bankers' Association of Kansas, remonstrating against the enactment of any legislation providing for a tax on the capital or deposits of a bank for the purpose of guaranteeing the depositors of failed banks; which was referred to the Committee on Finance.

Mr. PLATT presented memorials of sundry citizens of Erie County, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the New York Indian Association and a petition of the Men's Association of the University Place Presbyterian Church, of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented memorials of Local Divisions Nos. 154, 450, 461, 171, and 56, of Binghamton, Oneonta, Whitehall, Mechanicsville, and Albany, all of the Order of Railway Conductors, and of Local Divisions Nos. 58 and 172 of Oneonta, of the Brotherhood of Locomotive Engineers, in the State of New York, and of Local Division No. 166, Brotherhood of Locomotive Engineers, of Carbondale, Pa., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. LODGE presented a memorial of sundry citizens of Athol, Mass., and a memorial of sundry citizens of Greater Boston, Mass., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. BURKETT presented sundry affidavits to accompany the bill (S. 6719) granting an increase of pension to Jane Newton; which were referred to the Committee on Pensions.

Mr. HANSBROUGH presented a petition of the Red River Valley Drainage Association of North Dakota, praying that an appropriation be made for topographic surveys of the Red River Valley in that State; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. CLAPP presented a petition of the proprietors of the Daily Times, of St. Cloud, Minn., praying for the removal of the tariff on linotype and composing machines; which was referred to the Committee on Finance.

Mr. SPOONER presented the memorial of William Carpenter and sundry other citizens of River Falls, Wis., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 7447) granting an increase of pension to Maria Wells; which were referred to the Committee on Pensions.

Mr. KNOX presented petitions of the Sunday School convention of Union County; William J. Gruhler, of Philadelphia; Everett Stewart, of Philadelphia; Dr. W. W. Keen, of Philadelphia; C. R. A. Janvier, of Philadelphia; M. Anderson, of Allegheny; Fred A. Riehle, of Philadelphia; John C. Sayre, of Philadelphia; Agens Kemp, of Swarthmore; Eva J. Smith, of Warren; F. W. Hutchinson, of Philadelphia; Frank Hansell, of Philadelphia; Rev. Alford Kelley, of Erie; Rev. J. W. Smith, of Warren; Rev. F. E. Southwroth, of Meadville; Dr. George W. Bailey, of Philadelphia; Frank Darragh, of Philadelphia; Ruth E. Walter, of Philadelphia; James F. Hagen, of Philadelphia; Mrs. Norman C. Allen, of Warren; F. H. Scott, of Philadelphia; M. Brown, of Philadelphia, and William F. Owens, of Lewisburg, all in the State of Pennsylvania, praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of the Sheffield National Bank, of Sheffield; First National Bank of Greenville; Elk County National Bank, of Ridgway; Oil City National Bank, of Oil City; the Citizens' National Bank, of Curwensville; the First National Bank of Youngsville; the Warren National Bank, of Warren, and the First National Bank of Warren, all in the State of Pennsylvania, praying for the enactment of legislation permitting national banks to loan 25 per cent of their capital stock on real-estate security; which were referred to the Committee on Finance.

He also presented petitions of the Item, of Mount Carmel; the Sharon Eagle, of Sharon; the Lebanon Daily Times, of Lebanon; the Austin Autograph, of Austin; the Enterprise, of Belle Vernon; Susquehanna Transcript, of Susquehanna; Susquehanna Ledger, of Susquehanna, and the Knoxville Courier, of Knoxville, all in the State of Pennsylvania, praying for the enactment of legislation providing for a modification of the Interstate Commerce Commission's ruling denying newspapers the right to exchange advertising for railroad transportation; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Emmert Manufacturing Company, of Waynesboro; the Hygienic Fleeced Underwear Company, of Philadelphia; Supplee Hardware Company, of Philadelphia; John W. Bell & Co., of Mercer; Star Enameling and Stamping Company, of Pittsburg, and the Ames Shovel and

Tool Company, of Beaver Falls, all in the State of Pennsylvania, praying that an appropriation be made for the construction of a 14-foot waterway from the Lakes to the Gulf; which were referred to the Committee on Commerce.

He also presented a petition of the Woman's Christian Temperance Union of McKees Rocks, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

EXTENSION OF RAILWAY TRACKS IN THE DISTRICT OF COLUMBIA.

Mr. CARTER. I present a memorial from certain citizens of northeast Washington, transmitting a proposed amendment to the bill (S. 6147) authorizing changes in certain railway tracks within the District of Columbia, and for other purposes. I move that the memorial lie on the table and be printed as a document to be considered in connection with the bill.

The motion was agreed to.

AGRICULTURAL COLLEGES AND MECHANIC ARTS.

Mr. NELSON. Some time ago I introduced a bill (S. 6680) to provide for an increased annual appropriation for the colleges for the benefit of agriculture and the mechanic arts, established and maintained under the provisions of the act of Congress approved July 2, 1862, and the act of Congress approved August 30, 1890, which was referred to the Committee on Agriculture and Forestry. I have here a brief statement showing the scope and effect of the bill and the necessity for it, which I move be printed and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7105) granting an increase of pension to Samuel Baker;

A bill (S. 5542) granting an increase of pension to Elizabeth S. Reess; and

A bill (S. 1495) granting an increase of pension to John Holley.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 7056) granting an increase of pension to Frederick Carel; and

A bill (S. 1594) granting an increase of pension to Margaret E. Guthrie.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 3681) granting a pension to Sanford H. Moats, reported it with an amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5672) granting an increase of pension to Felix G. Murphy;

A bill (S. 1797) granting an increase of pension to John E. Henderson; and

A bill (S. 6947) granting an increase of pension to C. M. Brough.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 5106) granting an increase of pension to John Adshead, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6656) granting an increase of pension to Eli M. Skinner, reported it with an amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6223) granting an increase of pension to William E. Cummin;

A bill (S. 7162) granting a pension to William H. Sheckler; and

A bill (S. 6510) granting an increase of pension to Sarah R. Williams.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7094) granting an increase of pension to George B. Drake; and

A bill (S. 5991) granting an increase of pension to George F. Ford.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5836) granting an increase of pension to Daniel Loosley; and

A bill (S. 7378) granting a pension to Giles M. Caton.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (S. 7377) granting an increase of pension to Martha J. Callins, reported it with amendments, and submitted a report thereon.

He also (for Mr. CARMACK), from the same committee, to whom was referred the bill (S. 6625) granting an increase of pension to Anderson Henry, reported it without amendment, and submitted a report thereon.

He also (for Mr. BURNHAM), from the same committee, to whom was referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6736) granting a pension to Charles H. Tracy;

A bill (S. 6800) granting an increase of pension to Esther Eldredge;

A bill (S. 6590) granting an increase of pension to Theron Hammer;

A bill (S. 7349) granting an increase of pension to Luke M. Lewis; and

A bill (S. 6372) granting an increase of pension to Marvin Osgood.

Mr. McCUMBER (for Mr. BURNHAM), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6915) granting an increase of pension to Samuel G. Healy;

A bill (S. 6916) granting an increase of pension to Nathan E. Stover; and

A bill (S. 6325) granting an increase of pension to David A. Edwards.

Mr. McCUMBER (for Mr. BURNHAM), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6670) granting an increase of pension to Dana H. McDuffee;

A bill (S. 7350) granting an increase of pension to Richard Dodge;

A bill (S. 6733) granting a pension to Anna D. Barnes;

A bill (S. 6835) granting an increase of pension to George Maybury;

A bill (S. 6137) granting an increase of pension to Fannie L. Pike;

A bill (S. 6145) granting an increase of pension to Enoch Bolles; and

A bill (S. 5912) granting an increase of pension to Nathaniel Green.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6963) granting an increase of pension to William B. Sayles;

A bill (S. 6960) granting an increase of pension to Thomas Ashton;

A bill (S. 4033) granting an increase of pension to William Kirkwood;

A bill (S. 6573) granting an increase of pension to John A. Williams;

A bill (S. 4108) granting an increase of pension to Martha M. Lambert;

A bill (S. 6050) granting an increase of pension to Edward W. Galligan;

A bill (S. 6823) granting an increase of pension to John H. Holsey; and

A bill (S. 6828) granting an increase of pension to Walter D. Greene.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6687) granting an increase of pension to Henry W. Mahaney;

A bill (S. 756) granting a pension to Jacob Neibels;

A bill (S. 3295) granting an increase of pension to Anna Williams; and

A bill (S. 6958) granting an increase of pension to Keiziah Walker.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6836) granting an increase of pension to Edward P. Strickland;

A bill (S. 7099) granting an increase of pension to Esther A. Cleaveland;

A bill (S. 6811) granting an increase of pension to James Carpenter;

A bill (S. 2780) granting an increase of pension to Daniel McCarter; and

A bill (S. 6571) granting an increase of pension to William G. Ross.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6722) granting an increase of pension to William Arnold;

A bill (S. 6710) granting an increase of pension to Thomas P. Way; and

A bill (S. 7265) granting an increase of pension to John R. McCoy.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4113) granting an increase of pension to Dell E. Pert;

A bill (S. 7053) granting an increase of pension to Solomon Draper;

A bill (S. 7294) granting an increase of pension to W. P. Patterson:

A bill (S. 5854) granting an increase of pension to John W. McWilliams; and

A bill (S. 6708) granting an increase of pension to Columbus B. Mason.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom was referred the bill (S. 6459) granting an increase of pension to Ellen Carpenter, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4769) granting an increase of pension to Rosa Olds Jenkins, reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6350) granting an increase of pension to Silas G. Clark;

A bill (S. 6726) granting an increase of pension to Mary A. Jackson;

A bill (S. 6351) granting an increase of pension to Andrew J. West; and

A bill (S. 6589) granting an increase of pension to Washington D. Gray.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5292) granting an increase of pension to Michael J. Sprinkle; and

A bill (S. 6587) granting an increase of pension to Marcus M. Currier.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7069) granting an increase of pension to Marshall Johnson;

A bill (S. 5021) granting an increase of pension to Margaret Kearney; and

A bill (S. 6588) granting an increase of pension to Arthur Hathorn.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 7192) granting an increase of pension to Noah Jarvis, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5023) granting an increase of pension to Ruth E. Olney;

A bill (S. 7193) granting an increase of pension to David C. Benjamin;

A bill (S. 6703) granting an increase of pension to John H. Niblock;

A bill (S. 3320) granting an increase of pension to Elias H. Parker; and

A bill (S. 7246) granting an increase of pension to William H. Berry.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4055) granting a pension to Nancy J. Mullally; and

A bill (S. 4813) granting an increase of pension to Samuel M. Doolittle.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the joint resolution (S. R. 78) authorizing and empowering the President of the United States to abate and suppress the continued shameful and cruel practice of killing nursing mother fur seals on the high seas, now permitted and conducted, asked to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7157) granting an increase of pension to Austin S. Dunning;

A bill (S. 6936) granting an increase of pension to Robert Jenkins; and

A bill (S. 6937) granting an increase of pension to Michael Rosbrugh.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6935) granting an increase of pension to W. R. Neil; and

A bill (S. 7384) granting an increase of pension to Orson B. Johnson.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7161) granting an increase of pension to George A. Tyler;

A bill (S. 7060) granting an increase of pension to John Hager; and

A bill (S. 6532) granting an increase of pension to Joseph Daniels.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1516) granting an increase of pension to O. O. Austin;

A bill (S. 7075) granting an increase of pension to J. S. Lewis; and

A bill (S. 7074) granting an increase of pension to William Jenkins.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 6233) granting an increase of pension to George E. Vanderwalker, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 7519) to remove the charge of desertion from the record of William B. Young, alias John F. Huntly; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions.

A bill (S. 7520) granting an increase of pension to William G. Towle;

A bill (S. 7521) granting an increase of pension to George W. Stone;

A bill (S. 7522) granting a pension to James C. Drew (with an accompanying paper);

A bill (S. 7523) granting an increase of pension to John Cusick;

A bill (S. 7524) granting a pension to Mary J. Allen (with accompanying papers); and

A bill (S. 7525) granting an increase of pension to Charles H. Ham (with accompanying papers).

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 7526) to authorize the Commissioners of the District of Columbia to close and abandon roadways in said District outside of the city of Washington, and to transfer the title of the United States in said roadways to abutting owners, and for other purposes.

A bill (S. 7527) governing the maintenance of stock yards, slaughterhouses, and packing houses in the District of Columbia (with an accompanying paper); and

A bill (S. 7528) regulating refunding of taxes in the District of Columbia, and for other purposes (with an accompanying paper).

Mr. CULLOM introduced a bill (S. 7529) to authorize Col.

Theodore A. Bingham, United States Army, to accept a decoration conferred upon him by the Government of the French Republic; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. ALGER introduced a bill (S. 7530) for the relief of the heirs of Frederick Carlisle; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7531) granting a pension to William F. Letts; and

A bill (S. 7532) granting an increase of pension to Joseph Kiichli.

Mr. FULTON introduced a bill (S. 7533) granting an increase of pension to Orvil Dodge; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7534) for the relief of the Kathlamet Band of the Chinook Indians of the State of Oregon; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McENERY introduced a bill (S. 7535) for the relief of the estate of Raymond Pochelu, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LATIMER introduced a bill (S. 7536) to provide for the purchase of a site and the erection of a building thereon at Beaufort, in the State of South Carolina; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. RAYNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7537) for the relief of John W. Watson;

A bill (S. 7538) for the relief of the trustees of the Sandy Hook School, Sandy Hook, Md.;

A bill (S. 7539) for the relief of the trustees of the Burkittsville School, of Burkittsville, Md.;

A bill (S. 7540) for the relief of the rector of St. Peter's Roman Catholic Church, of Hancock, Md.; and

A bill (S. 7541) for the relief of the trustees of the Frederick Presbyterian Church, of Frederick, Md.

Mr. RAYNER introduced a bill (S. 7542) granting an increase of pension to Myers Uhlfelder; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 7543) granting an increase of pension to Robert B. McCumber; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7544) for the relief of the trustees of the Harpeth Academy, Williamson County, Tenn. (with an accompanying paper);

A bill (S. 7545) (by request) for the relief of Michael Silke; and

A bill (S. 7546) for the relief of the trustees of the Porter Female Academy, Williamson County, Tenn. (with an accompanying paper).

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 7547) to provide for the purchase of a site and the erection of a public building thereon at Springfield, in the State of Tennessee; and

A bill (S. 7548) to provide for the purchase of a site and the erection of a public building thereon at Winchester, in the State of Tennessee.

Mr. MALLORY introduced a bill (S. 7549) to amend sections 1, 2, and 3 of an act entitled "An act relating to liability of common carriers in the District of Columbia and Territories and common carriers engaged in commerce between the States and between the States and foreign nations to their employees," approved June 11, 1906; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SMOOT introduced a bill (S. 7550) for the relief of Harry A. Young; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7551) granting an increase of pension to Daniel R. Firman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BULKELEY (by request) introduced a bill (S. 7552) to establish a Bureau of Insurance in the Department of Commerce and Labor, and to regulate stock companies undertaking insurances in the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions.

A bill (S. 7553) granting an increase of pension to A. P. Clark (with accompanying papers);

A bill (S. 7554) granting an increase of pension to Amelia R. Randolph; and

A bill (S. 7555) granting an increase of pension to James T. Piggott (with an accompanying paper).

Mr. HOPKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7556) granting an increase of pension to Thomas Spanton (with accompanying papers);

A bill (S. 7557) granting an increase of pension to Joie A. Lathrop; and

A bill (S. 7558) granting an increase of pension to Mary Morgan (with an accompanying paper).

Mr. DICK (by request) introduced a bill (S. 7559) for relief of the trustees of the Presbyterian Church of Gallipolis, Ohio; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 7560) granting an increase of pension to James V. Brough; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 7561) granting an increase of pension to Charles A. Woodward; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 7562) to amend section 8 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896, relative to the expense allowance of United States attorneys and assistants while absent from their official residences on official business; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CLAY introduced a bill (S. 7563) for the relief of the estate of Howell Tatum, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 7564) to limit the jurisdiction of the district and circuit courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WHYTE introduced a bill (S. 7565) granting an increase of pension to Clara P. Coleman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PILES introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7566) granting an increase of pension to John Anslow; and

A bill (S. 7567) granting a pension to William Booth.

Mr. PILES introduced a bill (S. 7568) to relieve the Tanana Mines Railroad, under construction in Alaska, of the license tax of $100 per mile per annum; which was read twice by its title, and referred to the Committee on Territories.

Mr. CARTER (by request) introduced a bill (S. 7569) to reduce the rates of postage in certain cases on mail matter addressed to enlisted men in the Army, Navy, Marine Corps, and Revenue-Cutter Service; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. KITTREDGE introduced a bill (S. 7570) granting an increase of pension to George W. Hapgood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7571) granting an increase of pension to Levi N. Gregory (with an accompanying paper); and

A bill (S. 7572) granting an increase of pension to Warren M. Fales.

Mr. BRANDEGEE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7573) granting an increase of pension to John C. Collins; and

A bill (S. 7574) granting an increase of pension to Emily J. Larkham.

Mr. WARREN introduced a bill (S. 7575) to aid in the settlement and irrigation of the lands included in national reclama-

tion projects; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also introduced a bill (S. 7576) for the relief of Frederick W. Beardslee; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7577) granting an increase of pension to Frances V. Dallas; and

A bill (S. 7578) granting a pension to Sarah E. Turner.

Mr. MILLARD introduced a bill (S. 7579) granting an increase of pension to John G. Richardson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 7580) granting an honorable discharge to Wilbur I. Rowland; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 7581) authorizing Preston Nutter and others to enter certain lands in the former Uintah Indian Reservation in Utah; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 7582) granting an increase of pension to William Mulock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARNER (by request) introduced a bill (S. 7583) to make available the waters of the James River, in the county of Stone and State of Missouri, south of township 25 north, in range 23 west, for electric power purposes; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7584) for the relief of the trustees of the Presbyterian Church of Macon, Mo.; and

A bill (S. 7585) for the relief of the trustees of the Methodist Episcopal Church of Macon, Mo.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7586) granting an increase of pension to George Render (with accompanying papers);

A bill (S. 7587) granting a pension to George Metz, sr. (with an accompanying paper);

A bill (S. 7588) granting an increase of pension to Charles Stimson (with accompanying papers);

A bill (S. 7589) granting an increase of pension to Christine Lusk; and

A bill (S. 7590) granting a pension to Kinsley D. James (with accompanying papers).

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7591) for the relief of Mrs. Sarah E. Cleveland;

A bill (S. 7592) for the relief of the town of Nicholasville, Ky., and the Presbyterian Church of Nicholasville, Ky.; and

A bill (S. 7593) for the relief of Mingo Peters (with an accompanying paper).

Mr. McCREARY introduced a bill (S. 7594) to correct the military record of John Curtis; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7595) granting a pension to Elizabeth S. Norton; and

A bill (S. 7596) granting an increase of pension to Alexander C. Carman.

Mr. STONE introduced a bill (S. 7597) for the relief of Charles L. Blanton; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7598) granting an increase of pension to Jesse C. Newell; and

A bill (S. 7599) granting a pension to Charles W. McMullen.

Mr. CLAPP introduced a bill (S. 7600) granting an increase of pension to Sylvanus S. Boynton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7601) granting an increase of pension to Catherine Cooper;

A bill (S. 7602) granting a pension to Nancy E. Weatherman;

A bill (S. 7603) granting an increase of pension to W. C. Beale; and

A bill (S. 7604) granting an increase of pension to John B. Morgan.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7605) granting an increase of pension to Judiah B. Smithson;

A bill (S. 7606) granting an increase of pension to Samuel Reeves (with an accompanying paper);

A bill (S. 7607) granting an increase of pension to David M. Haskell (with an accompanying paper);

A bill (S. 7608) granting an increase of pension to Joseph C. Allison;

A bill (S. 7609) granting an increase of pension to Thomas Strong; and

A bill (S. 7610) granting an increase of pension to Frederick Kurz.

Mr. LODGE introduced a bill (S. 7611) granting a pension to H. A. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FULTON submitted an amendment proposing to appropriate $5,000 for establishing a telephone line from the Umpqua River life-saving station, Oregon, to a point at the mouth of the Siuslaw River, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the payment to the Lower Band of Chinook Indians of the States of Oregon and Washington of $337,870.94, in full payment of lands taken from them by the United States, in accordance with the findings of the Court of Claims, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment including Alaskan Indians among the pupils who may be educated at the Indian school, Salem, Oreg., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment authorizing the issuance of fee-simple patents to Eddie Perryman, a full-blooded Creek Indian, for certain lands, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also submitted an amendment conferring upon the Court of Claims jurisdiction to hear, determine, and render final judgment in the case of the White River Utes, etc., *v.* The United States, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment authorizing the issuance of fee-simple patents to Tobe Tiger and certain other Creek Indians in the Indian Territory for lands heretofore allotted to them, intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. ANKENY submitted an amendment relative to the allotment of lands in severalty out of any unallotted lands on the Yakima Reservation, in the State of Washington, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also submitted an amendment directing the Secretary of the Interior to pay to Alexander Mark, of King County, Wash., all moneys now held by the Government in trust for him, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. FRAZIER submitted an amendment proposing to appropriate $1,083 to pay J. L. Pearcy for services as clerk to the conference minority of the House of Representatives from December 16, 1903, to June 30, 1904, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KITTREDGE submitted an amendment conferring upon the Court of Claims jurisdiction to hear, determine, and render final judgment upon the claim of Esther Rousseau, etc., intended

to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate $2,500 for completing the paving of Florida avenue from Eighteenth street to Connecticut avenue, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXTENSION OF RAILWAY TRACKS IN THE DISTRICT OF COLUMBIA.

Mr. CARTER submitted an amendment intended to be proposed by him to the bill (S. 6147) authorizing changes in certain railway tracks within the District of Columbia, and for other purposes; which was ordered to lie on the table, and be printed.

REGULATION OF INTERSTATE COMMERCE.

On motion of Mr. STONE, it was

Ordered, That 500 additional copies of S. 7219, to amend section 1 of act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, be printed for the use of the Senate.

RECLAMATION OF SWAMP AND OVERFLOWED LANDS.

On motion of Mr. CLAPP, it was

Ordered, That 100 additional copies of S. 7290, for the establishment of a drainage fund and the construction of works for the reclamation of swamp and overflowed lands, be printed for the use of the Senate.

INVESTIGATION OF RAILROAD COLLISIONS, ETC.

Mr. CARTER submitted the following concurrent resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate (the House of Representatives concurring), That the appointment of a joint committee of the two Houses of Congress is hereby authorized, to be composed of four Senators, to be appointed by the Vice-President, and five Members of the House, to be appointed by the Speaker, which joint committee shall, as a body or through subcommittees of its members, investigate and report to Congress before January 1, 1908, its findings as to the causes of collisions, wrecks, and accidents of all kinds, involving personal injuries or loss of life, on railroads engaged in interstate commerce or operating in whole or in part in any Territory or the District of Columbia, and also to recommend to Congress, by bill or otherwise, its conclusions as to the best means of reducing injury and loss of life in traveling upon or operating such railroads.

The joint committee shall be and is authorized to send for persons and papers, compel the attendance of witnesses and the production of documents and records, and to administer oaths through any of its members, and any subcommittee thereof shall have and may exercise the power and authority hereby conferred on the joint committee.

The said joint committee or any subcommittee thereof may sit during the sessions or in the recess of Congress.

Be it further resolved, That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, to be paid in equal proportions out of the contingent funds of the Senate and the House of Representatives, on the audit and order of the chairman of said joint committee, on account of clerk hire, witness fees, expert assistance, printing, traveling, and other necessary expenses incurred by the joint committee or the members thereof, by, through, or on account of such investigation and report.

THE PANAMA RAILROAD.

Mr. MORGAN. I send to the desk a resolution and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the following official papers relating to the Panama Railroad, viz, a letter of B. F. Harper, auditor, dated November 24, 1906, addressed to the Secretary of the Treasury; and a letter of the Secretary of the Treasury, dated December 19, 1906; and a letter from T. P. Shonts, dated January 5, 1907, transmitting a tabulated statement of the financial condition of said railroad, together with such statement, be printed in the CONGRESSIONAL RECORD and also as a Senate document. And that the same be referred to the Committee on Interoceanic Canals and also, for information, to the Committee on Appropriations.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. MORGAN. I hold in my hand the official papers to which the resolution refers. They have been obtained after a very considerable amount of research and examination of the records of the Panama Railroad, the Isthmian Canal Commission, and the Treasury Department. I ask that the resolution be adopted in order that the two committees referred to may have the benefit of this examination.

The resolution was agreed to.

TREASURY DEPARTMENT,
Washington, November 24, 1906.

The SECRETARY OF THE TREASURY.

SIR: I have the honor to return herewith letter of the Hon. JOHN T. MORGAN, United States Senate, dated November 20, 1906, in relation to the accounts of the Panama Railroad Company, by you referred to this office for report.

So far as this office is advised, no separate account is kept in this department between the Panama Railroad Company and the United States. The Panama Railroad Company, as shown by the accounts of the Isthmian Canal Commission, is a corporation doing business as such, and money which it disburses is the money of the corporation as distinguished from public funds, and the accounts of the corporation are in no way subject to the scrutiny or audit of the Treasury Department. The Panama Railroad Company renders no accounts to this office as a disbursing or collecting agent of the United States, and if public funds have come into its hands for disbursement it is without the knowledge of this office.

Various amounts have been advanced by the Isthmian Canal Commission to the Panama Railroad Company under agreement to return the same. Aside from these advances, authorized by Congress, the Panama Railroad Company is treated in the accounts of the disbursing officers of the Isthmian Canal Commission submitted to this office as a contracting corporation furnishing services and materials to the United States. The accounts submitted for audit show the services rendered and materials furnished and the amounts paid therefor. These accounts also purport to show all materials sold to and services rendered for the Panama Railroad Company by the Isthmian Canal Commission, and the amounts received for the sale of such materials and for the performance of such services have been covered into the Treasury as miscellaneous receipts.

Respectfully,

B. F. HARPER, *Auditor.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 19, 1906.

Hon. JOHN T. MORGAN,
United States Senate.

SIR: Referring to your inquiries upon the subject of the accounting between the Panama Railroad Company and the Treasury, and as to the state of the accounts, and the amount of receipts and disbursements of the company since 1904, I have the honor to advise you as follows:

Receipts into the United States Treasury through the Isthmian Canal Commission on account of the Panama Railroad.

	Fiscal year 1905.	Fiscal year 1906.	Fiscal year 1907, July to November, inclusive.
Annual subsidy	$25,000.00	$25,000.00	.....
Dividends on Panama Railroad stock	344,945.00	.....	.....
Sale Panama Railroad stock	.....	1,300.00	.....
Work done by Canal Commission	160.64	17,548.33	$25,694.53
Earnings: Telephone and telegraph service	1,138.45	114.16	387.87
Freight refunded by railroad company	8.97	.....	.....
Rentals, canal property	.....	101,518.69	61,160.52
Interest on loans made by Canal Commission	.....	.....	10,462.48
Sales of Government property	.....	235,198.92	360,799.65
Total	371,253.66	380,680.10	458,505.05

As no separate account is kept in this Department between the railroad company and the United States, the disbursements to or of the company are not of record in the Treasury.

Further, the Treasury Department is not advised of the relations existing between the Panama Railroad Company and the Isthmian Canal Commission, and therefore can furnish no additional data to that above given.

A copy of the report made in the matter by the Auditor for the War Department on the 24th ultimo is inclosed for your information, and it is suggested that inquiries be made of the War Department for the detailed information desired.

Respectfully,

J. H. EDWARDS,
Acting Secretary.

PANAMA RAILROAD STEAMSHIP LINE,
Washington, January 5, 1907.

DEAR SIR: Referring to my letter of the 2d instant, I beg to inclose to you herewith statement prepared by the general auditor, showing the results of operations of the Panama Railroad Company from January 1, 1903, to October 31, 1906, by years.

In this statement is shown not only earnings and expenses, but the net earnings are carried through to profit and loss account, thereby showing the net results after all payments and adjustments during the period covered.

Very truly, yours,

T. P. SHONTS, *President.*

Hon. JOHN T. MORGAN,
United States Senate, Washington, D. C.

Panama Railroad Company—Statement of earnings, expenses, and income, and profit and loss account, amount expended for new construction and improvement, and amounts paid United States Government January 1, 1903, to October 31, 1906.

Year.	Gross earnings.	Operating expenses.	Net earnings.	Miscellaneous income.	Total income.
1903	$2,587,976.69	$1,738,407.86	$849,568.83	a$76,074.60	$925,643.43
1904	3,206,621.76	2,045,025.89	1,161,595.87	a61,237.86	1,222,833.73
1905	3,689,179.46	2,858,613.33	830,566.13	33,564.55	864,130.68
1906 to Oct. 31	3,606,727.48	2,596,213.96	1,010,513.52	8,992.59	1,001,520.93
Total	13,090,505.39	9,238,261.04	3,852,244.35	161,884.42	4,014,128.77

Year.	Interest on bonds.	Charges against income.		Net income carried to profit and loss.
		Sinking fund and subsidy charges.	Miscellaneous.	
1903	$102,645.00	$400,000.00	$21,930.13	$401,068.30
1904	101,360.62	400,000.00	10,578.12	710,894.99
1905	103,601.25	400,000.00	10,165.54	350,363.89
1906 to Oct. 31	82,338.75	333,333.33	1,342.55	584,506.30
Total	389,945.62	1,533,333.33	44,016.34	2,046,833.48

a These amounts being interest and exchange, were included in gross earnings in the published annual reports.

Panama Railroad Company—Statement of earnings, etc.—Continued.

Year.	Debits and credits to profit and loss.				Net increase or decrease in P. & L. balance.
	Dividends.	Property adjustment.	Miscellaneous adjustment.	First mortgage 4½ per cent bonds redeemed.	
1903	$560,000.00	$540.00	$8,734.52	$140,000.00	$9,657.18
1904	175,000.00	59,570.00	10,831.46	140,000.00	605,493.53
1905	350,000.00	73,083.60	12,991.61	140,000.00	54,288.68
1906	.....	120,940.04	15,311.44	140,000.00	618,877.70
Total	1,085,000.00	253,053.64	222.89	560,000.00	1,269,002.73

Year.	Amount expended for new construction and improvements not included in operating expenses.	Amount paid to the United States Government.				
		Date paid.	Dividends.	Date paid.	Subsidy.	Total.
1903 ..	$20,702.37	.....	.....	.....	.....	.....
1904 ..	34,543.40	.....	.....	.....	.....	.....
1905 ..	591,273.92	Feb. 1, 1905	$344,905.00	Feb. 17, 1905	$25,000.00	$369,905.00
1906 ..	1,223,540.67	.....	.....	Feb. 16, 1906	25,000.00	25,000.00
Total.	1,870,060.36	.....	344,905.00	.....	50,000.00	394,905.00

E. S. BENSON, *General Auditor.*

WASHINGTON, D. C., *January 4, 1907.*

PROPOSED CLAIMS INVESTIGATION.

Mr. WARREN submitted the following concurrent resolution; which was referred to the Committee on Claims:

Whereas some confusion has arisen respecting the reference of claims to the Court of Claims by the Houses of Congress and their respective committees under the acts of March 3, 1883 and 1887, commonly known as the "Bowman Act" and the "Tucker Act," and as to whether jurisdiction should not be given to said court to render judgments in all such cases if the statute of limitations were removed; and

Whereas there is also a difference of opinion among members of Congress as to whether the Spanish Treaty Claims Commission should be continued or abrogated and its business transferred to some other tribunal: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a joint committee of three members from the Senate and five Members from the House be appointed by the President of the Senate and the Speaker of the House, respectively, to inquire into the wisdom of a repeal or modification of the acts of March 3, 1883 and 1887, respectively, or the substitution therefor of some law having uniform application to claimants, removing the bar of the statute of limitations from claims, and fixing a definite time within which suits should be commenced in said court.

Said committee is also authorized to inquire as to the wisdom of continuing the Spanish Treaty Claims Commission or abolishing the same and transferring its business to some other tribunal, with such appropriate legislation respecting the same as may in the judgment of said committee be deemed necessary.

And said committee is hereby directed to report their conclusions, with such bills, if any, as they may agree upon, at the next session of Congress.

INVESTIGATION OF AFFAIRS IN INDIAN TERRITORY.

Mr. CLARK of Wyoming. Mr. President, I ask unanimous consent that the time for the report of the committee to investigate affairs in the Indian Territory be extended until the 16th of January. This request is made because of the fact that the Department of the Government having to do with Indian affairs has other matters which it wishes to present to the committee between this and that time.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the time fixed for the report of the Committee on Indian Affairs be extended to the 16th day of January. Is there objection? The Chair hears none, and it is so ordered.

SHOOTING AFFRAY AT ATHENS, OHIO.

Mr. TILLMAN. I ask unanimous consent for the consideration of the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution submitted by the Senator from South Carolina will be read.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate copies of all official letters, telegrams, reports, orders, and other documents, filed in the War Department having relation to the shooting affray which occurred in the town of Athens, Ohio, on the night of Friday, August 19, 1904, and which involved members of the Ohio National Guard and some of the United States troops participating in the maneuvers of the Ohio National Guard, in addition to those furnished in Senate Document No. 155, second session Fifty-ninth Congress, page 414 et seq.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. FORAKER. Mr. President, during the recess, looking through Senate Document No. 155, I read what was there reported as to the shooting affray at Athens, Ohio. Understanding that it was incomplete and having some recollection of the matter, the affair having occurred in our State, I addressed a communication to the Secretary of War requesting that all additional letters, orders, telegrams, and other documents that might be on file in the War Department in relation to the matter should be furnished to me. I received a letter from the Secretary of War a day or two later, saying that there was a lot of testimony that had been taken at a preliminary hearing that he thought I would not have any need for, though if I wanted it the Department would furnish it; that it would make a very voluminous document and cause considerable delay, but that if I would omit that they could furnish me everything else very promptly. I then wrote modifying my request, as suggested by the Secretary of War, under date of December 28, 1906, and the following reply was made:

In response to your letter of the 26th instant, as modified by your letter of the 28th instant, I have the honor to transmit herewith copies of documents as follows:

* * * * * * *

(3) Copies of all correspondence, including letters, telegrams, and orders that have been found on file in the War Department relative to the affair at Athens, Ohio, August 19, 1904, except the transcript of the record, with evidence, in the Athens County trials.

I call the attention of the Senator from South Carolina to the fact that I have from the War Department, in response to the request I made, all, as I understand, of the documents on file in that Department, except only that testimony and the record in those cases. I have looked through it, and I think it probably gives all the information on the subject that the Senator may desire to have. Now that it has been called for, if there is no objection, I will offer this matter, and the Senator can look it over. I sent for it not knowing whether I would desire to use it or not.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Yes.

Mr. TILLMAN. I was not aware that those documents were in the possession of any Senator; but looking through Senate Document No. 155 I noticed that the account of the Athens riot or murder or whatever it was—riot and murder both, it appeared to be——

Mr. FORAKER. It is characterized by the War Department as "a disturbance."

Mr. TILLMAN. Well, anyhow, there was a militiaman shot and killed and another one wounded, and the provost guard was overpowered by the regulars and a mob of fifty or sixty, or something like that, and I wanted the facts. I do not want to have so much particularity in some of these other instances and a seeming indifference or unwillingness to furnish us with official correspondence in the Athens matter. If the Senator has that and will have it ordered printed that will answer my purpose.

Mr. FORAKER. I will offer the matter furnished me, and ask that it may be printed as a Senate document. I got it with the idea that I might possibly want to make some use of it in connection with the investigation if we see fit to make one; but it can be used in the form of a Senate document just as well. I ask that the correspondence I send to the desk may be printed as a Senate document.

The VICE-PRESIDENT. The Senator from Ohio asks that the papers sent by him to the Secretary's desk may be printed as a Senate document.

Mr. TILLMAN. With the understanding, of course, that they are official and come from the Secretary of War.

Mr. FORAKER. I have no doubt that the correspondence is complete. Of course it is official, for it comes from the Secretary of War. I have read enough from the letter of the Secretary of War addressed to myself to show the character of it.

Mr. TILLMAN. I merely want to get the evidence in such shape that it can not be impugned or attacked.

Mr. FORAKER. It will not be. The Secretary of War was very courteous, very prompt, and very obliging about it in every way. He did not seem to have any disposition to withhold anything in connection with the matter. I have no doubt everything is there, though I do not know, as I have never examined the record.

Mr. TILLMAN. I merely wanted to get at the attitude of the War Department in regard to the defense of these soldiers by the Judge-Advocate-General's office and the appeal made to the Department of Justice for help; that is all. I presume the Senator knows whether those things are in there or not.

Mr. FORAKER. Yes, Mr. President; but I will state, if the Senator desires me to do so, that it does appear from what I have sent to the desk to be printed that the War Department did send the Judge-Advocate-General to the town of Athens,

Ohio, with instructions to appear for the defense of the men who were indicted, and also directed the district attorney for the southern district of Ohio to watch the proceedings and give such help as he might be able to afford, all upon the theory that an enlisted man of the United States Army, when in trouble, was in a sense the ward of the Government, whom the Government should take care of in so far as that might be done with propriety when he should get into trouble in connection with his line of duty; but later, when the point was made that this affray had occurred outside of the line of duty of these men, the Secretary of War recognized, as the record shows, that there was some doubt about the propriety of the interference of the Government in that respect. My recollection is that the record shows that the Secretary of War then directed, or somebody else did, that the Judge-Advocate-General desist from further efforts and leave the men who had been indicted to trial and to such defense as might be provided under the laws of Ohio.

Mr. TILLMAN. Mr. President, I think the information I seek is certainly contained in the correspondence which the Senator from Ohio presents. I will therefore withdraw the resolution I offered if the Senate will order the printing of the document the Senator from Ohio mentioned.

The VICE-PRESIDENT. Is there objection to printing the document which has been presented by the Senator from Ohio? The Chair hears none, and that order is made. The Senator from South Carolina withdraws the resolution submitted by him.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions, the Chair lays before the Senate, in pursuance of the unanimous-consent agreement, a resolution submitted by the Senator from Ohio [Mr. FORAKER], which will be read.

The Secretary read the modified resolution submitted by Mr. FORAKER December 20, 1906, as follows:

Resolved, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge of members of Companies B, C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

Mr. LODGE. Mr. President, the Calendar shows that the junior Senator from Oregon [Mr. GEARIN] has given notice that on this morning he would address the Senate in regard to our relations with Japan. Of course I do not desire to interfere with that Senator by proceeding now to speak in regard to the amendment which I offered to the pending resolution. I shall, therefore, yield the floor to the Senator from Oregon that he may address the Senate, as he gave notice that he would. But I desire to say, Mr. President, that as soon as that Senator shall have concluded I shall, if I can secure recognition, take the floor in regard to the amendment which I offered on Thursday last. I am extremely anxious to press the consideration of the resolution, and under the unanimous-consent agreement I believe it is the understanding of the Senate that the resolution is to be considered until disposed of, of course not interfering with the unfinished business. I am very anxious, as I think all Senators must be, to have this resolution disposed of, and, I hope, adopted. Therefore I repeat, Mr. President, that when the Senator from Oregon shall have concluded I shall, if I can be recognized, take the floor in regard to the amendment to the resolution of the Senator from Ohio which I offered on Thursday last.

Mr. ALDRICH. Mr. President, I was not present when the agreement suggested by the Senator from Massachusetts [Mr. LODGE] was made, but I suppose he is aware, as other Senators are aware, that the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. LODGE. What is the suggestion of the Senator from Rhode Island?

Mr. ALDRICH. I suggest that after the Senator from Massachusetts shall conclude his remarks, or any other Senator who may desire to speak to-day, then the resolution will have to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. LODGE. Mr. President, there are several Senators who have told me that they desire to be heard in regard to the amendment which I offered to the resolution of the Senator from Ohio. I know the Senator from Virginia [Mr. DANIEL] and the Senator from Wisconsin [Mr. SPOONER] both desire to be heard in regard to my amendment. So I do not think we can make any agreement to refer the resolution to-day.

Mr. ALDRICH. If any Senator desires to speak, I shall not, of course, press the motion, but I shall at the proper time move that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. LODGE. That can be done after the resolution shall have been adopted by the Senate.

Mr. ALDRICH. It can not be adopted by the Senate until it shall first go to the Committee on Contingent Expenses.

Mr. FORAKER. Mr. President, whether this resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate or not, it is now under consideration in the Senate. When the resolution was brought up some days ago, it was understood then, or I understood, at any rate, that we should go ahead and debate the resolution if it was desired to debate it, and finally, when the debate was concluded upon it, it would go to the Committee on Military Affairs, but with the understanding that there would have to be provision made for the expenses to be incurred by the committee before any proceedings should be taken. I do not care whether that is done before the resolution goes to the Committee on Military Affairs or later.

Mr. ALDRICH. The rule of the Senate and the practice has been to refer resolutions which are a charge upon the contingent fund of the Senate to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. FORAKER. There will be no trouble about that. I do not care whether that is done before or after, so that at some time it is done.

Mr. President, what I rose for more particularly was to call attention to the fact that we have, as I understand it, a unanimous-consent agreement that at the close of the morning hour each and every morning, until it is disposed of, this resolution is to be taken up for consideration and be debated. That being the case, no Senator, it seems to me, ought to give notice that he wants to make a speech at the conclusion of any day's business, because he can not do it without interfering with that consent agreement; and during all the years I have served in this body we have never violated a consent agreement after we have made it.

Mr. FULTON. Mr. President, in justice to my colleague [Mr. GEARIN], I desire to call the attention of the Senator from Ohio to the fact that my colleague gave notice of his intention to address the Senate before this unanimous-consent agreement was reached.

Mr. FORAKER. Mr. President, I was about to say, and should have said it before this if the Senator had not interrupted me, that the circumstances connected with the giving of this particular notice are peculiar. The Senator from Oregon did give this notice before we had arrived at that agreement. But I want now to call the attention of Senators to the fact that we have this consent agreement, and that no notice can properly be given that will interfere with that consent agreement, and I shall deem it my duty to insist upon the consent agreement being acted upon each morning at the close of the routine morning business. Of course it has been said here that the giving of such a notice did not confer any right; but at the same time, whether it confers any right or not, we all respect the desires of a colleague in that sense and desire to comply with his wishes.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. I do.

Mr. CULBERSON. I ask the Senator from Ohio, if he has the RECORD before him, on what day the consent agreement to which he refers was entered into?

Mr. FORAKER. I understand it to have been entered into on last Thursday upon the suggestion of the Senator from Maine [Mr. HALE]. The language of it is simply that which was employed by the Senator, which was acquiesced in by the Senate. This was at the close of his remarks and is his last statement on the subject:

Mr. HALE. Let it be understood, Mr. President, that the resolution comes up at the end of the routine morning business, as it did to-day, and is before the Senate. If that is the understanding, I shall move that when the Senate adjourns to-day it be to meet on Monday next.

That was acquiesced in by everybody. There is no statement to the contrary.

Mr. MCCUMBER. Mr. President——

Mr. FORAKER. Let me add another word, and then I will yield.

The VICE-PRESIDENT. The Senator from Ohio [Mr. FORAKER] has the floor.

Mr. FORAKER. The Senator from Massachusetts [Mr. LODGE] calls my attention to what I thought was in the RECORD, but I have not yet been able to find, in the hurry of the moment, when the suggestion was made that there was no agreement. I did not know that anybody questioned that that agreement had been made. Following the various suggestions that were made, on page 639 of the RECORD I find this:

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that, at the end of the routine morning business on the next leg-

islative day, the resolution respecting the Brownsville matter be laid before the Senate. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. HALE obtained the floor.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Montana?

Mr. HALE. Yes.

I think that is all there is on that point; but clearly we have a unanimous-consent agreement that this resolution shall be the order of business to-day at the close of the routine morning business.

Now, I hope that nobody will try to interpose any other business to-morrow or any other day until we do dispose of this resolution. If they do, I want to give notice that I shall call the resolution up. We might have a consent agreement that it is to come up regularly. I give notice that I will call it up and insist on its consideration at the close of the routine business each morning of every day until there is a vote on it.

Mr. OVERMAN. Mr. President, I desire to state to the Senator from Ohio that I gave notice at the same time the Senator from Oregon gave his notice that I would address the Senate on Senate resolution No. 200. Although it was on the same day, I think it was prior to the time the unanimous-consent agreement to which the Senator refers was made. Of course I have no desire to interfere with the resolution of the Senator from Ohio. I can go on at any time, but I want to say that the notice which I gave was before the unanimous-consent agreement was made.

Mr. FORAKER. Of course, then, I put the Senator from North Carolina in the same class with the Senator from Oregon. I would not have any right to complain of any Senator who wants to give a notice of this kind. I only want to call attention to the fact that we already had a unanimous-consent agreement which was in conflict with the desire of the Senator who gave the notice, and would be in conflict if it were to continue from day to day, as I suppose it is, with any other notice that might be given; but I was hoping that no other Senator would give any further notice. I understand, however, the Senator from North Dakota [Mr. MCCUMBER] also has given a notice, which appears on the Calendar, and I suppose we shall have to respect that; but I only want now to have it understood that I shall press this resolution every morning until it is finally concluded.

Mr. MCCUMBER. Mr. President, I simply desire to call the attention of the Senator from Ohio to the fact that there has been no unanimous-consent agreement to take up this resolution except for the day. If it can be considered to be a unanimous agreement, it is for to-day only. Before the resolution was taken up last Thursday notice was given that I should call up the pension bill. I yielded with the understanding that the Senator from Texas [Mr. CULBERSON] would go on with the discussion of this resolution, and that I could substitute another day. That other day was substituted. I called up the pension bill prior to the time at which it was agreed to take up this resolution for to-day. So, as the record now stands, neither of these notices are in the slightest degree inconsistent with the unanimous-consent agreement made at the request of the Senator from Ohio.

Mr. FORAKER. Mr. President, I do not wish to interfere with any of the notices which have been given, because, under the circumstances, Senators having given them, I think they ought to be respected according to the practice of the Senate; but I ask unanimous consent that it may be the order of the Senate that at the close of the routine morning business each and every morning, except the mornings for which these notices are given, the pending resolution may be taken up for consideration.

Mr. HEYBURN. Mr. President, before unanimous consent is given in that regard, I should like to inquire as to the status this resolution will have under this unanimous-consent agreement. I understand it to be the request that the agreement shall continue until the resolution is finally disposed of. What is the point of disposition to which the unanimous-consent agreement shall apply?

Mr. LODGE. The passage of the resolution.

Mr. HEYBURN. As I understand it, it is the suggestion of the Senator that it is the passage of the resolution. I understand that it is not contemplated that the resolution shall be discussed and voted upon before going to a committee. The question, as I understand it, is not shall this resolution be referred to a committee—that is not the question being considered. So the unanimous consent might result in tying up here, by the consideration of this resolution day after day to the exclusion of everything else, other matters which Senators may deem of equal or of more importance. I shall therefore feel inclined to oppose any unanimous-consent agreement that will place this resolution—which, in my judgment, is of minor importance—in such a position of advantage that all other legislation must stand still until it has been discussed, so far as Senators may desire to discuss it. There are other measures on the table which were considered of sufficient importance to be placed there in order that they might be brought up for discussion at an early day in the Senate, with a view of acting on them after such discussion. I shall object to unanimous consent being given that this resolution and the amendment to the resolution shall be taken up each morning at the end of the routine morning business to the exclusion of other matters which are entitled to be called up.

Mr. CULBERSON. Mr. President, before we pass from this resolution, and asking pardon of the Senator from Oregon [Mr. GEARIN], I desire to offer an amendment to it. I propose to add after the last word of the resolution the following:

The committee, or any subcommittee thereof, is further authorized, if deemed necessary, to visit Brownsville, Tex., inspect the locality of the recent disturbance, and examine witnesses there.

Mr. FORAKER. In so far as I have power to do so, I accept the amendment offered by the Senator from Texas.

Now, in view of some considerations that have been suggested to me since the request a moment ago for unanimous consent, I withdraw the request and shall present it later if circumstances warrant.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas [Mr. CULBERSON] will lie on the table and be printed.

TREATY WITH JAPAN.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from Oregon [Mr. GEARIN] on December 12, 1906, which will be read.

The Secretary read the resolution, as follows:

Whereas a controversy has arisen as to the rights of Japanese residents in the United States under the existing treaty with Japan and it is desirable that all cause of misunderstanding as to the scope and meaning of the terms used in that treaty should be removed to the end that the present friendly relations between the two Governments should continue; and

Whereas the Senate considers that the further unrestricted immigration of Japanese laborers into this country is not desirable: Therefore be it

Resolved, That it is the sense of the Senate that it is advisable that negotiations should be entered into with the Japanese Government by the proper executive officers of the United States with a view of securing such modification of the existing treaty with Japan as will clearly define and enumerate the rights guaranteed Japanese under said treaty, and will provide that the further coming of Japanese cooly laborers into the United States be prohibited altogether.

Mr. GEARIN. Mr. President, the question of Japanese immigration to the United States and the rights of Japanese residents within the United States is a question of immediate importance not only to the State of California, but to my own State as well, and largely to the West. I have felt, Mr. President, since the receipt at the opening of this Congress of the President's message, containing the President's views upon this subject, that there should some time come out of the West an answer to that message and its criticism. That answer will come later. This morning I shall content myself merely with outlining what I think will be the cogent reasons supporting that answer when it is given.

Although by the Constitution the power to make treaties with foreign governments is not vested in the Congress, yet, inasmuch as no treaty can be entered into until the action of the Executive in negotiating it is ratified by the Senate, it can not be deemed a presumption to suggest in advance to the President the desirability of a treaty, if one does not exist, or the modification of one already existing and which the Senate has heretofore ratified.

The right to make such suggestion exists, I take it, at all times and the propriety of exercising that right with reference to the present treaty with Japan, in the light of recent occurrences and Executive communications, must be apparent.

While a treaty during its life is the supreme law of the land, with reference to the matters and provisions and stipulations expressly declared in it, or reasonably within the sweep of the contractual obligations between the parties, yet it is, after all, but a mutual understanding reduced to writing, limited as to time and subject to change by the consent of the contracting parties, as all contracts are and necessarily must be.

The treaty to which I now wish to attract the attention of the Senate was proclaimed on the 21st day of March, 1895, and went into operation July 17, 1899, and by its terms was to continue in force twelve years. It was a satisfactory treaty then, and in its main provisions is satisfactory now. But great changes have come in the last twelve years—changes in conditions, changes in policies, changes in our relations with the nations and our relations with and knowledge of the people of Japan—but greatest of all, changes in Japan and her marvelous

advancement as one of the great "world powers" of the earth. And during those years and while these changes were in progress, changes which, among other things, made us a close neighbor to Japan where our Eastern possessions are almost within the shadow of the Mikado's flag, there has never been a day during Japan's trouble or our own when there did not exist between the two nations the warmest feelings of friendship and mutual esteem. Those feelings between the two nations exist to-day and it is the desire and hope of the people of this country that they shall remain so. And it is because of that hope, and ministering in a way to its realization, that I ask for the passage of this resolution and Executive action in pursuance of it.

We are at peace now with Japan, but we shall not continue so without a better understanding of the rights guaranteed by the present treaty and the obligations imposed by its terms. When this treaty was written it was considered, I presume, to be clear in its terms and specifications as to all the rights to be enjoyed by the citizens of both the contracting parties—so clear and definite that disputes as to its meaning could never arise. And it was thought that both nations could continue to live in amity under it. But it seems that this reasonable expectation of those who formulated the treaty is not to be realized. A very serious trouble has come about—a trouble that may lead to other and more serious troubles—and I think it is the opinion of all fair-minded men that if there is any question about this treaty or what it means, or in any respect whatever, we should have a new treaty about which there could be no such question. And this in fairness to Japan as well as ourselves.

Up to a few months ago no difficulty had arisen—no contention by anybody that the rights of Japanese residing in the United States were other or greater than as enumerated in the treaty itself. And the peoples of the two countries were in perfect accord in all things. But suddenly and without any premonitory symptoms to announce the coming of a change, this peace and quiet was turned into turmoil and strife. Public meetings were called, resolutions were adopted, the public press day after day contained inflammatory articles on the strained relations between this Government and the Government of Japan, and even European newspapers took hold of the situation and added fuel to the flame. And all this confusion and uproar arose about what? A very simple thing. In the month of October, last year, the board of education of the city and county of San Francisco—a State board created by and carrying out the provisions of a State law—made a regulation providing for a separation of Japanese from white pupils in the public schools of San Francisco. Whether such regulation was wise or unwise is a matter with which we are not concerned. It was a regulation the board undoubtedly had a right to make, and did make, and it was fully approved by the people of San Francisco and, so far as public report may be credited, by the people of the whole State of California.

There were at that time (October 11, 1906) in the public schools only 93 Japanese pupils, and of this number 68 were born in Japan and 25 in the United States. These pupils had before that time been attending public schools in company with white children and no attempt had been made to separate them, and the board of education had adopted no rule on the subject. Possibly no rule would have been adopted, at least not at that time, were it not that the disastrous conflagration which destroyed more than one-half of the city, destroyed at the same time the school buildings where these Japanese had been accustomed to attend school, and they were forced into another part of town where school facilities were so meager that attention was called to their presence. Then the order was made that they attend a separate school. The right to make such an order always existed, but it was not exercised. When the right was challenged by the Japanese it was promptly asserted by the school board and the rule enforced. Complaint was made by the Japanese representative in San Francisco, and suddenly this matter—a matter exclusively under the control of the State in the administration and carrying out of its domestic policy—became a question of national importance. To what extent it came to be a matter of national concern may be judged from the following extracts from the President's message submitted to Congress December 4, 1906. After eulogizing the Japanese and stating that generally they were well received and welcomed by our citizens, the message proceeds:

> But here and there a most unworthy feeling has manifested itself toward the Japanese—the feeling that has been shown in shutting them out from the common schools in San Francisco, and in mutterings against them in one or two other places, because of their efficiency as workers. To shut them out from the public schools is a wicked absurdity, when there are no first-class colleges in the land, including the universities and colleges of California, which do not gladly welcome Japanese students and on which Japanese students do not reflect credit. We have as much to learn from Japan as Japan has to learn from us; and no nation is fit to teach unless it is willing to learn. * * *
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> It is only a very small body of our citizens that act badly. Where the Federal Government has power it will deal summarily with any such. Where the several States have power I earnestly ask that they also deal wisely and promptly with such conduct, or else this small body of wrongdoers may bring shame upon the great mass of their innocent and right-thinking fellows—that is, upon our nation as a whole. * * *
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> I recommend to the Congress that an act be passed specifically providing for the naturalization of Japanese who come here intending to become American citizens. One of the great embarrassments attending the performance of our international obligations is the fact that the statutes of the United States are entirely inadequate. They fail to give the National Government sufficiently ample power, through United States courts and by the use of the Army and Navy, to protect aliens in the rights secured to them under solemn treaties which are the law of the land. I therefore earnestly recommend that the criminal and civil statutes of the United States be so amended and added to as to enable the President, acting for the United States Government, which is responsible in our international relations, to enforce the rights of aliens under treaties. Even as the law now is, something can be done by the Federal Government toward this end, and in the matter now before me affecting the Japanese, everything that it is in my power to do will be done, and all of the forces, military and civil, of the United States which I may lawfully employ will be so employed.

Now, Mr. President, considering the subject-matter to which this portion of the message is directed, it is difficult to understand the meaning of this warning or its scope.

It must be remembered that the only "right" which it was claimed had been denied to the Japanese was the assumed right to attend the public schools of California in company with white children. But this is not a "right" at all; certainly not a "right" with which this treaty has any concern.

California is under no obligations to the Federal Government to have public schools, or any kind of schools at all. And if she does have them it is her province, and not that of the General Government, to say how they shall be maintained and how conducted, and who may attend them and under what conditions. If the legislature of California should enact that there should be free schools for girls and not for boys, or for boys and not for girls; or should provide for primary schools only, or graded schools, or high schools, the Federal Government could not review the action of the State legislature, and I assume that nobody will claim that it could.

That the State has such exclusive control over the establishment and management of public schools has been repeatedly decided by the courts. In the case of Cory *v.* Carter (48 Ind., pp. 360, 362), the supreme court of Indiana, having before it the question whether a State law of Indiana providing that colored children should attend separate schools from white children was in violation of the Constitution of the United States, said:

> There being no further restriction upon the legislative power and discretion, it necessarily follows that in providing for this system of schools the legislature is left free to fix the qualifications of pupils to be admitted to its benefits as respects age and capacity to learn—to qualify them with reference to age, sex, advancement, and the branches of learning they are to pursue; to provide for the erection and building of schoolhouses, and to designate to what schools and in what schoolhouse the different ages, sexes, and degrees of proficiency shall be assigned. For these all concern the good order and success of the system.
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> It must follow that this policy or framework for that system vitally concerns and blends itself with the national affairs of the State, with its happiness and prosperity, its peace and good order, and depends upon the wisdom of the legislature, and of the agencies provided by the legislature, acting under its established rules, and comes within the power preserved by every sovereign State, and is clearly without the grants or inhibitions of such amendments to the Constitution of the United States. It being settled that the legislature must provide for the education of the colored children, as well as the white children, we are required to determine whether the legislature may classify such children by color and race, and provide for their education in separate schools, or whether they must attend the same school without reference to race or color. In our opinion the qualification of scholars on the basis of race or color and their education in separate schools involves questions of domestic policy which are within the legislative discretion and control and do not amount to an exclusion of either class.
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> In other words, the placing of white children of the State in one class and the negro children of the State in another class, and requiring these classes to be taught separately, provision being made for their education in the same branches according to age, capacity, or advancement, with capable teachers, and to the extent of their pro rata share in the school revenue, does not amount to a denial of equal privileges to either, or conflict with the open character of the system required by the Constitution.

The same doctrine is announced it State ex rel. Garner *v.* McCann, 21 Ohio State, 210; People ex rel. King *v.* Gallagher, 93 N. Y., 447.

On the general principle touching the right of the State to legislate upon matters concerning its internal and domestic policy and the effect of such legislation, I desire to call attention to the decision of the Supreme Court in the case of Miln *v.* The City of New York, 11 Peters, 139, in which the court says:

> But we do not place our opinion upon this ground. We choose rather to plant ourselves on what we consider impregnable positions. They are these: That a State has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits as any foreign nation, when that jurisdiction is not surrendered or restrained by the Constitution of the United States. That by virtue of this it is not only the right, but the bounden and solemn duty of a State to

advance the safety, happiness and prosperity of its people, and to provide for its general welfare by any and every act of legislation which it may deem conducive to those ends, where the power over the particular subject or the measure of its exercise is not surrendered or restrained in the manner just stated. That all these powers which relate to merely municipal legislation, or what may perhaps more properly be called internal police, are not those surrendered or restrained, and that consequently in relation to these the authority of a State is complete, unqualified and exclusive. We are aware that it is at all times difficult to define any subject with proper precision and accuracy. If this be so in general, it is emphatically so in relation to a subject so diversified and multifarious as the one which we are now considering. If we were to attempt it, we should say that every law comes within this description which conserves the welfare of the people of a State, or any individual within; whether it related to their rights or their duties; whether it respected them as men or as citizens of the State; whether in their public or private relations; whether it related to the rights of persons or of property, of the whole people of a State or of any individual within it, and whose operation was within the territorial limits of the State and upon the persons and things within its jurisdiction.

It must be conceded, then, that the right of the State to establish and maintain public schools and control and direct their management is one of the rights not parted with by the State upon its admission to the Union and is still in the State. California therefore has that right, had it when her public school system was adopted, and had it when the order complained of was made. Having the right, by what authority can the President, or anyone else, say she shall not exercise it?

The excuse, and the only excuse, for the extraordinary claim set up by the President is that the treaty with Japan guarantees to Japanese school children the right to attend the public schools of all the States in the Union, and to attend them in company with white children, and this regulation complained of is in violation of the treaty. To this contention there are two answers, either of which is conclusive. In the first place there is no provision in the treaty which by any sort of construction can be made to support such a claim. The treaty consists of twenty articles besides the introduction. It will not be claimed that the question of the right of the Japanese to enter the public schools is conferred by any of the articles unless it is contained in Articles I and II. I will read Articles I and II referred to:

ARTICLE I. The citizens or subjects of each of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the territories of the other contracting party, and shall enjoy full and perfect protection for their persons and property.

They shall have free access to the courts of justice in pursuit and defense of their rights; they shall be at liberty equally with native citizens or subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such courts and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native citizens or subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects, or citizens and subjects of the most-favored nation. The citizens or subjects of each of the contracting parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be paid by native citizens or subjects, or citizens or subjects of the most-favored nation.

The citizens or subjects of either of the contracting parties residing in the territories of the other shall be exempt from all compulsory military service whatsoever, whether in the army, navy, national guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

ART. II. There shall be reciprocal freedom of commerce and navigation between the territories of the two high contracting parties.

The citizens or subjects of each of the high contracting parties may trade in any part of the territories of the other by wholesale or retail, in all kinds of produce, manufactures, and merchandise of lawful commerce, either in person or by agents, singly or in partnership with foreign or native citizens or subjects; and they may there own or hire and occupy houses, manufactories, warehouses, shops, and premises which may be necessary for them, and lease land for residential and commercial purposes, *conforming themselves to the laws, police and customs regulations of the country like native citizens or subjects.*

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other, which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native citizens or subjects, or citizens or subjects of the most favored nation, without having to pay taxes, imposts, or duties of whatever nature or under whatever denomination levied in the name or for the profit of the government, public functionaries, private individuals, corporations, or establishments of any kind other or greater than those paid by native citizens or subjects, or citizens or subjects of the most-favored nation.

It is, however, understood that the stipulations contained in this and the preceding article do not in any way affect the laws, ordinances, and regulations with regard to trade, the immigration of laborers, police, and public security which are in force or which may hereafter be enacted in either of the two countries.

Now, Mr. President, to my mind these sections show that this treaty was compiled with care and it was intended by the contracting parties that it should enumerate specifically the rights, and all the rights, which were granted by each to each, and nothing should be left to inference. And nothing is said as to the right to attend public schools. This opinion is strengthened by the fact that later on, in Article XVI, patent rights are provided for.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. GEARIN. Certainly.

Mr. PERKINS. I should like to ask the distinguished Senator from Oregon, who has given this subject much thought and consideration, whether he has considered the question of the most-favored-nation clause in the treaty in its bearing upon our duty to admit to our schools children of Japanese, the same as we do those of other nations.

Mr. GEARIN. I have considered it, and I will get to it just a little later and discuss it further on.

What I mean is this. It is evident from a reading of these two articles that those who prepared the treaty intended to put in the treaty all of the rights which they were giving to these people or to our people in Japan; and as I say that is strengthened by a reference further on to a provision in regard to patent rights, as follows:

The citizens or subjects of each of the contracting parties shall enjoy in the territories of the other the same protection as native citizens or subjects in regard to patents, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

Certainly, if the provisions of Sections I and II are broad enough to include the rights now claimed by Japan they are broad enough to include this question of patents. But evidently it was not so considered by the framers of this treaty. There is a clause in Article II, which I have just read, which seems to have been overlooked in the discussions on this treaty to which my attention has been called. It is this: After enumerating the various rights which the citizens and subjects of each of the contracting parties shall have in the territory of the other, the clause ends thus:

Conforming themselves to the laws, police, and customs regulations of the country like native citizens or subjects.

What does that mean? Whatever it may be understood to mean, Mr. President, with reference to American citizens in Japan, it means with reference to Japanese residing in this country that they may have the privileges enumerated and granted them, whatever they are, but they may enjoy them only by conforming to *all* the laws, police and customs regulations of the country like native citizens or subjects. The framers of that treaty knew that in this country we have a dual system of laws—Federal statutes and State laws—and when the broad terms were used "Laws * * * of the country" they meant to include all laws, State and Federal. If, then, by construction there can be read into this treaty a guarantee of common school privileges to the Japanese, they can enjoy them only by conforming to the *laws of the country*—the State law of California among others. And that law, speaking through the duly authorized officers of the State having authority to execute it, says they shall receive this education in separate schools. It would seem to me, therefore, in the first place, that no such right as is claimed by the Japanese is provided for in the treaty; but if it is guaranteed, either directly or by implication, it is subject to the limitation contained in the clause I have quoted and the rule adopted by the board is not in contravention of it.

This Government might well stand upon that interpretation and decline to consider the matter further. And in so doing it would be justified by reason and authority. This is not a new proposition at all. As long ago as 1849, in the Passenger cases, decided by the Supreme Court of the United States, in 7 Howard, page 472, Chief Justice Taney, writing a dissenting opinion, it is true, as to the main point decided in the case, but an opinion which is luminous throughout with legal thought and learning and will ever be a light upon the great constitutional questions involved, says, with reference to a similar clause in the treaty with Great Britain, rights under which were claimed in that case:

The same answer may be given to the argument on treaty stipulations. The treaty of 1794, Article IV, referred to relied on is no longer in force. But the same provision is, however, substantially contained in the first article of the convention with Great Britain, July 3, 1816, with this exception, that it puts British subjects, in this respect, on the same footing with other foreigners. But the permission there mutually given to reside and hire houses and warehouses and to trade and traffic, is in express terms made subject to the laws of the two countries, respectively. Now, the privileges here given within the several States are all regulated by State laws, and the reference to the "laws of this

country" necessarily applies to them, and subjects the foreigner to their decision and control.

Later on the question came up in California, and was decided in the case of The People *v.* Naglee (1 Cal., 232).

The legislature of California passed a law requiring foreigners, in order to entitle them to the privilege of mining in California, to procure a license for that purpose, and prohibiting all foreigners who had not such license from working the mines. The constitutionality of this act, and the question whether it violated treaties with foreign nations, came before the Supreme Court on an information in the nature of a *quo warranto* instituted by the Attorney-General against the defendant Naglee, as collector of license fees from foreign miners. In discussing the objection that this act was in violation of the rights guaranteed under treaties with foreign powers, the court said (p. 245):

First, as to treaties generally. Perhaps the most satisfactory mode of testing the validity of the law, under this point, will be to take the treaty with that power to whose subject as extensive privileges are granted by our country as to those of any other nation. We will, therefore, consider the case as if it involved our treaty relations with Great Britain, and under the supposition that a subject of the Queen of Great Britain was the person from whom the sum of twenty dollars had been exacted.

By the fourteenth article of the treaty of 1794 (known as Jay's Treaty), which was substantially renewed by Article I of the treaty of 1815, the subjects of the King of Great Britain, coming from His Majesty's territories in Europe, had granted to them liberty freely and securely, and without hindrance or molestation, to come with their ships and cargoes, to the lands, countries, cities, ports, places, and rivers within our territories, and enter the same, to resort there, to remain and reside there, without limitation of time; and reciprocal liberty was granted to the people of the United States in His Majesty's European territories; * * * but subject always, as respects this article, to the laws and statutes of the two countries, respectively. By this treaty our inhabitants whilst in the British dominions were to abide by the laws of Great Britain; and the subjects and inhabitants of that country, when in our territories, were to abide by the laws of the United States and by the laws of the respective States where they might be. The only question, then, under this treaty is whether the act of the legislature falls within the scope of the powers of a sovereign nation, and, at the same time, is not included in the category of powers granted by the States to the General Government; for, if it falls within the former, and is excluded from the latter, then it is one of the laws which the treaty itself makes obligatory upon British subjects. But we have seen that the power of taxation, and the power of prescribing the conditions upon which aliens shall be permitted to reside in a State, are attributes of a sovereign nation, which have not, except in certain specified cases, of which the present is not one, been given up to the Federal Government. Our statute, then, is one of the laws or statutes to which the treaty by its own terms provides that the subjects of Great Britain shall be subject. * * * The act, then, is not repugnant to that treaty. But even if the provisions of the statute did clash with the stipulations of that or of any other treaty, the conclusion is not deducible that the treaty must therefore stand and the State law give way. The question in such case would not be solely what is provided for by the treaty, but whether the State retained the power to enact the contested law or had given up that power to the General Government.

If the State retains the power, then the President and Senate can not take it away by a treaty. A treaty is supreme only when it is made in pursuance of that authority which has been conferred upon the treaty-making department, and in relation to those subjects the jurisdiction over which has been exclusively intrusted to Congress. When it transcends these limits, like an act of Congress which transcends the constitutional authority of that body, it can not supersede a State law which enforces or exercises any power of the State not granted away by the Constitution. To hold any other doctrine than this would, if carried out into its ultimate consequences, sanction the supremacy of a treaty which should entirely exempt foreigners from taxation by the respective States, or which should even undertake to cede away a part or the whole of the acknowledged * * * territory of one of the States to a foreign nation. In the License cases (5 Howard, 613), Mr. Justice Daniels, speaking of the provision of the Constitution in relation to treaties, holds the following language: "This provision of the Constitution, it is to be feared, is sometimes expounded without those qualifications which the character of the parties to this instrument, and its adaptation to the purposes for which it was created, necessarily imply. Every power delegated to the Federal Government must be expounded in coincidence with a perfect right in the States to all that they have not delegated; in coincidence, too, with the possession of every power and right necessary for their existence and preservation; for it is impossible to believe that these ever were, either in intention or in fact, ceded to the General Government. Laws of the United States in order to be binding must be within the legitimate powers vested by the Constitution. Treaties in order to be valid must be made within the scope of the same power, for there can be no authority of the United States, save what is derived mediately or immediately, and regularly, and legitimately from the Constitution. A treaty no more than an ordinary statute can arbitrarily cede away one right of a State or of any citizen of a State.

Now, Mr. President, these two decisions state the law as I understand it. The principle announced is so in accord with reason and common sense that a mere statement of it should be sufficient without argument. But there is a reason in my judgment why it applies to this Japanese treaty more, indeed, than to any other treaty. There is a rule for construing treaties laid down by the Supreme Court in Ware *v.* Hylton (3 Dallas, 239), a case cited in all the books in defense of the doctrine that a treaty controls State legislation, and Mr. Justice Chase states the rule in these words:

The intention of the framers of a treaty must be collected from a view of the whole instrument and from the words made use of by them to express their intention; or from probable and rational conjecture. If the words express the meaning of the parties plainly, definitely, and perfectly, there ought to be no other means of interpretation; but if the words are obscure or ambiguous or imperfect, recourse must be had to other means of interpretation, and in these three cases we must collect the meaning from the words or from probable or rational conjecture or from both.

Now, applying that rule to this treaty, Mr. President, we find that at the time the treaty was proclaimed, and before it went into effect, we had been having a great deal of trouble with China, with almost a similar treaty. Cases had arisen, notably the case of Baker *v.* The City of Portland, from Oregon, and the Cue case in San Francisco, and quite a number of cases, in which the courts laid down the rule that under the treaty then existing between this country and China the State law fell in presence of the treaty, and that the treaty was paramount.

Now, if we compare the Chinese treaty existing at that time concerning which those decisions of the courts were made with this Japanese treaty, entered into with practically a similar nation, and if we find that this Japanese treaty contains provisions not in the Chinese treaty, and if in the Chinese treaty there are provisions not in the Japanese treaty, we are entitled to consider those things as throwing light upon what was the intention of the parties when they made the treaty with Japan with reference to public schools and the right of the State to control the Japanese who might come in here.

We find, in the first place, that in the treaty with China there is a provision that is entirely left out of the treaty with Japan. It is this provision in the treaty with China of July 28, 1868:

ARTICLE VII. Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China; and, reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside; and reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

Now, that is altogether left out of the Japanese treaty, a treaty that, as I said, was made immediately after the difficulties that we were having with China in the construction of and carrying out the provisions of and living under that treaty.

Now, why was it left out? It did not itself carry the privileges that are now claimed for this Japanese treaty, but it carried something. It showed that in our dealings with the Chinese people at that time we were intending that their children coming over here should have some school privileges anyhow, and the attention of the people was directed to it. Those who formulated the treaty had in their minds that they were conferring by that treaty some sort of school privileges. When it was left out of the Japanese treaty it is conclusive to my mind that it was intended by those who formulated it that there should be no treaty provision made in regard to these school privileges at all, and that the regulation of this subject should be left to the States entirely.

Furthermore, comparing the Japanese treaty with the Chinese treaty, we find that the clause "conforming themselves to the laws, police, and customs regulations of the country like native citizens and subjects" was not in the Chinese treaty. I have examined the treaty carefully and I have not found it. I do not think it is there. In construing the Chinese treaty, the courts said that no State law that was passed in regard to the Chinese could interfere in any way with the treaty.

I am not questioning now the correctness of those decisions. I am not going into that question. I am not going to discuss the broad constitutional question of how far a treaty may override a State law. I am not going into it because I do not think it is involved here, at least not in my view of this case. This treaty is so worded that it sustains the right of the State to legislate upon the question we are now considering. But I say that the Chinese treaty contained no provisions saving to the State the right to make any such law. Whether there would be a right to make it without that is a question I do not now propose to discuss.

Now, then, those who prepared the Japanese treaty put that clause in there for some reason. When they put that in the Japanese treaty, after this country had had such disastrous experience with the Chinese treaty—the Burlingame treaty—it was put in there because they found it necessary or at least advisable to put it there. They intended that it should carry with it the full effect that I am claiming for it now—that those people coming over to this country should have the rights this Government gave them, subject to the laws not only of the United States, but of each and every individual State in which they might come to remain.

Furthermore, on that same subject and with that same idea, and following out the rule laid down by the Supreme Court of

the United States for construing treaties, I call attention to this portion of the Japanese treaty:

It is, however, understood that the stipulations contained in this and the preceding article—

That is what I have read—those two articles—

contained in this and the preceding article do not in any way affect the laws, ordinances, and regulations with regard to trade, the immigration of laborers, police, and public security which are in force or which may hereafter be enacted in either of the two countries.

There is no such provision in the treaty with China. I do not know that such a provision is in a treaty with any other nation with which we have a treaty. It was not in the Chinese treaty at all. It was put into the Japanese treaty immediately following, as I said, the troubles we had had in construing the Chinese treaty, and it therefore meant what it said—that those people coming here shall take their rights subject to existing law, and all the laws. It was not necessary to put that in the treaty to give the Congress a right to pass an act changing the terms of the treaty by limiting the coming of Japanese here.

It was not necessary to put any provisions of that kind in there, because the Congress has that right anyhow without any provision in the treaty. But when they refer here to "laws, ordinances, and regulations" they cover the whole ground, and this whole contention that is set up here of rights in the Japanese residents of San Francisco, which are superior to the State's rights and can be asserted as against that school board carrying out the State law, is all sham. It has nothing to rest upon, and this Government might decline to go into any discussion with the Japanese representative upon the subject at all if it chose to do so.

But, Mr. President, that would not be a courteous way to treat a friendly nation. That is why I have introduced this resolution. Japan is a friendly nation, and we are upon terms of intimate friendship with her. Her people seem to have got an exaggerated and to my mind a mistaken notion about this treaty; but inasmuch as they have that notion I propose this action. I assume that they honestly entertain this notion. I give credit to every man for the same honesty of purpose that I claim for myself. When they say that they understood by this treaty or that they now understand by the terms of it that these common school priviliges were guaranteed them, and that is why they entered into the treaty, I say it is a proper thing for this Government, in a spirit of amity and friendliness to that nation, which has always been friendly with us, to take up the matter and discuss it, as I have provided in this resolution, and not pass any act here without such a discussion.

It is important, moreover, that this treaty be modified in another respect entirely separate from, though closely connected with, the underlying causes which led up to and brought about the present misunderstanding. So long as the unrestricted immigration of Japanese laborers is permitted to continue there will be a constant and growing feeling of dissatisfaction on the Pacific coast which eventually will bring about and must bring about a restriction of that immigration. And because I believe that such result must follow sooner or later, and soon at the latest, I think it should be accomplished now.

Some of us on the Pacific coast more familiar perhaps with the situation than those who seek to censure and instruct us, because more closely in touch with the industrial interests directly affected by the unrestricted immigration of Japanese laborers, have felt for a long time that remedial action of some sort was necessary to prevent what we believe to be a threatened peril, not only to the Pacific coast but to every industry and enterprise in the United States. We are not new in this business out there on the Pacific coast. We don't know many things, but we know some things—some things we feel rather than learn—some things that are taught us in the schools and some things that are written upon our hearts and graven upon our memories in the hardest of all schools—the school of bitter experience. It was in that school that we learned—learned so well that while life lasts we can never forget it—that the unrestricted immigration of Asiatic laborers to this country is a curse, an incentive to disorder, and a menace to the welfare and happiness and prosperity of the laboring man of America.

We had a treaty once with China—a treaty which permitted Chinese laborers to come to this country, and there was no restriction on their coming, and what was the result? They came by the thousand. They entered every avenue of labor, doing woman's work as well as man's work, although there came no women, or very few, among them. They worked cheaper than our people because they could live cheaper, and the white laborer had to cut the price of his wage to meet the competition, and he kept on cutting, and still the Chinaman cut under him, and finally it came to pass that he could cut no more and live, and then came the end. Some of the means adopted to bring about that end were perhaps questionable—might perhaps not measure up to the standard set by the sentimental, altruistic, amateur political economists who prattle about the brotherhood of man—might not perhaps meet the approval of the present Administration. But to those who understood the situation the revolt of labor against this ruinous and degrading competition was justifiable—not only justifiable but commendable—and the Chinese-exclusion act, which followed as a result of it, has always been regarded by our people as the best piece of legislation that was ever enacted for the Pacific coast and for the nation indirectly.

It might seem at first blush that the coming of laborers—unskilled laborers—was a question that affected only the unskilled labor of our people, and that skilled labor and capital invested was not affected. But no greater mistake could be made. That is the most stupid idea that ever found lodgment in the brain of a sane man. All productive industry is based upon labor. Labor—unskilled labor—is the great creative force that sets in motion the wheels of productive energy throughout the world. We need financiers to manage our banks and financial institutions, but there would be no banks or financial institutions were it not for the laborer, who goes down into the bowels of the earth to dig out with his pick the gold upon which their circulation is based.

We are proud of our great railroad systems, and point with pride to our 220,000 miles of railroads fully equipped and in operation, but there would be no railroads here or anywhere were it not for the man whose toil in the iron mines dug out the raw material, to be fashioned later on into steel rails and equipment, or the toil of that other man whose labor in the coal fields produced the fuel to aid in the fashioning. And so through every avenue where capital is invested or enterprise reaps a profit. And that legislation which relieves labor of unnecessary burdens, and betters the conditions and broadens the opportunities of the laboring man, is the very legislation which encourages investment and insures a profit to invested capital. The interests of labor and capital are interdependent, and as the years have gone by, and experience has taught us wisdom, more and more have we learned and come to understand that there can be no advancement, no growth, no real prosperity in this country except by ennobling labor and securing to those who toil a fair share of the profits and advantages their toil has helped produce. It was always conceded that the laborer was worthy of his hire, and the only question that has ever occupied the attention of political economists on this subject is: What shall his "hire" be understood to mean, and how shall it be measured.

Modern thought, modern progress, and modern civilization have said that in fixing that "hire" we must consider not only the labor of the toiler but also the wealth his toil has created. So that it has come to pass that we are elevating the conditions of the laboring man in this country, and there is still greater elevation and improvement of conditions in store for him. His wages have been increased, his hours of labor have been shortened, "pace making" has been stopped to a great extent, and will be entirely, and a limit be put upon the amount of work he shall be compelled to turn out in a day to earn a day's wages. And the result of all this is that he is happier and more contented and prosperous, and the employer gets better work and better results and greater profits and greater wealth than has ever been known in the history of the world.

And now we are confronted with a condition here which will reverse or tend to reverse all this. The American laborer can not compete with the Chinese or Japanese cooly and it is not right to ask him to try to do so.

I will not speak of the habits of these coolies, their morals or their social life or of its influence, except to say that experience has taught us that outside the question of wage competition and beyond it there are objections to their presence among us—objections that are unanswerable.

And let not the skilled laborer delude himself that he will be exempt from the evil results which will follow the coming of these Japanese laborers. He will not escape here no more than he has in Hawaii. The Japanese learn quickly, and the same competition that will force unskilled labor out of employment will in the end perform the same office for skilled labor and for the small dealer and the shopkeeper and the small farmer just as it has done in the Hawaiian Islands.

But it has been said, and I have seen it repeatedly stated in the newspapers, that Japan does not want her people to come here, and that they will not come in any large numbers and do not want to come themselves. Very well then—so much the better. Japan can not take offense, and surely will not if we provide a means in this treaty by which her desire can be accomplished and a possibility of failure in that respect be eliminated. But while this statement has been repeatedly published, as I have said, and doubtless in good faith, yet I question the

accuracy of the information possessed by those who tell us so. The people of California claim, and I think upon data which can not be contradicted, that Japanese coolies are coming into the port of San Francisco at the rate of 1,000 a month. That is a pretty large immigration, and it has practically only begun, and I have not noted any effort on the part of Japan to stop it. I think that no sane man doubts that it will increase, and increase rapidly, so that in ten years from now the Pacific coast will be overrun by these Japanese coolies and the white laborer practically run out. In forecasting this result, or any result, to arise from the continuance of the present treaty, two things must be considered—the difference in the wage scale of Japan and the United States, and the population, with reference to geographical area and the proportion of the cooly population to the balance of the population of Japan.

Mr. BEVERIDGE. Would it interrupt the Senator if I should ask him a question for information?

Mr. GEARIN. No; certainly not.

Mr. BEVERIDGE. I was listening very closely, but I was not quite sure whether the Senator said he has information which shows that Japanese coolies are coming into San Francisco at the rate of 1,000 a month.

Mr. GEARIN. No; the Senator misunderstood me. I did not say that. I said the people of California, as I understand it, claim that that is true. I have no information myself upon the subject except what is contained in public reports and in the newspapers.

Mr. BEVERIDGE. It would have been, of course, very important, if the Senator had such information as that, and I rose to make the inquiry as to whether it was merely the repetition of a rumor or whether the Senator had any evidence on the subject.

Mr. GEARIN. It is merely the repetition of newspaper rumor, and I think it is correct. The Senators from California may probably know more about it than I, but I take it for granted that it is correct.

Mr. BEVERIDGE. That it is correct?

Mr. GEARIN. Yes; I think so.

Mr. BEVERIDGE. Has the Senator any basis for that estimate except newspaper reports?

Mr. GEARIN. No; I have not. I have no official figures on the subject. I do not know what the official figures will show, if there are any obtainable, but I say it is reported that the Japanese are coming in at the rate of a thousand a month.

Mr. BEVERIDGE. That would amount to 12,000 a year, so that in the ten years the Senator spoke of 120,000 would come in.

Mr. GEARIN. Yes; if only that proportion kept up, and I think it would increase and largely increase.

Now, I was proceeding to consider the difference in the wage scale between the United States and Japan, and the difference in population with reference to geographical area. The total area of Japan proper is 147,565 square miles, or, including Formosa and the Pescadores, 161,160 square miles—less than one-half the area of Oregon, Washington, and California, the three Pacific Coast States, and only 2,800 square miles more than California alone.

Upon this limited territory there is a population of over 46,000,000 of people—more than half the population of the United States—and of that number over 95 per cent of the entire population belong to the class designated in the reports to which I have had access as the common people (Heimin). I found it impossible to determine from available statistics how many of these could be classed as coolies proper. And I submit here, and ask that the same be made a part of my remarks, some tables prepared for me by the Department of Commerce and Labor:

Memorandum of information relating to Japan.

The total registered population of Japan proper on December 31, 1903, as reported in État de la Population de l'Empire du Japon, 31 Décembre, 1903, was 46,732,138. (It was 49,584,599 including Formosa and the Pescadores.)

The total area of Japan proper, as reported in Résumé Statistique de l'Empire du Japon, 20° Année, is 24,794.36 square ri (147,656.63 square miles). Including Formosa and the Pescadores, it is 27,061.93 square ri (161,160.57 square miles).

The only distinction of class that is made in the Japanese census report is that of Nobles (Kwazoku), Samurai, or ancient warriors (Shizoku), and the plain people. (Heimin). The number and proportion of these in Japan proper on December 31, 1903, were as follows:

	Number.	Per cent.
Nobles	5,055	0.01
Samurai	2,168,058	4.64
Others	41,559,025	95.35
Total	46,732,138	100.00

The following table shows the wages of working people in Japan, by occupations, in 1903:

Wages in Japan in 1903.

[Source: Résumé Statistique de l'Empire du Japon 20° Année, p. 39.]

Occupation.	Wages per day. [a]	
	Yen.	Dollars.
Carpenters	0.59	0.29
Plasterers	.61	.30
Stonecutters	.68	.34
Sawyers	.58	.29
Roofers, shingle, thatch, etc	.57	.28
Roofers, tile	.65	.32
Bricklayers	.74	.37
Brickmakers	.52	.26
Mat makers	.51	.25
Screen, door, and shutter makers	.56	.28
Paper hangers	.56	.28
Joiners	.54	.27
Coopers	.47	.23
Sabot makers	.42	.21
Shoemakers	.54	.27
Saddlers, horse-collar makers, etc	.60	.30
Cart and wheel wrights	.49	.24
Tailors, Japanese garments	.47	.23
Tailors, European garments	.57	.28
Makers of pouches, purses, etc	.53	.26
Dyers	.33	.16
Scutchers, cotton	.40	.20
Blacksmiths	.52	.26
Jewelers, etc	.50	.25
Metallic utensil makers	.53	.26
Pottery workers	.42	.21
Makers of lacquered objects	.48	.24
Oil pressers	.41	.20
Paper makers	.34	.17
Tobacco cutters	.53	.26
Compositors	.41	.20
Pressmen	.36	.18
Ship carpenters	.61	.30
Gardeners	.55	.27
Agricultural laborers, male	.31	.15
Agricultural laborers, female	.19	.09
Spinners, silk	.20	.10
Weavers, male	.34	.17
Weavers, female	.19	.09
Confectioners	.36	.18
Fishermen	.37	.18
Sake makers [b]	9.30	4.63
Soy makers [b]	7.10	3.54
Servants, male [b]	2.97	1.48
Servants, female [b]	1.70	.85
Agricultural workers, male [c]	37.98	18.91
Agricultural workers, female [c]	20.13	10.02
Silkworm cultivators, male	.32	.16
Silkworm cultivators, female	.19	.09
Day laborers	.40	.20
Lacquer juice extractors	.38	.19
Rice pounders	.34	.17

[a] These are the average wages paid in a number of localities in each district in March, June, September, and December.

[b] Per month.

[c] Per year.

These figures represent conditions December 1, 1903. At that time, as shown by these tables, of the total population of 46,732,138 there were 5,055 "Nobles," 2,168,058 of the class designated Samurai, and 44,559,025 are designated as the common people—largely, I assume, the laboring class.

The wage scale, taken at its very highest, is about 22.7 cents per day. I arrive at this by averaging the 46 occupations in the list furnished me.

In Bulletin No. 65, of the Bureau of Labor, is given the average wages paid to certain selected occupations in the United States in 1904 and 1905 in certain cities. I have selected San Francisco and have compared the wages paid in San Francisco with those paid in Japan in the following trades: Carpenters, plasterers, stonecutters, bricklayers, blacksmiths, coopers, and compositors with the following results:

	Japan, per day.	San Francisco.	
		Per hour.	Per day.
Carpenters	$0.29	$0.50	$4.00
Plasterers	.30	.75	6.00
Stonecutters	.34	.5625	4.48
Bricklayers	.37	.75	6.00
Blacksmiths	.26	.4035	3.20
Coopers	.23	.4388	3.24
Compositors	.20	.4221	3.36

I have estimated here a day's labor to mean eight hours.

Now, in view of these conditions—that immense population confined to such a small territorial area, and such an overwhelming per cent of that population being laborers whose daily wage is 22.7 cents per day—can any man doubt that those laborers will come to this country where they can earn twice, three times, four times, five times that much the day they land. Japan has felt the evil effects of a congested population, and is

endeavoring, and for some time has been endeavoring, to find a place for its overflow. Korea and Manchuria are the two places where colonizing has been openly carried on. But the Japanese laborer will come here in preference because he can do better here. Labor is a commodity in the world's market, and will go like all other commodities where it can command the highest price, and we pay our laborers higher wages than are paid by any other country in the world.

Japan can send from one to five million of her people into the United States and never miss them. Suppose that should be done—and there is no reason why it should not be done—what then would be the condition of the American laborer? He would have to compete with those coolies or go without employment; and he would go without employment, because he could not compete with them. And the result would follow that there would be an army of unemployed white laborers with no possible way of earning a livelihood or supporting their families and forced out of employment by this cooly competition. What would we do with them? What would this country do with them or for them? What could it do? And this is no fancy picture—no dream impossible of realization. It is a description of a condition that may come to pass, and in all likelihood will come to pass if this treaty is not modified as suggested in this resolution. We should not invite this immigration. We should no longer leave open the gates by which and through which it may enter. But on the contrary in the interest of our people, our institutions, and our Government we should stop it now and forever. It is idle to say that this would be an affront to Japan—a friendly nation. It is not an affront. It is an act in my judgment of the wisest statesmanship in the interests of our own. We have a right to protect ourselves, and we must protect ourselves or go to the wall in the world's competition.

This is our country—for ourselves and our children—and we must protect it. We do not object to European immigration—we want it and welcome it when it comes. It is the stock from which we came, and the blood of the American citizen of to-day is the blood of the nations of Europe—the blood of the races that spread enlightenment and civilization throughout the earth and made a republic a possibility. We take our arts and our sciences, our laws and our institutions, our civilization and our religion from the white races who have preceded us in the world's history.

The history of the Christian world is the history of the white races, and it is our history. Though we are a new nation, and in one sense a new people, yet we are not new, and if to-day we stand as the representative in the farthest west of the best and fairest form of government the world has ever known, we can trace the growth of the evolution of the principles of that government through all the centuries of the past, from the time man first learned self-discipline and submission to authority down to the present day. Out of the trials of the past has come the intellectual greatness of the present. And all the changes in all the centuries have added little by little to the great potential intellectual force ministering to the civilized mind of to-day, in which inherited self-control, enlightened as to its duties and strengthened as to its powers, has at last fitted it to govern itself and to govern others, because it has learned first to govern itself. The white race will control and dominate the earth, not only because of its victories on the battlefield, but because of the training, mental and spiritual, that it has undergone through all the trials and sacrifices of all the peoples who have preceded us along the pathway of time. And it is because of that training and as a result of it that the white man is fitted for the duties and responsibilities of American citizenship.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. GEARIN. With pleasure.

Mr. PERKINS. With the permission of the Senator from Oregon, I should like to say in verification of his figures contained in the statement in reference to the number of Japanese immigrants to this country during the past year, that I have telephoned to the Commissioner of Immigration, and he reports 14,243 immigrants as the total for the period of twelve months ending June 30, 1906. His report verifies the statement just made by the Senator from Oregon.

Mr. GEARIN. I thank the Senator from California, Mr. President. I stated at the time that my figures were from newspaper reports; that I had no data, but the figures just given by the Senator are official, and, as he says, confirm my statement.

Asia has had a civilization it is true, but it has never been our civilization. The yellow race of Asia has never mixed with the white race of Europe. Neither can the yellow man and the white man mix in America. There is something about these race antagonisms that perhaps we do not understand—perhaps it is not necessary that we should understand. The fact that they exist and have never been overcome is sufficient. And I say this without the slightest intention of reflecting upon the Japanese people. I do not say that they are inferior to us—they are different, that is all; and the difference is so striking—such a radical difference—that the two peoples can never become one people or become amalgamated at all.

The Asiatic and the American do not intermarry—will never intermarry except in rare instances. We can never absorb them or take them into our social life.

Mr. President, this nation is not without experience in the matter of trying to absorb into its social and political life a non-assimilating race. There was a time in the first years of our national existence—yes, before that even—when we were colonies, it occurred to some people that the introduction of slave labor would be a good thing, because it was cheap labor. And the slave ships came loaded with their human freight until many, many thousands of slaves were brought over, and they went mostly to the South and stayed there. And they increased in number so that when the war broke out in 1861 there were about four millions of them. And they were slaves still. And then we set them free.

When the war was over these four millions of colored men were made citizens, and the South, taking up the raveled threads of its commercial and industrial affairs, faced a problem that we on the Pacific coast will have to face if this immigration continues. That was forty years ago, and the problem is still unsolved. There are about ten millions of negroes now in the Southern States—in many localities they far outnumber the whites. The two races have never mixed and never will mix. There is and always will be a sharp line of cleavage between them and the irreconcilable conflict between these two peoples to-day in that fair and sunny land of so much promise is the hideous nightmare of social and political alignment, and the despair of the law-abiding people who have to grapple with it. It was the folly—the insane criminal folly of those who thought cheap labor, however obtained, a blessing—that brought these colored people here, and where is the man now bold enough to say that it has been a blessing?

There is trouble down there where the magnolias blossom—in that sunny South of song and story—and there will be greater trouble, I fear, before a solution of the problem is had. And we of the West sympathize with the South in the crisis through which she is passing; and we say to our brothers there, "It is your trouble, and we would help you if we could, but we can't. You understand the situation—deal with it as best you can in the interests of humanity, good government, and righteousness, and in fairness to all and it shall be 'hands off' as far as we are concerned, and we will trust to your honor, your loyalty, and your patriotism to deal with it justly. But we say to you, at the same time, in God's name do not aid by your advice nor assist by your endeavors the plans of those whose efforts, if successfully carried out, will bring down upon us a condition which will be worse, far worse, in the end—than the troublies which now beset you."

Following the parallel down further, we find that in 1844 we entered into our first treaty with China. In 1858 there was another one which was proclaimed after ratification by both parties January 26, 1860, and a tariff treaty concluded November 8, 1858, and ratifications exchanged August 15, 1859.

After this treaty of 1858 was entered into, and while we were living under it, certain well-meaning people conceived the idea that the Chinaman was a man and a brother, and as all men were created equal, we should bring him over here and take him into the family circle and make a good Christian of him, and they kept promulgating this doctrine, and soon they got everybody in favor of it. There were three active influences at work that brought about this result. First, the religious element. The Chinaman had a soul, and they wanted to save it. Second, the commercial element—the exporter of goods and products and merchandise. The Chinaman had money and he wanted it. And lastly, the profound political economist—the theorist, the visionary—the fellow who invariably figures out a result which always ought to follow, but never does. That fellow wanted the Chinaman, too. He wanted him because he would work cheap, and he believed in cheap labor. What we wanted, he said, was cheap labor and more of it, and then we would produce things cheaply and sell them dear, and soon we would have all the money, and if the millennium was not actually in sight it was just around the corner. Which one of these forces was the most potent in bringing about the result I do not know, but anyhow, on July 28, 1868, we concluded a new treaty with China which treaty was known as the Burlingame treaty, and was

duly ratified and proclaimed February 5, 1870, and contained for the first time a provision allowing unrestricted immigration of Chinese to this country.

Every argument used in favor of Japanese immigration now was used then in favor of Chinese immigration and with just as much reason. I need not go over the results that followed the execution of that treaty. The treaty was in force but a very short time—just long enough to open the eyes of our people to the great mistake they had made—when agitation for the repeal of the immigration clause was started, and finally the further coming of Chinese coolies was forbidden. It had to be forbidden. The presence of Chinese laborers became such a source of irritation to our people, so productive of riots and disorder, so disastrous an experiment, and so ruinous in its effects upon white labor and the opportunities of white laborers that all political parties united in demanding that their coming should be stopped, and it was stopped. And now we are repeating in our relations with Japan the same costly experience that proved such a disastrous failure under the Burlingame treaty. It is said that no age ever understands the meaning of its own time, and it would seem that it must be so. With the experience our people had just passed through, struggling with the problem of Chinese immigration it is difficult to understand why they entered in this Japan treaty containing its immigration clause at all. Those in authority at that time did not understand the situation—didn't understand the meaning of their own time.

It would seem, Mr President, that a mere statement of the results of these two experiments in the line of introducing cheap labor to compete with our own laborers would be argument sufficient to prevent our trying a third experiment. We do not want cheap cooly labor here—Chinese or Japanese. We do not want to cheapen labor at all. Our system of government is different from that of China and Japan. In those countries the laborer is a mere machine to be used until he is worn out and of value only to the extent of his productive capacity. He has always been so and he will be so always. He has no part in directing governmental affairs, no part in making the laws under which he is forced to live, and no status whatever, except as a productive machine. He has been so for centuries, and he has inherited ideas of servitude and vassalage totally at variance with the ideas of responsibility and authority and dignity entertained by the American laborer. Here we have no classes, no nobles, no Samurai—we are all plain pleople. Our laborers are a part of the Government—they are the Government. Each one has a vote, each one has a voice in the shaping of the legislation which affects him, and each one feels in his heart that upon his shoulders and upon his loyalty and manhood rest in a measure the prosperity of the country and the honor and the glory of the nation.

The American laborer is not merely a productive machine. He is far more than that. He is an equal in our social life—a factor in our political life—a potential force entering into the fullness of our national life and broadening its possibilities. He is not a destroyer of wealth, he is a creator of wealth, and it is our duty—the duty of good government—to provide by law such instrumentalities as will secure for him a fair share of the wealth his labor has helped produce. The true principle—the only principle which should govern us—is not how little can we get him to work for by introducing cheap labor competition, but rather how much can we pay him to make him happy and at the same time insure to his employer a reasonable profit and no more, upon the capital invested. This is a truism I know, but it is a truism the statement of which meets with violent opposition at times from people who ought to know better. It is time that capital listened to it anyhow. If capital refuses to hear it now from the lips of its friends it will hear it later from the lips of those who are not its friends. We hear a great deal at times about the protection of American labor—about every four years the spellbinders go out and tell the dear people how the Government is protecting American labor. The consumers in this country are submitting to the highest tariff that was ever known in the history of the world, and submitting cheerfully, because they have been told that it is for the protection of American labor.

The American laborer himself pays a large part of the duty imposed by that tariff, and pays it cheerfully because he believes that it raises his wages and protects him from what at election time is designated as "the pauper labor of Europe." And this is how the thing works out. We put such an import duty on foreign goods that it is in many instances practically prohibitory and of course raises the price of the home product. Having done this and raised the price, the workingman has to pay for everything he eats and drinks or wears, whether of home production or European importation, we introduce cheap cooly labor from Asia to cut the price of his wage and take his job away from him. And this is called a "square deal" for the protection of American labor. It is one of the fallacies of the age, and the mystery of it all is that the American laborer has believed in it and been misled by it so long. I believe in the protection of American labor against the pauper labor of the world, and I believe the best way to secure that end is to keep the pauper labor of the world out of American factories and farms and workshops—out of every field of productive industry upon American soil where American labor is employed or American homes are dependent upon the fruits of that labor.

There is another view of the situation to which I wish to attract attention, and it is a matter of importance and not to be overlooked. While Japan is a great nation and well deserves all the complimentary things the President has thought proper to say about her in his message, yet China is a great nation also. If Japan has a "glorious and ancient past," so has China. If Japan has a civilization "older than that of the nations of modern Europe," so, too, has China. The two nations stand equal before us in every respect and we are on equally friendly terms with each of them. How long shall we remain so if we do not treat them with equal consideration. We exclude Chinese laborers because we found by experience that their coming here was no longer desirable, and we represented to the Government of China that it was our first duty to protect our own laboring people, and that the importation of Chinese cooly labor so affected the happiness and well-being of our laboring classes that we could not allow it to continue. And, China, recognizing the force of that argument, consented to the new arrangement and was satisfied—satisfied because Chinese statesmen saw at once that the reasons given by us were good reasons and our position could not be assailed. And the friendly relations between the two countries continued and were not in the least disturbed. But within the last year serious complaint has been made by the Chinese people to our treatment of China as a nation. And can any fair-minded man say that the complaint has no foundation to rest upon? China says to us now and has a right to say:

> You excluded our laborers—you gave as a reason that you could not permit cooly labor to compete with American labor, because such competition threatened disaster to the American laboring classes; we recognized the justness of your position and were satisfied. But now you admit Japanese coolies who are no better than our coolies. Why do you do so?

How are we going to answer the question? We are not going to answer it. We can not answer it. Either we are treating China unfairly in excluding Chinese coolies, or we are treating our own people unfairly in admitting Japanese coolies. And in this connection I would commend the essay on "Industrial morality," found on the thirty-fourth page of the message, to its distinguished author for reperusal and careful examination.

There is not one single objection that was ever urged against the Chinese laborer that does not apply with equal force against the Japanese laborer. Why then the discrimination? We can not continue to treat these two friendly nations in this manner. Either we will be compelled to stop the coming of Japanese laborers, or we will be compelled to again admit Chinese laborers.

There is no middle course. And the objections to again admitting Chinese can not be put better than it was put by the President himself in his message to Congress, December 5, 1905, and I wish to read it and put it opposite to what he says now about the Japanese. These coolies are all alike. If there is any difference between these two people, it is not in favor of the Japanese. This is what the President said in 1905, speaking of the Chinese:

> The questions arising in connection with Chinese immigration stand by themselves. The conditions in China are such that the entire Chinese cooly class, that is, the class of Chinese laborers, skilled and unskilled, legitimately come under the head of undesirable immigrants to this country, because of their numbers, the low wages for which they work, and their low standard of living. Not only is it to the interest of this country to keep them out, but the Chinese authorities do not desire that they should be admitted.

That is just what Japan is saying now, but the Chinese came all the same, and they kept on coming, and China did not try to stop them, and Japan is not trying to stop the Japanese.

> At present their [Chinese] entrance is prohibited by laws amply adequate to accomplish this purpose. These laws have been, are being, and will be, thoroughly enforced. The violations of them are so few in number as to be infinitesimal and can be entirely disregarded. There is no serious proposal to alter the immigration law as regards the Chinese laborer, skilled or unskilled, and there is no excuse for any man feeling or affecting to feel the slightest alarm on the subject.

Now, sir, that was the President's view in regard to Chinese immigration in 1905, and it applies now exactly to Japanese immigration in 1907. Every reason urged to exclude the Chinese can be applied with equal force to the Japanese. I wish to quote something here. In 1870, as I say, we entered into the treaty with China providing for the unrestricted immigration of Chinese labor. This country rejoiced at that time, and all over

the country there was rejoicing over the treaty that we had entered into, and great things were expected to result from it. But here and there was one who saw clearer into the future and understood better than his fellows, and one of those who at that time saw into the future and saw what would happen in case this treaty was entered into, was the distinguished junior Senator from Maryland [Mr. WHYTE]. In an address delivered at the Maryland Institute October, 1870, of which he has kindly furnished me the manuscript copy—as it has never been published—there is a prophecy uttered by him at the time when the whole world was rejoicing over the treaty and thinking what a great thing we had accomplished. The Senator from Maryland [Mr. WHYTE] saw further into the future and with clearer eyes the trouble that was in store for this country, and he said:

Do not fear that I shall violate the political neutrality in what I am about to observe on this occasion. This is no party question.

It is no party question now.

This is no party question. It is higher and greater than any question or policy which divides the parties. It involves the fate of the mechanic and workingman of all parties. It makes an assault upon the energy and industry of our land and strikes a blow at our religious institutions.

The address goes on further on the same line and I regret that my time does not permit reading it all. The Senator from Maryland foresaw, back in 1870, just when the Burlingame treaty took effect, the evil results that would follow from entering into that treaty with China, and there are those now who see far enough ahead—the people upon the Pacific coast who have had the actual experience, which the Senator from Maryland at that time did not have—to see that ruin and desolation will follow in the track of this policy if it is pursued.

There is a report, Mr. President, which bears out what I have been saying here, which justifies every word of it, and justifies the belief I entertain that if this immigration is allowed to continue there will be such a condition upon the Pacific coast as will bring trouble to our country and to our people.

Dr. Charles P. Neill, who is Commissioner of Labor, and a man better qualified than any other man in the United States that I know of to make an examination of labor conditions and problems and to report concerning them, was sent out to make an examination of conditions in Hawaii, and he sent to the Department his report in 1906, which is Document No. 66. That report, Mr. President, is a note of warning to the American people. There are things in that report which might well make us pause and consider where we are drifting if we continue in the course that has been mapped out for us and that we are following now.

It appears that while those islands are nominally ours and under our Government, yet in 1900 74.52 per cent of the adult population was Chinese and Japanese, and the per cent is greater now. They have taken the islands away from us. We provide for their government; we have the nominal ownership and control; but the Japanese and the Chinese practically own those islands and will own them more than they do now, because they are increasing. They are growing every day, and the white people are being run out of there. If the Senate will pardon me, I will make a few citations from this report. This is the condition that Doctor Neill found:

The first effect of the incoming of the Asiatics was the taking over of unskilled labor of every sort, but the competition has now extended until it has become active in nearly every line of trade and in nearly all the skilled occupations. Most of the competition in the skilled trades comes from the Japanese, and it is insisted everywhere throughout the islands that this competition is growing rapidly, and that the number of Japanese in skilled trades is larger now than it was in 1900.

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The clothing trades are almost entirely in the hands of Asiatics. A few white tailors are engaged in business in Honolulu, and there are several white tailoring firms in the town of Hilo, but all of these, with the exception of one firm, are reported to employ Chinese or Japanese workmen. There are practically no white wage-earners engaged in making men's garments or boots and shoes, although a few whites find employment independently in repairing and cobbling. The preparation of food and drink affords employment to a number of workers, who are mostly Asiatic. The Chinese take naturally to culinary vocations, often graduating from domestic service into the systematic manufacture of food products. Most of the bakeries, confectionery shops, and hotels and restaurants employ Chinese help, or, as a second choice, Japanese. Practically all domestic servants are Asiatic.

On account of the restricted field of employment, plumbing and tinning are usually carried on in conjunction as a single trade. The Japanese have for some time been steadily invading this field. They are now strong competitors in the plumbing trade, and in some places they have practically monopolized the work of making tinware for sale at plantation stores and elsewhere among the working people. This latter has been a profitable field of industry for the whites, but they are being driven from it rapidly.

The building trades have also been invaded aggressively by Asiatic workmen. The effect of Asiatic competition in this field has attracted particular attention on account of the fact that white mechanics in the various building lines have been steadily giving up the field in Hawaii and forming a procession back to the coast. When the Territory was annexed a decided building boom occurred at Honolulu, accompanied by a considerable influx of mechanics from the Pacific coast. It took only a few seasons, however, to supply the city with about all the business structures it was likely to need for a number of years to come. The construction of cottages and small residences has continued since that time, but this is a field of work where the Asiatics compete most successfully with white workers, and in which they are gaining control. As a result of failing employment large numbers of workingmen have left the islands and returned to California, and the population of white mechanics has fallen off considerably. Part of this movement undoubtedly represents merely a reaction from the abnormal condition produced by the excitement attending annexation. But the fact remains that building is still going on in the Territory to a considerable extent, and that Asiatic workmen are successfully competing for the work with white mechanics. The procession of unemployed back to the coast, therefore, represents to some extent the displacement of whites by Asiatics. Not only are they successful competitors in the construction of cottages and small residences, but they are making their competition strongly felt on a larger and more important building work. A white contractor in the islands, who used white and native labor only, reported that he had not had a contract of any importance for nearly a year and a half because he had been ruinously underbid either by Japanese contractors or by white contractors using Asiatic labor exclusively.

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The only urban occupations not subject to Asiatic competition are the English printing trades and some forms of employment in machinery and metal working. Some forms of furniture are made in Asiatic shops in Honolulu, and Asiatics compete with whites in carriage making and repairing, wheelwright work, and in millwork and joinery. In the passenger carrying or hack business, both in Honolulu and throughout the inlands, the Japanese are rapidly gaining complete control. Oriental blacksmiths and horseshoers have shops in Honolulu, and the Japanese compete with boiler makers in making the large tanks used as receivers for the fuel oil now employed for steam making in the islands. Although the language difficulty as yet forms an insurmountable obstacle to the employment of Asiatics in English printing offices, there are several Japanese and Chinese newspaper and job printing establishments in the Territory, catering chiefly to the needs of the Oriental population, that occasionally do English work. The manufacture of sugar-mill machinery, skilled electrical work, brewing, and a fraction of the building trades, where the most highly skilled workmen are employed, are the main branches of industry not invaded by Asiatic working people.

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The competition between Asiatics and white and native workingmen has been felt in some degree ever since the Asiatics first began to come into the islands, but not only is this competition now felt through all grades of labor, but it has also spread out into commercial lines. White merchants are now complaining of the effect of oriental competition as vigorously as are the white mechanics and white laborers. In the end the competition will be more disastrous to the merchant than to the mechanic. The mechanic can gather up his tools—his working capital—and return to the mainland, suffering, it is true, from the time lost and from the fact of having practically to start anew where once he may have had a patronage established, and embittered by the feeling that in an American territory there was no room for him, an American citizen, on account of the economic dominance of aliens. But the white merchant can not so easily withdraw from trade without such a sacrifice of his stock as may represent ruin to his small fortune. Many small merchants are now feeling the effects both of the depression and of encroaching Asiatic competition, and are doggedly carrying on a struggle which they believe to be hopeless, but still unable to bring themselves to the point of sacrificing their stock and withdrawing from business. A number of merchants were interviewed, outside of Honolulu, who felt that they had held on too long already and had allowed to pass the favorable moment for retirement.

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The Honolulu Merchants' Association, in a recent correspondence with the Planters' Association, thus expressed their views upon the immigration and competition of Asiatics:

"This country has been inundated with an influx of Asiatic population that threatens to undermine its political security, so far as the ascendency and control of the white race is concerned. For the purpose of obtaining cheap labor there have been introduced here twice as many Asiatic laborers as have been necessary for working the plantations, and this has resulted disastrously to all but immediate sugar interests. The surplus labor, which numbers in the neighborhood of 50,000, is engaged in professional, mechanical, and mercantile pursuits that in a Territory of the United States or in any country legitimately belongs to its citizens."

The predominance of Asiatics in the population of Hawaii has thus come to be regarded not only as a peril to immediate trade interests, through the competition already existing, but as creating a grave menace to business security for the future.

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It is not easy to give an adequate idea of the resentment and the bitterness felt by the white mechanic and the white merchant who see themselves being steadily forced to the wall, and even driven out of the Territory, by Asiatic competition. They feel that they are being defeated in the struggle, not because of superior mechanical skill or superior business instinct on the part of their successful competitors, but because of a lower standard of living, in the face of which they are helpless. They feel, furthermore, that the white citizen who goes into new American territory to cast his lot with a new community and to join in its upbuilding on American lines is entitled, if not to favored treatment, at least to protection against the kind of competition that the Asiatic alien represents.

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The most recent developments in this line seem to indicate that the Asiatics are going into agriculture on a still larger scale. Since the report for 1902 was written, a Japanese cultivation company of some 55 members has taken a five-year contract to raise all the cane upon one of the smaller plantations. They thus gain control of all field operations, including administration, subject to the general supervision of the plantation manager. If this system should extend—and it has proved more profitable than the old in the case in question—the control of cane growing would be as fully in their hands as is coffee raising. In a Japanese paper published in Honolulu, under date of January 8 of the present year (1906), it is reported that a company has been organized in Tokyo for the purpose of leasing lands belong-

ing to one of the large plantations and cultivating cane to be sold to the mill. The company has a capital of $250,000, and is reported to have secured 1,600 acres of land from this plantation, under a twenty-years' lease, and to have begun to clear it. The announcement continues: "The Japanese concern will furnish their own labor, build their own houses, furnish their own implements of agriculture, food, etc."

Thus, in mercantile lines, in the field of hand labor, and in small farming alike, the experience is the same. Between depression and Asiatic competition the whites are being driven out, and the Asiatics are succeeding. It is a struggle for survival, with the white element slowly and steadily losing ground.

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EFFECT OF ORIENTALIZATION OF POPULATION UPON CHARACTER OF CITIZENSHIP.

Although the Asiatics have up to the present slight control of the wealth of the Territory, and although they exercise no appreciable control through suffrage, the orientalization of the population of the islands has already proved a serious detriment to their civic interests. It makes Hawaii a place to be exploited by a working population who endeavor to maintain the lowest standard of living in order to have the largest amount of saving with which to return home at as early a date as possible. The earnings and savings of this population do not enter into the industry of the islands, do not go to the building up of homes, or in any way enter into the development of the community.

As a further consequence of this orientalization there is practically in the Territory of Hawaii nothing corresponding to that element of citizenship which forms the backbone of our commonwealths on the mainland. An agricultural community in America ordinarily represents a very large proportion of independent, self-reliant farmers. In no other part of the community is the proportion of men working for wages so small and the proportion of independent producers so large. But in Hawaii, although a preponderatingly agricultural community, the citizens represent largely two classes—a small group of employers and an overwhelmingly large preponderance of wage-earners. There are no successive gradations from one economic class to another, as there is on the mainland, where the higher-paid wage-earner and the smaller employer approach each other in economic importance. In Hawaii there is a wide gap between employer and wage-earner, and it was neither an exaggeration nor a figurative expression when a Hawaiian editor spoke of the Territory as composed of feudal barons and predial serfs.

In American communities, however great may be the diversity or opposition of economic interests between employer and wage-earner, they have common social and political interests that draw them together and amalgamate them into the common body of citizens. But in Hawaii, with its oriental labor population excluded from citizenship by law and apparently indifferent to citizenship as a matter of fact, there is no common tie whatever, and the gap between employer and wage-earner is at once an economic gap, a social gap, and a political gap. There is no community of thought, nor of feeling, nor of sympathy. The character of an oriental cooly population degrades the idea of labor, as did slave labor in the South. The Asiatic laborers are looked upon with contempt by their white employers, but they in turn reciprocate thoroughly the race contempt which the white class feels for them. Even the second generation of orientals will develop a less desirable citizen class in Hawaii than would be the case on the mainland. The process of amalgamation and assimilation which might to some degree go on in a mainland community, with its American ideals and conditions fixed, settled, and dominant, and in which the population is overwhelmingly American, can not be expected in a community in which only a very small percentage of the population are even descendants of people who have known representative government and have long had traditions of free institutions.

But even if the white population of Hawaii were larger, more homogeneous, and more thoroughly imbued with American ideals and traditions, it could still exert but little influence on the Asiatics of the second generation. The two nationalities, though living side by side, are separated from one another by every possible bar. They differ in race, and their history and traditions have nothing in common. They differ widely in their experience of political institutions. They differ radically in their spiritual ideals and their religious beliefs. They differ wholly in their moral and social conventions, in their philosophy of life, and their habit of thought. They therefore live apart, each maintaining separate and distinct its conventions and ideals. The second generation of Asiatics, therefore, however much in such a community they may conform to American business customs, remain alien in thought and sympathy.

Mr. President, that report shows such a condition of things existing in Hawaii, where we have been only a short time, that we may be permitted to say that if this immigration is not stopped the same conditions will prevail upon the Pacific coast. It is no wonder, reading that report, and reading of the conditions that exist there, that our people look with dread and apprehension upon the prospect of the continued immigration of these people to our shores. We are not a lawless people on the Pacific coast. In the great western movement that peopled that country in the forties and early fifties of the last century there went out over the old emigrant trail, bearing its hardships and braving its dangers, the best stock of the South—the best stock of New England—and the rugged pioneers of the Middle West, who moved on again following the setting sun and carrying the principles of our Government and its flag with them. We are their descendants, and we possess some, at least, of their virtues and all of their loyalty.

It was a hard struggle in the early days, but they fought it out and bravely and loyally and helpfully stood by each other for the common good. And then others came and settled upon the prairies and in the valleys and built up little villages that have grown to be great cities, and community life went on and we were very happy in the pioneer days of the farthest West.

It was a white man's government we established there for a white man's country. And then again others came to us—came by the Isthmus, some of them, came by ox team wearily over the old emigrant trail, most of them—and a tide of immigration flowed in upon us that was unparalleled in the world's history. And Territories were organized there, and States came into the Union—California first, then Oregon, and out of the Oregon Territory was created Washington and Idaho and Montana. And the spirit that brought the early pioneer nerved his hand to the work, and great wealth was accumulated there and prosperity followed in the wake of industry, and it was still a white man's country—white men working for and with white men, each profiting by the labor of the other, and all happy and contented. And then there came among us a yellow invasion. Chinese coolies, under the Burlingame treaty and subsequent treaties, came by the thousand and took the places of employment, out of which they drove white men and women; and soon they were everywhere. And the white laborer stood it as long as he could stand it, and then a storm gathered and broke over that country, and those who saw it and went through it do not want to ever see it again.

And then Congress granted the relief so long prayed for and so long denied, and the exclusion act was passed that brought prosperity again to our laboring classes, and to-day there is not on all the earth a more happy, prosperous, or contented man than the laboring man of the Pacific coast. And we ask Congress and the President now to forestall the possible recurrence of the conditions that followed the introduction of Chinese coolies.

The Japanese coolies that are here may stay, but let there be no more competition of that kind forced upon our people. And if it be said that there are commercial advantages to us under this treaty, and we will injure them by insisting upon the exclusion of Japanese laborers, I answer that I don't care. I am not unmindful of the advantages that flow from commercial intercourse with the nations. I know that trade and commerce are among the great factors that build up a nation and make it great, and that great wealth has ever followed in the wake of the white sails of commercial activity. But there is something greater than mere money—something immeasurably more desirable than the amassing of great wealth—it is the peace and good order of the community and the welfare and happiness of our people.

The President says we have much to learn from Japan. That may be true, and the "Light of Asia" may be an inspiration to some. But there are other lights I would rather see. I would rather see the light of happiness shining in the eyes of the mothers and daughters of our land; I would rather see the light that glints and shimmers over fields of ripening grain in the fertile valleys of my native State, fields owned by American home builders and cultivated by American labor; I would rather see the light that shines from furnace and forge and factory in New England and the South, owned by American capital, operated by American labor, and carried on by the genius of American enterprise. And when I say that, I am voicing the sentiment of the West; I know what my people want. I was born out there when that country was so little known as to be described as a barren wilderness even in the halls of this Senate, and I have lived there and witnessed its growth and development through all the changing years that have brought so much of success and prosperity and happiness to that empire beyond the Rockies—the fairest land, as we see it, over which the flag flies to-day. And it is because I want that prosperity and happiness to continue that I urge the action contemplated by this resolution.

What is our interest is the interest of all. This nation must grow as a whole, or decline as a whole, and you can not bring prosperity to one portion of the country without the waves of that prosperity gathering force as they move, and dashing over every portion of the land and leaving some evidence, at least, of their presence in every American home. We are a homogeneous people, connected by blood and the ties of kinship, and from Maine to Oregon, from the Gulf to the Lakes, our people are one people, differing in many things, but united in loyalty to the flag and loyalty to the Government and institutions for which that flag stands as representative and symbol. And although we of the West are far away from the Nation's capital as the longitude marks, yet we are a part of the Nation's family and sheltered by the Nation's protection.

There are voices calling to us out there—voices of cheer and good will. And we hear them as our fathers heard them on the old emigrant trail—heard them in the noonday sun or in the gathering twilight or under the stars—heard them at the sunrise—borne upon the breezes of the morning from the mountains or from the sea. And we stop at times and listen, and they speak to us of a brotherhood of American labor and American capital—a brotherhood of American genius and American enterprise—a brotherhood of American loyalty and American patriot-

ism. and it strengthens our hearts and cheers us on because we feel that we are brothers all, and that you will listen to us and sympathize with us and aid us—because of the brotherhood. [Manifestations of applause in the galleries.]

The VICE-PRESIDENT. The resolution will lie on the table.

EMPLOYERS' LIABILITY BILL.

During the delivery of Mr. GEARIN's speech,

The VICE-PRESIDENT. The Senator from Oregon will suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. Mr. President, I am not advised that any Senator is ready to speak upon the unfinished business today, and therefore I ask unanimous consent that it be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Oregon will proceed.

After the conclusion of Mr. GEARIN's speech,

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. LODGE obtained the floor.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I yield.

Mr. FORAKER. In view of the amendment that has been offered to my resolution and the numerous suggestions which have been made I offer as a substitute——

Mr. LODGE. I did not yield the floor to have an amendment substituted for mine.

The VICE-PRESIDENT. The Senator from Massachusetts declines to yield the floor.

Mr. FORAKER. I have not offered a substitute for anything that the Senator from Massachusetts has offered; but I thought it was due to the Senator from Massachusetts that I should state, before he entered upon his remarks, that I was willing to change the resolution I had offered to the form now presented. However, if the Senator objects, I will offer it later.

Mr. LODGE. I wish the Senator would offer it later, as I should like to discuss my own amendment and perhaps to offer it in a modified form. I should like to present it myself.

Mr. FORAKER. I do not want to object to the Senator offering anything he wishes to offer, but I supposed I had a right to offer anything I saw fit to offer.

Mr. LODGE. Also I yielded the floor, but I did not yield it for that purpose.

The VICE-PRESIDENT. The Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, I am entirely in favor of an investigation by the Senate committee of the occurrences at Brownsville, Tex., on the night of the 13th of August last, but the resolution offered by the Senator from Ohio [Mr. FORAKER] in its present form seems to me to go very much further than a mere inquiry into the transactions at Brownsville on that night. It involves practically an inquiry into the right of the President to take the action which he took following the incident at Brownsville. The resolution says that the committee is "to take such further testimony." Neither the Senate nor the committee has taken any testimony at all. Therefore the testimony referred to must be the testimony taken by the Department and upon which the President based his action. The resolution then continues to say, "as may be necessary to establish the facts connected with the discharge of the" soldiers, etc.

The discharge of the soldiers was an Executive act, in accordance, as I believe, and as I shall try to show, with the constitutional power of the Executive. But it was certainly an Executive act, and I do not think, Mr. President, that it is within our province as a body to review or to attempt to revise Executive action.

There is only one way in which we can deal with Executive action in the sense of reviewing or revising it, and that is by the method of impeachment, and in that case it does not lie with this body, which furnishes the judges under the Constitution, but with the House of Representatives, to inquire into Executive action.

My purpose in offering the amendment which I did was to exclude absolutely from the field of our inquiry the Executive action which has been taken. I was not at all satisfied with the very hasty amendment which I drafted, and I ask leave now—in fact, I believe I have the right—to modify that amendment, and I offer another, which is broader and more complete, and which excludes entirely from the action of the committee all reference to the Executive action. After it has been read I will briefly explain to the Senate why I think all questions of Executive power should be eliminated from this resolution. I will ask the Secretary to read the amendment, proposed as a substitute for the amendment I offered heretofore.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment, which will be read.

The Secretary read as follows:

Resolved, That the Committee on Military Affairs be, and hereby is, authorized to make inquiry and take testimony in regard to the affray at Brownsville, Tex., on the night of August 13, 1906, and that it be, and hereby is, authorized to send for persons and papers and administer oaths and report thereon, by bill or otherwise.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. Certainly.

Mr. CULBERSON. As that seems to be in the nature of a substitute——

Mr. LODGE. It is in the nature of a substitute.

Mr. CULBERSON. I ask the Senator if he has any objection to adding the sentence I offered this morning as an amendment——

Mr. LODGE. Not the slightest.

Mr. CULBERSON. To the effect that the committee be authorized, if they deem it necessary, to visit Brownsville.

Mr. LODGE. I recall the Senator's amendment, and have no objection at all to it.

I offer that amendment in the nature of a substitute, and it will be observed by the Senate that I have cut out every allusion to the discharge or to the soldiers, and I have left it simply as an inquiry into the occurrence at Brownsville on the 13th of last August, which is something that, unquestionably, a committee of either House of Congress has a perfect right to enter upon.

There are two questions involved here, Mr. President. There is a question of fact and a question of law. The question of fact is as to who committed or took part in the shooting at Brownsville on the 13th of August—not what individuals, but what groups or bands of persons did the shooting. It is admitted, and is not disputed by anyone so far as I am aware, that on the night of the 13th of August there was shooting in the streets of Brownsville, Tex. Houses were fired into. One man was killed. The lieutenant of police had his horse shot under him and was so severely wounded in the arm as to necessitate its amputation. Those facts, as I say, I believe are admitted by everyone. The question is, by whom was this shooting done?

The President of the United States, the Secretary of War, the officers of the Regular Army detailed to examine and report upon the case decided that the shooting was done by soldiers of the Twenty-fifth Infantry stationed at Fort Brown. Upon the testimony which was furnished to them and which has been furnished to Congress accompanying the President's message the Executive took action.

The Constitution League, in behalf of the soldiers, alleges that the shooting was done by inhabitants of Brownsville, who disguised themselves in cast-off uniforms of the troops, supplied themselves with exploded shells and cartridges from the target ranges, shot up the town, and scattered the shells about so as to give the impression, as they were the shells used exclusively in the new model Springfield, that the shooting had been done by soldiers. That is the proposition of the Constitution League.

Mr. President, that shooting was done either by some of the soldiers or by some of the inhabitants of the town. It was done by some one. No vague beings drifted in from outside and did that shooting only to disappear next morning. Universal negations are useless here. The shooting was done by somebody, and it was done either by the soldiers or by the citizens under the circumstances described in the document furnished by the Constitution League, which is printed with the message.

If, Mr. President, it was done by troops of the United States, I think no reflecting man can question that the severest, the most exemplary punishment is deserved by the soldiers guilty of such an outrage. If it was not done by the troops, then they are entitled to the most complete vindication and redress which the Government and Congress can give to them.

On the other hand, Mr. President, if this shooting was done by the inhabitants of Brownsville, then it was one of the most diabolical plots ever conceived by civilized men, in which lives were sacrificed and other lives endangered for the odious purpose of casting the burden of guilt upon innocent men.

Justice to the troops demands that there should be no question as to their guilt or innocence, and justice to the people of that community demands that there should be no question as to their guilt or innocence.

Now, Mr. President, that is a question of fact. As a member of the committee which will be charged under this resolution with an examination of the testimony I do not propose to express or form any opinion at this time as to that question of fact. I want to hear all the testimony that can be furnished. I understand that the testimony on which Major Blocksom acted is to be brought before the Senate in the form of depositions and sworn affidavits. I have no doubt there is a great deal of other testimony to be presented, and until that testimony is presented it would be manifestly unbecoming in me as a member of the committee to express at this time any opinion in regard to it.

I therefore put aside the question of fact which I have endeavored to state, and I express no opinion whatever in regard to it. But the question of law which is involved in the resolution as it stands, and which I desire to exclude completely from the consideration of the committee or of the Senate, is a very different one indeed. On that proposition of law I have made up my mind after such investigation as I have been able to give to the subject.

The power of the President to make discharges without honor has been, if not denied, questioned here and elsewhere, and it is in regard to the power of the President that I desire to speak to the Senate to-day, and to show, so far as I can, not only that the power which he exercised was a constitutional and legal power, but that in its exercise he is not to be questioned by a committee of either House, and that the only way he could be questioned would be by impeachment under the Constitution. For that reason I desire by the amendment which I have offered to exclude it absolutely from the investigations of the committee.

Mr. President, the powers conferred upon the President of the United States by the Constitution are easily stated. He is made the Commander in Chief of the land and naval forces, and it is further provided in the Constitution that those land and naval forces shall be regulated by Congress. It is also to be noted in the fifth amendment, which is a part of the ten amendments constituting what may be called the "bill of rights," and which provides and guarantees to citizens charged with capital crimes presentment to a grand jury, that the land and naval forces are expressly excepted, showing that from the beginning it was recognized that the land and naval forces of the United States were under a law entirely different from the law which regulated the affairs of men in civil life.

When the framers of the Constitution made the President Commander in Chief it vested in him all the powers inherent in that office, which was one well understood, and the powers of which were thoroughly apprehended and appreciated by the men who framed the Constitution, and over whom Washington presided, who had been the Commander in Chief of the forces of the United States.

What, briefly, were the powers inherent in the Commander in Chief? Anyone who will take the trouble to look over the introduction by General Davis to his volume on Military Law will find a history of our rules and Articles of War succinctly stated there. It is enough for me here simply to point out historically the leading points in the development of our military law or in the Articles of War which are embodied in our statutes.

Of course, we are concerned principally with the rules and ordinances of war which have come down to us from Great Britain, for that was the source from which we took our military law. Ordinances and rules of war date back to the Norman conquest, and from that time on they were promulgated by the king, who was the commander in chief. They had no parliamentary sanction of any character. Whatever arrangements were made for the trial of an officer or the infliction of penalties on either officers or men it was within the decision and the power of the commander in chief—that is, of the king alone. The absolute power in the hands of the commander in chief down to the time of Elizabeth is illustrated by the familiar line in Othello, where he says:

> But never more be officer of mine.

That was the conception at that time of the arbitrary and complete authority of the commander in chief.

Modern articles of war are largely based on and derived from the ordinances of war established by Gustavus Adolphus, embodied in England in what was known as Prince Rupert's Code. Those were the rules followed by both sides in the civil wars of England; and when we meet with the first great change in the relation of military law to the civil power it is at the time of the accession of William of Orange, when the famous mutiny act was passed by Parliament. That mutiny act, as everyone knows, embodied the military law of the time in a statute, and provided for courts-martial in the case of mutiny and desertion, thus giving the protection of statute law to officers or men charged with those offenses. It provided further that the act should last only one year, in order that the jealousy of the standing army, so characteristic of the English-speaking people, should be satisfied by a provision which required the reenactment of that law every year by the British Parliament, and from that day to this I believe that the mutiny act has had its reenactment in every Parliament.

When we came to our Revolution we adopted the military laws of England. They were those that our officers had been accustomed to in the old French war, and in all military organization; and our modern Articles of War, which were embodied in the statutes soon after the adoption of the Constitution, the principal revision being, I think, in 1806, preserved still the characteristics of the military law which we took over from England.

I will read a single sentence from the opinion in Blake *v.* The United States, in 13 Otto, in which Mr. Justice Harlan, in delivering the opinion of the Supreme Court, said:

> From the organization of the Government, under the present Constitution, to the commencement of the recent war for the suppression of the rebellion, the power of the President, in the absence of statutory regulations, to dismiss from the service an officer of the Army or Navy, was not questioned in any adjudged case or by any Department of the Government.

I read that merely to show briefly the very great powers inherent in the Commander in Chief down to so recent a time as that—powers which enabled him to dismiss even a commissioned officer from the service. If I may quote one word from General Davis's Military Law, he says:

> The Articles of War in force in the armies of the United States were derived originally from the corresponding British articles. As the colonial troops had served with the royal forces operating in America during the wars immediately preceding the outbreak of the war of the Revolution, and while so serving had been subject to the British Mutiny Act and Articles of War, they became as a consequence familiar with those articles.

Therefore, Mr. President, it is of interest to see what to-day is the attitude in Great Britain in regard to the power of the commander in chief as to summary dismissals. It is quoted in the papers accompanying the President's message from Clode's Military Forces of the Crown:

> Though an engagement is made for a term certain, the Crown is under no obligation to retain the soldier, either in pay or in arms, for that period, but may discharge him at any time. The safety of the realm may depend in some measure on the immediate discharge or dismissal of any man or regiment in arms, and, equally, that the cause of such dismissal should not at the time be disclosed by the responsible ministers of the Crown.

In England, in other words, the power of summary dismissal—that is, of terminating the enlistment—is absolute to-day, and as Clode, the authority I have quoted, says, it may be extended to an entire regiment, and no reasons need be given for the action beyond that of the good of the service.

Now, Mr. President, has that power of summary dismissal, unquestionably inherent in the Commander in Chief as originally established, been taken from him by any regulation or law of Congress? If it has not been specifically taken from him then he still possesses, as he does all other powers inherent in the office of Commander in Chief of which he has not been deprived or in which he has not been limited by law. I think it will be found that not only has the power of summary dismissal not been taken away, but that it has been expressly recognized. Article 4 of the Articles of War, which are a part of chapter 1342 of the Revised Statutes of the United States, provides that—

> No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer, when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

In other words, the fourth article of war recognizes explicitly the power of the President to discharge a man before his term of enlistment has expired, and excepts that power from the general operation of the article. When that form of discharge occurs, I quote the language of Davis in his Military Law—

> Although the engagement of the soldier, under his contract of enlistment, is for a term certain, the Government is under no obligation to retain him in service to the end of the stipulated period, and, under the authority conferred by this article, may "terminate at pleasure an enlistment without regard to the soldier." It is essential to the discipline and efficiency of the military establishment that the Government should "not only have, but should be able to exercise, this power without question or controversy," and at its discretion.

Then he says further:

> A third species of discharge, recently recognized, is "discharge without honor." It is employed in cases where there has been no sentence adjudging a dishonorable discharge, but where the discharge awarded is induced by conduct or circumstances not honorable to the soldier—where his status is not one of real honor, as where he has been sentenced to a term of imprisonment in a penitentiary by a civil court.

In the footnote on page 357 I find the following:

The causes for and occasions upon which this form of discharge may be resorted to are set forth in Circular No. 15, Headquarters Army, 1893 (par. 151, Army Regulations of 1895), which contains the requirement that this form of discharge will be used in the following cases only:

(a) When a soldier is discharged without trial on account of fraudulent enlistment.

(b) When he is discharged without trial on account of having become disqualified for service, physically or in character, through his own fault.

(c) When the discharge is on account of imprisonment under sentence of a civil court.

(d) When at the time of the soldier's discharge, at or after the expiration of his term of enlistment, he is in confinement under the sentence of a court-martial, which does not provide for honorable discharge. Circular 15, Headquarters Army, May 11, 1893; paragraph 151, Army Regulations, 1895.

(e) With forfeiture of retained pay on the approved finding of a board that he has not served honestly and faithfully.

(f) When discharged without honor is specially ordered by the Secretary of War for any other reason. Paragraph 151, Army Regulations, 1895.

The power is made, Mr. President, as sweeping as possible. It is merely the form of the discharge that is new; one, Davis says, "recently recognized," and which has been in force for the last thirteen years. The form does not affect in the least the general power of summary dismissal, which has always been inherent and recognized in the Commander in Chief.

Moreover, Mr. President, as is cited in the report of the Judge-Advocate-General, within the past year 352 men in the Army of the United States have been discharged from the Army without honor by order of the Secretary of War. If he had the right to do it for one man, he has the right to do it for ten or for twenty or for a hundred or for a regiment; the principle is precisely the same, and the power of summary dismissal has been inherent in the Commander in Chief since there has been such a thing as military law, and remains vested in him unless taken away by statute. That power is simply recognized and regulated by the discharge without honor.

Precedents are not wanting, and the fact that they occurred in time of war or in time of peace does not affect the principle. I do not propose to go into these precedents at any length. They are all printed here. I merely want to call attention to certain orders that were issued by two great generals and to the language that those generals employed. One is the case of General (then Colonel) Lee, before the breaking out of the civil war, in which the offense had been that the soldiers had lynched a bartender. A member of the company, Captain Hesse, makes the statement in regard to it, and he says, on page 540 of the message and accompanying papers:

The inquiry, although rigid, failed to fasten the blame on any person, and at its conclusion Colonel Lee ordered the company to be disbanded and the members transferred to other companies to be discharged at the end of their enlistments without honor; that is, without the right to reenlist in the Army.

That is, without the right to reenlist in the Army. What the final action was is not known, for the civil war shortly afterwards broke out, and the papers in the case, which were in Texas, disappeared. But we have another case, an order of General Lee, in which we have the explicit order itself, and which is important on account of the last sentence:

The ——— ——— Battalion, for cowardly conduct on every battlefield from Gettysburg to the present time, is unworthy of a place as an organization in the army of northern Virginia. It will be marched to division headquarters Wednesday afternoon, at 4 o'clock, and surrender its colors and be marched to the rear in disgrace. The general commanding the army of northern Virginia regrets that there are some brave officers and men belonging to this organization who must share in this common disgrace, but the good of the service requires it, and they must bear it as brave soldiers.

That is General Lee.

Then there is the case of Grant's order, which is given on page 542, which had no connection whatever with the war or the military service. The men had broken into a store and stolen, and it had been found impossible to convict the individuals who were guilty, and General Grant ordered that the sum of the loss of $1,242.66 "be assessed against said regiment and the officers hereinbefore named, excepting such enlisted men as were at the time sick in hospital or absent with proper authority." In that case the principle of punishing the entire organization for what was necessarily the offense of a few men was fully recognized when the culprits could not be discovered.

I merely read these orders to show what has been the universal military practice.

Why, Mr. President, there is a famous case, which everyone must remember, in connection with the siege of Yorktown. One of the French regiments which took part in the capture of the redoubts at Yorktown was a regiment known as the "Royal Auvergne." They had their names, I think—their standards, I am sure—taken from them on account of bad conduct at some previous time. The disgrace fell upon them all, innocent and guilty alike. It was done by the power inherent in the Commander in Chief; and in recognition of their gallantry at Yorktown they were restored by the same power. Military history is full of punishments of that kind, some involving, like General Lee's case, summary dismissal, others involving other general punishments.

Mr. President, the enlisted men are under a contract. I need not go into that with any elaboration. It is stated in the very familiar case, which everybody who has looked at the subject has examined—In re Grimley (137 U. S.)—in which the court states in so many words that enlistment is a contract. It is a contract that is recognized and, as all the writers on military law recognize, a contract terminable at the pleasure of the Government; and in the terminating of that contract by the discharge without honor the President exercised the old power of summary dismissal, which has been characteristic of the power of the Commander in Chief from the beginning.

Mr. President, that power of summary dismissal rests on even broader grounds than military law. It is an absolute necessity in the power of anyone charged with the conduct of any organization, from the family upward. It is one of the powers by which social organization coheres. You can not imagine the possibility of conducting a household or a business if no man could be removed unless it was done on evidence which would convict him of a crime or a misdemeanor before a jury. We had the question in connection with our civil service.

It was long a matter of debate after the adoption of the Constitution whether the President had the unrestricted power to remove, and finally, in the bitter controversy that arose with Andrew Johnson, Congress passed the tenure-of-office act. I never myself believed, as an abstract question, that it was constitutional, but whether it was constitutional or not, it was found to be absolutely impracticable. That statute, passed in the heat and bitterness of party controversy, was modified under Grant and repealed under Cleveland. To-day I do not think there is any question whatever that the power of removal must rest in the Executive, and that unless he has that power over the men charged with the conduct of the civil service, it would be utterly impossible to carry it on efficiently or decently for any length of time.

Mr. President, what is true of the civil service of the Government is true with tenfold force of the military service of the Government. It lies at the very bottom of military discipline that this power of summary dismissal, always inherent in the Commander in Chief, should be exercised by him to-day. I am not now concerned in the least with the facts on which it was exercised in this particular case; that is of very little moment compared to the general principle involved in the attempt that has been made to question the power of the President in the premises—his general power to issue a discharge without honor. If the Commander in Chief—and this power is conferred by article 4 not only on the Commander in Chief, but on the Secretary of War and the department commander—if this power of summary dismissal were taken away, I do not believe that military discipline could be maintained with the slightest success in the United States. I myself believe that the questioning of the President's power, which has gone on in the press and elsewhere, has been already prejudicial in the highest degree to the discipline of the Army of the United States. What we may find the facts to have been at Brownsville is one thing, but it is a much broader and graver question when we attempt to overturn and cast doubt upon the authority of the Commander in Chief of the Army and Navy of the United States. If military discipline is not maintained, the Army of the United States, instead of being what it is meant to be—a protection to the citizens of the United States, ready in case of war or insurrection to go to the support of order and law and liberty and property alike—instead of being that it will be a menace to every community where soldiers happen to be in garrison. Cases must constantly arise where it will be utterly impossible to find evidence which will convict a man before a jury of a crime or a misdemeanor, and yet where it is absolutely essential that the military power should be exercised to separate such a soldier from the service.

Mr. President, if I may briefly repeat the points which I have tried to make, I think it is clear to anyone who will examine the history of our military law that the power of summary dismissal was inherent in the Commander in Chief of the military forces from the beginning; that it has always remained undiminished in the commander in chief in England, from whom we took our system of military law; that when we made the President Commander in Chief under the Constitution we invested him with that power of summary dismissal; that it has never been taken from him, but, on the contrary, has been explicitly reserved to him in Article IV of the Articles of War,

which are part of the statutes of the United States. If he did not have that power, if the Commander in Chief were not vested with that power over the Army, then it would be the very pressing duty of Congress, in my opinion, to place that power in his hands.

Military forces can not be dealt with under the provisions of law which regulate our civil affairs. That is recognized throughout the world and has always been recognized in every army and in every country. But, Mr. President, there is no doubt in the world in my mind that under the Constitution, which makes him Commander in Chief, under the Articles of War which I have cited, under the unbroken practice and custom of the Department, the President is fully authorized legally and constitutionally to dismiss from the service without honor soldiers, enlisted men, who, in his judgment, the good of the service requires to be dismissed. I think that is as plain as anything can possibly be on the face of the statute and of the Constitution.

But, Mr. President, if he has violated the Constitution and the laws in exercising this power of dismissal without honor, not merely in this case, but in 352 other cases during the past year, then it is a far more serious thing than the ascertainment of the facts as to the riot at Brownsville, because, if we once admit that, we then charge the Chief Executive with an impeachable offense.

Mr. President, for reasons which I need not rehearse, I think Executive action in this case is beyond our jurisdiction. I do not think we can undertake to review the action of the Executive any more than the Executive can undertake to review our action. He acts under the Constitution and laws as we do. In issuing this order of dismissal he was performing a purely executive function. If the Senate desires to inquire into the occurrences at Brownsville on the night of the 13th of August last, that is entirely right and proper. As I have said from the beginning, I shall cheerfully vote for a resolution of that character. I do not want to delay it one moment, and in offering my amendment I have no purpose whatever of delay—quite contrary. But, Mr. President, it will lead to long delay if we do not dispose of this question now and remove it from the resolution by which we direct the Committee on Military Affairs to make inquiry. I not only wish the resolution to pass in what I think the proper form, but I want it dealt with quickly. I have no desire to see it dragged out for another year, perhaps. I think we ought to deal with it now, and, in my judgment, the surest way to expedite it is to clear it of the legal and constitutional question which has been raised here; and not only been raised here, but which is inevitably involved in the resolution as it now stands phrased.

It is for that reason, Mr. President, that I have offered my amendment, so that the question of the constitutionality and legality of the President's action may be wholly excluded from the scope of the Senate's inquiry.

Mr. FORAKER. Mr. President, the Senator from Massachusetts [Mr. LODGE] criticises the resolution I offered, in the first place, because it authorizes the Committee on Military Affairs to take "further testimony." He reminds us that the Senate has not taken any testimony, and that, therefore, to direct the Committee on Military Affairs to take "further testimony" is not the proper direction for us to give, for it assumes that we have done something that we have not done. In the first place, Mr. President, I am not particular about the language that may be employed. I do not care whether the resolution is worded "to take further testimony" or simply "to take testimony;" but, in view of what the Senator from Massachusetts has said, it is in order perhaps for me to state that when I framed the resolution in the way to which he takes exception in the respect referred to I had in mind that the President of the United States had transmitted to the Senate a lot of affidavits and other statements, not under oath, to which he referred as testimony. The President told us in that message that the testimony he had thus sent to us was conclusive and overwhelming. I undertook to show, in answer to that statement, that it was neither overwhelming nor conclusive, but inadequate, insufficient, flimsy, and unsatisfactory. I do not know whether or not I employed any other adjectives. I would have done so if I could have thought of any others, for I quite agree with the Senator from Massachusetts in his suggestion that there is in fact no testimony before the Senate. But it was that that I had reference to when I employed the term "take further testimony."

This resolution shall not fail, however, let me say again, because of any mere technical objection to the language which may have been employed by me when I drafted it. I am after the substance. I will let all things that are not substantial be waived.

Coming now to the substance, the Senator has offered a substitute. He says the substitute, as he has offered it, is to have practically the same effect as would have been produced by the adoption of the amendment he offered last Thursday to the resolution which I had introduced, and he tells us that his purpose in offering the amendment he did offer to my resolution and now in offering his substitute is to recognize the fact that there are two great questions—one a question of fact, about which he concedes we have a right to make inquiry, and the other a question of law, or a question of constitutional and legal power on the part of the Executive to take the action that is under consideration. That, the Senator says, we have no power to take any notice of, and he wants us to separate these two questions, that not only the committee, but also the Senate shall be concluded from giving any consideration whatever to, or taking any action upon, the question of the constitutional and legal power of the Executive to take this action.

Mr. President, because the Senator so interprets his amendment to my resolution and the substitute he now offers I am opposed to both. It is not true, as I understand the law and the authorities—and I repeat in this connection that I may, of course, be mistaken about it, for it is only my opinion—that the President as Commander in Chief has inherent power to do that which he has done, and that Congress has never undertaken to deprive him of that inherent power.

What is the power of the President? It is twofold. In all the authorities it is spoken of as constitutional power and legal power. What is the constitutional power of the President? His constitutional power is to command. "He shall be Commander in Chief of the Army and the Navy." That is all the power the Constitution confers upon him. If there were nothing else said about the Army or the Navy, or about anybody else exercising any power with respect to the Army and Navy, it might well be argued, as the Senator from Massachusetts has argued, that the power of the Commander in Chief is the same power that the commander in chief of the British army was invested with and exercised.

The power of the President with respect to the Army and Navy is not, however, deduced from what was the practice or what was the power in the British army, but it is deduced from the Constitution of the United States. He has no power as Commander in Chief except only that which is by that Constitution conferred upon him. Under the Constitution he has no power to raise an army; he has no power to dismiss an army. He has power to grant discharges in certain cases only because the Congress of the United States has conferred that power upon him, a power not only with respect to discharges, but a power in connection with the Army in other respects. What he derives directly from the Constitution is his constitutional power; what he derives from the Congress of the United States is his legal power.

It is not an open question what is his power under the Constitution as Commander in Chief. We do not have to go to the British army and to British precedents to ascertain the limitations of that power. The Supreme Court of the United States has spoken on that point as long ago as in 9 Howard. The Supreme Court of the United States said, speaking on that subject, at page 615:

> As Commander in Chief he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy.

I might read further to the same effect. It is enough to say that in that case, and ever since in every other case in which the Supreme Court of the United States has had occasion to speak on that subject, what the Supreme Court then and there said has been repeated without modification or change of any kind whatsoever. In every instance, when the power of the Commander in Chief of the Army of the United States has been referred to, it has been said by that court that his constitutional power is the power to command. He can direct where the Army and Navy of the United States shall be quartered or stationed; how they shall be employed in time of war; how they shall be directed to move against the enemy; and all that is over and above and beyond the power of the Congress of the United States to control. That is his absolute, unqualified power, with which the Congress of the United States has no authority whatever to interfere.

In 16 Peters, at page 291, the Supreme Court of the United States again spoke on this subject in the case of The United States *v.* Eliason. The last paragraph of the syllabus reads as follows:

> The power of the Executive to establish rules and regulations for the government of the Army is undoubted. The power to establish necessarily implies the power to modify or to repeal or to create anew. The Secretary of War is the regular constitutional organ of the President for the administration of the military establishment of the nation,

and rules and orders publicly promulgated through him must be received as the acts of the Executive, and as such are binding upon all *within the sphere of his legal and constitutional authority.*

Mr. President, what does that mean? It means simply this, as in this opinion is elaborated, that if with respect to any subject necessary in the regulation of the Army the Congress of the United States shall not have spoken, *ex necessitate rei*, the Commander in Chief may prescribe a regulation, and that it will be effective, but no regulation can be made by the Commander in Chief except only such as may be *within the sphere of his legal and constitutional authority and power.*

Mr. President, there is no autocracy in this country. There is no arbitrary and dictatorial and unrestrained and unrestricted power in even the Commander in Chief of the Army of the United States. All power is derived from the Constitution. The President's power as Commander in Chief comes to him directly from the Constitution, and his legal power comes to him from the Constitution, through the Congress of the United States. What he does not derive directly from the Constitution or through enactments of the Congress of the United States he is as absolutely without as though he were any other person or individual other than the Commander in Chief. I shall not take time to read from the body of the opinion. I have read the essence of it. I have read it to show that, as I said a moment ago, there are two kinds of power with respect to the President as Commander in Chief with which he is invested—one the constitutional power to be Commander in Chief, the other legal power conferred upon him by Congress, and conferred upon him by Congress because the Constitution says that the Congress shall have power to raise armies and to prescribe rules and laws and regulations for the government of the Army. In prescribing these rules the Congress can say "The President may have power in certain contingencies to dismiss men from the Army which we have raised;" but, without such a provision, if the Congress should have spoken upon it at all, the President would not have that power, except in conformity with the law of Congress. Wherever the Congress has spoken in the making of a regulation, that regulation is the law of the land, and it is binding on the President of the United States as well as upon everybody else.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. CULBERSON. I understand the Senator from Ohio to have referred to the regulations for the Army, which have been from time to time promulgated by the President. What I desire to ask the Senator is this: Does he take the position that the power of the President to promulgate such regulations springs from the statute alone or from his constitutional authority as Commander in Chief?

Mr. FORAKER. I spoke explicitly on that point. The Senator, of course, was not following me closely enough to catch what I said. I said if, with respect to regulations, the Congress failed to act as to the regulation on any particular point the President might *ex necessitate* make a regulation as Commander in Chief, but if the Congress shall have acted then, the President has no power to act except only in conformity with and by virtue of that authority of law.

Mr. President, in 169 United States, in what is known as the "Garlinger case," at page 316, it was held by the Supreme Court of the United States with respect to regulations made by the Treasury Department, which are determined upon the same principles precisely—that the regulation must conform to law—that it can not add to any right or detract from any duty. If the Congress of the United States shall have spoken upon the subject, no other power can speak except in conformity to the will of Congress as the Congress has so expressed its will.

Mr. President, has the Congress spoken on this subject? The Senator from Massachusetts [Mr. LODGE] tells us that the relation of the enlisted man to the United States is a contractual relation. That is true. Nobody, I believe, ever contended for anything else. And it is because it is a contractual relation that the enlisted man has rights beyond what he would have but for his contract. When I was speaking here a few days ago I called attention to the nature of his contract. It is set forth in the second article of war. There is nothing indefinite as to the obligation of the enlisted man, nor is there anything indefinite as to the rights of the enlisted man. In the second article of war it is provided that when he enlists he shall take this kind of an obligation:

I, A B, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the rules and Articles of War.

In other words, the rules and Articles of War are incorporated into this contractual obligation that the enlisted man assumes when he enters the service of the United States in the Army. "Rules" relate to regulations that are prescribed for the government of the Army. The Articles of War are directly enacted by the Congress of the United States.

Now, what are these Articles of War first? At great length I pointed out here a few days ago that the Congress of the United States in enacting the Articles of War which are incorporated in the enlisted man's contract, had specifically pointed out in advance and provided for almost every kind of offense that an enlisted man could be foreseen to be likely to commit, and with respect to every such it had specifically provided that he should have a right to trial by court-martial and his punishment should be such as the court-martial might inflict. And then, for fear something might be omitted, might not be covered, they enacted an omnibus clause, now the sixty-second article of war, in which it is provided that every offense—I will not stop to read it—no matter what its character may be, except only murder, which was to be taken care of otherwise, every offense prejudicial to good order and military discipline should be cognizable under the sixty-second article of war, and the punishment should be such as a court-martial might direct.

Mr. President, on that occasion I went to a good deal of trouble to show upon authority that what these unfortunate men who have been discharged from the Twenty-fifth Infantry had been guilty of, if anything, was an offense cognizable under the sixty-second article of war. I had not then seen Senate Document 155. It had been sent to the Senate by the President the day before and we had sent it to the printer. It was in his hands. It came to the Senate while I was speaking. I had no opportunity to look through it, but I did look through it a day or two afterwards. And one of the first things I discovered was that the War Department and the President and the Department of Justice had precluded themselves from denying that these alleged offenses were cognizable under the sixty-second article of war.

It will be remembered that thirteen men, one of them a discharged soldier, were singled out and arrested on civil process at Brownsville, charged with the commission of this offense, and incarcerated in jail and held there by the civil authorities until the time when the Twenty-fifth Infantry left there to go to El Reno. Just before they left an agreement was arrived at between the Government authorities and the civil authorities whereby the twelve soldiers were discharged. Immediately after the War Department and the President and the Attorney-General, who had been brought into the case to give his advice and opinion on these important subjects, were advised of that, they directed the department commander of the Department of Texas, General McCaskey, I believe it was, to proceed forthwith to file charges against each and all of the twelve men under the sixty-second article of war.

I at once wrote a letter to the Secretary of War and requested to be informed—for that record did not state anything about it—whether the charges had been so filed and, if so, what had become of them. In due time I received from him the charges and specifications, twelve in all. There should be that many here. I want to incorporate them into the record. They are all alike:

Charge and specification preferred against Sergt. James R. Reid, Company B, Twenty-fifth Infantry.

He is the man who was sergeant of the guard on the night sixteen men went out, as claimed, from that fort with guns and arms, and climbed over the wall and shot up the town, and then returned without him or anybody under his command, although on duty and on the alert, looking for people coming from that direction, seeing one of them. Something was said by the Senator from Massachusetts [Mr. LODGE] about a most astonishing and mysterious sort of plot that the Constitution League contended had been entered into. I do not know; I do not want to speak about the facts now, but I will say this much in passing: If what is contended for here to show that these men are guilty of this charge be true—that there was such a conspiracy, such a consummation of it, and that many men engaged in it, and the number of accessories before and after the fact necessary to enable it to be carried out—it is a thing that has happened without a precedent in all the history of criminal jurisprudence. In my opinion such a thing never happened, never could happen, and never will happen. But that is foreign to the point I was discussing.

I want to show that these men, if they committed the crime charged against them, are amenable to the law. There was a law created by which they were to be tried, by which, according to the obligations which they assumed when they enlisted, they had a right to be tried, and a right, as the Supreme Court has

said, that no power on earth can take away from them. Now, here is what they are charged with:

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Sergt. James R. Reid, Company B, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to property of inhabitants of said town. This on or about August 13, 1906. (Signed.) H. Clay M. Supplee, first lieutenant and battalion adjutant, Twenty-sixth Infantry, officer preferring charge.

Then there is a list of witnesses, and then there is an indorsement to which I call attention. It is the first indorsement:

[First indorsement.]

FORT SAM HOUSTON, TEX., *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

I send to the desk this paper, with eleven others just like it in form—there should be that many—and I ask that they may be incorporated in my remarks without being read. I wish to put them in the RECORD at some point, and they may as well come in here as at any other.

The VICE-PRESIDENT. Without objection the papers sent to the desk by the Senator from Ohio will be printed in the RECORD.

The papers referred to are as follows:

Charge and specification preferred against Sergt. James R. Reid, Company B, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Sergt. James R. Reid, Company B, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant and Battalion Adjutant, Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry.

In confinement since August 25, 1906.

Rate of pay, $23 per month.

Previous convictions: One, September 8, 1905.

[First indorsement.]

FORT SAM HOUSTON, TEX., *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Sergt. Darby W. O. Browner, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Sergt. Darby W. O. Browner, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did singly, or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant and Battalion Adjutant, Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. George Jackson, Company B; Private John Hollomon, Company B; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry.

In confinement since August 25, 1906.

Rate of pay, ——.

Previous convictions: None.

[First indorsement.]

FORT SAM HOUSTON, TEX, *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Corpl. David Powell, Company D, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Corpl. David Powell, Company D, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant, Battalion Adjutant, Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Private Joseph H. Howard, Company D; Private James C. Gill, Company D.

In confinement since August 25, 1906.

Rate of pay: $20 per month.

Previous convictions: None.

[First indorsement.]

FORT SAM HOUSTON, TEX., *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private James C. Gill, Company D, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline, in violation of the sixty-second article of war.

Specification.—In that Private James C. Gill, Company D, Twenty-fifth Infantry, did without authority take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did singly or in company with other party or parties unknown take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant, Battalion Adjutant, Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private Joseph H. Howard, Company D.

In confinement since August 25, 1906.

Rate of pay: Thirteen dollars per month.

Previous convictions: Two.

[First indorsement.]

FORT SAM HOUSTON, TEX., *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private Joseph H. Howard, Company D, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private Joseph H. Howard, Company D, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to property of inhabitants of town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant and Battalion Adjutant, Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D, Twenty-fifth Infantry.

In confinement since August 25, 1906.

Rate of pay: $14 per month.

Previous convictions: None.

[First indorsement.]

FORT SAM HOUSTON, TEX., *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private Oscar W. Reid, Company C, Twenty-Fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private Oscar W. Reid, Company C, Twenty-fifth Infantry, did without authority take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did singly or in company with other party or parties unknown take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town. This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant, Battalion Adjutant, Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Corpl. David Powell, Company D, Private James C. Gill, Company D; Private Joseph H. Howard, Company D.

In confinement since August 25, 1906.
Rate of pay, $14 per month.
Previous convictions, four.

[First indorsement.]

FORT SAM HOUSTON, TEX., *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private James W. Newton, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private James W. Newton, Company C, Twenty-fifth Infantry, did without authority take from his or other companies stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to the property of the inhabitants of said town. This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant and Battalion Adjutant, Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry.

In confinement since August 25, 1906.
Rate of pay: ——.
Previous convictions: Four—December 2, 1905; April 28, 1906; June 4, 1906; June 23, 1906.

[First indorsement.]

FORT SAM HOUSTON, TEX., *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private Charles W. Askew, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private Charles W. Askew, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to the property of the inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant and Battalion Adjutant, Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Corpl. Willie H. Miller, Company C; Sergt. Darby W. O. Browner, Company C; Sergt. George Jackson, Company B; Private John Holloman, Company B; Corpl. Charles Madison, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry; Sergt. James R. Reid, Company B.

In confinement since August 25, 1906.
Rate of pay, ——.
Previous conviction, none.

[First indorsement.]

FORT SAM HOUSTON, TEX., *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Corpl. Willie H. Miller, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Corpl. Willie H. Miller, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to the property of inhabitants of said town. This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant and Battalion Adjutant, Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. Darby W. O. Browner, Company C; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Corpl. Charles H. Madison, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry; Sergt. James R. Reid, Company B.

In confinement since August 25, 1906.
Rate of pay: ——.
Previous convictions: Four (4).

[First indorsement.]

FORT SAM HOUSTON, TEX., *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Corpl. Charles H. Madison, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Corpl. Charles H. Madison, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did singly, or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to property of inhabitants of said town. This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant and Battalion Adjutant, Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D.

In confinement since August 25, 1906.
Rate of pay: Fourteen dollars per month.
Previous convictions: None.

[First indorsement.]

FORT SAM HOUSTON, TEX., *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private John Hollomon, Company B, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private John Hollomon, Company B, Twenty-fifth Infantry, did without authority take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did singly or in company with other party or parties unknown take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant and Battalion Adjutant, Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Sergt. Darby W. O. Browner, Company C; Corpl.

Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private Joseph H. Howard, Company D; Private James C. Gill, Company D.

In confinement since August 25, 1906.

Rate of pay, $18 per month.

Previous convictions, 1.

[First indorsement.]

FORT SAM HOUSTON, TEX., *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, the charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Sergt. George Jackson, Company B, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline, in violation of the sixty-second article of war.

Specification.—In that Sergt. George Jackson, Company B, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant, Battalion Adjutant, Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private Joseph H. Howard, Company D; Private James C. Gill, Company D.

In confinement since August 25, 1906.

Rate of pay: $23 per month.

Previous convictions: None.

[First indorsement.]

FORT SAM HOUSTON, TEX., *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

Mr. FORAKER. Mr. President, the point I make is that if these men were guilty as charged, there was a law, and it has been recognized by the Department that there was a law, under which they could be brought to trial, and The Military Secretary, General Ainsworth, in transmitting his order that the charges should be thus preferred says he does it with the approval of the President of the United States and the Attorney-General of the United States.

Now, what became of it? The Senate is already familiar with the fact that these twelve men were selected as the ones most likely to have committed this crime; and so they were, for they were the sergeant of the guard, and the men on guard, and the sergeants and other noncommissioned officers in charge of the quarters and the guns and the gun racks. They held the keys. No such conspiracy could have been formed and carried out without every one of them having knowledge of it. Their cases were brought before the grand jury at Brownsville. For three weeks, I have been told, the grand jury was investigating, and it finally dismissed the men on the ground that there was no testimony whatever on which to convict them. Then they were in time dismissed from the service of the United States, but dismissed without having been brought to trial under these charges and specifications against them, under the sixty-second article of war. So it is that these men have had no opportunity anywhere, although arrested by civil process and then later charged with a military offense and entitled to a military trial, to appear and say "We are not guilty, and here is the testimony by which we propose to establish our innocence."

Mr. President, the Senator from Massachusetts says, "Very well; go ahead and investigate all the facts connected with the transaction at Brownsville, but do not do anything that calls in question the constitutional or the legal power of the President of the United States to dismiss these men as he has done." Mr. President, if the particular state of facts may be immaterial, then is it immaterial whether there were any facts at all. If the President can discharge because there is a state of facts that causes him to suspicion, and suspicion when, as he says himself, he has no testimony, if upon that condition he can say, "I will dismiss and am warranted in doing it," he can say "I will dismiss without regard to whether there are any facts at all, and if you want to know about it I will simply tell you"—as the Senator from Massachusetts has, in effect, told us—"it is none of your business. I am Commander in Chief of the Army. I know my constitutional right and power. I know what it was in the British army. I know what it was in the American Army when George Washington commanded, before the Constitution of the United States was adopted, and I have that power, and I will not be questioned, and I will not be called to account."

Mr. President, the President may be right. He has his ideas of the law. He has doubtless studied this question. Others have also doubtless studied it and are in accord with him—the Senator from Massachusetts seems to be—and therefore it may be I am entirely wrong; but I am simple minded enough to think that it makes a great deal of difference whether there are any facts to call for such action as this. I think we have a right to make inquiry, and I think the Senate of the United States would be in a most ridiculous attitude before the country, and with respect to its own duty, if here now it should adopt a resolution, no matter who offers it or what may be its form, that could be interpreted to estop us from raising a question, when we come to consider this case upon the facts that will be developed, as to whether or not upon that state of facts the President acted within his constitutional or legal power, especially if it should turn out that the soldiers did not commit any offense whatever.

But, Mr. President, this becomes a pretty plain case when we run it down a little further. Before the war and down until the 20th of August, 1866, which is the date of the official termination of the civil war, the President of the United States did have power, whenever in his judgment he thought it proper to do so for the good of the service, to dismiss any officer in either the Army or the Navy, and he did have prior to that time far greater and more autocratic powers with respect to the enlisted men than he has ever had since or ever will have again in time of peace.

On the date I mentioned a law went into effect which had been passed in July, 1866—that is, it took effect on the 20th of August following, when it was declared that the civil war was at an end—providing that in time of peace no officer of the Army or the Navy or the Marine Corps should be dismissed without being given a trial before a court-martial. That has been the law ever since.

Now, when they thus legislated about officers, the Congress of the United States commenced also to legislate about enlisted men. They authorized the President of the United States to prescribe a code of regulations, subject to approval by the Congress of the United States, and one President after another prescribed codes of regulations—Army regulations. In no one of them, until 1895, was such a thing as a discharge without honor recognized. But then, for the first time, it was introduced. Before that time all discharges had been either honorable or dishonorable. On that date, however, it was provided also that discharges without honor might be granted.

Now, in what kind of a case? The Senator called our attention to the fact that the President's message discloses by one of its exhibits that during the past year 352 discharges from the Army were granted without honor, and he talks as though of necessity, if what I am contending for could be sustained, every one of them would be invalid and an undue exercise, a usurpatory exercise, of power. Not at all. I think the discharge without honor is proper enough in a proper case, in such a case as it was intended for; and what kind of a case was it intended for?

As I said the other day in speaking, if I had the list before me I would have numerous illustrations suggested to my mind immediately. But the illustration I gave then was of a boy seeking to enlist and succeeding in enlisting by misrepresenting his age. He serves a few months. His mother comes and finds him. He is homesick. He has imposed upon the enlisting officers. His enlistment was not honest. He is not entitled to that certificate of an honorable discharge which should be given only to a man who has rendered faithful and honest service, to employ the language used in the statute. Therefore they say, "The boy is doing no good. It is a case of hardship. He wants to be discharged. We will discharge him;" and the Secretary of War or the President, as the case may be, orders that he be discharged without honor; that his connection with the service be terminated, not in the way of punishment, but in the way of favor to him.

There is another man who has deserted. The officers do not think much of him perhaps as a soldier anyhow. He is arrested and brought back. There may be some great trouble about proving the case against him, or on account of some other difficulty or because of extenuating circumstances they may be willing to

let him go without trial and without honor because he has requested that he may quit the service in that way. So he is granted a discharge without honor.

But, Mr. President, in no case whatever—and I challenge the War Department or anybody else who wants to speak on that side of the proposition to produce one single precedent—has a man been discharged without honor and without hearing because he was charged with a crime which he protested he was not guilty of and who protested against being so discharged. I challenge them to cite a single instance where he has been so discharged until after he has been given a trial. In all the 352 cases the Senator from Massachusetts will not find a precedent. In no instance will he find a precedent.

Mr. President, it is an elementary proposition, it is a birthright, as the Supreme Court of the United States has said, that every American citizen charged with crime shall have a chance to appear somewhere, before some court, some tribunal, and there meet his accusers and answer their witnesses.

Ah, but the Senator from Massachusetts says the fifth amendment to the Constitution does not apply, with its guaranties of due process when life, liberty, and property are put in jeopardy, to an enlisted man; that it is not intended for the Army, because the Army is expressly excepted. That is true, Mr. President. Nobody ever did contend that in and of itself that constitutional provision had application for the benefit of the excepted classes, but, Mr. President, the Congress of the United States, having scrupulous regard for the fact that the enlisted men were citizens of the United States and entitled to the protection of the law, as a substitute for that constitutional guaranty gave a statutory guaranty, which is written into every man's contract of enlistment, that if charged with crime he should have opportunity to defend himself before a court-martial. And, Mr. President, not only in the numerous articles of war to which I have referred are these provisions to be found, but they are to be found in the Army Regulations, and in the Army Regulations with special reference to discharges without honor.

Let me read what is provided in section 146 of the Army Regulations. The Senator from Minnesota [Mr. NELSON] suggests that I read also article 145, and I will do so:

145. A soldier, on his discharge from the service, will be given a certificate of discharge signed by a field officer of his regiment or corps, or by the commanding officer when no field officer is present. When more than one field officer of the regiment or corps is present the commanding officer may designate the particular field officer to perform this duty, and in any case the commanding officer may require the discharge to be submitted to him before delivery to the soldier.

Now, there is a provision about discharges at the end of service. Here is another provision. It has been claimed that it also applies exclusively to discharges at the end of the soldier's term of enlistment. But, Mr. President, not so, for you will observe, as I read it, how broad and unqualified its language is. It is a provision that is framed for the express purpose of making it impossible for injustice to be done to the soldiers by the exercise of the power to discharge without honor. It reads as follows:

The character given on a discharge will be signed by the company or detachment commander, and great care will be taken that no injustice is done the soldier.

No injustice shall be done the soldier.

If the soldier's service has been honest and faithful, he will be entitled to such character as will warrant his reenlistment—that is, to character at least "good." Where the company commander deems the service not honest and faithful, he shall, if practicable, so notify the soldier at least thirty days prior to discharge, and shall at the same time notify the commanding officer, who will in every such case convene a board of officers, three if practicable, to determine whether the soldier's service has been honest and faithful.

Now, listen to this:

The soldier will in every case be given a hearing before the board.

That is not all—

If the company commander is the commanding officer, he will report the facts to the next higher commander, who will convene the board. The finding of the board, when approved by the convening authority, shall be final. *Discharge without* honor on account of "service not honest and faithful" will be *given only on the approved finding of a board of officers as herein prescribed.*

Now, Mr. President, there is no pretense that anybody undertook in this case to follow this plain mandate of the law. Is the President of the United States over and above the law? Can he ignore it? Is not a law for all in this country charged with its administration as well as for all who are subject to it?

Suppose this order had been granted by the Secretary of War. He has precisely the same power under the statute to grant discharges without honor that the President has, for the power is conferred in the same sentence, in the same breath, as it were. It is as broad for one as the other. If the Secretary of War had ordered these men discharged no man would be heard here or elsewhere to claim that he had acted within the law if in doing so he had ignored that provision.

Now, is this an idle provision? Mr. President and Senators, let me call your attention to the fact that this section 146 has been floating around in the Army Regulations in one form and another ever since discharges without honor were first recognized in the Army Regulations in 1895, from time to time changed down until 1901. From 1895 it was provided that the company commander should notify the enlisted man that he would discharge him without honor, and then if the enlisted man wanted a board of inquiry he could make application for it, and upon such application it would be the duty of his commanding officer to give it to him. In 1901 the Army Regulations were so changed, while President McKinley was yet in office, as to provide that if an enlisted man when notified of the intention to discharge him without honor failed to demand a board of inquiry he should be deemed to have waived that right. That stood for two or three years; and then the regulation was put into its present form—namely, that it should be the duty of the company commander to give him notice, and then not the duty of the man to make application for a board if he wanted it, but the duty of the company commander to notify the post commander, and then the duty of the post commander, without consulting the man, to convene this board and notify the man to appear before it to make such defense against putting that kind of stigma upon him as he might be able to make.

Why that care on the part of Congress to change in that way this provision? Why, Mr. President, every man knows, when he stops to think, that the Congress of the United States was thinking of the helpless condition of enlisted men in most of such instances. The Congress of the United States was thinking of their lack of knowledge of legal provisions affecting their rights, and that many men doubtless were losing their rights because they had no knowledge with respect to their right to a board of inquiry. To cure all that, to make it absolutely safe that no man should be put out of the Army of the United States with a brand of crime on him, or any other stigma on him, by a discharge without honor until he had a day in court, the Congress of the United States approving these regulations, which are promulgated by the President of the United States and the Secretary of War, provided that there should be in no case whatever any discharge without honor until the enlisted man had been brought before a board and the court had so decided.

There is no pretense that anything of that kind was done here. If I have argued to any purpose, I have shown that it is the soldier's contractual right to have this inquiry and to have this opportunity to defend, especially where he is charged with a crime.

These regulations, as they now stand, as I have said, were in force, I think, when every one of the men discharged at Brownsville was enlisted on his last enlistment. Every one of them then had these provisions written into his contract of enlistment.

Ah, but we are told by the Senator from Massachusetts of what high importance it is that the President of the United States, as Commander in Chief, should be invested with this arbitrary power. He suggests that dire calamities may follow if in particular instances the President is not so authorized. If so, the responsibility would be not his, but the responsibility of Congress.

But, Mr. President, the Supreme Court of the United States has spoken on that point also. In the Milligan case, reported in 71 United States, the Supreme Court answered that kind of an argument. I perhaps should say to Senators that that was a case where Milligan was tried before a military commission during a time of war, and it was claimed that the State of Indiana, where he was tried, had not seceded, that war was not in effect there, that the courts were open, and that there was a denial of justice not to allow him to go into the duly authorized and constituted courts of the country. The answer was that the exigencies of the case were such that they were bound to take these extraordinary and unprecedented steps as against him. What did the Supreme Court say?

No graver question was ever considered by this court, nor one which more nearly concerns the rights of the whole people, for it is the birthright of every American citizen, when charged with crime, to be tried and punished according to law.

You can say the same as to the soldier, in view of the fact, which I pointed out, that every conceivable crime is provided for by law, only that he shall be tried before a court-martial instead of in the civil courts.

The power of punishment is alone through the means which the laws have provided for that purpose, and if they are ineffectual—

We are told they were ineffectual here; that here was murder, and perjury, and a conspiracy of silence, an unknown crime under the statutory law of the country, but nevertheless a high-

sounding one, full of much meaning that is reprehensible; and that because they were guilty of all these things they were dismissed from the service. Why? Because they had no testimony to prove any of these things. The Inspector-General, General Garlington, himself reports that he thinks there was probably a conspiracy of silence, but he is unable to find any testimony whatever to that effect. Now, they say therefore this legal proceeding for trial by court-martial was ineffectual, and because he could not discover who the guilty ones were we will turn them all out, the innocent with the guilty. The Supreme Court says:

> And if they are ineffectual there is an immunity from punishment, *no matter how great an offender the individual may be,* or how much his crimes may *have shocked* the sense of justice of the country *or endangered its safety.* By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rulers or the clamor of an excited people. If there was law to justify this military trial, it is not our province to interfere; if there was not, it is our duty to declare the nullity of the whole proceeding. * * * By that constitution and the laws authorized by it this question must be determined. The provisions of that instrument on the administration of criminal justice are too plain and direct to leave room for misconstruction or doubt of their true meaning.

Speaking further on this subject, the Supreme Court says:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

This was a time of war, when the nation was in a death grapple for its life, a very different situation from that which was presented at Brownsville, where the occurrence was in a time of profound peace, when the Army had nothing else to do of any importance to be compared with this except only to convene a court, as the law directed, and let these men appear and have their day in court, and present their defense, and have it ruled upon.

Now, here is something else to which I invite the serious attention of every Senator. The Supreme Court, dealing with this claim, that because of a great exigency they had the right to suspend the law, says they have no such right, and then adds this:

> Such a doctrine leads directly *to anarchy or despotism,* but the theory of necessity on which it is based is false, for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence. * * *

Speaking further as to the power of the President with respect to the ordering of the commission, the court says:

> They can not justify on the mandate of the President, because he is *controlled by law* and has his appropriate sphere of duty, which is to execute, not to make, the laws; and there is "no unwritten criminal code to which resort can be had as a source of criminal jurisdiction."

On a point I passed a few moments ago the court speaks in Ex parte Milligan as follows:

> Congress has the power not only to raise and support and govern armies, but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with *the command of the forces and the conduct of campaigns.* That power and duty belongs to the President as Commander in Chief. Both these powers are derived from the Constitution, but neither is defined by that instrument. Their extent must be determined by their nature and by the principles of our institutions.
>
> The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authority essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law. *Congress can not direct the conduct of campaigns,* nor can the President or any commander under him, *without the sanction of Congress,* institute tribunals for the trial and punishment of offenses, either of soldiers or civilians, unless in cases of a controlling necessity, which justifies what it compels, or at least insures acts of indemnity from the justice of the legislature.

Now, Mr. President, we are told by the Senator from Massachusetts of some precedents. He tells us of what General Lee did and of what General Grant did. Well, the Judge-Advocate-General, happily for my purpose, has also told us of those precedents. Here is what the Judge-Advocate-General says in Senate Document 155, in a statement submitted to us by the President as an exhibit to his message. The Judge-Advocate-General says, on page 311:

> The Secretary to the President, in a letter dated December 1, 1906, advises the Secretary of War that the President would like to have him "look up any precedents (Lee's or others) for the action taken in discharging the battalion of the Twenty-fifth Infantry, and if there exist any such, send them to the President."
>
> A protracted examination of the official records has thus far resulted in failure to discover a precedent in the Regular Army for the discharge of those members of three companies of the Twenty-fifth Infantry who were present on the night of August 13, 1906, when an affray in the city of Brownsville took place.

Without reading it, I will ask to have incorporated what he says about the Lee case, which he discusses to the extent of a page or more, concluding his discussion of it with the following:

> In view of the foregoing statement, it will be seen that the action taken in 1860, in the case of Company G, Eighth Infantry, is not a precedent for the action taken in 1906 in the case of members of the Twenty-fifth Infantry.

The matter referred to is as follows:

> The case referred to as "Lee's" by the Secretary to the President is undoubtedly the case of Company G, Eighth Infantry, concerning which an interview with Mr. J. C. Hesse was recently published in the Washington Post. In that interview it was stated that, by order of Lieut. Col. Robert E. Lee, the members of Company G were transferred to other companies of the same regiment and prohibited from reenlisting on the expiration of the terms of enlistment under which they were then serving. A search for papers containing details of the occurrence has resulted in failure to find them, the original papers having been returned in 1860 to the Department of Texas, where they were undoubtedly lost or destroyed at the time of the surrender of the troops in that department to the Confederate military authorities.
>
> The records show, however, that on March 18, 1860, members of Company G, Eighth Infantry, at Fort Davis, Tex., took from the guardhouse a citizen who was confined there and, without opposition from the guard, hanged him to a tree near by until he was dead. The records also show that by order of the regimental commander twenty-seven men of this company were detached from the company and attached to other companies of the regiment, "to restore their discipline," and that twelve other men of the company were transferred to other companies by order of the regimental commander without the cause of transfer being stated. The regimental orders are not on file, and it is impossible to state whether the reenlistment of these transferred men was or was not prohibited; but as the records show that some of the transferred men did reenlist, it is evident that if an order prohibiting their reenlistment was given it was not carried into effect.
>
> In view of the foregoing statement, it will be seen that the action taken in 1860 in the case of Company G, Eighth Infantry, is not a precedent for the action taken in 1906 in the case of members of the Twenty-fifth Infantry.

Mr. LODGE. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FORAKER. Certainly.

Mr. LODGE. There are two Lee cases.

Mr. FORAKER. Yes; I am aware of that.

Mr. LODGE. The one that the Senator refers to is the Regular Army case.

Mr. FORAKER. Yes.

Mr. LODGE. There are two Lee cases that I cited, and I cited from both Grant and Lee.

Mr. FORAKER. The Senator from Massachusetts cited this identical case, the case of the Eighth Infantry company, happening before the war.

Mr. LODGE. I did, and I cited also a case occurring during the war.

Mr. FORAKER. I am coming to the other case. I can not speak of both at the same time.

Mr. LODGE. I see that.

Mr. FORAKER. I am dealing now with the first citation. The Senator cited it as a precedent for what the President did. The President himself cites it as a precedent, notwithstanding what the Judge-Advocate-General says—that it is not a precedent. Anybody reading it can see it is not a precedent. Why anybody should say it was a precedent, in view of such plain statements and in view of the fact patent on the face of the record that it can not by any possibility be a precedent, I do not know.

Now, the other was a case where in time of war General Lee dismissed a whole regiment because they had shown cowardice in every battle in which they had been engaged.

Now, Mr. President, I do not know what the powers of General Lee were. They were derived from the constitution of the Confederate States. They might have been broader, but whether they were or not is immaterial, in view of the fact that it was a time of war, and it is the rule running as an exception through all cases that where it is necessary to the protection of the army such radical orders and steps as these may be made and taken. That was one of the necessities of war. Will somebody find me a case where one individual has been dismissed in time of peace without honor, in the face of the army regulation giving him a right to trial, and yet denying it to him?

Mr. President, that reminds me of something I ought to have spoken of a moment ago. The President is careful to point out in his message that he discharged these men not as organizations. He did not break up the companies. He discharged each and every one of the members of these companies, in so far as he discharged them, by name—each individual by himself. Each individual by himself being so discharged, each individual by himself had a right, without any question, for that makes it conclusive, placing him right within the terms of it, to the benefit of the one hundred and forty-sixth regulation of the Army, that he should have a board of inquiry, and he should have it without asking for it; that it should be the duty of his superiors to know of his rights, advise him of his rights, and protect him in his rights.

So, too, it is with the other precedents that have been established. They are all in the volunteer service and they are all during a time of war. Take the first here that is cited as a precedent:

The members of Company A, First Eastern Shore Maryland Infantry Volunteers, were mustered out of service August 16, 1862, by order of the general commanding the Eighth Army Corps because they refused to serve in Virginia.

Now, when you run down the facts you find out they were not dishonorably discharged. They were honorably discharged. They said they had been enlisted to serve at home, in Maryland, and not to go away from their homes down into Virginia, to invade the sacred soil of their beloved sister State.

They wanted to stay at home and render their service, and they were told, "If you will not go, we will muster you out." They said, "Very well, muster us out;" and the record shows that they were honorably discharged and that they nearly all enlisted afterwards in other companies.

Here is a New Jersey company. I have a letter about that company, but I will not stop to read it:

The members of Company G, Tenth New Jersey Infantry Volunteers, were discharged without trial April 8, 1862, pursuant to orders from the War Department, because they refused to do duty as infantry, claiming that they were deceived into the belief that they were entering the cavalry branch when they enlisted.

How discharged? Without honor? No; honorably discharged. They were enlisted as cavalrymen and brought down to Washington.

Mr. KEAN. And every one of them reenlisted and served during the war.

Mr. FORAKER. I was not familiar with that fact. I thank the Senator from New Jersey for making me acquainted with it. They said: "We enlisted as cavalry; we will not go into this infantry regiment. We did not come here to serve in that capacity." They were told: "Very well; we will muster you out." And they were mustered out, and then, as the Senator from New Jersey has said, every one of them probably enlisted in some other company and served through to the end of the war.

Now I come to the Sixtieth Ohio, and I am going to make a few remarks about that. Mr. President, will somebody tell me why the Sixtieth Ohio was cited as a precedent for what was done in the Brownsville case? No; nobody will tell me, but I know, and every Senator here knows, why it was cited. Now, I will show the injustice done to as brave and gallant a regiment as ever wore the uniform or carried arms in defense of the national flag. Since that matter came up here in the Senate I have been flooded with letters from surviving members of that regiment. They have come to me not only from those residing in Ohio, but from all directions. I have one here, which I will first read. It comes from Caldwell, Kans. I read it because it is from a lawyer who knows how to state the facts, and who has stated them in a logical, intelligent way. He says:

CALDWELL, KANS., *Christmas, 1906.*

Hon. J. B. FORAKER,
United States Senate, Washington, D. C.

DEAR SIR: I see by the papers you are having some issue with the President in regard to the discharge of the Sixtieth Ohio Volunteer Infantry.

You will remember me. I was born in the same county with you—Highland—and I was a member of Company B, Sixtieth Ohio Volunteer Infantry. This regiment was organized by Col. William H. Trimble in the fall of 1861, and also allow me to say, by way of parenthesis, a braver man never sat astride a horse.

Now, as to its organization, in no place in the records of this regiment can you find, in my opinion, anything to show that it was ever mustered into the United States service.

I wrote him in regard to that, telling him I understood that the record did show that they had been mustered in, and in answer he wrote me a letter from which I quote what he said on that point, as follows:

I know the records show at Columbus that we were mustered in the United States service on the 25th day of February, 1862, by Captain Dodd, but none of us ever knew of it, not even our company officers, as all of our discharges (mine the same) read we were discharged by reason of expiration of term of service. Some years after that in conversation with an officer of that regiment he informed me he had understood that Captain Dodd had come there at that time and had consulted the field officers, and they all expressed the opinion it would create a furore to muster the regiment at that time, and he just simply signed the muster rolls privately and went away.

I do not know what the facts are about that. It was a very unusual transaction, if it occurred; but the explanation for it is furnished in the fact that those men were enlisted, as I will now proceed to show by reading from this letter, during the fall of 1861, in Highland County and adjacent counties in the State of Ohio, that they were sworn into the service, taken into camp, put under discipline, and every man of them supposed that then his enlistment had already commenced, and he dated the beginning of his service from the time he put on the uniform and became a soldier. But now I will read what he says:

The men of the different companies were enlisted by recruiting officers, clothed only with authority to receive recruits and organize a company. The men were enlisted and sworn in by these recruiting officers. This regiment was enlisted for one year. There was some question as to when our time would expire, owing to the different dates at which enlistments were made. I, for instance, enlisted in October, 1861.

The regiment went into camp shortly after that near Hillsboro, and remained there until about the 1st of February, when it was sent to Gallipolis, where it remained until the following May, when we joined Fremont at New Creek, Va. We followed him in his Virginia campaign in West Virginia, and crossed the mountains with him and fought Jackson at Cottontown, Strasburg, Cross Keys, Harrisonburg, and Port Republic. We then moved down the valley gradually until in July, when we went into camp at Winchester.

When Lee went into Maryland in 1862 to fight the battles of South Mountain and Antietam, we evacuated Winchester and went to Harpers Ferry, where at the time of the battles mentioned the Confederates pounced upon us with overpowering force, with the result that our entire force was surrendered by Col. D. S. Miles, who was in command.

He was a Regular Army officer.

At no time in all these engagements did our regiment ever show a white feather, while on the other hand the One hundred and twenty-sixth New York, which was an important part of the force assigned to hold Maryland Heights, the key of our position, became panic-stricken and broke and ran from their place in line, with the result that after four days of defense we were surrendered, but at once paroled upon condition that "we were not to bear arms against the Confederate States of America, nor do any garrison, guard, or constabulary duty," as nearly as I can remember the language, "until exchanged."

I have examined the record, and his language is almost absolutely accurate.

We were sent to Camp Douglas, at Chicago. General Tyler was in command. He had there a lot of Confederate prisoners, and one of the first things required of us was to take guns and stand guard over these prisoners.

This we regarded as a violation of our paroles, and for that reason refused to obey the order. The trouble at once commenced. All the Harpers Ferry troops were in the same situation—the New York regiments, the Ninth Vermont, and the Thirty-second Ohio and other commands, as well as the Sixtieth Ohio.

One thing seemed to lead to another, but so far as I can recall, no one of the regiments was any worse than the others. All were compelled, on account of the conditions of their parole, to be kept without arms and in idleness.

The Sixtieth Ohio had the additional grievance growing out of the fact that the terms of most of the men had expired, as they claimed. They naturally did not want to be kept there under discipline when they knew, as everybody knew, they could not be again sent to the field.

They were no more disorganized than any other regiments, and they were no more mutinous or insubordinate, and so far as being worthless is concerned, they were worthless in no other sense than that their times were out and that there was nothing they could do or be allowed to do. They were finally discharged, but they were honorably discharged, and I never before heard that anybody claimed that there was anything discreditable in their record. As soon as they were exchanged many of them reenlisted and all were good soldiers to the end.

I send you this as the testimony of one who was a member of the regiment and who participated in all that experience. I send it not alone on account of the survivors, but also and more particularly on account of the dead comrades of that splendid regiment.

Inasmuch as I have not met you for many years, I refer you to Senator LONG and the Hon. VICTOR MURDOCK—

The Member of Congress from his district—

who are both personal friends.

Very truly, yours, etc. C. C. RIDINGS.

I remember him very well—a man of most excellent family. I did not know he was still living, but this attack on the honor of his regiment brought him to my attention in that way.

I have another letter here which I want to read. First, however, I have here a discharge that one of the members of that regiment sent me. I want that to go into the RECORD as I read it:

To all whom it may concern:

Know ye that Zebulin Ford, a private of Captain George B. Gardner's company, Sixtieth Regiment of Ohio Volunteer Infantry, who was enrolled on the 16th day of November, 1861, to serve one year, is hereby discharged from the service of the United States this 10th day of November, 1862, at Chicago, Ill., by reason of regiment being honorably mustered out of service.

No objection to his reenlistment is known to exist.

Said Zebulin Ford was born in Pickaway County, in the State of Ohio, is 21 years of age, 5 feet 8 inches high, fair complexion, blue eyes, brown hair, and by occupation when enrolled a farmer.

Given at Chicago, Ill., this 10th day of November, 1862.

GEO. B. GARDNER,
Captain Company C,
Sixtieth Regiment Ohio Volunteer Infantry.

I have here one more letter. It is a letter sent me by a survivor of the Thirty-second Ohio. In the battle at Harpers Ferry there were not only the Sixtieth Ohio, but also the Thirty-second Ohio and the Eighty-seventh Ohio—three Ohio regiments. While there were three Ohio regiments, there were also six New York regiments, all surrendered together. One of them, as I read a moment ago, was unfortunate enough to become panic stricken and to run. I do not mention that to the discredit of the regiment, but only because I am compelled to resort to history and take it as I find it. The regiment, I am happy to say, made afterwards a splendid record. It became one of the best regiments in the Union Army. There was nothing remarkable in the fact that, being suddenly attacked, as they were, by Stonewall Jackson's veterans in that the first

battle in which they were engaged, they should have had the misfortune to make such a record as they did. I have here a history of the civil war, in which it is stated that they did misbehave, to the great chagrin and mortification of all the other New York regiments. But the unfortunate thing about it was that they happened, with their comrade regiments, to be holding the key to Harpers Ferry—Maryland Heights—and when they broke and fled the enemy swept through the space thus made and in a moment were in possession of the command of that position, and surrender necessarily followed. It was not the fault of the Sixtieth Ohio, not the fault of any Ohio regiment; perhaps not in a way to be criticised for it the fault of this regiment. It might have been the fault of the officers.

Now, I have the following letter from a survivor of the Thirty-second Ohio. I have here also the history from which he quotes, but I will read his letter. He says:

VAN WERT, OHIO, *December 26, 1906.*

Hon. J. B. FORAKER,
Senator, Washington, D. C.

DEAR SIR: I see from correspondence introduced as evidence that the Sixtieth Regiment Ohio Infantry was discharged because it had become disorganized and mutinous while at Camp Douglas as paroled prisoners. This was a one-year regiment, whose term of service had expired, and when we take that into account, the bad treatment received at the hands of the Government in sending them out of their own State to a camp in another State, where they were treated more like malefactors than paroled prisoners, they were not so much to be blamed or censured as were the regiments who had two years or more yet to serve. The Thirty-second Regiment Ohio Infantry—of which I was a member—was among that batch of Harpers Ferry prisoners taken to Camp Douglas. I will now quote from the regimental history, which gives some of its experiences and happenings while there:

"There was much disappointment expressed by the regiment in being hurried through the State to a camp in another State. The fact is, those who directed this arrangement made a mistake. The Thirty-second should have been sent to a camp in its own State, promptly paid the money due them, and paroled until exchanged. This would have given satisfaction and would have been appreciated by the entire regiment. Instead, they were placed in Camp Douglas and strictly guarded, all privileges curtailed, and although they had been informed they would be promptly paid on reaching Camp Douglas, yet all pay was withheld and in every respect the service at Camp Douglas was much more disagreeable than at the front. They were ordered to do camp guard duty. The officers made the details and under command of their respective orderlies they reported at guard mount; but when other officers attempted to force arms into their hands they refused, and giving the guns a toss stood them butts up, the bayonet buried in the ground. The authorities ordered them to confine themselves to their quarters, but they came and went at will. The regulars were ordered out, the regiment formed line, armed with brickbats—

The Thirty-second Ohio armed with brickbats! This is not the Sixtieth Ohio. I want simply to show what other regiments did—

"The regulars were ordered to load with ball, and they did so, the officer commanding the regulars ordering the Thirty-second to their quarters, but they did not move. The condition was critical and a collision seemed imminent. At this moment a shout was heard, and looking to the westward the head of a column of troops was seen coming down on the flank of the regulars on double quick. It was the Thirty-ninth New York. That regiment had heard of the situation in the camp of the Thirty-second and determined to take a hand with their old comrades in suppressing the regulars—

The Thirty-ninth New York was captured at Harpers Ferry along with the Thirty-second Ohio and the Sixtieth Ohio—

"The latter, seeing that intimidation and force were alike impracticable, retreated in good order, followed by the jeers and groans of the Thirty-second Ohio and the Thirty-ninth New York."

Then he goes on and describes how later they were exchanged. The regiment was then called back to the front and reorganized; and from that time on to the end no regiment in the service made a better record than the Thirty-second Ohio. The Thirty-ninth New York made a like good record, and so did every other regiment that was captured on that unfortunate occasion.

But, Mr. President, the point to which I want to call attention is that the complaint of General Tyler shows on its face, according to the letter caused to be published by the War Department, that the complaint of these men was that it would be a violation of their paroles to require them to do this duty, and that their time was out, more than one year having expired since they were enlisted. In that same letter General Tyler says General Halleck was of the opinion that the men were right about their contention, and he was of the opinion that their time was out, at least nine-tenths of them.

How were they discharged? I have read one of the discharges. I might read many more. I might cite much other evidence. They were discharged, Mr. President, honorably. The regiment was mustered out because it had reached the end of its service, and no man in that regiment ever heard that there was such a complaint against their record until it was sent here to this body in an official communication signed by the President of the United States.

I felt that it was my duty—and I therefore make no apology for taking the time of the Senate on that account—to set forth as an act of justice to these men, most of whom at least I well knew, the record that they actually made.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. Mr. President, I was forced to be absent when the Senator from Ohio made his speech on this subject before the holidays. Perhaps he has already indicated, but I did not understand him a moment ago, as to how it is that every Senator here knows why this regiment was picked out to be pilloried, as it has been, before the country as a lot of cowards or something else who deserved dishonorable discharges. I would be glad if the Senator would inform us what was the matter, what was the motive, what was the animus of it?

Mr. FORAKER. Mr. President, I am not obliged to tell the Senator everything I know, especially when I know that the Senator knows. [Laughter.]

Mr. TILLMAN. If the Senator from South Carolina knew he certainly would not ask the question. It is not a mere play of words. The Senator owes it to the country, which is possibly not as well informed as Senators are, to let it know why this regiment has been disgraced, as it were, when it did not deserve it.

Mr. FORAKER. It is such a delightful experience to keep something back that I think I will disappoint the Senator tonight. [Laughter.]

I might speak at much greater length——

Mr. TILLMAN. I again appeal to the Senator if he will not tell us what his opinion on the subject is.

Mr. FORAKER. It is very late now, and I do not want to detain the Senate any longer.

Mr. TILLMAN. Will the Senator answer this question: I have been informed since I rose that the Senator himself was a member of this regiment at some time.

Mr. FORAKER. No; the Senator is mistaken about that. No wonder somebody got that impression, because some of the newspapers published that statement. I said when calling attention to this regiment on a previous occasion that I knew the regiment well; that I had tried to enlist in it in 1861, but they would not accept me. I was only 15 years of age at that time, so I had to stay at home another year. In 1862 I enlisted in the Eighty-ninth Ohio, the only regiment in which I ever served. I served in that from 1862 until the end of the war.

Mr. TILLMAN. Then the Senator never did belong to the Sixtieth Ohio?

Mr. FORAKER. I never belonged to the Sixtieth Ohio, but if I had belonged to it I would be as proud of it as these men are, and I would as indignantly resent any attempt to smirch their splendid records.

Mr. TILLMAN. After that I have nothing more to say, except that possibly somebody in the War Department may have thought the Senator did get in the regiment, and that was the reason why they brought it out. [Laughter.]

Mr. FORAKER. I do not know that anybody in the War Department thought of that, but it is possible that somebody in the War Department, or some other place, remembered that the Senator from Ohio lived in Ohio at that time. [Laughter.]

Mr. President, it is getting late, and Senators are asking me to forbear any further discussion this evening. I think, without concluding, I will stop at this point, with notice to the Senate that I may resume my remarks briefly to-morrow morning. I am almost through, if not entirely; but I want to look over what material I have, and perhaps I may put something more in the RECORD.

Mr. WARREN. I ask to have printed in the RECORD the papers which I send to the desk. They are the regular official blanks of enlistment and of discharge of enlisted men under the various conditions.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The papers referred to are as follows:

[Form No. 22, M. S. O., 1904.]

THE UNITED STATES OF AMERICA.

STATE OF ———, *City or town of* ———, *ss:*

I,* ——— ———, born in ———, in the State of ———, aged ——— years and ——— months, and by occupation a ———, do hereby acknowledge to have voluntarily —— enlisted this ——— day of ———, 190—, as a soldier in the Army of the United States of America, for the period of three years unless sooner discharged by proper authority: And do also agree to accept from the United States such bounty, pay, rations, and clothing as are or may be established by law. And I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the Rules and Articles of War.

(* See note.)

——— ——— [SEAL.]

Subscribed and duly sworn to before me this ——— day of ———, A. D. 190—.

——— ———, *Recruiting Officer.*

I certify that I have carefully examined the above-named man agreeably to the General Regulations of the Army, and that, in my opinion, he is free from all bodily defects and mental infirmity which would, in any way, disqualify him from performing the duties of a soldier.

——— ———, *Examining Officer.*

I certify that I have minutely inspected the above-named man, ——— ———, previous to his ——— enlistment, and that he was entirely sober when enlisted; that to the best of my judgment and belief, he fulfills all legal requirements, and that I have accepted and enlisted him into the service of the United States under this contract of enlistment as duly qualified to perform the duties of an able-bodied soldier, and, in doing so, have strictly observed the regulations which govern the recruiting service. This soldier has ——— eyes, ——— hair, ——— complexion, is ——— feet ——— inches high.

——— ——— [SEAL.]

——— ———, *Recruiting Officer.*

* NOTE.—The correct name of the recruit will be ascertained, and great care will be exercised in order that it may be correctly written and signed. The Christian name must not be abbreviated, but if it consists of more than one name, only the first will be written and signed in full.

NOTE.—Indelible or permanent marks found upon the person of a recruit will be here noted. [On side of paper.]

DECLARATION OF RECRUIT.

I, ——— ———, desiring to enlist in the Army of the United States for the term of three years, do declare that I have neither wife nor child; that I am of the legal age to enlist, and believe myself to be physically qualified to perform the duties of an able-bodied soldier, and I do further declare that I am of good habits and character in all respects, and have never been discharged from the United States service (Army or Navy) or any other service on account of disability, or through sentence of either civil or military court, nor discharged from any service, civil or military, except with good character, and for the reasons given by me to the recruiting officer prior to this enlistment.*

Given at ——— this ——— day of ———, 190—.

——— ———.

Witness:

——— ———.

Residence of soldier: ——— ———.

Name and address of person to be notified in case of emergency, giving degree of relationship; if friend, so state: ——— ———.

* Here add in case of an applicant for first enlistment: And that I am (or have made legal declaration of my intention to become) a citizen of the United States.

CONSENT IN CASE OF MINOR.

(See A. R. 859.)

I, ——— ———, do certify that I am in the ——— of ———; that the said ——— ——— is ——— years of age, and I do hereby freely give my consent to his enlisting as a soldier in the Army of the United States for the period of three years.

Given at ——— this ——— day of ———, 190—.

——— ———.

Witness:

——— ———.

——— ———, enlisted at ——— on the ——— day of ———, 190—, by ——— ———.

———enlistment; last served in ———. Discharged ——— ——, 190—.

DIRECTIONS.

One enlistment paper only will be made in the case of a soldier enlisted or reenlisted for the line of the Army. It will be forwarded to The Military Secretary of the Army, with the recruiting officer's trimonthly report. The recruiting officer will indorse on the enlistment paper of every general service recruit (in red ink, at top of second fold) the arm of service for which the soldier was enlisted; i. e., either foot service, white; mounted service, white; foot service, colored, or mounted service, colored—adding the more definite designation, "infantry," "coast artillery," "engineers," "cavalry" or "field artillery," as the case may be.

Enlistment papers of soldiers of a staff department will be executed and disposed of in accordance with the regulations governing enlistments for the particular staff department concerned.

In cases of reenlistment, i. e., within three months from date of last discharge from the Army, the declaration of recruit will not be filled in, but it will be stated on the margin whether the soldier is single or married and the number of children, if any. The name and address of person to be notified in case of emergency will also be given. The prefix "re" will be added to the word "enlisted" where it occurs.

Assigned to——— ——— of ———, U. S. A.

[Form No. 203, M. S. O., July 21, 1905.]

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that ——— ———, a ——— of ——— of the ——— Regiment of ———, who was enlisted at ——— on the ——— day of ———, one thousand nine hundred and ———, to serve ——— years, is hereby honorably discharged from the Army of the United States by reason of ——— ———.

Said ——— ——— was born in ———, in the State of ———, and when enlisted was ——— years of age, by occupation a ———, had ——— eyes, ——— hair, ——— complexion, and was ——— feet ——— inches in height.

Given under my hand at ——— ———, this ——— day of ———, one thousand nine hundred and ———.

——— ———,

Commanding.

CHARACTER.

No objection to his reenlistment is known to exist.

——— ———.

MILITARY RECORD.

Continuous service at date of discharge: ——— years ——— months ——— days. Previous service: ——— ———. Noncommissioned officer: ———. Markmanship: ———. Horsemanship: ———. Battles, engagements, skirmishes, expeditions: ———. Wounds received in service: ———. Physical condition when discharged: ———. Married or single: ———. Remarks: ———.

——— ———,

Commanding. ———.

[Form No. 19, M. S. O., 1904.]

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that ——— ———, a ——— of ——— of the ——— Regiment of ———, who was enlisted the ——— day of ———, one thousand nine hundred and ———, to serve ——— years, is hereby discharged without honor from the Army of the United States in consequence of ——— ———.

Said ——— ——— was born in ———, in the State of ———, and when enlisted was ——— years of age, by occupation a ———, had ——— eyes, ——— hair, ——— complexion, and was ——— feet ——— inches in height.

Given under my hand at ——— ———, this ——— day of ———, one thousand nine hundred and ———.

——— ———,

Commanding ———.

[Form No. 20, M. S. O., 1904.]

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that ——— ———, a ——— of ——— of the ——— Regiment of ———, who was enlisted the ——— day of ———, one thousand nine hundred and ———, to serve ——— years, is hereby dishonorably discharged from the Army of the United States in consequence of the sentence of a general court-martial ——— ———.

Said ——— ——— was born in ———, in the State of ———, and when enlisted was ——— years of age, by occupation a ———, had ——— eyes, ——— hair, ——— complexion, and was ——— feet ——— inches in height.

Given under my hand at ——— ———, this ——— day of ———, one thousand nine hundred and ———.

——— ———,

Commanding ———.

J. G. WHITE & CO. (INCORPORATED).

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 1, 1906, granting to J. G. White & Co. (Incorporated) the right to build and operate a line of railway between the towns of Rio Piedras and Caguas, in the island of Porto Rico.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 7, 1907.*

ANNUAL REPORT OF PANAMA RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Interoceanic Canals, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the fifty-seventh annual report of the board of directors of the Panama Railroad Company for the year ending June 30, 1906.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 7, 1907.*

ELECTRIC STREET RAILWAY IN PONCE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 13, 1906, amending a franchise granting to W. S. H. Lothrop, his heirs, successors, and assigns, the right to construct and operate an electric street railway in certain streets in the city of Ponce and between the city of Ponce and the playa thereof.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 7, 1907.*

TWO HUNDREDTH ANNIVERSARY OF BIRTH OF BENJAMIN FRANKLIN.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State concerning the presentation to the French Government of the impression on gold of the medal which, in pursuance of the act approved April 27, 1904, was struck to commemorate the two-hundredth anniversary of the birth of Benjamin Franklin.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 7, 1907.*

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 8, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 7, 1907.

SURVEYOR OF CUSTOMS.

Thomas C. Elliott, of Illinois, to be surveyor of customs for the port of Cairo, in the State of Illinois. (Reappointment.)

COLLECTORS OF CUSTOMS.

Herbert D. Philbrick, of Maine, to be collector of customs for the district of York, in the State of Maine, in place of George E. Marshall, deceased.

William H. Daniels, of New York, to be collector of customs for the district of Oswegatchie, in the State of New York. (Reappointment.)

PROMOTIONS IN THE ARMY—INFANTRY ARM.

Lieut. Col. Charles L. Hodges, Twenty-third Infantry, to be colonel from January 1, 1907, vice Borden, Twenty-fourth Infantry, retired from active service.

Maj. Edwin F. Glenn, Fifth Infantry, to be lieutenant-colonel from January 1, 1907, vice Hodges, Twenty-third Infantry, promoted.

Capt. Zebulon B. Vance, Eleventh Infantry, to be major from January 1, 1907, vice Glenn, Fifth Infantry, promoted.

To be captains.

First Lieut. Josiah C. Minus, Tenth Infantry, from October 6, 1906, vice Johnston, Sixteenth Infantry, promoted.

First Lieut. Charles M. Bundel, Twenty-fifth Infantry, from October 20, 1906, vice George, Sixteenth Infantry, retired from active service.

First Lieut. Laurence Halstead, Thirteenth Infantry, from October 20, 1906, vice Atkinson, Sixth Infantry, promoted.

First Lieut. Frederick W. Van Duyne, Fourth Infantry, from October 31, 1906, vice Beall, Third Infantry, promoted.

First Lieut. Charles D. Herron, Eighteenth Infantry, from November 2, 1906, vice Lyon, Seventeenth Infantry, detailed as paymaster.

First Lieut. James Hanson, Fourteenth Infantry, from December 2, 1906, vice Nichols, Third Infantry, promoted.

First Lieut. Fred R. Brown, Ninth Infantry, from December 4, 1906, vice Wilkinson, Fourth Infantry, resigned.

First Lieut. William T. Merry, Twenty-third Infantry, from December 15, 1906, vice Nuttman, Ninth Infantry, detailed as commissary.

PROMOTIONS IN THE NAVY.

Commander Rogers H. Galt to be a captain in the Navy from the 11th day of December, 1906, vice Capt. Franklin J. Drake, retired.

Lieut. Luke McNamee to be a lieutenant-commander in the Navy from the 12th day of June, 1906, vice Lieut. Commander George E. Burd, promoted.

Lieut. Charles J. Lang to be a lieutenant-commander in the Navy from the 25th day of December, 1906, vice Lieut. Commander John H. Gibbons, promoted.

Lieut. Martin E. Trench to be a lieutenant-commander in the Navy from the 1st day of January, 1907, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

The following-named citizens to be assistant surgeons in the Navy from the 20th day of December, 1906, to fill vacancies existing in that grade on that date:

Renier J. Straeten, a citizen of South Dakota, and

James T. Duhigg, a citizen of Iowa.

Sailmaker Charles E. Tallman, United States Navy, retired, to be a chief sailmaker on the retired list of the Navy, to rank with, but after, ensign from the 29th day of June, 1906, in accordance with a provision contained in the naval appropriation act approved on that date.

REGISTER OF LAND OFFICE.

David J. Girard, of Eureka, Cal., to be register of the land office at Eureka, Cal., vice Charles B. Frost, resigned.

POSTMASTERS.

CALIFORNIA.

Philo Handy to be postmaster at Ukiah, in the county of Mendocino and State of California, in place of Philo Handy. Incumbent's commission expired December 10, 1906.

ILLINOIS.

Clarence F. Buck to be postmaster at Monmouth, in the county of Warren and State of Illinois, in place of Clarence F. Buck. Incumbent's commission expires February 9, 1907.

Abraham L. Coyle to be postmaster at Gridley, in the county of McLean and State of Illinois, in place of Abraham L. Coyle. Incumbent's commission expires January 23, 1907.

Thomas M. Crossman to be postmaster at Edwardsville, in the county of Madison and State of Illinois, in place of Thomas M. Crossman. Incumbent's commission expired December 20, 1906.

IOWA.

Asahel B. Chrysler to be postmaster at Lake Park, in the county of Dickinson and State of Iowa, in place of Asahel B. Chrysler. Incumbent's commission expires January 7, 1907.

Simon J. Mak to be postmaster at Inwood, in the county of Lyon and State of Iowa, in place of Simon J. Mak. Incumbent's commission expires January 7, 1907.

John Meyer to be postmaster at Alton, in the county of Sioux and State of Iowa, in place of John Meyer. Incumbent's commission expires January 14, 1907.

MARYLAND.

James C. Peddicord to be postmaster at Oakland, in the county of Garrett and State of Maryland, in place of John M. Jarboe. Incumbent's commission expired December 20, 1906.

MINNESOTA.

William J. Cowling to be postmaster at Ely, in the county of St. Louis and State of Minnesota, in place of William J. Cowling. Incumbent's commission expires January 23, 1907.

William Gallagher to be postmaster at Carlton, in the county of Carlton and State of Minnesota, in place of William Gallagher. Incumbent's commission expires January 23, 1907.

NEW YORK.

Sidney B. Cloyes to be postmaster at Earlville, in the county of Madison and State of New York, in place of Sidney B. Cloyes. Incumbent's commission expires January 7, 1907.

Millard D. McNeil to be postmaster at Oxford, in the county of Chenango and State of New York, in place of Millard D. McNeil. Incumbent's commission expired December 20, 1906.

Winfield S. Vandewater to be postmaster at Cedarhurst, in the county of Nassau and State of New York, in place of Winfield F. Vandewater. Incumbent's commission expired December 9, 1906.

Lucius A. Waldo to be postmaster at Canisteo, in the county of Steuben and State of New York, in place of Lucius A. Waldo. Incumbent's commission expires January 7, 1907.

PENNSYLVANIA.

Benjamin F. Hevener to be postmaster at Ardmore, in the county of Montgomery and State of Pennsylvania, in place of George H. Reitenbaugh, removed.

SOUTH CAROLINA.

Dudley P. McLaurin to be postmaster at Clio, in the county of Marlboro and State of South Carolina. Office became Presidential January 1, 1907.

VERMONT.

James E. Pollard to be postmaster at Chester, in the county of Windsor and State of Vermont, in place of James E. Pollard. Incumbent's commission expires January 14, 1907.

WASHINGTON.

John M. Benedict to be postmaster at Centralia, in the county of Lewis and State of Washington, in place of John M. Benedict. Incumbent's commission expired June 27, 1906.

WEST VIRGINIA.

Frank S. Smith to be postmaster at Parkersburg, in the county of Wood and State of West Virginia, in place of Gordon B. Gibbens. Incumbent's commission expired March 8, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 7, 1907.

COLLECTOR OF CUSTOMS.

Russell H. Dunn, of Texas, to be collector of customs for the district of Sabine, in the State of Texas.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Third Lieut. James Albert Alger to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 8, 1906.

Third Lieut. Frank Lynn Austin to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 10, 1906.

Third Lieut. Le Roy Reinburg to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from November 12, 1906.

Third Lieut. Howard Eugene Rideout to be a second lieuten-

ant in the Revenue-Cutter Service of the United States, to rank as such from September 15, 1906.

POSTMASTERS.

MASSACHUSETTS.

Fred A. Tower to be postmaster at Concord, in the county of Middlesex and State of Massachusetts.

Frederick E. Pierce to be postmaster at Greenfield, in the county of Franklin and State of Massachusetts.

Carl Wurtzbach to be postmaster at Lee, in the county of Berkshire and State of Massachusetts.

James O. Hodges to be postmaster at Mansfield, in the county of Bristol and State of Massachusetts.

John Huxtable to be postmaster at Wareham, in the county of Plymouth and State of Massachusetts.

NEBRASKA.

Valentine Zink to be postmaster at Sterling, in the county of Johnson and State of Nebraska.

NEW HAMPSHIRE.

Clarence N. Garvin to be postmaster at West Derry, in the county of Rockingham and State of New Hampshire.

Thomas B. Moore to be postmaster at Lincoln, in the county of Grafton and State of New Hampshire.

NEW YORK.

David A. Doyle to be postmaster at Katonah, in the county of Westchester and State of New York.

PENNSYLVANIA.

J. Wersler Thomson, to be postmaster at Phoenixville, in the county of Chester and State of Pennsylvania.

Isaac T. Klingensmith to be postmaster at Leechburg, in the county of Armstrong and State of Pennsylvania.

William J. Boggs to be postmaster at Ford City, in the county of Armstrong and State of Pennsylvania.

WEST VIRGINIA.

Frank S. Smith to be postmaster at Parkersburg, in the State of West Virginia.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 7, 1907.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Friday, January 4, 1907, was read and approved.

COMMITTEE APPOINTMENT.

The SPEAKER. The Chair announces the following committee appointment, which the Clerk will report.

The Clerk read as follows:

Representative WASHBURN of Massachusetts, a member of the Committee on Revision of the Laws.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, by direction of the Committee on Military Affairs I submit a bill and report making appropriations for the Army for the fiscal year ending June 30, 1908, and ask that it be printed and referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Iowa, from the Committee on Military Affairs, reports the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908.

Mr. WILLIAMS. Mr. Speaker, if points of order have not been reserved, I desire now to reserve all points of order.

The SPEAKER. The gentleman from Mississippi reserves all points of order.

Mr. HULL. Mr. Speaker, I desire to give notice that I will call up this bill to-morrow for consideration.

The SPEAKER. The bill and report are referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

REVISION OF LAWS.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask for the suspension of the rules for the present consideration of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Ordered, That the bill (H. R. 17984) to revise the laws when reported shall have the privilege belonging to bills reported from committees having leave to report at any time.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman a question to understand his bill.

Mr. PAYNE. Mr. Speaker, I think we may as well have a second, and I demand a second and ask unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. This question is preparatory as to whether I would demand a second.

Mr. PAYNE. Mr. Speaker, I think we had better proceed in regular order, and then the gentleman can ask his question.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I ask the gentleman to explain what the bill is.

Mr. PAYNE. Let us get unanimous consent for a second; it is a motion to suspend the rules.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Does the gentleman from Mississippi [Mr. WILLIAMS] demand a second?

Mr. WILLIAMS. Yes.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. Reserving the right to object——

The SPEAKER. The gentleman can proceed by unanimous consent, reserving his right.

Mr. WILLIAMS. I understood the Chair to say the gentleman from Pennsylvania [Mr. MOON] had asked unanimous consent.

The SPEAKER. Precisely. Now, the only question before the House is, Shall a second be ordered? This is a motion to suspend the rules.

Mr. WILLIAMS. I understand.

Mr. MOON of Pennsylvania. This is a bill for the revision of the laws. House bill 17984——

Mr. WILLIAMS. I have no objection to the second being considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania [Mr. MOON] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. WILLIAMS. Mr. Speaker, I would like to have the twenty minutes extended to me given to the gentleman from Kentucky [Mr. SHERLEY].

Mr. MOON of Pennsylvania. Mr. Speaker, just a brief word of explanation as to the reason for this resolution. The House will remember that at the last session of Congress this committee reported to this House this bill for the revision of the laws, including or embracing the criminal title only. Time was not found for the consideration of the bill at that session and a joint committee on the 19th day of June was appointed of five Senators and five Members of the House, which committee has been sitting during the recess of Congress. They came down here during the middle of November and have been sitting almost continuously ever since. There was considerable new work necessary to be done. It was found necessary to carry into the bill then reported all of the legislation of the last session of Congress, and some differences of opinion between the Senate committee and the House committee developed as to the form of legislation and as to the recommendations that were to be urged upon the House, and the present bill is the result of the action of that joint committee. Our object in asking this bill to be put upon the Calendar so that it may be called up for consideration, as provided in this resolution, is the recognized urgent necessity felt by the country for this codification and revision and which on account of its magnitude and of its importance and the length of time necessary for its consideration in committee has not been able to obtain such a position on the Calendar to obtain for it consideration at the present session without a resolution of this kind.

I do not desire to say anything more about the subject unless some gentleman desires information upon it.

Mr. CRUMPACKER. Let me ask the gentleman what the purpose of the resolution is? There was so much confusion that I did not hear it.

Mr. MOON of Pennsylvania. In order that this bill may have the privileges of bills that are entitled to be reported at any time.

Mr. CRUMPACKER. And that is the only——

Mr. MOON of Pennsylvania. That is the only purport.

Mr. GROSVENOR rose.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. MOON] yield to the gentleman from Ohio [Mr. GROSVENOR]?

Mr. MOON of Pennsylvania. Certainly.

Mr. GROSVENOR. I would like the gentleman from Pennsylvania to state whether or not the Committee on Revision have had time enough to examine the report of this bill or bills, so it

can answer this question: Whether there have entered in the revision, as it came from the Commission, important and material modifications and changes in the statutes of the United States?

Mr. MOON of Pennsylvania. I would say to the gentleman that the bill, as it came from the Commission, did embody very serious and very extended modifications of the existing laws of the United States, but that this committee have rejected nearly all of those recommendations, and that practically the bill as reported, with very few exceptions, does not alter or modify in any respect the existing laws of the United States.

Mr. GROSVENOR. So that the bill as reported now is a revision and not new legislation in the ordinary sense?

Mr. MOON of Pennsylvania. In the ordinary sense that is true. The gentleman will understand that when we are bringing together fragments of legislation, or eliminating obsolete laws, it has been necessary sometimes to alter the language of the bill, and in a few instances some new legislation has been recommended.

Mr. GROSVENOR. The committee can point that out?

Mr. MOON of Pennsylvania. It is clearly pointed out in the bill, such new matter being printed in italics or brackets.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOON of Pennsylvania. Certainly.

Mr. MANN. The gentleman refers to "the bill." Does the resolution refer to the bill.

Mr. MOON of Pennsylvania. It refers to this particular bill; yes.

Mr. MANN. I thought it referred to a bill to be reported.

Mr. MOON of Pennsylvania. The bill has not yet been reported.

Mr. MANN. How does the House know you are going to report that bill, or some other bill?

Mr. MOON of Pennsylvania. We have practically reported this bill. It was reported at the last session of Congress and was unable to receive consideration, and has subsequently been before the joint committee of the Senate and the House. All the alterations or amendments made by that committee are indicated in this bill.

Mr. MANN. The Commission on Revision of the Laws have reported final action. They have reported an entire code, which was referred to the committee. Now, how does the House know which portion of this you are going to report?

Mr. MOON of Pennsylvania. I endeavored to explain that question of the gentleman by previously saying that this bill now before this House and referred to in this resolution is that part of the report of the Commission known as the penal code only.

Mr. MANN. So the gentleman only expects, if this resolution goes through, that it shall affect the bill relating to the penal code?

Mr. MOON of Pennsylvania. Only.

Mr. MANN. What did the resolution say on that?

Mr. MOON of Pennsylvania. It refers to House bill 17984, which is a bill relating to the criminal code.

Mr. MANN. As I understand the resolution, it provides for a bill to be reported. This bill the gentleman names has long since been reported, and the resolution does not refer to that fact.

Mr. MOON of Pennsylvania. I have endeavored to explain to the House that this is the bill which is referred to.

Mr. MANN. Will the gentleman yield to me?

Mr. MOON of Pennsylvania. I yield to the gentleman.

Mr. MANN. Mr. Speaker, while I have no objection to the resolution, I think it fair to the Members of the House that they understand what it means. I do not wish the Members of the House hereafter to criticise the Speaker of the House or the Rules Committee or the rules themselves because of the operation of this resolution, which they probably will adopt. The effect of the passage of this resolution will be that there will be no other business transacted in this House between now and the 4th of March except current appropriation bills, because when this resolution goes into effect and that bill comes before the House it will take from now until the 4th of March before it is enacted into law.

Mr. PAYNE. I will ask the gentleman if it is not the fact that on any attempt of the gentleman from Pennsylvania to call up this bill, if he or any other Member of the House can not raise the question of consideration, and the question whether the House will transact other business will depend upon the majority of the House every time?

Mr. MANN. The distinguished gentleman, as always, is correct. It is within the power of the House under the rules at all times, and always has been, to absolutely control the course of legislation in the House. That is the rule periodically; and if this resolution is adopted it means that no other business will be brought before the House, except the appropriation bills, or bills coming from the committee of the distinguished gentleman from New York, or by unanimous consent. While I do not disapprove the resolution, I do not wish to hear Members on the floor of the House criticise the results of their own action between now and the 4th of March. Let it be understood what the effect is before the resolution is adopted.

Mr. PAYNE. Will the gentleman from Pennsylvania yield a couple of minutes to me?

Mr. MOON of Pennsylvania. I yield a couple of minutes to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, I desire to say that if this resolution passes it simply gives this bill the same privilege as an appropriation bill—that it may be called up at any time, like any bill reported from a committee having the privilege to report at any time. It will not come up before the House unless it is called up by some Member; and whenever any Member of the House seeks to call it up it is competent for any other Member of the House to rise in his place and state that he objects to the consideration of the bill, raising the question of consideration, and then the rules provide that, without debate, the House shall decide by a majority vote whether they will consider the bill or not. So that it does not tie the House up, but leaves it with the majority of the House to say whenever this bill is called up whether they will consider it. And if there is any other bill on the Calendar that a majority of the House desires to consider it can vote against the consideration of this bill, and so go on and consider the business they want to transact. It simply gives the House an opportunity to get at this bill, if there is time, coming from this Commission and this Committee on Revision of the Laws, a policy which was entered upon by Congress some years ago, and a policy which ought to be carried out to the final rejection of the bill or the final passage of the bill. I hope the resolution will pass.

Mr. GAINES of Tennessee. I desire to ask the gentleman from New York a question. Does the gentleman think now as serious a matter as the revision of our laws should be disposed of in a hop, skip, and jump sort of way that this resolution would mean. I am for a revision of the laws.

Mr. PAYNE. Well, I will say that I tried to get this matter up for consideration before the holiday recess, but the committee was not ready. I thought I foresaw what would happen in the future. When we met here last Thursday gentlemen were not ready with their bills and not ready to bring them before the House. That did occur. I went individually to a number of gentlemen having bills on the Calendar, which I understood they were anxious to bring before the House, and none of them were ready. We lost three days of last week.

Mr. MANN. Oh, no; we worked on Friday.

Mr. PAYNE. We had a session Friday, but we worked on a bill which the gentleman from Pennsylvania [Mr. MAHON] says was lost time. We might have devoted three days of last week to this bill if it had been ready. It is ready now. The committee are asking for consideration of the bill. I think we ought to give them the opportunity, so that whenever there is time at the disposal of the House in which this bill can be considered it may be done. This committee have devoted a great deal of time and given a great deal of care to the consideration of this bill, and I expect when they bring it before the House they will be able greatly to lighten the labors of each Member of the House, and that we can get at an intelligent consideration of it without every one of the 386 Members studying all the provisions of the bill. I am told by the gentleman from Pennsylvania [Mr. MOON] that where they have made any change in the existing law it is indicated in italics, so that a Member can take the bill and go through these amendments and decide how he wants to vote. I do not think it will require so much time as the gentleman from Tennessee [Mr. GAINES] thinks it will, but whether it does or not it seems to be the bill that is ready. The chairman of the committee is here pressing it for consideration, and, so far as my vote is concerned, I am willing to give him an opportunity.

Mr. GAINES of Tennessee. Is it vital to the welfare of the people that we shall revise the laws at this session of Congress?

Mr. PAYNE. Oh, I think there are a great many things that we might do or that we might not do without affecting anything vital to the existence of the Republic. We have done a great many things that were not vital to the existence of the Republic.

Mr. WILLIAMS. Does not the gentleman from New York think the time consumed in the consideration of this bill will prevent a Republican House from devoting its attention to worse measures?

Mr. PAYNE. Oh, no; a Republican House will enact all the legislation that is necessary.

Mr. WILLIAMS. There are so many worse things that they might be engaged in.

Mr. SHERLEY. Mr. Speaker, during the last session of Congress the House Committee on Revision of the Laws reported a bill known as H. R. 17984, which purported to be a bill to provide a code of penal laws for the United States. Subsequently, in the closing days of that session, a resolution was passed appointing a joint committee of the House and the Senate to consider the work of the Commission on Revision of the Laws. That joint committee of the House and Senate met fifteen days prior to the meeting of this session of Congress, and has been in session almost continually ever since. They took the work of the House committee, as shown by the bill reported to the House, and modified it in many respects, cutting out of it nearly all of the law that was new and that was not simply a codification of existing law. It is now necessary for that report of the joint committee to be brought into the House, and I therefore ask unanimous consent that the motion made by the gentleman from Pennsylvania [Mr. MOON] be amended so as to read as follows:

Ordered, That the bill (H. R. 17984) to provide a code of penal laws for the United States is hereby committed to the Joint Committee on Revision of the Laws, and that the said joint committee have leave to report the said bill at any time, and that the bill shall have the privileges pertaining to bills so reported.

Mr. MOON of Pennsylvania. Mr. Speaker, I accept that amendment to the form of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is it possible for a joint committee to make a report of a bill to the House or would that be made by the House members of the committee?

The SPEAKER. A joint committee, as the Chair understands it, can report to either House. That is, the section of the committee composed of Members of the House may report to this House, and the section of the committee on the part of the Senate may report to the Senate. The Clerk will report the resolution.

The Clerk read as follows:

Ordered, That the bill (H. R. 17984) to provide a code of penal laws for the United States is hereby committed to the Joint Committee on Revision of the Laws, and that the said joint committee have leave to report the said bill at any time, and that the bill have the privileges pertaining to bills so reported.

The SPEAKER. Is there objection to the substitution of this resolution for the resolution offered by the gentleman from Pennsylvania [Mr. MOON]?

Mr. DE ARMOND. I should like to know the difference between the resolutions.

Mr. SHERLEY. The difference is simply this: We reported a bill purporting to provide a criminal code of laws. That was reported by the House committee. Subsequently it was believed that it would facilitate the work if there was a joint committee working on the matter, so that when it was passed by one House the work would not have to all be gone over again in the committee of the other House. There was appointed a joint committee of the House and Senate which took up this bill; they have made sundry amendments to it, stricken out a good deal of new law that had been put into the bill as reported by the House committee. The effect of this resolution will be to permit the joint committee to report back this House bill as amended by that committee, and when so reported that it shall have equal standing with bills from committees having the right to report at any time.

Mr. DE ARMOND. And you ask unanimous consent to substitute this for the resolution offered by the gentleman from Pennsylvania [Mr. MOON]?

Mr. SHERLEY. Yes, because the other resolution was made under a mistake of fact that that bill had not been reported to the House. It had been reported to the House at the last session, and in order for the joint committee to report it is necessary to recommit that bill and permit the joint committee to report it.

Mr. DE ARMOND. And then the question comes upon suspending the rules.

Mr. SHERLEY. The motion made by myself is to substitute this resolution for the one made by the gentleman from Pennsylvania, and I presume, then, that unanimous consent having been declined as to his request, the matter would have the same status as the motion made by the gentleman from Pennsylvania [Mr. MOON].

Mr. DE ARMOND. The purpose is to suspend the rules and pass this resolution.

Mr. SHERLEY. That is the purpose now.

Mr. CLARK of Missouri. Mr. Speaker, who controls the time?

Mr. MOON of Pennsylvania. I control the time on our side and the gentleman from Kentucky [Mr. SHERLEY] on the other.

Mr. CLARK of Missouri. I would like to get two or three minutes myself to ask a question.

Mr. MOON of Pennsylvania. I will yield time to the gentleman.

The SPEAKER. The request now is for unanimous consent to substitute the resolution presented by the gentleman from Kentucky for the resolution that was offered by the gentleman from Pennsylvania.

Mr. DE ARMOND. And if unanimous consent is given, then will the resolution be pending subject to unanimous consent?

The SPEAKER. It will be pending under a motion to suspend the rules. Is there objection to substituting the resolution offered by the gentleman from Kentucky for the resolution offered by the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Speaker, I desire to say only a word or two in regard to this matter. There seems to have been a little misapprehension as to the purpose of this resolution. It is simply to enable the Committee on the Revision of the Laws to bring forward this work for the consideration of the House when the House shall have the time to consider it. It does not mean that this bill is to interfere necessarily with any other matter which the House wishes to take up, and at any time the House may determine whether it will consider the bill or not. The committee has been at work upon this matter for a good many months.

Mr. FINLEY. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. FINLEY. What times does the gentleman think would be reasonably necessary to give proper consideration to this bill?

Mr. SHERLEY. The gentleman asks a question that can not be answered with any degree of accuracy. It depends upon how far the House will be willing to accept the statement of the committee and how far they will want to go individually into a consideration of the matter.

Mr. FINLEY. The gentleman from Kentucky will realize that this is the short session, and, practically speaking, we have got less than about fifty working days. If a great deal of time is taken up in the consideration of this bill, it will be at the expense of other legislation.

Mr. SHERLEY. I would answer the gentleman by saying that if it developed that a great deal of time was necessary for the consideration of the bill, I presume provision would be made for night sessions to consider it; but I think the matter is of sufficient importance to be considered by the House whether there is other business pending or not.

Mr. FINLEY. Does not the gentleman think that a bill of this character could be much better considered at a long session of Congress?

Mr. SHERLEY. I will answer the gentleman by saying that if we put this report through at this session we will have all the work that we need to attend to during the long session in putting through the other branches of the substantive law. This Commission has been in existence for many years, and the House and Senate fixed a period for its termination. Their report has been before the committee for some time, and we have worked weeks on it, and, as I said, I think the matter is of sufficient importance to be disposed of at this session.

Mr. JOHNSON. The gentleman contemplates that other legislation carrying out the provisions of the penal code will be necessary?

Mr. SHERLEY. No; this bill as passed will cover the penal sections of the law, but it will not touch that title relating to the judiciary or any of the other titles relating to the various departments of the Government. I will say to the gentleman that the entire revision will cover about 9,000 sections. The present bill covers only some 300-odd sections, as I now recall it, so the gentleman can get some idea of proportion in that way.

Mr. JOHNSON. And the gentleman can not give an estimate of the time that will be necessary for proper consideration.

Mr. SHERLEY. The gentleman knows as much about that as I do.

Mr. GAINES of Tennessee. How long has this committee been working on this code?

Mr. SHERLEY. The committee has been working since the 15th of November.

Mr. GAINES of Tennessee. I mean the codifiers whom we employed here several years ago.

Mr. SHERLEY. Oh, they have been working on all of the laws some six or eight years, perhaps nine.

Mr. GAINES of Tennessee. Now, then, is it contemplated that we shall inside of fifty working days, together with all the other work that we have to do, go over this work and see whether it is right or not, which these able lawyers—codifiers—have been doing for nine years?

Mr. SHERLEY. No, sir.

Mr. GAINES of Tennessee. Where do you draw the line? How do you divide?

Mr. SHERLEY. I divide on the difference of the work they had before them and the work that is proposed to be brought before Congress. The gentleman knows there is very much more detail work necessary in committee than on the floor of the House.

Mr. GAINES of Tennessee. But we have to see whether it is done right or not, and whether the codifiers have done right or not. How long will it take us to do that, in the judgment of the gentleman?

Mr. SHERLEY. I presume the House ought to be able to pass this bill properly in the course of a week or ten days' consideration.

Mr. GAINES of Tennessee. Working how many hours a day?

Mr. SHERLEY. Oh, I have not gone into the detail of it. It perhaps may depend on how much objection is made without basis to the report of the committee.

Mr. GAINES of Tennessee. I desire to say to the gentleman that I do not object to the revision or a revision, but I do object to doing a thing which is not imperative, but which bars things that are imperative that we should do.

Mr. SHERLEY. Mr. Speaker, I reserve the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker, I would like to have the attention of the gentleman from New York [Mr. PAYNE] for a minute or two. Every bill has to be read in its entirety once, does it not?

Mr. PAYNE. It does unless the House, as it frequently does, by unanimous consent, dispenses with it. Any Member can compel the entire reading of it.

Mr. CLARK of Missouri. This proposition of the gentleman that this bill be unfinished business, to be taken up when the House feels like it and knocked out on a question of consideration, opens up the scheme to have one roll call here every day from now to the end of this short session, does it not?

Mr. PAYNE. Oh, no.

Mr. CLARK of Missouri. If anybody wants a roll call on that question of consideration he can get it, can he not?

Mr. PAYNE. Well, I think he might meet with some difficulties.

Mr. CLARK of Missouri. How long, on an average, does it take to call the roll?

Mr. PAYNE. I desire to say to the gentleman that on any proposition here the House can have a roll call if one-fifth of the Members present are in favor of it.

Mr. CLARK of Missouri. Yes; that is true; but how long does it take to call the roll?

Mr. PAYNE. About half an hour.

Mr. CLARK of Missouri. How many hours make a working day of Congress?

Mr. PAYNE. Well, from one to five hours—call it five hours a day.

Mr. CLARK of Missouri. You are providing, then, for roll calls to cover five days out of the fifty days that Congress can work, and I want to ask the gentleman another question. Suppose we enter on this scheme of considering this bill and get half through with it in this Congress, or two-thirds through with it, then that work is absolutely lost, and it will be unless we get entirely through with it.

Mr. PAYNE. Hardly, because a large number of the Members have been reelected, and the educational process will be going on, and when we meet here next Congress most of the Members will know all about the bill. It is a matter of education.

Mr. CLARK of Missouri. This Congress, with all of its works, dies on the 4th of March.

Mr. PAYNE. Oh, the bill has to be reintroduced in the next Congress, but then we will have the educational progress, the benefit of the education of the Members. The gentleman from Missouri [Mr. CLARK] and myself know something about the bill.

Mr. CLARK of Missouri. Mr. Speaker, at the beginning of the next Congress here is what will happen: The House will be organized on the first Monday in December. The President will send in his message. The Speaker will not announce his committees until the day before Congress adjourns for the holidays. There are about three weeks of time when nothing is ever done here except to make jimcrack speeches.

If this bill is brought in on the first day of next session then you will have three entire weeks that can be devoted to it, day and night if you want to, and thereby conserve time when it may be important to economize time.

Mr. SHERLEY. If the gentleman will yield to a suggestion.

Mr. CLARK of Missouri. Certainly.

Mr. SHERLEY. There are two reasons why the gentleman's proposition will not hold. One is that this committee ceases with the life of this Congress, and this work has been done by it, and there will have to be a new committee. The second proposition is, if there is a new committee it is hoped they will be able to work during the recess and use the time the gentleman speaks of between the meeting of Congress and the first of the year to report the other sections relating to the substantive law.

Mr. CLARK of Missouri. I take it the Speaker will reappoint the present Members, unless he wants to promote some of them. The House can do anything, so it is said, although I never saw it doing anything it wanted to without the consent of the Speaker; but if it can do anything, as the gentleman from New York insists, then by unanimous consent, on the first or second day of next session, we can take the report of this committee—there is not any law requiring a report from any committee here—and begin the discussion of it at the beginning of the next session and get through with it in an orderly way. I am as much in favor of revising the laws as anybody, but I want to see a thing so important done in decency and in order.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Pennsylvania. Mr. Speaker, just a word in answer to these queries. I will state to the gentleman that the work of the Revision Committee of 1874 was very much more extensive than that which is proposed in this bill, and that it was accomplished almost entirely without any interruption of the regular business of the House. It was found that the committee had reported little or no new law; that it was almost entirely the codification of existing law, and the bill was considered almost, if not entirely, at night sessions. Not a single hour that would have been devoted to appropriation bills was occupied, not a single hour of any other necessary legislation was interfered with by the consideration of that bill.

Mr. GAINES of Tennessee. Will the gentleman state whether this was done in the long or short session?

Mr. MOON of Pennsylvania. That I am unable to say, but at that time that committee attempted to accomplish a revision of the entire laws of the United States, involving several thousand sections, while the present bill covers less than four hundred. Now a word with regard to the reason why this bill is presented in this form—why it is confined to the penal code alone. It was because in the sense of this committee any attempt to put before this Congress, in one bill, 9,000 sections of law would make it utterly impossible for it, without interruption of existing business, to consider it as such legislation ought to be considered. Another important consideration was that the criminal law of the United States as well as the criminal law of every State is a separate and distinct part of the general law—that it is a part of the law which is capable of entire separation from the general body of the law. When the Commission whose term has just expired was first appointed in 1897, it was the purpose of Congress then only to revise and codify the criminal law and the original scope of the resolution under which that Commission reported was a resolution authorizing them to revise and codify the criminal law alone, and this portion of the work of the Commission was first completed and first referred to this committee. The criminal laws of this country are in a deplorable condition. They exist, scattered throughout numbers of our Statutes at Large, a part of general appropriation and other bills, without any index or any indication of their existence, and are accessible only to the members of the legal profession. We have here endeavored to present in an easily comprehended form, under appropriate titles and in logical sequence, all of the criminal laws of the country. The total number of sections involved in this bill is, I think, not more than 345. Of these 345 sections perhaps not 25 of them involve any consideration at all of any new law. They consist simply in bringing together statutes and parts of statutes and eliminating obsolete laws and laws that have been declared to be unconstitutional, and in bringing together in concrete form the existing laws of the country, and in my judgment very little of the time of this House will be occupied in considering most of the sections. I want to say that a careful study of the progress of the committee of 1874 shows this: That when the House recognized that the laws recommended were simply revised, that there was no new law recommended, and that the bill presented was limited to codification, the bill was not even read in its entirety. Many of the sections of the law were really passed by titles, upon the statement of the committee that there was no new law and changes in section under consideration. Therefore, in my judgment, if this

House were to take up this bill in the daytime it would occupy not more than two or three days at the utmost, and if it were to adopt the method pursued by the committee of 1874, and give us night sessions for its consideration, we would not occupy one hour of the time of Congress necessary for other business.

Mr. CLARK of Missouri. I would like to ask the gentleman a question. Does this revision which it is proposed to bring in here change the laws in any essential, or is it simply a codification?

Mr. MOON of Pennsylvania. It is almost entirely a codification. In a few respects, which will be found to appear in italics or inclosed by brackets, there is some new law recommended or some omissions in existing law. The sections of new law proposed, however, the committee did not think it right for them to recommend without a report of the proper committee of the House thereon, and it was introduced in a certain specific bill at the last term of Congress and was referred to the Judiciary Committee of this House and came back with a favorable report and was referred to this committee.

Mr. CLARK of Missouri. Does this bill undertake to change the nature of the penalty for various crimes?

Mr. MOON of Pennsylvania. Yes; I was about to say that.

Mr. CLARK of Missouri. Does it change misdemeanors to felonies and felonies to misdemeanors?

Mr. MOON of Pennsylvania. I will say in answer to that that it adopts a general provision which has been adopted by thirty-five States of the Union. In every State, I think, upon which any recent penal legislation has been had this provision makes a general classification between misdemeanors and felonies—that is, instead of classifying or denouncing a particular offense as a misdemeanor and another as a felony, they adopt a general classification which divides them according to their magnitude as measured by their punishment.

Mr. CLARK of Missouri. Where the committee's report changes the penalties for offenses it makes a misdemeanor out of an act that has been a felony, or vice versa. Does not the gentleman think that the Members of the House might want to express an opinion more or less elaborately on those important changes?

Mr. MOON of Pennsylvania. I think so.

Mr. CLARK of Missouri. And that it might precipitate considerable debate on that proposed change?

Mr. MOON of Pennsylvania. I think that, but I think it all could be done at this session if we all felt as deeply impressed with its great importance as this committee, after its long and arduous labors, feels, and with the great importance of getting this legislation consummated.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. MOON] has expired. The gentleman from Kentucky [Mr. SHERLEY] has ten minutes remaining.

Mr. SHERLEY. Mr. Speaker, I shall not use my time.

Mr. DE ARMOND. Mr. Speaker, I would like two or three minutes.

Mr. SHERLEY. I yield to the gentleman from Missouri [Mr. DE ARMOND] three minutes.

Mr. DE ARMOND. Mr. Speaker, I believe the subject-matter of this legislation is too important, its changes too many and too radical, to make it advisable to consider it in this session of Congress. One of two things would happen—either the Congress would take for granted what, first, the commission and then the committee has done, or all of the time practically of the Congress would be taken in the consideration of this report. Now, a portion of this code has been before the Judiciary Committee two or three or four or five times, withdrawn and presented again, amended, brought forward at another time, and it has gone through the processes of amendment and change and modification and rearrangement and rewriting and reclassification time and time almost without number. Nobody can know what is in it, nobody can know what it will do, nobody can know what the changes are, except upon the most careful consideration, and such consideration can not be given to it at this session.

The question was taken on the motion to suspend the rules and pass the resolution.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 143, noes 35.

Mr. SHACKLEFORD. Mr. Speaker, is that a quorum?

The SPEAKER. It is not.

Mr. SHACKLEFORD. Then I make the point of no quorum.

The SPEAKER. The gentleman makes the point of order that a quorum is not present. The Chair will count. [After counting.] Two hundred and four Members are present; a quorum is present.

Mr. HENRY of Texas. I ask for the yeas and nays.

Mr. PRINCE. A point of order. Is it not a little too late to call for the yeas and nays?

The SPEAKER. No; it seems to the Chair that the demand is in time.

Mr. PRINCE. I think the vote had been announced.

The SPEAKER. The vote had been announced, but the point was made that a quorum was not present. The Chair ascertained the presence of a quorum. The Chair thinks the demand was in time.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-three gentlemen have arisen; not a sufficient number; the yeas and nays are refused; and two-thirds having voted in the affirmative, the rules are suspended and the resolution is agreed to.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolution and bill of the following titles:

On December 18, 1906:

H. J. Res. 203. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1906, on the 20th day of said month.

On December 19, 1906:

H. R. 22584. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6885. An act granting an increase of pension to William H. Anderson—to the Committee on Invalid Pensions.

S. 6723. An act granting an increase of pension to Agusta P. Morgan—to the Committee on Invalid Pensions.

S. 6833. An act granting an increase of pension to Bettie May Vose—to the Committee on Pensions.

S. 6558. An act granting an increase of pension to Samuel A. Pearce—to the Committee on Invalid Pensions.

S. 6514. An act granting an increase of pension to Alfred A. Stocker—to the Committee on Invalid Pensions.

S. 6505. An act granting an increase of pension to Theodore M. Benton—to the Committee on Invalid Pensions.

S. 5693. An act granting an increase of pension to Margaret L. Houlihan—to the Committee on Invalid Pensions.

S. 5041. An act granting an increase of pension to George A. Tucker—to the Committee on Pensions.

S. 4909. An act granting an increase of pension to Louis Sidel—to the Committee on Invalid Pensions.

S. 1240. An act granting an increase of pension to Dana W. Hartshorn—to the Committee on Invalid Pensions.

S. 4389. An act granting an increase of pension to Florence B. Plato—to the Committee on Invalid Pensions.

BENJAMIN FRANKLIN ANNIVERSARY MEDAL.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and, with accompanying papers, ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State concerning the presentation to the French Government of the impression on gold of the medal which, in pursuance of the act approved April 27, 1904, was struck to commemorate the two hundredth anniversary of the birth of Benjamin Franklin.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 7, 1907.*

RAILROAD BETWEEN RIO PIEDRAS AND CAGUAS, P. R.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Insular Affairs, and, with accompanying papers, ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 1, 1906, granting to J. G. White & Co. (Incorporated) the right to build and operate a line of railway between the towns of Rio Piedras and Caguas, in the island of Porto Rico.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 7, 1907.*

ANNUAL REPORT OF DIRECTORS OF PANAMA RAILROAD COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read,

referred to the Committee on Interstate and Foreign Commerce, and, with accompanying papers, ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the fifty-seventh annual report of the board of directors of the Panama Railroad Company for the year ending June 30, 1906.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 7, 1907.*

ANNUAL REPORT OF ISTHMIAN CANAL COMMISSION.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Interstate and Foreign Commerce, and, with accompanying papers, ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the annual report of the Isthmian Canal Commission for the year ending December 1, 1906.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 20, 1906.*

ELECTRIC STREET RAILWAY IN PONCE, P. R.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Insular Affairs, and, with accompanying papers, ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 13, 1906, amending a franchise granting to W. S. H. Lothrop, his heirs, successors, and assigns the right to construct and operate an electric street railway in certain streets in the city of Ponce and between the city of Ponce and the playa thereof.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 7, 1907.*

MAIL FRAUD ORDERS.

Mr. CRUMPACKER. Mr. Speaker, I call up for consideration the bill (H. R. 16548) providing for a judicial review of orders excluding persons from the use of United States mail facilities.

The SPEAKER. The gentleman calls up for consideration the following House bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16548) to provide for a judicial review of orders excluding persons from the use of United States mail facilities.

Be it enacted, etc., That (a) the Postmaster-General shall cause to be kept a record of such orders as may be made in the Post-Office Department whereby any citizen of the United States (or any firm or corporation organized under the laws thereof or under the laws of any of the States, Territories, or possessions thereof) shall or may be deprived of or excluded from the right or privilege of receiving letters, money orders, or other mail matter through or by means of the United States mail, and said record shall be designated "Fraud-order record," and shall be so kept as to show the name of each person, firm, or corporation against whom such an order shall be made, as well as the date and the nature and extent of such order, and the same shall be a public record of the United States.

(b) And any person, upon written application therefor, shall be entitled to a copy thereof, duly certified as correct by direction of the Postmaster-General, upon payment of a fee of $1 for copying the same.

(c) And a copy of any such order shall be served by delivery of a certified copy thereof by the United States marshal (within and for the district wherein he shall have been appointed) to the person, firm, or corporation against whom the same shall be directed in the district wherein said person, firm, or corporation shall have a place of residence or of business, or its chief office, as soon as such service can reasonably be made.

(d) In all cases where any person whose right to the use of any mail facilities shall be affected by said order has, at the date thereof, a residence or place of business within any part of the United States or its territories or possessions, said order shall not become operative or put into execution (except to the extent of holding undelivered all mail directed to said party at the delivery office thereof) until fifteen days after the service thereof, or fifteen days after its date if service thereof can not be made as aforesaid.

(e) Any such citizen, firm, or corporation aforesaid whose said right or privilege to the use of the United States mail service is limited or denied by any such order made in the Post-Office Department of the United States may apply to the circuit court of the United States, or to any judge thereof in vacation (within the district of residence of any such applicant and within the period now allowed by law for the review of judgments of said court upon writ of error or appeal), and in such application shall pray a review of the matters of law and fact involved in the issue of such order; and the said court or judge shall hear and determine said application summarily, and if it is found by said court or judge that any such order has been made to the effect aforesaid, whereby said applicant has been deprived or limited in the use or enjoyment of any such right or privilege aforesaid, in or to the use of the United States mail service, the said court or judge shall grant to said applicant a writ of certiorari to the Postmaster-General, directing him to return, or cause to be returned, into said circuit court the record of said order affecting said applicant, together with so much of the original papers and other evidence relating thereto as, in his discretion, may be compatible with the public interest and with the proper discipline and conduct of the Post-Office Department or of any Executive Department of the United States Government; and said writ shall be returnable within ten days from the date thereof, unless longer time (not to exceed thirty days) be granted by said court or judge, upon due application therefor, and said writ shall be served upon the Postmaster-General in such manner as the said court or judge thereof may direct, best calculated to give prompt and full notice thereof, and due return of such writ shall be made according to its terms; and thereupon within the time mentioned in said writ and within thirty days of the date thereof the Postmaster-General shall cause to be returned into said circuit court the said record and such of the papers and evidence in said matter as he shall deem compatible with the public interest as aforesaid, and thereupon said matter of the justice and correctness, both as to the law and the facts of said order of the Postmaster-General to which said application relates, shall be reviewed summarily and as promptly as may be practicable for the fair trial thereof anew, by said circuit court, as a civil action at law, with all the rights to either party incident thereto; said cause shall be entitled "The United States *v.* (names of the parties mentioned in said order of the Postmaster-General);" and such records and evidence as may have been returned into said court under said writ of certiorari shall be received in evidence in said court on behalf of either party at the hearing of said matter, so far as the same may be competent and relevant to the issues therein, as well as any other evidence which the United States or the defendant may submit at the trial of said cause and which may be competent and relevant according to the usages and practice of said court in the trial of actions at law; and the proceedings for the further hearing of the said matter of said order and the review of any judgment thereon shall be in conformity with the practice and proceedings provided by law for the review of records, verdicts, and judgments in said court in actions at law and in conformity with the ordinary rules and practice of the said circuit court of the United States (so far as the same may be applicable and in harmony with the terms of this law); and in such particulars of practice and procedure as may not be expressly defined or indicated by this act the said circuit court wherein said cause may be pending shall prescribe and regulate, by general rules, the mode and method of procedure for the hearing and trial of such causes, and any appellate court into which said cause may be removable as aforesaid may, by like general rules, prescribe the mode and method of procedure therein for review in due course.

(f) But no order for a writ of certiorari as herein provided shall be made by said court, or judge thereof, unless the applicant, or some one for him, shall file in said court a bond to the United States in the sum of at least $500 (and in the discretion of said court or judge a larger sum, not to exceed $10,000), with good and sufficient surety (to be approved by said court or judge), conditioned to pay all costs to accrue in said cause and any and all damages occasioned meanwhile to any person (who may be defrauded, injured, or damaged by reason of the matters and things charged in said order, or to which the said order of the Postmaster-General refers), in the event the said order of the Postmaster-General shall be confirmed or adjudged valid by the final judgment in said cause; and any person aggrieved by any breach of any of the conditions of said bond may maintain an action at law against the obligors in said bond for the amount of any such damages, in any court of the United States having competent jurisdiction of such demand, in like manner as in other suits upon penal bonds given in judicial proceedings in courts of the United States; and if upon the filing of an application for review, as aforesaid, in the circuit court of the United States a bond be filed by said applicant therein in the sum of at least $500, with surety approved by any judge of a court of the United States (or by any clerk of such court in vacation), conditioned as hereinbefore provided, the said order affecting the use of the United States mails by said applicant shall be stayed until the further order of said court (except as to the detention of mail in the delivery office, as aforesaid); and said court may furthermore, in its discretion, make such orders as may be just for the care, custody, and disposition of all mail affected by said order of the Postmaster-General pending said cause and until the final determination thereof.

(g) And in case two or more applications should be made to review the same order of the Postmaster-General directed at two or more persons, the first application filed by either of said persons shall alone be entitled to be first granted, heard, and determined, upon the proper facts appearing, and any other application for such writ shall be postponed and continued until the determination of any and all prior applications praying a review of the same order.

(h) And the issue to be tried and submitted, as aforesaid, upon such writ of certiorari shall be whether or not the defendant or defendants in the application for said writ are guilty of the charge upon which the said order of the Postmaster-General under review is based, or whether or not the facts exist to warrant the said order of the Postmaster-General; and the court wherein said matter is pending shall distinctly express in writing the issue to be determined, according to the facts of the particular case, before the trial thereof is begun.

SEC. 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. CRUMPACKER. Mr. Speaker, the bill now before the House is a bill to authorize a judicial review of questions of law and fact involved in fraud-order cases under the practice now in vogue in the Post-Office Department of the Government. The present law provides that whenever there is evidence satisfying the mind of the Postmaster-General that any person, corporation, or association is using the mails to promote lotteries or for other criminal purposes or for the purpose of obtaining money or property by means of false and fraudulent representations and promises, he may deny such person, corporation, or association the use of the mails absolutely. The statute is peculiar in its language. It does not provide that when any person may be guilty of certain misconduct he shall be denied the use of the mails, but whenever evidence satisfying the mind of the Postmaster-General of his guilt has been submitted, that office has power to issue a fraud order withholding from that person the privilege of the mails. The question is not the guilt or innocence of the suspected person, but the belief of the Postmaster-General upon that subject. The statute vests an unqualified discretion in the Postmaster-General and does not provide for any investigation in which the adverse party may have a part. It does not require that the person who may be affected by the proposed fraud order shall be notified or be given an opportunity to appear before the Postmaster-General or anywhere else and show cause why the fraud order should not be issued; but it vests absolutely and unqualifiedly in the discretion of the Postmaster-General, when-

ever evidence is submitted to him satisfying his mind that any person is abusing the privilege of the mails, the power to issue a fraud order and absolutely deny that person the right of the mails. That discretion is not, properly speaking, an administrative discretion. Everyone familiar with government and with administrative duties must know that in the course of administration discretion, and often a final discretion, must be vested in a Department or a bureau officer.

Such, for instance, is the case in connection with the administration of the land laws. Where a homesteader applies for a patent under the land law, some one must decide, and decide finally, whether he has complied with the law and is entitled to a patent for the land he claims. That duty is in the direct course of the administration of the law, and it is finally and properly vested in administrative officers. In the administration of the pension laws it is necessary to determine whether the applicant for a pension has made the proof that the law requires, whether his status is such that the law will authorize the granting to him of a pension. The duty of settling these questions is an essential part of the administration of the law and logically belongs to the administrative officers. The immigration law likewise devolves upon the immigration officers the duty of deciding whether an applicant who applies at one of our ports for admission to the United States has complied with the law upon the subject, and the courts have universally held that when Congress has authorized Department officers to decide such questions, although they partake of the nature of a judicial power, the decision of the officer upon all questions of fact is final. Those questions are classed among administrative powers as a matter of necessity, for if they had to be determined in the courts the delay would greatly embarrass the proper administration of the great activities of the Government.

Mr. KEIFER. I do not want to interrupt the gentleman, but I understood him to say that this discretion was made final with these officers.

Mr. CRUMPACKER. It is.

Mr. KEIFER. Absolutely not in the case of the Secretary of the Interior in issuing a patent to a homesteader, for there is a decided case where the Supreme Court compelled a Secretary of the Interior to issue and deliver a patent that he had once concluded the man was not entitled to.

Mr. CRUMPACKER. When I said that the discretion vested in administrative officers in these cases was final, I meant in relation, of course, to questions of fact. The Supreme Court of the United States has repeatedly held that where an administrative discretion is vested in a department or a bureau officer, unless there is express provision for appeal to the courts, the courts have no power to review questions of fact; but the courts have always had and always insisted upon the power to inquire into jurisdictional propositions, questions of law involved in the action of the department or bureau officer.

Now, the power to issue fraud orders given to the Postmaster-General under the statutes is not an administrative power in the strict sense. It is not involved, necessarily, in the administration of the postal service of the country. It is collateral, it is incidental, it partakes of the nature of a police power for the regulation of the morals of the people of the country. It is not directly involved in the administration of the postal laws. The object of the fraud-order law is to prevent evil-minded people from imposing upon credulous members of society and obtaining from them money and property by means of false promises and pretenses, a function that in every other feature of our system of government belongs to the judicial department. It is essentially a judicial function to investigate frauds and crimes and to administer punishment with a view of promoting morals and protecting the gullible people against the arts and machinations of evil doers. But the courts have given the fraud-order power the same character as a purely administrative discretion. In numerous decisions it has been held that when the Postmaster-General issues a fraud order it is final and conclusive in so far as all questions of fact are involved. The courts do hold, and of course properly hold, that a question of jurisdiction may be inquired into. That is a principle familiar to every lawyer in the House. That question is always open to inquiry and investigation by the courts. The only question that can be inquired into by the courts in fraud-order cases is whether the transaction upon which the fraud order is based comes within the purview of the statutes.

Mr. DALZELL. Will the gentleman allow me a question?

Mr. CRUMPACKER. Certainly.

Mr. DALZELL. I ask for information. Has this bill been submitted to the Post-Office Department?

Mr. CRUMPACKER. I do not know; I presume it has. The Post-Office Department is familiar with its provisions.

Mr. CLAYTON. May I answer the gentleman from Pennsylvania? The Post-Office Department is fully advised of this bill and its provisions. The Assistant Attorney-General for the Post-Office Department appeared before the Committee on the Judiciary in its hearings and made an argument against the bill.

Mr. DALZELL. Have we any expression of opinion from the Post-Office Department upon the provisions of the bill?

Mr. CLAYTON. None other than that the official Attorney-General of the Post-Office Department opposed the bill.

Mr. DALZELL. I am in entire sympathy with the object of the bill, but I would like to ask the gentleman what was the objection urged by the Post-Office Department to this particular bill? Was it to the bill itself or to the object of the bill?

Mr. CLAYTON. In substance, I may say, it was that it would greatly impair the power of the Postmaster-General and very much militate against the usefulness of the power now exercised by the Postmaster-General.

Mr. DALZELL. The Department is not in harmony with the purpose intended to be accomplished by the bill?

Mr. CLAYTON. I can not say that, except that this particular Assistant Attorney-General connected with this branch of the service was opposed to it.

Mr. CRUMPACKER. Mr. Speaker, in the recent report of the Postmaster-General substantially the same argument made by the Assistant Attorney-General before the Committee on the Judiciary against the bill is incorporated and submitted to the country as the report of the Postmaster-General. I intend to discuss some of the criticisms made by the Post-Office Department during the course of my remarks.

Mr. PERKINS. If the gentleman from Indiana will allow me, I would like to answer the gentleman from Pennsylvania by saying that the Department now exercises a very arbitrary power. Gentlemen will agree with me that no one has ever been found who was willing to yield an arbitrary power which once he has exercised. Of course, they say that the exercise of this power is in furtherance of the interests of the Government.

Mr. CRUMPACKER. The law as it stands provides for no notice to the person to be affected by the order. It affords him no opportunity to appear and show cause, if he is able to do so, why the order should not be issued against him. It is the custom of the Department, however, purely as a matter of grace, to notify, as a rule, not always, but as a rule, the person suspected to appear and show cause why he should not be denied the privileges of the mail. The notice usually contains a succinct statement of the reasons why the Postmaster-General is about to issue the fraud order. The "suspect" may then appear either in person or by counsel and submit his defense. There is no evidence introduced on the part of the Government. Information comes to the Postmaster-General through the channels of the inspection service, through post-office inspectors, of whom there are three or four hundred traveling about the country at all times investigating general conditions and particularly the character of business of men who make extended use of the mails.

When a complaint is made to the Post-Office Department that some individual or institution is abusing the privileges of the mail, the matter is referred to an inspector for investigation. The inspector conducts a secret investigation; he interviews people supposed to have knowledge and gets information from whatever source he can, incorporating that information into a report, which he forwards to the Postmaster-General. The report is referred to the Assistant Attorney-General for the Post-Office Department, who investigates the questions of law and the facts contained in the confidential report of the inspectors and makes up his mind whether a fraud order ought to be issued or not. Having decided the case against the accused, he notifies him to appear and disprove, if possible, the charges lodged against him in the Department. He is not permitted to see the report of the post-office inspector, he is not permitted to know who gave information against him or the character of the information, but he is accorded the high privilege of disproving, as far as he is able in the dark, certain general charges without any specifications as to what they may be.

Mr. MANN. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will.

Mr. MANN. I presume the gentleman's statement is made after an investigation.

Mr. CRUMPACKER. It is.

Mr. MANN. It is not exactly my own idea of what takes place, and I would like to ask the gentleman what is the character of evidence presented to the Post-Office Department. Is it what the gentleman in his bill calls "legal and competent evidence?"

Mr. CRUMPACKER. No; oh, no. That is the crux of the whole question.

Mr. MANN. So that I understand, if the gentleman's bill becomes a law, all of the evidence which is collected by the inspectors in the way of letters and other matters from people who have been swindled would be of no avail before the court.

Mr. CRUMPACKER. That depends. The court would investigate the questions of law and fact according to established procedure and I presume the court would admit only competent evidence. The court would admit only evidence that had behind it the sanction of an oath. The court would hear witnesses and give an opportunity for cross-examination. The court would not permit hearsay evidence. The court would conduct the examination in the open, so that witnesses who saw fit to come and give testimony would carry the responsibility that witnesses in controversies between citizens usually carry in courts of justice.

Mr. MANN. Will the gentleman pardon another question along that line?

Mr. CRUMPACKER. I will.

Mr. MANN. Suppose the concern that wants to live by its wits and not by its wisdom establishes itself in Portland, Me., and proceeds to advertise very extensively in California and to swindle the people of California. Under the existing law the Post-Office Department, through the aid of the mails and the receipt of letters from people who have been swindled, considers that sufficient evidence to debar the Portland, Me., concern from the use of the mails. Under the gentleman's bill would it be necessary in order to sustain the contention of the Government to bring all these witnesses, or more or less witnesses, from California to Portland, Me., or to Washington, while the concern itself would have no such expense and would have no trouble?

Mr. CRUMPACKER. No, indeed.

Mr. MANN. How does the gentleman reconcile the statement?

Mr. CRUMPACKER. I have in my mind an order in which I hope to discuss the question, and I will get to the provisions of the bill later on.

Mr. MANN. I do not wish to interrupt the gentleman.

Mr. CRUMPACKER. I will say just now that this bill authorizes the Postmaster-General to continue in the future just as he has proceeded in the past. It provides that fraud orders shall not be final, however, until fifteen days after he has decided to issue them, and in that time any person who feels that he ought to have the questions of fact investigated in court, by giving a sufficient bond may go into court and have a trial of the case upon the law and the facts, a summary trial according to established procedure, and have the court determine whether he is guilty of such misconduct as to authorize the issuing of a fraud order against him. And in the meantime the gentleman will bear in mind, pending this, during these fifteen days, the Postmaster-General may order the mail impounded in the delivery office, and if fifteen days is not time enough to dispose of the case the appellant, the person who files the bill for review of the fraud order, may obtain a further postponement of the issue of the fraud order by filing a bond subject to the approval of the court, and the mail that accumulates is subject at all times to the disposition of the court. The law provides ample protection to the public.

Mr. MANN. It provides a bond of only $10,000. That would not go very far if people were swindled.

Mr. CRUMPACKER. Certainly not. It provides a bond of $10,000, and in addition every safeguard that exists now. It provides a bond of $10,000 and provides for the impounding of the mail during the investigation, and that is all a fraud order would do. It brings additional safeguards for the protection of the public over and above those that exist under the law to-day.

Mr. MANN. I would not agree with the gentleman.

Mr. CRUMPACKER. I regard this whole fraud-order business as an unusual proceeding. The law would never have found its way on the statute books were it not for the peculiar adaptability of the mails to the purposes of the criminal and the perpetrator of frauds. As the gentleman said, a citizen in Portland, Me., may reach citizens in California and obtain money from them by fraudulent schemes, possibly in small sums. It would be exceedingly difficult and a great hardship for them to go into the courts and sue for damages or be required to go to Portland or some other distant place to testify. That is the reason why the fraud-order law was enacted in the first place, and if its execution had been confined to institutions and practices that were essentially fraudulent, or were inherently bad and criminal, such as "green-goods" concerns, lotteries, fly-by-night institutions, get-rich-quick establishments, as was originally contemplated by Congress, there perhaps would be no complaint; but this law, this vast power vested in the Postmaster-General, has extended and ramified until it now reaches almost every class of business in the United States. It covers old, substantial, responsible establishments conducted by men of reputation and character. Their advertising matter is scrutinized and, if the virtues of wares sold the public are exaggerated, a fraud order is issued or the concern is compelled to submit to the humiliation of having the Assistant Attorney-General edit its advertising matter and make it conform to his standard of advertising ethics.

The Postmaster-General's report shows that during the two years ending the 30th of June last 630 fraud orders were issued, 71 more than were issued during any four years of the history of the Department.

Mr. OLMSTED. I would like to ask if the gentleman thinks that a postmaster, not the Postmaster-General, but a postmaster, should have authority on his own discretion to exclude from the mails a newspaper because it contains an advertisement which he thought, or claimed to think, was improper.

Mr. CRUMPACKER. I do not think he ought to have that power, and I would be greatly surprised to learn that he did have it.

Mr. OLMSTED. I have learned this morning, through a case which came to my knowledge, that a postmaster excluded the whole issue of a county newspaper from the post-office because it contained the advertisement of a milling company offering to give a picture with every five sacks of flour. I would like to ask if that is an improper use of his powers or whether, if so, your bill would provide any remedy for such an act as that.

Mr. CRUMPACKER. No; not such a case as that. My bill simply deals with fraud orders, and I do not understand that postmasters over the country have power to issue such orders. There is no statute conferring such power upon them, and the instance mentioned by the gentleman is certainly a flagrant abuse of authority.

Mr. MANN. It is easy to make that remark, but the gentleman is making a remark about something he does not know.

Mr. CRUMPACKER. Well, I would be surprised to know of such a law.

Mr. MANN. That is a better statement.

Mr. CRUMPACKER. I say there is no——

Mr. MANN. There is a law on the subject passed by Congress.

Mr. CRUMPACKER. Authorizing local postmasters to exclude mail?

Mr. STAFFORD. If the gentleman will permit an interruption, there is a law authorizing the Postmaster-General to determine what papers are entitled to the second-class privilege, and under departmental regulations the Postmaster-General refers the finding to determine whether a paper ought to be admitted at the second-class rates to the postmaster at the office of publication, and his report thereon is reviewed, with all the papers, by the Department officials.

Mr. CRUMPACKER. That is a different proposition. The law confers that power upon the Postmaster-General, not upon the local postmaster.

Mr. OLMSTED. In this case the paper was excluded by the local postmaster.

Mr. MANN. But evidently the law conferring the power upon the Postmaster-General does not mean the Postmaster-General personally examines things. The gentleman is well aware of that.

Mr. CRUMPACKER. When such a question arises the local postmaster must submit it to the Postmaster-General or some one else who acts for him.

Mr. MANN. He does; but in the meantime he excludes the matter which he considers improper from the mails and reports. That was what was done in this case.

Mr. CRUMPACKER. When I said the law vested in the local postmaster no discretion to exclude mails, I think I was correct in the statement.

Mr. OVERSTREET of Indiana. If the gentleman will permit an interruption, I think the question propounded by the gentleman from Pennsylvania to the gentleman from Indiana is calling attention to something entirely irrelevant to the so-called "fraud-order law." In addition to the fraud-order law, there are laws regulating the admission to the mails of matter of the second class, and under its terms are rules and regulations prescribed lawfully by the Postmaster-General for the admission to the mails of matter of the second class. I think that this instance which the gentleman from Pennsylvania has cited is one which falls within that law and not within the so-called "fraud-order law." Very naturally, if a periodical, once having been granted the privilege of the second class, is so changed in its character as to preclude that admission, the postmaster would stop it until he has examined it.

Mr. OLMSTED. The character of the paper has not changed

at all. It is a regular, reputable county newspaper which happened to contain a little innocent advertisement of a milling company in this particular issue.

Mr. OVERSTREET of Indiana. That is correct, because that particular issue was prohibited by the law.

Mr. OLMSTED. I do not think so in that case.

Mr. OVERSTREET of Indiana. That might be true; but you will find in the case you yourself cited that undoubtedly there was such specific violation or presumed violation on the part of the publisher of that particular periodical.

Mr. OLMSTED. That is what I wanted to inquire, whether the postmaster himself had the discretion to pass upon a particular article in a newspaper.

Mr. OVERSTREET of Indiana. He is guided by the terms of the regulations under the law admitting matter to the second class.

Mr. OLMSTED. Suppose he makes a mistake in applying that regulation. Here is a newspaper publishing a perfectly innocent advertisement, and the whole issue of that paper is excluded from its subscribers; is there any remedy?

Mr. OVERSTREET of Indiana. Undoubtedly; and I have had it occur at my home post-office, where the publisher is given the privilege to stamp out that prohibited advertisement, when the issue would go right into the mail.

Mr. CRUMPACKER. Now, Mr. Speaker, I think I will have to——

Mr. OVERSTREET of Indiana. I see that the interruption is irrelevant, but I did not want the colloquy to go unexplained. It does not pertain to the law to which the gentleman from Indiana is now addressing himself.

Mr. OLMSTED. I had not had opportunity of reading it, and I did not know whether it applied to such a case.

Mr. CRUMPACKER. That case does not come within the fraud-order statutes, and my bill has reference solely to those statutes. Now, the question of the constitutionality of the statutes has been raised in a number of instances, and the courts have held them to be constitutional. Citizens have complained that rights and privileges of the mails were denied them without due process of law, but the Supreme Court of the United States in several cases has decided that the privilege of the mails is not a property right; that it is not a right of citizenship; that it is not a vested right within the meaning of the Constitution, but that it is a mere privilege conferred by the Federal Government, and Congress has authority to vest the control in the Postmaster-General that is carried by the statutes that are now in force.

Mr. OVERSTREET of Indiana. Will my colleague submit to an interruption?

Mr. CRUMPACKER. Certainly.

Mr. OVERSTREET of Indiana. In view of the statement which the gentleman has just made, does he intend by the phraseology of this bill, where he uses the word "right" in connection with "privilege of the mail," to change that authority of law and create a right to the use of the mail instead of a privilege, as the Supreme Court has held?

Mr. CRUMPACKER. I do not have in mind exactly what I meant by the use of that particular word. It is doubtful if in a constitutional sense Congress can create vested rights. The fundamental rights of citizenship I think are perhaps beyond the power of Congress to enlarge or diminish.

Mr. OVERSTREET of Indiana. But I observe in different places in this bill, a copy of which I do not now have, that the gentleman has coupled with the expression "privilege of the mail" the word "right."

Mr. CRUMPACKER. Yes.

Mr. OVERSTREET of Indiana. If I had a copy I could point it out to the gentleman.

Mr. CRUMPACKER. The word "rights," I suppose, means the rights of citizens in a popular sense.

Mr. OVERSTREET of Indiana. Then, as I understand the gentleman, it is not his purpose to enlarge that privilege to a right?

Mr. CRUMPACKER. Well, I would not say that. In a way, yes; in a way, no. I think it ought to be. I think every citizen ought to have the right to use the mails as long as he complies with the law. It is the common right of all citizens of a common country, and I think it exists to-day, and that the Constitution ought to recognize it as a fundamental right of citizenship.

Mr. OVERSTREET of Indiana. Will the gentleman permit me one word further? The gentleman will appreciate whether the use of the mail is a vested right and property right, or whether it is merely a privilege under the control of the existing laws, that it would make quite a difference in the interpretation of the so-called "fraud-order law."

Mr. CRUMPACKER. Well, it might.

Mr. OVERSTREET of Indiana. Pardon me; I mean by that that the gentleman should have explained to the House, and should yet explain before concluding his statement, that the fraud-order law was inspired because the use of the mails is a privilege and not a right, and therefore the post-office, through its proper officials, are bound to that guardianship or supervision of the character of the mail itself, which is a privilege, rather than to leave it as between citizen and citizen.

Mr. CRUMPACKER. Oh, no; I do not agree with the gentleman in that respect.

Mr. OVERSTREET of Indiana. The history of this law undoubtedly will bear out the suggestion which I have made, that the supervision or guardianship of the purity of the mail, its control over the fraudulent and vicious efforts on the part of vicious minds to defraud citizens, was what inspired the fraud-order law.

Mr. CRUMPACKER. I understand that. Now, I have just explained that the law was held constitutional upon the theory that the right to the mails, speaking in a technical sense, is a privilege only on the part of the Government. The Post-Office Department has no guardianship over the mails except such as Congress confers. The whole subject is under the control of Congress, and the Post-Office Department is a department of the people, who contribute the money to administer it, and upon principles of equality of citizenship each citizen of the country, unless he has been declared to be a common outlaw, should have the same enjoyment of its benefits as every other citizen. If he has the right, we should call it the right. That is all that is meant by the phraseology in the bill under consideration.

Mr. OVERSTREET of Indiana. I think the bill ought to have a complete explanation in that respect, if the gentleman will permit me. If it is a right, and can be under the terms used in your bill, you make it a right instead of a privilege. Maybe in that you incur the danger that when you have established this right by terms of law and created this method of procedure, there may arise a question under that right in an action for damages against the Government on the part of some person who has been denied this right.

Mr. CRUMPACKER. In the first place, the Government is responsible for no damages that may be done by the delinquency of an administrative officer.

Mr. OVERSTREET of Indiana. It may arise from the administrative officer being subject to an action of damage, perhaps.

Mr. CRUMPACKER. It is a matter of history that the liberty of the English-speaking people was never completely established until administrative officers were made responsible to citizens for an abuse of power in civil and sometimes in criminal affairs. The king can do no wrong, but his minions can. The purpose of the bill is plain. Its purpose, taken as a whole, is to confer upon citizens the right to go into court and have an investigation of the questions of law and of fact involved in the issuing of a fraud order.

Mr. OVERSTREET of Indiana. Then would it not be better to leave out the word "right" and let it be "privilege," which the Supreme Court has decided it was?

Mr. CRUMPACKER. I have no pride in the phraseology; I am no stickler for words; I am not a literary purist or anything of that sort. I simply want to accomplish by proper legislation a vital purpose, and I am no stickler for any particular phraseology.

Mr. LITTLEFIELD. And the Supreme Court has recognized it does have the right to exercise the universal privilege.

Mr. CRUMPACKER. As I said to the gentleman a while ago, rights of citizenship and equality of citizenship include the right of the mails in the popular mind regardless of refinements made by the courts, but this bill is burdened with no complications respecting distinctions between "rights" and "privileges."

Mr. CLAYTON. If the gentleman will permit me to interrupt him, I will say this bill does not enlarge that right or privilege in any respect. It merely seeks to preserve or better secure that right or privilege to the citizen. It gives the citizen a remedy, whereas he has no remedy now because the courts have held—Judge McPherson has held—that the findings of the Postmaster-General as to the facts in a given case were conclusive; that the courts can not inquire into the facts as to whether the alleged sender of mail was guilty of any fraudulent transaction or not. The court is precluded from an inquiry into the facts. The facts can not be inquired into by anyone except the Postmaster-General.

Mr. CRUMPACKER. It is exclusively within his jurisdiction.

Now, I want to say a few words in regard to the evidence

upon which a Postmaster-General acts in the issuing of fraud orders. I stated a moment ago that his action was based in the main upon confidential reports which were the result of secret investigations by post-office inspectors. They constitute the bulk of the evidence. The Assistant Attorney-General of the Post-Office Department is himself first convinced and then he notifies the person affected by the proposed action of the Department to appear and show cause, without allowing him to see the report or know what it contains. He is at once the prosecuting attorney, judge, and executioner, and the privilege of appearing before an officer who has already made up his mind to refute the evidence that he can know nothing about is one without any practical value.

The Supreme Court has held that the fraud-order power may be conferred upon the Postmaster-General because the right to the mail is a privilege and not a vested right, and that the proceeding is not criminal in its character. While this may be the correct constitutional theory, yet the party against whom a fraud order is issued is branded as a criminal and stigmatized as a perpetrator of fraud. It makes him an outlaw as far as one of the most important branches of the Government is concerned. The issuance of such an order covers all his mail and deprives him of the right to communicate with his friends, his wife, or his mother, or to receive any communication from them by means of the mails.

All of this is done upon confidential reports, the result of secret investigations based upon ex parte statements of persons whose motives can not be known, who may be responsible or who may be irresponsible, who may not be competent witnesses, and who are not sworn and do not carry the responsibilities of ordinary witnesses. Their names and identity are not disclosed, and their evidence does not contain one single safeguard against fraud or one single test of credibility. Such evidence would not be received in the humblest magistrate's court of the country in a case involving the investigation of the most inconsequential right of person or property.

The confidential nature of such reports and the statements they contain, including the names of persons giving information, is such that they are never made public or disclosed to the parties vitally affected by them. About a year ago this House adopted a resolution requesting the Postmaster-General to furnish it with the facts upon which a certain fraud order was issued and copies of the inspector's reports in the case, and that officer politely and respectfully returned the resolution to the House with the statement that it would not be compatible with the public interest to comply with the request.

The investigation and decision of fraud-order cases under the practice in the Department is necessarily made by the Assistant Attorney-General. During the two years ending June 30 last 660 fraud orders were issued and a number of cases investigated where the accused agreed to modify his advertising matter so that it would conform to the ideas of propriety of the Assistant Attorney-General, thereby obviating the issuing of an order excluding him from the mails. Over one case a day had to be examined and decided, and it would be out of the question for the Postmaster-General to give his personal attention to the examination and decision of these cases and attend to the other arduous and multifarious duties of his office. The Assistant Attorney-General devotes the bulk of his time to the fraud-order business. He refers complaints to post-office inspectors, examines reports, decides questions of law and fact, hears matter in defense, and practically has the decision of the ultimate question as to whether a fraud order shall be issued or not, although the work is done in the name of the Postmaster-General. It is a matter of common experience that men who represent the Government in hunting down and ferreting out fraud and in conducting prosecutions become imbued with an official prejudice to such an extent as to unfit them to deal justly between their own client and paymaster and one whose interests may be adverse. I do not say this in disparagement of this class of officials, but a man who has the zeal and enthusiasm necessary to make a success of the work in which he is engaged, unless he be exceptionally even tempered and well poised, is most apt to become inoculated with that official bias that will prevent his dealing justly with those whose interests he may have in charge.

The Assistant Attorney-General is a detective in a large sense, to hunt down frauds, and is the prosecutor to convict the perpetrators, and in the fraud-order practice he is the judge and jury to pass upon their guilt or innocence. In view of the vital questions that are involved directly and impliedly in the fraud-order practice, it is a most unsafe thing to intrust an officer of this kind with such unlimited power. This Government is said to be a Government of law and not of men. The personal and property rights of the citizens should not be vitally affected by any Department of Government, excepting in pursuance of law. In the execution of the fraud-order law much may depend upon the temperament and the ideals of the Assistant Attorney-General. One person occupying that position may have peculiarly high notions of business ethics and little or no patience with men who do not deal absolutely fairly with their fellows. On the other hand, another may have lax ideas respecting these matters and much sympathy for wrongdoers. Under a practice where the result must of necessity be largely colored by the temperament and sentiment of a departmental official, the vital concerns of the citizens ought not to be reposed.

I desire to impress upon the House, in addition, the dangerous character of the method of presenting proof on the part of the Government in fraud-order cases. The same zeal that I have referred to in connection with the Assistant Attorney-General characterizes the action of the post-office inspectors. There seems to be a belief or feeling on the part of these functionaries that unless they are able to discover official irregularities or individual delinquencies in connection with the mails their records as efficient officers will suffer. Their investigations are made secretly and contain, largely, interviews with citizens in various communities which are always private, and the names of the citizens who give information are to be kept inviolate.

How many men, prompted by feelings of envy or jealousy against a business rival, with the understanding that their names will not be disclosed under any circumstances, will be prompted to give information that may be largely colored by business jealousy or personal envy—information that as citizens carrying the responsibilities of a witness in public they would under no circumstances feel at liberty to give. Such testimony is a positive menace to the safety of person, reputation, and property under any system of administration. It is contrary to the commonest notions of justice and fair dealing. Due process of law, as is commonly understood in our system of government, means that process of law that is administered in the open, where the accused party may have a right to confront his accusers; where those who give testimony on either side must carry the solemn responsibilities of their conduct before the public.

I have no sympathy with or respect for the policy that affects the important rights of person, reputation, or property by means of confidential reports of secret emissaries of the law. Reports containing evidence respecting the rights of the citizen should always be made public. No consideration of delicacy or embarrassment should justify the Government in blasting the reputation and ruining the business of a citizen without giving him an opportunity to know exactly who has testified against him and to what he has testified. The reports of inspectors under any practice should be open to the person who may be affected by the fraud order. He should be allowed to know who have given information or testified against him, and citizens who are interviewed should understand that their names and statements would be open to inspection by the person against whom they testify or give information. This would have a most wholesome and salutary influence. Men would see that the statements that were written up by the post-office inspectors and credited to them were fair and just and absolutely true. There should be no inducement or opportunity for men to attempt to stab the business or reputation of rivals in the dark.

Even under the present law the investigation of fraud-order questions should be conducted in as open a manner as possible. Star-chamber procedure has no place in the administration of rights in this Government. It is contrary to the spirit of the age. The whole fraud-order practice in the Post-Office Department, however honest and pure the intentions and purposes of its administrators may be, is out of harmony with the principles of individual liberty, and it ought to be discontinued. There is no adequate excuse for it. It is claimed, I know, that if reports were made public and the names of men who give information were disclosed it would be difficult, if not impossible, for post-office inspectors to secure necessary information in this class of cases. I make the assertion that a citizen who will not give testimony except upon condition that his name be withheld from the public, and particularly from the individual against whom he testifies, as a rule is not worthy of credence. His testimony is to be suspected and should not be regarded as sufficient to deprive any citizen of any substantial right.

The Federal criminal code imposes penalties for almost every act that would justify the issuing of a fraud order. If post-office inspectors, in investigating crimes and frauds, would investigate them with a view of detecting the perpetrators and their reports should be immediately transmitted to the Department of Justice, where instructions could be sent to arrest the criminals, it would largely tend to stop the practice of debauching the mails. The Postmaster-General, in his recent report, claims that under the fraud-order practice lotteries and other

criminal concerns have almost been driven out of existence. In my humble judgment, if there were no penalty excepting that of a fraud order, the country would be overrun with lotteries, "green-goods" institutions, and other criminal concerns to-day. The criminal laws have suppressed lotteries and "green-goods" dispensers. They have been the efficient power in purifying the mails and protecting them against the schemes and devices of evil doers.

In making these criticisms of the fraud-order practice, it is not my intention to reflect in any degree upon the Postmaster-General, the assistant attorney-general for the Post-Office Department, or of any other official. The result is the necessary and logical outcome of the arbitrary system of investigation authorized by the statutes. It is not the fault of the officers personally, but the fault of the system, and it is the system that I am complaining about and which I believe ought to be materially modified.

A number of years ago it was the practice in the administration of the pension laws to have special agents make secret examinations of pension claims with a view of detecting frauds, and thousands of veterans of the civil war were dropped from the pension rolls upon these confidential reports without notice, without having been given an opportunity to present their defense, and the sense of justice of the entire country was so aroused that Congress quickly passed a law providing that in all investigations of pension claims by special examiners the applicant should have notice before a single witness was examined, and allowed to be present and cross-examine the witnesses and be given an opportunity to submit testimony in his own behalf, and that he should have at all times access to the reports of the special examiners. Under the law now a veteran who is drawing a pension of only $6 a month can not be deprived of that token of his country's gratitude upon confidential reports of special agents. He can not be deprived of it except by notice with an opportunity to confront the witnesses who testify against him and with an opportunity to submit evidence on his own part, and the whole proceeding must be conducted publicly and in the open, while under the fraud-order practice the reputation of an individual may be blasted, his business destroyed, he may be branded as a perpetrator of crime and a common outlaw on confidential reports of secret emissaries, without the privilege of knowing what is contained in the reports or who has given information against him or what the character of that information may be.

Even the practice of giving notice to those to be affected by fraud orders and according them an opportunity of making a defense is a mere matter of favor on the part of the Postmaster-General prompted by his sense of justice and fair play. The law does not require it, and no citizen should be subjected to the humiliation of depending upon the favor of a Department officer for the right to disprove, if he has the power to do it, charges of crime and fraud that may have been made against him affecting his standing before the public and his right to the use of the mails. The privilege of making a defense ought to be embodied in the law. It ought to be the legal right of the citizen, and not a mere favor coming from the sense of fairness of a Department officer.

Mr. LITTLEFIELD. And all the evidence is taken in the absence of the man to be affected?

Mr. CRUMPACKER. Of course. He has no right of cross-examination; he can not know anything about it.

Mr. PERKINS. The gentleman said that as a result of such an order the person affected was branded as a criminal. Is it not also a necessary result of such an order that he is not only branded as a criminal, but that his business is destroyed?

Mr. CRUMPACKER. Necessarily ruined. I thank the gentleman for the suggestion. It is one of the inseparable incidents, and his reputation is blasted forever, because no man may ever outlive the stigma of a fraud order.

Mr. PERKINS. He can not do business without the mails.

Mr. LITTLEFIELD. I was just going to inquire of the gentleman from Indiana whether it is also a fact that a fraud order is based upon a condition of facts involving criminal conduct on the part of the man to be affected, and, therefore, indirectly, the man is convicted of being a criminal without having been heard, under the method of practice that obtains in the Department?

Mr. CRUMPACKER. Yes; convicted by the prosecuting attorney. The principle would be the same if a grand jury, with its secrecy and its confidences, should hear evidence and indict a citizen for a crime, and then he should be haled before the same grand jury to plead to the merits of the case, and they should notify him by the indictment of the general nature of the charge, and say to him, "The evidence on behalf of the State has already been introduced. It is confidential and secret, and will not be disclosed to you. You now have the high privilege of proving yourself innocent if you are able to do it." In fact, the situation is worse, because witnesses before a grand jury testify under the sanction of an oath, and are liable to prosecution for perjury. In some instances they may possibly be liable in the civil courts for damages for malicious prosecution. Yet a witness who is interviewed by a post-office inspector regarding the character and conduct of a citizen or his business carries with him absolutely no kind of responsibility in the criminal courts for perjury and no kind of responsibility for malicious prosecution, slander, defamation of character, or anything of that sort.

Mr. MANN. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will.

Mr. MANN. The gentleman is probably correct as to what could be done under the law, but is the gentleman correct as to what is actually done under the law?

Mr. CRUMPACKER. I am correct when I state that the Post-Office Department always refuses to communicate to the person to be affected by a fraud order the information contained in the confidential reports of the inspectors. The person to be affected by the order, the person cited to show cause, is not allowed to see the report of the inspector. He is not allowed to know who gave testimony against him, or who informed the inspector respecting his methods of doing business.

Mr. MANN. Has the gentleman himself had any personal experience in connection with cases of this kind?

Mr. CRUMPACKER. No; I never have.

Mr. MANN. Then, I will say to the gentleman that he is entirely mistaken as to the course of practice of the Post-Office Department.

Mr. CRUMPACKER. I beg to differ from the gentleman.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Illinois that I have had personal experience with cases of this sort——

Mr. MANN. I hope the gentleman is still permitted to use the mails. [Laughter.]

Mr. CHARLES B. LANDIS. I will say to the gentleman that this experience has not been in any matter concerning which I was personally interested myself.

Mr. MANN. It is unnecessary for the gentleman to make that statement. My remark, of course, was simply intended to be humorous.

Mr. CHARLES B. LANDIS. But I will say to the gentleman that I have personal knowledge of the way these investigations are conducted, and I can say that the statement of the gentleman from Indiana [Mr. CRUMPACKER] is absolutely and unqualifiedly true.

Mr. MANN. The gentleman may make that statement; but I have had a number of these cases before me. I believe the city which I happen to represent in part swarms with these people, and I can say that the gentleman is entirely mistaken.

Mr. CRUMPACKER. The Assistant Attorney-General for the Post-Office Department, in his statement before the Committee on the Judiciary, admitted everything I have stated to the House in relation to that proposition.

Mr. MANN. The gentleman, I think, speaks correctly as to the rights that are assumed to be given before the Postmaster-General, but not as to the practice of the post-office inspectors themselves. I venture to say there is not a case where a fraud order has been issued where the post-office inspector has not repeated to the person against whom the order was issued the charges that were made against him and obtained from him his side of the case.

Mr. CRUMPACKER. The gentleman is begging the question. That is not the proposition up for consideration at all. I stated that the citation contained a succinct and concise statement of the charges made. What I have been undertaking to demonstrate to the House is that the reports of the post-office inspectors, containing the interviews with various citizens, not under oath, responsible and irresponsible, competent and incompetent, are not submitted to the person to be affected by the order.

When you come to the question of right, the citizen has no right under the law, he has no right to be heard, he has no right to be notified. The law provides for no notice, and provides for giving him no opportunity at all to exonerate himself.

Mr. OVERSTREET of Indiana. Does not the gentleman from Indiana feel that it is entirely fair that he should make a statement to the House of what the practice is in the Department?

Mr. CRUMPACKER. I am proceeding to do it.

Mr. OVERSTREET of Indiana. I think the gentleman is in error when he stops where he has now stopped, and leaves the impression that there is absolutely no hearing.

Mr. CRUMPACKER. I did not intend to do that; I think I have said three times, at least, that the practice of the Depart-

ment is, generally, but not always, to give notice, and that notice is the indictment, as you might say, a succinct statement of the reasons why the fraud order ought to issue, and he is given an opportunity to go before the assistant attorney-general and disprove the charges in entire ignorance of the evidence that was given against him.

Mr. OVERSTREET of Indiana. And a reasonable time in which to be heard.

Mr. CRUMPACKER. I presume that is the rule, but that is purely a matter of grace and not a matter of right.

Mr. OVERSTREET of Indiana. I am asking about the practice. The gentleman from Illinois inquired as to the practice.

Mr. CRUMPACKER. The gentleman from Illinois took issue as to the statement I made that the confidential reports of the post-office inspectors were not submitted to the party to be affected.

Mr. OVERSTREET of Indiana. I think it is proper that the gentleman should confine his arraignment to the law and not of the officials.

Mr. CRUMPACKER. I am not traducing the officials; I hope I shall not be so understood. I am discussing the law and the practice of the Post-Office Department in connection with the fraud-order power.

Mr. SHACKLEFORD. The gentleman from Illinois made some statement about the practice of the Department. I would like to ask the gentleman from Indiana if the practice of the Department in these matters is at all uniform?

Mr. CRUMPACKER. It is not, because cases are not all alike. The assistant attorney-general, when testifying before the Judiciary Committee, said in some cases they did not give any notice at all. He said that he practically determined when notice should be given and when notice should not be given. Perhaps there is a reason for it, because if notice were given in some instances and an opportunity given to be heard, some of these fly-by-night institutions that are here to-day and over in Chicago to-morrow and St. Louis in a week would escape the effect of the fraud order altogether, and in those cases it may be necessary to grant the order without notice or hearing.

Now, it is discretionary with the assistant attorney-general of the Post-Office Department whether any notice shall be given at all. He determines the question, and he may determine it justly.

In the report of the Postmaster-General of this year he says that there have been over thirty applications to courts of equity to enjoin the enforcement of fraud orders, and in every instance the courts refused relief except one, and that case is pending now, and he hoped to win that. He said it was a very significant circumstance that the courts have denied relief in all applications, showing that they had got the right man every time.

Now, I have in my mind one of the States of the Union where in the last twenty-five years there have been thirty lynchings, and I undertake to say that they got the right man in every instance—that is to say, they lynched the man that they set out to lynch. They made no mistakes in the victims. [Laughter.] When you consider the fact that the person against whom the fraud order is issued has no standing in court on questions of fact, that he can only have the court inquire into the question of jurisdiction, does it signify anything that thirty have appealed to the courts for relief, and the courts in every instance have decided that the attorney-general of the Post-Office Department has jurisdiction of the subject-matter, the court having no power to inquire into the facts? The judgment of a court is of no significance unless it is based on the merits of the case.

Mr. MANN. Who decided that—a district judge of the United States?

Mr. SHACKLEFORD. Judge McPherson.

Mr. MANN. Is it possible that with all the fraud orders that have been issued they have never been able to get a case in the upper court?

Mr. CRUMPACKER. Why, there have been a number of cases in the upper courts.

Mr. MANN. What have the upper courts decided?

Mr. CRUMPACKER. I will read the syllabus in the case of Bates *v.* Payne (194 U. S., 106). There the court says, in relation to the administration of affairs, "Where the decision of questions of fact is committed by Congress to the judgment and discretion of the head of a Department, his decision thereon is conclusive." That is what the Supreme Court of the United States has decided.

Mr. MANN. Does the gentleman claim that the Supreme Court of the United States has held that the decision of the Postmaster-General on a question of fact as to a fraud order is conclusive upon the court.

Mr. CRUMPACKER. Always, in every instance.

Mr. MANN. The gentleman claims that that is the decision of the Supreme Court of the United States?

Mr. CRUMPACKER. It is.

Mr. MANN. The gentleman is the first gentleman whom I have met with yet who has read that decision in that way, and the gentleman's opinion is entitled to great weight, because I know no better constitutional lawyer, or other kind of a lawyer, in the House.

Mr. CRUMPACKER. I thank the gentleman for that very high compliment, for I know the gentleman in handing out his compliments is always sincere. [Laughter.]

Mr. SMITH of Kentucky. And just.

Mr. CRUMPACKER. And just.

Mr. MANN. The gentleman is always sincere when he is telling the truth, as he was just now. [Laughter.]

Mr. LITTLEFIELD. And he passes out so few that they are valuable when they do come.

Mr. CRUMPACKER. I want now to quote from an opinion by the honorable Smith McPherson, a Federal district judge, in a fraud-order case.

Mr. MANN. Does the gentleman propose to have him overrule the Supreme Court of the United States or does he want to have the Supreme Court reenforced by the opinion of a district judge?

Mr. CRUMPACKER. The gentleman a moment ago said that nobody had ever made the assertion I just made in respect to the decisions of the Supreme Court. I want to say that here is one other man who officially and judicially, after an exhaustive consideration of all the cases on the subject, reached that conclusion. Let me read it.

Mr. MANN. Of course if a decision of the Supreme Court is reenforced by the opinion of the district judge, that ought to settle it.

Mr. CRUMPACKER. The district courts have to administer the law and to follow the precedents. Judge McPherson on the 19th day of July, 1905, rendered an opinion after reviewing the decisions of the Supreme Court upon that question. I desire to say that I have read, I suppose, twenty-five or thirty cases myself—fraud-order cases—probably every one that has been reported, and I have not yet found a decision where the principle was not either expressly and emphatically asserted or impliedly recognized that in relation to questions of fact the decision of the Postmaster-General was conclusive. When the question was up before Judge McPherson it was contended there, as is always contended, that in relation to questions of law the courts may review the decision of the Postmaster-General. I think that is generally settled. I read from what Judge McPherson held:

> The proposition conceded by all, that if the Postmaster-General committed an error of law this court should enjoin the enforcement of the fraud order, is made the basis of an attack thereon by complainant's counsel. It is urged that if the evidence on which the fraud order was issued was meager or lacking, then the Postmaster-General committed an error of law. There is no authority to sustain the contention in any of the reported cases. To sustain such a contention would be equivalent to a writ of error from this court to review the decisions of that officer on the ground that his findings are not supported by the evidence. But he did have evidence before him. That evidence may or may not have been legal evidence according to the standard of the text-books. It may have been hearsay; it may have been secondary; it may have been delivered by an incompetent witness; or it may have been such as the courts would receive. But whatever it was, it was evidence satisfactory to him.
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> The Postmaster-General had, under the power with which he is clothed, the right to investigate the subject-matter. It was his right and duty to ascertain whether the methods of the bank were to further a scheme by the use of the mails to obtain money by fraudulent means. His findings of fact were that such practices were carried on. He had the power to act. *He committed no error of law*, and his findings of fact are not open to inquiry by the courts.

That opinion was printed by the Post-Office Department at public expense and is being sent out over the country as a public document, stating the law in fraud-order cases.

I say there is not a decision by a district judge, a circuit judge, a court of appeals, or a decision by the Supreme Court of the United States to the contrary. Every single decision is predicated upon that theory of the law. Courts do investigate facts to find out whether the given transaction comes within the statute. As to the Coyne case, cited in the report of the Postmaster-General, it is claimed that the courts have asserted their right to investigate questions of fact. The court investigated the questions of fact in that case simply to determine whether the transaction came within the law and therefore was within the jurisdiction of the Postmaster-General. That is as far as it had a right to go. If the case was covered by the fraud-order statute, the decision of the Postmaster-General as to the guilt or innocence of the person accused would not be examined.

Mr. MANN. The gentleman stated he was going to read the opinion of Judge McPherson, for whom, by the way, I have a great respect and who was a former Member of this body, to sustain the opinion of the Supreme Court, and I did not catch that part of the decision. Now, may I ask the gentleman whether the decision of the Supreme Court, in the volume which he has upon his desk, relates to a fraud-order case at all?

Mr. CRUMPACKER. The volume contains two cases, the Coyne case, which involved a lottery, and the Payne case.

Mr. MANN. But the gentleman quoted from the syllabus, I suppose, of the Supreme Court case.

Mr. CRUMPACKER. Yes.

Mr. MANN. Was that case, in fact, a fraud order?

Mr. CRUMPACKER. No.

Mr. MANN. Either of them?

Mr. CRUMPACKER. That case involved the discretion of the Postmaster-General in relation to the classification of mails for purposes of postage. The Coyne case is a fraud-order case.

Mr. MANN. As to the rate of postage?

Mr. CRUMPACKER. No; classification of mails.

Mr. MANN. Which means the rate of postage. Congress can confer upon an administrative department the determination of a fact which decides the rate of postage. Certainly the court would not be required to determine whether matter should be second, third, fourth, or first class. That would be silly.

Mr. CRUMPACKER. The principle is as old as jurisprudence itself. Whenever a Department is vested with the authority to determine the facts, unless the law provides otherwise, the judgment or decision of the Department officer is final and conclusive, and there is no decision of any court of ordinary respectability in all this country to the contrary. It is a familiar principle. Every person who is familiar with the elementary principles of law and of the science of government knows that proposition to be a true one.

Mr. MANN. Of course gentlemen always say about an opponent with whom they do not agree that anybody who knows the elementary principles of law believes so and so. That is a little bit too old for the gentleman himself to use. Now, the fact is, as I understand it, the Post-Office Department itself never has claimed that these orders were not reviewable by the court, and that the court has never sustained any such claim.

Mr. CRUMPACKER. But the gentleman must be talking at random. There never has been a case before the court, but an assistant attorney-general, standing for the Government or the Post-Office Department, has not insisted that in relation to questions of fact it was not reviewable.

Mr. MANN. It is very strange, then, the Supreme Court never has decided that question.

Mr. CRUMPACKER. Why, the Supreme Court has decided it repeatedly. In the Coyne case, which involved a fraud order, the Supreme Court justified its investigation into the facts to determine the question of jurisdiction. I have among my papers here two or three cases decided by the Supreme Court of the United States under the fraud-order statute, holding that the court could investigate questions of law only. There is one case where the fraud order was issued against a person who was administering what was called "absent mental treatment" for diseases, and the Post-Office Department issued a fraud order against him. The Supreme Court of the United States reversed the judgment of the Post-Office Department on the ground that a question of law was involved. It discussed all these questions in the opinion and held that the court had no power to review questions of fact where the proceeding was within the jurisdiction of the Postmaster-General. Now, I must insist on concluding——

Mr. MANN. We will give the gentleman all the time he wants. If necessary, I will get an hour and yield to the gentleman.

Mr. CRUMPACKER. I thank the gentleman.

Mr. MANN. I do not think the gentleman should object to the consideration of his measure or the questions which may be asked of him.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman be allowed to continue until he concludes his remarks.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Indiana be extended without limit to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. Mr. Speaker, I am under additional obligation to the amiable and affable gentleman from the State of Illinois for the courtesy he induced the House to bestow upon me.

Mr. MANN. It is no compliment to the gentleman from Illinois; nobody could be otherwise with the gentleman from Indiana. [Laughter and applause.]

Mr. CRUMPACKER. Now, I said at an earlier period in my remarks that the fraud-order power of the Post-Office Department had been carried beyond what was ever contemplated by Congress in the enactment of the original statutes. Everybody, I think, recognizes the propriety of the fraud-order statutes, if they were confined simply to institutions or concerns that were essentially criminal, that had no virtuous features or elements whatever, such as green-goods institutions and enterprises of that character. But they have been greatly extended. The present Assistant Attorney-General for the Post-Office Department has gone out and investigated the conduct of all kinds of business.

Mr. LITTLEFIELD. Let me ask the gentleman if it does not frequently occur in connection with competition between men in business that a man makes a complaint to the Post-Office Department and does it to get advantage of a competitor in the same business?

Mr. CRUMPACKER. The gentleman and the House understand human nature and know how men may give secret information respecting methods of competitors in business when they are assured that their names shall never be made public. I do not know how many worthy institutions, having permanent habitations, institutions that are financially responsible, old establishments, have been compelled to come here to Washington and have the Assistant Postmaster-General blue pencil and edit their advertising matter. And he has established rather a high standard of advertising ethics. He scrutinizes advertisements and places limitations upon the old common-law right of a vendor to puff his wares, to exaggerate their virtues somewhat, and if a person goes beyond what he thinks to be a safe and virtuous limit, a fraud order comes forth. I have in mind a case in Missouri that got into the courts, where a citizen of Kansas City was engaged in the wholesale liquor business, and had been for fifteen years. He did quite an extensive business, as the evidence showed, amounting to perhaps $150,000 a year. He was financially responsible and was a reputable citizen. He sold bottled liquor through the mails—that is, his orders were received and the money transmitted through the mails. He guaranteed satisfaction with his goods. He gave a guaranty to the effect that if anyone, after testing the liquors they bought of him, were dissatisfied they might return the goods and receive their money back. He sold to thousands and thousands of customers and made good in every instance, but he advertised some whisky as being 9 years old and some as being 14 years old, when it was claimed they were not that old, and the Post-Office Department notified him to appear and show cause why a fraud order should not be issued against him for obtaining money by false promises and representations. He came down here and made his fight, but the order went, and he was put out of business.

Mr. MANN. Because he was selling raw alcohol for 14-year-old whisky. That man ought to have been put out of the business.

Mr. CRUMPACKER. I am glad to know the gentleman is familiar with that man's goods.

Mr. MANN. I am familiar with the practice of the liquor dealers. I know what they sell.

Mr. CRUMPACKER. If this law is right, I would like to ask the gentleman why he devoted so much of energy and enthusiasm to secure the enactment of the pure-food law in the last session of Congress? The fraud-order branch of the Post-Office Department can easily regulate the food question, and do it more quickly and more cheaply and more effectually than it can be done under the law that was enacted by Congress under the leadership of the gentleman from Illinois [Mr. MANN]. [Applause.]

Mr. MANN. The applause that greets that statement shows how much ignorance still prevails in the House of Representatives. [Laughter.]

Mr. OVERSTREET of Indiana. Will the gentleman yield to a question? In the case the gentleman has just cited, was there any fraud committed?

Mr. CRUMPACKER. I was proceeding to explain that case. It is a question.

Mr. OVERSTREET of Indiana. The gentleman will certainly admit that if there were fraud practiced in that case, it became the duty of the Postmaster-General, under this fraud-order law, to do just what he did do, and I can call the attention of my colleague to the suggestion of the limitation of his arraignment of the law, and he should not leave the impression that there has been, under the exercise of this discretion, a playing fast and loose on the part of the officials. If the law needs changing, change the law, but not because the Postmaster-General has done something that is fraudulent.

Mr. CRUMPACKER. I am not accusing the Postmaster-General of having done any wrong. If the gentleman will possess his soul for a few minutes, I will explain this case fully and show the result. The fraud order was enjoined by Judge Amidon, judge of the western district of Missouri, upon the ground that the case was not covered by the statute, and an appeal was taken to the circuit court of appeals in the eighth circuit, where the judgment of the lower court was reversed and the Postmaster-General upheld. The circuit court of appeals held, in effect, that if Montgomery, Ward & Co., of Chicago, the great mail-order and catalogue house, should advertise a particular kind of goods as "all wool and a yard wide" and some citizen down in Alabama or somewhere else should buy the article under that advertisement and it proved to contain a little cotton, the Post-Office Department had the power, without giving any notice to Montgomery, Ward & Co., to issue a fraud order against that institution and put it out of business absolutely and forever as a mail-order house.

Now, I cite this case to illustrate the scope of the law and its dangerous character; how that discretion as vested in the Postmaster-General under the statute may become a menace to the liberty and the prosperity of the people of the country.

Mr. OVERSTREET of Indiana. But does not the gentleman's argument, arraigning it in the way that he has been arraigning the law, logically lead to the repeal of the entire law?

Mr. CRUMPACKER. That is a question that I have not given much thought to. I contend that the law ought to be modified.

Mr. OVERSTREET of Indiana. That is the suggestion I am making to the gentleman.

Mr. CRUMPACKER. Let it apply to persons and institutions that have no permanent habitations. The courts of the country can apply remedies to crimes and frauds against men and concerns that have fixed habitations and financial responsibility.

Mr. LITTLEFIELD. Will the gentleman allow me just a minute? I want to ask the chairman of the Committee on the Post-Office a question. Will the gentleman from Indiana [Mr. OVERSTREET] be kind enough to say whether or not his attention has been called, in connection with the exercise of the discretion of the Post-Office Department as to the fraud-order law, of very grave and serious complaints of the abuse of that discretion?

Mr. OVERSTREET of Indiana. Why, undoubtedly every individual who has infringed upon the law and found himself before the Department has, of course, complained. That is the suggestion which I made to my colleague in charge of this measure, whether there was not much good in the provisions of the law in view of the credulity of the people in believing all that is seen in the press, and they are so easily and frequently led into transactions wherein they are defrauded, and because of the supervision of the Government over the mails this law was enacted. There are undoubtedly cases where the law was wrongly administered.

Mr. LITTLEFIELD. And there have been very grave and very serious complaints about the exercise of this discretion in certain instances.

Mr. OVERSTREET of Indiana. Oh, certainly; but I do not think those complaints should lead to the repeal of the law; and I called the attention of my colleague to the fact that his argument would logically lead to the repeal of the law. If there can be some modification which will eliminate these dangerous pitfalls, well and good; but I am afraid the Committee on the Judiciary, in exercising its jurisdiction and recommending this bill, is going to take away much of good in the existing law. But there will be many, many cases of fraud on individuals whose credulity allows them to believe any statement seen in advertisements, and for that reason I ask, in the very case he cited, if there was actual fraud committed would he defend that fraud? Why, if the Judiciary Committee, in its desire to meet these criticisms which the gentleman from Maine now calls my attention to, so broadens the law that it will afford pitfalls into which the people may fall, it had better in changes in a few ways safeguard this measure, because there is no measure that will escape criticism.

Mr. LITTLEFIELD. I want to say just one word. The committee in offering this bill does not undertake to repeal the fraud-order provisions of the existing law, but it does undertake to regulate and control its application and say that the men who are to be affected thereby shall have the right to be heard. Now, with reference to the case cited by my friend from Indiana, I will say that whether that be fraudulent or not, I know of no good reason why that party should not have had some chance to be heard before some good proper authority before the order is issued.

Mr. OVERSTREET of Indiana. It looks to me that this institution has never been restricted in the slightest is ample proof that there was no injury done it.

Mr. DALZELL. I would like to ask the gentleman a question for information.

Mr. CRUMPACKER. I first yield to the gentleman from Missouri.

Mr. BARTHOLDT. Is it not true that this bill does not deprive the Post-Office Department of the authority which it now exercises in issuing fraud orders?

Mr. CRUMPACKER. That is true.

Mr. BARTHOLDT. And it only gives the right to have the case reviewed by the court?

Mr. CRUMPACKER. That is the purpose of the bill.

Mr. DALZELL. Now will the gentleman yield to me?

Mr. CRUMPACKER. I yield to the gentleman.

Mr. DALZELL. As I understand it, the cause cited in the report of the committee itself, in The United States Bank against Gilson, in which the party went into court and applied for relief against a fraud order, the reason why he did not get relief was because the court said that the findings of the Postmaster-General were not open to inquiry by the court.

Mr. CRUMPACKER. Yes.

Mr. DALZELL. Now, it is to get rid of that decision that this bill is intended, is it?

Mr. CRUMPACKER. Oh, no. I do not think the Committee on the Judiciary reports bills of a general character to get rid of particular decisions.

Mr. DALZELL. Oh, no; not at all. I do not mean that.

Mr. CRUMPACKER. The object of the bill is this: Upon a question of such vital importance as that affecting the reputation and business of a citizen, and carrying imputations of fraud and crime, it is safer and better to open the courts and have those questions determined according to established judicial procedure, a procedure that is the result of generations and centuries of wisdom and experience. Every citizen of the land should be accorded the right to have his vital affairs determined in courts according to that kind of procedure. The courts are sanctuaries of liberty and bulwarks of safety.

Mr. DALZELL. Mr. Speaker, I am with the gentleman. I just want to arrive at the reason——

Mr. MANN. Wait until you hear the other side.

Mr. DALZELL. I want to arrive at the reason why we should spread ourselves over seven pages, setting up a cumbersome method of procedure, when you can reach the result that you say you want to reach by providing that in all cases where a citizen is aggrieved by the decision of the Postmaster-General he shall have the right to relief in the courts.

Mr. CRUMPACKER. Yes; after he is hanged he may be tried and condemned!

Mr. DALZELL. Not at all. Let him get out an injunction.

Mr. CRUMPACKER. After his business and reputation are ruined he can go into the courts, but what good will that do him?

Mr. DALZELL. Not at all. The courts are open to injunction in every case, just as they were in this case. The courts fail only because they do not have jurisdiction. Now, I want to know, why set up a cumbersome piece of machinery, such as is provided in this bill, when you can do the whole thing in a paragraph?

Mr. CRUMPACKER. I beg to differ with the gentleman. I do not think it can be done in a paragraph and correct the evils that now exist in the fraud-order statute.

Now, I do not want my colleague [Mr. OVERSTREET of Indiana] to get the impression that I am attacking the Postmaster-General, or the Assistant Attorney-General, or any officer of the Post-Office Department personally. I am discussing to this House the fraud-order law, how it has been administered, its scope, and what I conceive to be its arbitrary and dangerous character. It involves the most vital questions, of persons, of reputation, of property. The citizen is shut out of the courts, those institutions that lie at the very foundation of the safety of person and property. He is absolutely shut out and denied relief.

Mr. PAYNE. May I ask the gentleman a question, Mr. Speaker?

Mr. CRUMPACKER. Yes.

Mr. PAYNE. Does this bill cover the question of a lottery, for instance?

Mr. CRUMPACKER. It covers all questions that come under the fraud-order business of the Post-Office Department.

Mr. PAYNE. If some neighboring nation should want to go into the lottery business at the expense of the people of the United States, and this bill should be passed, and they did their business through the United States mails, there would be no way to stop it until after a long litigation in the courts.

Mr. BARTHOLDT. Oh, yes.

Mr. CRUMPACKER. This bill is confined to citizens and institutions in the United States, and we have criminal laws. We have laws making the conducting of lotteries a crime.

Mr. PAYNE. We had all that before, and we had the Louisianna lottery. Then, after we got rid of that, we had all the law and all the machinery of the courts and everything of the kind, and we had the Habana lottery, and there was more fraud and injustice upon the people of the United States going on under those lotteries than this bill can prevent in fifty years.

Mr. CRUMPACKER. Now, does the gentleman believe that it is good politics and that it is good government to vest in the chief of a bureau a collateral power to enforce police and criminal laws of the country without giving the accused person the right to a hearing, the right to cross-examine witnesses, the right to insist that the witnesses shall testify under oath, the right to insist that the witnesses shall be competent; that their testimony shall not be hearsay? Does the gentleman think that is good government?

Mr. PAYNE. The gentleman thinks this, that in carrying the mails of the United States, where the Government carries the advertisements of a lottery company—I only speak of that as an example—the Government forms a sort of partnership with that kind of business, and we ought to guard very carefully against any copartnership of that kind and not aid in the promotion of lottery schemes and the swindling and stealing and robbery of the people's money by carrying those things through the mail. Now, if they can prevent that by preliminary hearing before an executive officer and give him the right to make a preliminary order to stop the sending of such stuff through the mails before thousands, and perhaps more than thousands, of the citizens of the United States have parted with their money upon these fraudulent schemes, and then give the party an opportunity to come into court and get his injunction and bring an action against the Postmaster-General or against the Government of the United States and let the courts say whether those things should be carried, before the final hearing, if it can be done in such a way as that, it seems to me that we are more apt to do justice than we are——

Mr. CRUMPACKER. If the gentleman will allow me, that is about what this bill provides for.

Mr. PAYNE. Oh, no; the bill goes further than that, and if it did not he might accept the suggestion of the gentleman from Pennsylvania and instead of having all of this procedure that is laid out in the bill, let them go to the court and get a preliminary injunction enjoining the executive officer from carrying out the fraud order until the hearing is had in court.

Mr. CRUMPACKER. The suggestion of the gentleman from Pennsylvania was that after the Postmaster-General has issued the fraud order and it has been made public, after the local postmaster has been wired to stop the mail and it is stamped as fraudulent and returned, sent out all over the country——

Mr. DALZELL. Oh, no; that is not the practice.

Mr. CRUMPACKER. That is the practice.

Mr. DALZELL. Oh, no; the report of the Judiciary Committee says that the Postmaster-General gives notice to the person under investigation and gives him an opportunity to appear in person. Now, the moment he gets the notice, if the law was changed properly, he could go to the proper court and ask for an injunction and have the matter heard before any damage was done.

Mr. CRUMPACKER. That would practically repeal the law. If the accused were allowed to go into court in that way, the case might be pending there months perhaps, and during that time, as the Assistant Attorney-General says, one-half of the population of the United States might be defrauded.

Mr. DALZELL. No; it could be attended to in two or three days.

Mr. CRUMPACKER. I would accept the proposition, but the Post-Office Department would under no circumstances accede to it. The Postmaster-General desires speedy action, and whenever he is convinced that fraud is being perpetrated he issues a fraud order now. Under the bill I propose he will give the notice and wire the local postmaster to hold up the mail until the question is finally settled.

Mr. PAYNE. What speedy action is left in the bill for the Postmaster-General?

Mr. CRUMPACKER. He can at any time order the mail impounded by the local postmaster, not to be delivered until the fraud order is determined. If the person comes into court and wins out the mail is subject to his order. It is not delivered to him until the matter is settled both as to the law and the facts.

Mr. PAYNE. In the meantime the people are sending in their money, and it is all tied up.

Mr. LITTLEFIELD. Only for fifteen days.

Mr. CRUMPACKER. If they send in money, it is held subject to the order of the court. The court in its discretion may appoint some one to receive the mail and notify the correspondents; he has the power to do it. The bill contains provisions to safeguard the correspondents and protect the people against fraud and imposition, and at the same time gives the citizen the right to have this investigation.

Mr. PAYNE. I understand under this bill that the Postmaster-General can do everything that he is now doing except to stamp the mail "fraudulent" and return it.

Mr. CRUMPACKER. Yes; in a way.

Mr. PAYNE. Will the gentleman please explain what he means by "in a way?"

Mr. CRUMPACKER. He can stop the mail, and it is held up for fifteen days, and then, if no action is taken in the courts, the order is made final and the mail stamped "fraudulent" and sent back. If the accused applies to the court, the proceeding is to be summary and the mail is under the control of the court, and the issue of the fraud order may be further postponed on giving a satisfactory bond. Everybody is protected.

Mr. PAYNE. I do not see the use of changing the present law except to allow a party to go into court.

Mr. CRUMPACKER. The gentleman will have an opportunity to express himself later. Now, I started to explain the Kansas City case, and my time is rapidly expiring.

Mr. PAYNE. I hope the gentleman will have unlimited time.

Mr. CRUMPACKER. But the gentleman's endurance is not unlimited. [Laughter.]

Mr. STAFFORD. Will not the effect of your bill be to actually check the practice of the Department with reference to fraud orders, because at present the Department is not required to obtain legal evidence? Under your bill a person aggrieved can go into court within fifteen days after the issuance of the order and give a bond for $500, upon which all proceedings will be stayed, and upon the trial of the case de novo nothing will be admissible except legal evidence. Will it not force the Post-Office Department, when they pass upon the issuance of the fraud order in the beginning to act upon only such evidence as would be competent in a court of law?

Mr. CRUMPACKER. Oh, no; not at all. The Post-Office Department will proceed in the same manner that it conducts investigations now.

Mr. STAFFORD. In the opinion of the Postmaster-General it should not be required in the original instance to be issued upon so-called "legal evidence." For the prevention of fraud, in many cases, it is necesary to have the fraud order issued forthwith.

Mr. LITTLEFIELD. Precisely. The Postmaster-General's proposition is that he will issue them with or without foundation.

Mr. CRUMPACKER. That is the practice.

Mr. STAFFORD. Well, he has that authority at present under the law. It is not the practice to issue them without investigation and foundation.

Mr. LITTLEFIELD. No; but he wants to.

Mr. STAFFORD. They are issued for the benefit of the largest number of people in preventing fraud.

Mr. CRUMPACKER. I want to say to the gentleman from Wisconsin [Mr. STAFFORD] that he wholly misunderstands or misconceives the effect of the bill in that respect. The Postmaster-General may proceed under the operation of this bill just as he proceeds now, and when he is satisfied that a citizen is abusing or prostituting the privilege of the mail he may issue a fraud order, and put it on record, and then serve notice on him. He may do that on the same kind of evidence as he does it now, and probably not in one case in ten will the person affected by the fraud order go to the expense and trouble of employing a lawyer and giving a bond to sue out an injunction. If he is a perpetrator of fraud, if he is a criminal, he will not do it, and then the fraud order of fifteen days will be made final. If there is an honest difference of opinion and the accused goes into court his case is tried in court upon legal evidence. That is all.

Mr. STAFFORD. I beg to differ with the gentleman as to the effect of the bill, for the Postmaster-General will not likely inaugurate a fraud order if it can not be sustained subsequently, except upon the presentation of legal evidence. Furthermore, I take exception to the gentleman's statement that these orders will not be appealed from, because in the majority of cases based upon fraud it will be to the interest of the fraudulent concern to appeal within fifteen days.

Mr. CRUMPACKER. In what way?

Mr. STAFFORD. Under that bill, within fifteen days he may

make an application and furnish a bond in the small sum of $500, and that will stay the proceedings.

Mr. CRUMPACKER. It will not. The bill expressly provides that the Postmaster-General shall impound the mail in the delivery post-office until the case is disposed of.

Mr. STAFFORD. It does not prevent the Postmaster-General from paying the money orders that may be issued.

Mr. CRUMPACKER. It does. The gentleman had better read the bill before he makes such a criticism. I decline to yield to him further on that phase of the question.

Mr. MANN. But the gentleman is mistaken in that.

Mr. STAFFORD. I beg to challenge the gentleman's statement, as nothing is said in the bill pertaining to the restriction of the payment of money orders.

Mr. LITTLEFIELD. Why does not the gentleman get from the gentleman from Indiana his idea on that point?

Mr. CRUMPACKER. The bill is clear and shows for itself.

Mr. WILLIAMS. Here is the part of the bill I think the gentleman is referring to, on page 2, beginning on line 17:

> Said order shall not become operative or put into execution (except to the extent of holding undelivered all mail directed to said party at the delivery office thereof) until fifteen days after the service thereof, etc.

That would include the money-order mail as well as any other.

Mr. STAFFORD. The money orders may be received through an express company.

Mr. CRUMPACKER. They can be sent through express companies, of course, but that I think is a captious objection, because the probability is so remote.

Mr. LITTLEFIELD. If that is not covered, I think it ought to be.

Mr. CRUMPACKER. Mr. Speaker, I started to explain the Missouri case, for the purpose of illustrating the scope of the law. The local judge in determining that case found that the whisky was not 9 and 14 years old, as advertised, but he said it was worth the price charged for it, that the selling price was a fair and reasonable price, and in his opinion the fraud-order law was not intended to be applied to transactions of that kind, where the purchaser got a fair equivalent for the money he invested; and he decided that the Postmaster-General had no jurisdiction of the case. An appeal was taken by the Government of the United States to the circuit court of appeals and the circuit court of appeals reversed the lower court, holding that the law applied to all kinds of cases—that it made no difference if a man through the mails, on the statement or representation of another individual, bought an article and got his money's worth, if he was promised more than his money's worth and did not get more than his money's worth, it was a fraud in the sense of that law. Now, the bill under consideration, I think, adequately protects the public. It undertakes to provide that questions of fraud and of criminality, always of such vital importance, shall be tried and determined according to established methods and usages of civilized countries. It undertakes to relieve the public from the danger of despotic and, possibly, tyrannic bureaucracy. I believe there is no more glaring instance of bureaucratic government, with irresponsible and despotic power vested in a head of a department, in any country that pretends to constitutional government or any degree of individual liberty on earth than that contained in the fraud-order power in the statutes under consideration. I believe that when a citizen is charged with fraud—charged with criminality—he ought to have the right to insist that these charges affecting his reputation and his business shall be established by competent evidence, by responsible witnesses testifying under the sanction of an oath; that he should have a hearing according to established procedure. Established procedure is just as essential to the liberty of the person and safety of property as any constitutional guaranties of liberty possibly can be. It might be said that when a citizen is lynched, if the victim is guilty, no harm is done; but it is a crime against government, a crime against civilization, breeding contempt for law and social order. If a man is guilty of any sort of crime he has the right to have that guilt determined by the courts of the land according to procedure that has been established as the result of generations of wisdom and experience. It is the right of the humblest citizen of the land—a right guaranteed by the Constitution and demanded by every instinct of true liberty. It is one of the very fundamental features of our Government.

Mr. MANN. Does the gentleman have reference to the Brownsville soldiers; to the soldiers in connection with the Brownsville incident?

Mr. CRUMPACKER. I am not going to be sidetracked, Mr. Speaker, into a discussion of the Brownsville controversy. In the first place I regard the fraud-order statute as illogical. I believe it is unscientific; I believe it is undemocratic. I do not believe any executive department of government or bureau officer ought to be vested with the collateral power to go out and condemn citizens without a hearing, to enforce the police laws of the country. But in view of the fact that the mails afford such easy facilities for the perpetration of fraud throughout all parts of the country, it may be that the fraud-order statute ought to continue, provided persons who are aggrieved by the decisions of the Postmaster-General shall have the right to go into the courts and have an investigation of questions of law and facts publicly, with an opportunity to demonstrate their innocence, if they be innocent.

Mr. MANN. At some time in the gentleman's remarks I would like to ask him a few questions about the bill.

Mr. CRUMPACKER. I am substantially through now, and I will answer any questions about the bill.

Mr. MANN. I may say to the gentleman, so far as the proposition of having some reviewing authority in some way or a public hearing in some way is concerned, I quite agree with him; but the questions I desire to ask are relative to principles and details of the gentleman's bill. I notice, first, that the bill seems to apply only to citizens of the United States. Do I understand it to be the purpose of the gentleman that any foreign person who makes use of the mails of the United States shall still be debarred from the use of the mails upon the mere ipse dixit of the Postmaster-General?

Mr. CRUMPACKER. Where is that provision?

Mr. MANN. First page, "whereby any citizen of the United States, or any firm or corporation organized under laws thereof, or under the laws of any of the States, Territories, or possessions thereof," etc.

Mr. CRUMPACKER. Well, perhaps that ought to be amended so as to read, "any person residing in the United States."

Mr. MANN. Well, not necessarily residing in the United States even. Suppose somebody in Germany——

Mr. PERKINS. Will the gentleman yield for a question?

Mr. MANN. I will be glad to if the gentleman from Indiana will yield to the gentleman to ask the question.

Mr. CRUMPACKER. I will be pleased to do so.

Mr. PERKINS. Does not the gentleman recognize a difference in principle between the right of citizens of the United States to the free use of the mails of the United States unless deprived by action of law and the right or the mere courtesy extended to a foreigner?

Mr. MANN. I had not made any suggestion myself as to that. I was trying to ascertain from the gentleman in charge of the bill what he meant by the bill, and was going to suggest to him, as I will now to the House, that if it should be contended that the privileges of this bill will only be extended to citizens of the United States, and the attempt be made to bar foreigners, I wish to suggest that most of the treaties we have would still permit the foreigners to avail themselves of the privileges of this bill.

Mr. CRUMPACKER. I do not believe it ought to be limited to citizens. I think it ought to be limited to persons residing in the United States.

Mr. LITTLEFIELD. Residents doing business?

Mr. CRUMPACKER. Yes.

Mr. MANN. I thought the gentleman had a reason for making it "citizens."

Mr. LITTLEFIELD. That would make it firms or corporations doing business under the laws thereof.

Mr. MANN. I should say that if it were made to apply to anybody, it ought to be made to apply to any persons using the mails of the United States.

Mr. LITTLEFIELD. Or corporations.

Mr. MANN. Corporations are included by the word "persons." May I ask the gentleman in reference to paragraph d, on page 2? It says:

> Said orders shall not become operative or put into execution (except to the extent of holding undelivered all mail directed to said party at the delivery office thereof).

And so forth. In other words, it is proposed by a mere parenthetical clause to give to the Government the right to retain the mail in the post-office. It seems to me that that is not quite the right way to get at it, but I want to ask the gentleman whether it will not have the effect under this bill, as it would under the existing law, to drive a man out of business if you would issue an order declaring that he is a fraudulent concern, holding his mail up for fifteen days, and if he does appeal, then holding it up until decision of the court, which might be in one year or two years? What will be left of the man's business at the end of that time, with his mail undelivered all the while?

Mr. CRUMPACKER. I would like to ask the gentleman from Illinois what side of this question he is on?

Mr. MANN. "The gentleman from Illinois" is not on either side of the question. He is trying to ascertain a proper method to legislate to correct an abuse which everybody recognizes without creating a greater abuse in the new legislation.

Mr. CRUMPACKER. I want to say this to my friend, that we can not enact any law that will leave this power with the Postmaster-General that will not bring some hardship to somebody, and the purpose is to devise a plan that will result in the least embarrassment and the least hardship. Under existing conditions a fraud order is issued peremptorily. The mail is returned, stamped "fraudulent," to all parts of the country, and the defendant, if he may be so properly termed, has no relief. Now, the proposition is to give him an opportunity to go into the courts.

Mr. MANN. What good would it do him?

Mr. CRUMPACKER. I want to say that it would do him some good. My friend from Pennsylvania [Mr. DALZELL] says that all he needs is the right to go into the courts.

Mr. MANN. The right is not given him to go into the courts and get his mail. What good will it do a man to give him the privilege of getting his mail at the end of two years' time, or maybe four?

Mr. CRUMPACKER. The Government and the defendant himself are the parties interested, and the bill provides for a summary hearing, whatever that may be, and it confers upon the court a discretion to dispose of the mail. The court may, upon proper bonds, perhaps, turn the mail over to the defendant pending the litigation.

Mr. MANN. You limit the bond to $10,000 in this case.

Mr. CRUMPACKER. That is a bond for a stay of the order.

Mr. MANN. The court has no authority to take any other bond?

Mr. CRUMPACKER. The bill provides, in an independent paragraph, that the disposition of the mail shall be subject to the order of the court, but does not say what security the court shall take. It is a discretionary matter with the court as to what shall be done with the accumulated mail. The court has power to dispose of it and to fix the terms. The additional bond of from $500 to $10,000 is to further postpone the time when the fraud order may issue. That is all.

Mr. MANN. If the gentleman contemplates that the mail shall not be retained in the post-office, but shall be turned over to the defendant, or the person against whom the fraud order is directed, under an order of court, then I think we ought to legislate upon that subject and not leave it to any man to determine one way or another.

Mr. CRUMPACKER. We can not get an ideal plan. The only ideal plan would be to repeal the fraud-order statutes altogether. That would be in harmony with the system of administering justice throughout this country, but there is objection, and perhaps valid objection, to it.

Mr. MANN. Nobody wants to repeal it, I suppose.

Mr. CRUMPACKER. Therefore, the next best thing is to secure the defendant a right to go into the court, and, along with that, protect the public against concurrent impositions and frauds, and we have devised this plan. If the gentleman can think out a better plan and put it in form, I am willing to accept it.

Mr. MANN. I think the gentleman from Pennsylvania [Mr. DALZELL] has already thought out a better form.

Mr. CRUMPACKER. Then the gentleman can support it.

Mr. MANN. I will say to the gentleman, so far as I am personally concerned and my views are concerned, it is not so much the interests of the persons who are inhibited from the use of the mails by the fraud orders as it is the interests of the Government that concern me.

It looks to me, if I may make the suggestion, in order to obtain his views on the subject, it looks to me as if this would be the result: Take a firm in Portland, Me., that is engaged in defrauding the people of Illinois and Indiana—and they are very easily defrauded—by glaring and glowing circulars, and a fraud order is directed against him. Within the fifteen days' time he appeals to the court and has all the evidence of what he is doing. It will not be easy for the Government to obtain evidence at the end of two or three years' time, after the business has completely ceased. After he has lost all the trade, after he has secured a judgment in his favor in court, he promptly comes to Congress with a moral claim, which even the gentleman from Indiana would not be able to withstand, insisting that the Government of the United States should pay him for the business which the Government has destroyed. I have not the slightest doubt that within a few years' time we would have claims for millions, and claims not only pending, but paid.

Mr. CRUMPACKER. I have no apprehension as to that. I think that is altogether chimerical.

Mr. MANN. I think if the gentleman will listen to my remarks for a little while upon this bill he will not think it is so fanciful.

Mr. CRUMPACKER. I will listen to the gentleman.

Mr. MANN. May I ask the gentleman what he means by this in his bill, on page 4: After providing that a record of all the evidence of the United States Post-Office Department shall be transmitted to the court within thirty days' time. Thirty days, by the way, would not enable the court through the course of the mails to receive the record from the Philippine Islands?

Mr. CRUMPACKER. This law does not go to the Philippine Islands.

Mr. MANN. I beg the gentleman's pardon; why not?

Mr. CRUMPACKER. Because it does not.

Mr. LITTLEFIELD. That is merely directory and not mandatory.

Mr. CRUMPACKER. Because the statutes for the Post-Office Department do not go to the Philippine Islands.

Mr. MANN. It goes to Alaska?

Mr. CRUMPACKER. Yes.

Mr. MANN. The same rule applies to Alaska?

Mr. CRUMPACKER. Yes.

Mr. MANN. Does the gentleman mean to say that a man engaged in the United States in the fraudulent use of the mail can immediately step over to the Philippine Islands and make use of the mails and it has no power to bar him from doing so or have a debarment removed?

Mr. CRUMPACKER. This bill does not change or affect the power of the Government over him there.

Mr. MANN. Then he is to be left without redress under the gentleman's bill. It is either one way or the other. Now, which do you say?

Mr. CRUMPACKER. It is one way or the other. As I understand it, the Postmaster-General, in the regulation of affairs in the Philippine Islands, will not be affected one way or the other.

Mr. MANN. Then there is no redress against this so far as the Filipino is concerned?

Mr. CRUMPACKER. Perhaps not.

Mr. MANN. Now, may I ask the gentleman, having provided the record shall be turned over to the court, what is meant by this:

> And such records and evidence as may have been returned into said court under said writ of certiorari shall be received in evidence in said court on behalf of either party at the hearing of said matter, so far as the same may be competent and relevant to the issues therein.

The gentleman has stated in the course of his remarks that this evidence which was produced was not sworn testimony.

Mr. CRUMPACKER. Yes.

Mr. MANN. If that is so, then this provision that this shall be received is mere idle verbiage.

Mr. CRUMPACKER. There may be some original documents in the evidence.

Mr. MANN. Then what does the gentleman mean by competent evidence? Does that mean competent evidence that is competent in a court or competent evidence of a person that is competent to be a witness in the ordinary way?

Mr. CRUMPACKER. I mean evidence that would be admissible in the administration of justice in the courts.

Mr. MANN. Then I think the gentleman has used the wrong term. I have no doubt, myself, that under the provisions of the term which the gentleman uses every particle of evidence that is in the hands of the Post-Office Department that relates to this subject-matter, letters or evidence of any sort, would be admissible, including any kind of a statement which the defendant chose to make before the post-office inspectors.

Mr. CRUMPACKER. The gentleman thinks that is competent evidence, does he?

Mr. MANN. That is competent evidence, in the use of the term here.

Mr. CRUMPACKER. I think not.

Mr. CLAYTON. That would be for the court to decide.

Mr. MANN. Oh, no; that is for the Congress to decide in the first instance, as to what is intended.

Mr. CRUMPACKER. I undertake to say that the term "competent" there means admissible evidence, evidence admissible to prove or disprove an issue of fact in a court of justice.

Mr. MANN. Evidence is admissible. That means one thing. The question as to how it is presented is another thing entirely. If you can present it by sworn witnesses, that is one thing.

Mr. CRUMPACKER. That is the only kind of evidence that is competent.

Mr. CLAYTON. It might be a written document.

Mr. MANN. "Competent evidence" means one thing. The competency of witnesses is an entirely different thing.

Mr. CRUMPACKER. Competent evidence means evidence, oral or documentary, that is admissible to prove or disprove a question of facts in a court of justice.

Mr. MANN. Assuming the gentleman's position to be correct, then, as I understand it, if a fraudulent concern in Chicago chooses to advertise principally in Louisiana or California (and the common experience is that these fraudulent concerns do not advertise at home, but abroad) the Government, in order to sustain its case, must bring those witnesses from abroad to prove its case.

Mr. LITTLEFIELD. Or take their depositions.

Mr. CRUMPACKER. Or take their depositions, yes; because the bill provides a civil proceeding and, therefore, they may take depositions of witnesses anywhere.

Mr. MANN. They may take their depositions.

Mr. CRUMPACKER. That is not a hardship, is it?

Mr. MANN. These people must be produced from abroad.

Mr. CRUMPACKER. Their testimony must be obtained. Is that a hardship? If you are trying a $5 lawsuit in court, you must bring sworn testimony.

Mr. MANN. I am trying to ascertain from the gentleman what the fact is.

Mr. CRUMPACKER. The gentleman is telling me what the bill means.

Mr. MANN. I am trying to ask the gentleman what the bill means. I have been utterly unable, after careful study of the bill, at least such study as I was able to give it, to get much idea of what the bill means, which the gentleman says is so clear in its language.

Mr. CRUMPACKER. Then it is a question whose misfortune it is, the gentleman's or mine.

Mr. MANN. It is my misfortune that I have not the legal light of the gentleman from Indiana, and I hope he will pardon me for coming before him and asking for the light which I ought to have acquired naturally, but missed in that way.

Mr. BARTHOLDT. Has the gentleman from Illinois concluded his remarks?

Mr. MANN. No. Now, the gentleman from Indiana refers to a bond of $10,000, providing that any person aggrieved by any breach of the conditions of said bond may maintain an action at law against the obligors. Will the gentleman tell us what that means? How does the bond that the gentleman provides for reach anybody who is aggrieved?

Mr. CRUMPACKER. If anybody is aggrieved by the proceeding, it reaches him. If nobody is aggrieved, then the bond will not concern anybody.

Mr. MANN. If anybody is aggrieved by the proceedings, a bond of $10,000, it seems to me, is utterly insufficient. I do not see what the term means there.

Mr. CRUMPACKER. The main object of the bond is as a safeguard, to require good faith. Now, under the provisions of the bill it is very difficult for me to understand how anybody can be aggrieved. The correspondents who send the mail through the post-office can not be. Their mail is not delivered to the defendant, so they can not lose. If he wins the case in the courts, it will be because he shows that he is not engaged in criminal or fraudulent practices, and the accumulated mail can be safely turned over to him.

Now, in order to prevent a man who might not go into the courts in good faith a bond is required. In the first place, a bond of $500 is required. In order to get a postponement of the date for issuing the fraud order, the court can require an additional bond of $500 or $10,000. A man who goes to the trouble of giving a $10,000 bond is to that extent stamped with a badge of good faith that if anybody should be aggrieved or suffer damage, he would be reimbursed. I do not know who might be aggrieved, but it certainly tends to add to the safeguards and prevent irresponsible people from going into the courts for the purpose of litigation.

Mr. MANN. If nobody is aggrieved, I do not see the object of putting it in, but as it is in, I wondered to whom it referred.

Mr. CRUMPACKER. It is to secure the Government against vexatious litigation by men who might not carry it on in good faith.

Mr. MANN. I would like to ask the gentleman a further question. The gentleman realizes that there are a large number of individuals who have been carrying on fraudulent business under different aliases. Does the gentleman think it would be competent evidence on a claim of fraud by the Government in one case to introduce in evidence the fact that these same people had been engaged in the same kind of business at another time and another place?

Mr. CRUMPACKER. That is a serious problem.

Mr. MANN. And still it would not be competent evidence under the ordinary rules of law?

Mr. CRUMPACKER. It might be for the purpose of proving fraudulent or criminal intent. That question has been very nicely argued and discriminated by the supreme court of my own State.

Mr. MANN. This is not a case of criminal intent. This is an order directed against the people at this time who are engaged in the fraudulent use of the mails. As a matter of fact, we know that it is very important evidence, but I submit to the gentleman from Indiana that under the rules of law it would not be considered competent evidence.

Mr. CRUMPACKER. I think it would be.

Mr. MANN. The gentleman thinks it would be?

Mr. CRUMPACKER. I think it would be, under the statement made by the gentleman from Illinois.

Mr. BARTHOLDT. Mr. Speaker, I want to suggest to my friend from Indiana that it might be proper to answer the criticism of the gentleman from New York [Mr. PAYNE]. That gentleman suggested that this bill, if passed, might open the door for all kinds of lottery schemes, and that it would enable newspapers to carry advertisements of lotteries. I want the gentleman from Indiana to state, what is according to my own impression, that there is a special law prohibiting lotteries, and under that law the Post-Office Department would certainly be authorized to inhibit the advertisement of a lottery in any newspaper, irrespective of this act.

Mr. CRUMPACKER. The gentleman from Missouri is right, and I want to state that this bill in no respect changes the right of the Postmaster-General to issue a fraud order against institutions and citizens using the mail for the purposes of the lottery, excepting to authorize the person affected by the order under the conditions contained in the bill to go into the court and have a review of the questions of the law and the facts.

Mr. BARTHOLDT. That is what I wanted the gentleman from Indiana to state, because I think an erroneous impression has been created.

Mr. MANN. The difficulty with the gentleman from Missouri is that he has not read the bill, and the gentleman from Indiana has evidently forgotten the first section of the bill, which expressly provides—

> That (a) the Postmaster-General shall cause to be kept a record of such orders as may be made in the Post-Office Department whereby any citizen of the United States (or any firm or corporation organized under the laws thereof, or under the laws of any of the States, Territories, or possessions thereof) shall or may be deprived of or excluded from the right or privilege of receiving letters, money orders, or other mail matter through or by means of the United States mail, and said record shall be designated "Fraud-order record."

So it covers lottery cases, and it covers any kind of a case. What is the use of quarreling about the language of the bill when it is stated in plain words?

Mr. CRUMPACKER. The gentleman from Illinois misunderstands my attitude entirely. I say that it does cover lotteries; it applies to the whole fraud-order business.

Mr. MANN. I thought the gentleman from Indiana stated that he agreed with the gentleman from Missouri.

Mr. CRUMPACKER. I said it only affected lotteries in the same manner that it affected other transactions that may be made the basis of a fraud order. It does not repeal the law authorizing the Postmaster-General to issue fraud orders against lottery concerns, as the gentleman from Missouri may have implied in his question.

Mr. BARTHOLDT. I wanted to call attention to the fact that the lottery is covered by a special law.

Mr. CRUMPACKER. It is; it is a crime, and the persons guilty of engaging in it are amenable to the criminal laws of the country in addition to other liability.

Mr. MANN. But the bill sustains precisely the statement of the gentleman from New York [Mr. PAYNE] with reference to lotteries.

Mr. CRUMPACKER. Well, I do not know. The gentleman from Illinois [Mr. MANN] seems to be peculiarly and unusually contentious this afternoon. I don't know that I ought to say that, and perhaps ought to withdraw the statement.

Mr. MANN. Oh, it will be news to most of the Members of the House to know that the gentleman from Illinois [Mr. MANN] was unusually contentious. [Laughter.]

Mr. CRUMPACKER. It would be a pretty bad situation. Now, I have concluded all I have to say in opening the discussion on the bill. [Applause.]

Mr. DALZELL. Mr. Speaker, I propose to offer an amendment to the bill, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out all after the enacting clause and insert as follows:

"That in all cases where any party is aggrieved in person or property by the action of the Postmaster-General, under sections 3929 and 4041 of the Revised Statutes, such party aggrieved shall have the right to have such action of the Postmaster-General reviewed by the Federal court of the district in which said party resides."

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LACEY). The gentleman will state it.

Mr. MANN. The bill has not been read for amendment, as I understand it.

Mr. DALZELL. But we are proceeding under the House rules. This is on the House Calendar open to amendment at any time. The bill was read as a whole under the rules, and is open to amendment at any time, as I understand it.

Mr. LITTLEFIELD. It does not have to be read for amendment.

Mr. DALZELL. Not at all.

Mr. GILBERT. Does not that authority exist now under the present law?

Mr. DALZELL. No.

Mr. MANN. The bill was read a first time? Mr. Speaker, a parliamentary inquiry. What is the status of the bill?

The SPEAKER pro tempore. It is open for amendment in any place.

Mr. MANN. Has the bill been read a second time?

The SPEAKER pro tempore. It has had its second reading and is before the House.

Mr. MANN. I understood the bill had been read only the first time.

Mr. CLARK of Missouri. We always waive the first reading.

Mr. DALZELL. It is not necessary to have a bill on the House Calendar read for amendment. It is open to amendment at any time.

Mr. MANN. It is necessary to have the first reading. I did not know whether that has been had or not.

Mr. DALZELL. Mr. Speaker, I do not propose to occupy the attention of the House at any length. I am in entire sympathy with the object sought to be accomplished by the bill of the gentleman from Indiana [Mr. CRUMPACKER]. My only objection to it is that it builds up a new machine that is utterly unnecessary to accomplish the purpose he seeks to accomplish. It is perfectly apparent that the existing machinery of the courts is entirely sufficient to afford the citizen relief. We have a case here where a party went into court to have his case adjudicated, but it turns out that the only reason he could not get relief was that the law provided that the decision of the Postmaster-General in the case should be final. If the machinery is perfect as it is, the methods prescribed, the form of pleading, and the form of notice, and all that—in other words, the entire machinery is perfect to afford the citizen relief, if the court has the necessary power, all he has to do is to have the court have jurisdiction to adapt the machinery to his case. What necessity is there for our building up a new procedure, such as is sought in this bill?

Mr. PERKINS. Will the gentleman yield for a question?

Mr. DALZELL. Yes.

Mr. PERKINS. What procedure does the gentleman claim would now be possible for any citizen? He can sue out a writ of certiorari. What else can he do?

Mr. DALZELL. He can ask for an injunction.

Mr. PERKINS. But he can not secure an injunction as the law is now.

Mr. DALZELL. He can not get an injunction as the law is now, because the court has held that the decision of the Postmaster-General upon the facts is conclusive and can not be reviewed.

Mr. PERKINS. How would the amendment the gentleman has suggested relieve that?

Mr. DALZELL. It would give the court jurisdiction to administer the law under the existing machinery.

Mr. PERKINS. But I am not sure of that. I should fear very much that the result the gentleman seeks to attain would not be reached by his amendment. I think the gentleman and I concur as to the object to be attained, but I should hate to vote for his amendment, because I fear we might fail of our object. The bill offered by the gentleman from Indiana [Mr. CRUMPACKER] may perhaps be criticised in some of its details. It might be made shorter. Still it does describe a method and procedure by which undoubtedly a man can have his rights tried in court.

Mr. DALZELL. Let me illustrate. Here is the case of the United States Bank against Henry J. Gilson, brought in the United States court under existing law. The complainant did not fail because of any lack of machinery, any lack of method, of getting his case before the court. On the contrary, under existing law his case was fully heard and the court was ready to decide it and to decide it either for or against him on the merits, if it had had jurisdiction, but it did not have jurisdiction, but said, "You have brought in a court a case where you ask us to review a decision of an officer of the law who is clothed with the right of final decision in the matter." Now, I propose to take away that right of final decision from the officer of the law and let the existing machinery of the court be called into action to enforce the right of the citizen by a review.

Mr. PERKINS. If your amendment accomplishes the same result, then the procedure would be necessarily the same as under the bill of the gentleman from Indiana. If jurisdiction is given as you desire, action would be brought and witnesses would have to be present and——

Mr. DALZELL. But why give in detail—why prescribe some new method when existing methods are all right?

Mr. LITTLEFIELD. What new method is prescribed?

Mr. DALZELL. There is a lot of detail here about orders, etc.

Mr. LITTLEFIELD. You propose to go into court with your proposition and we go in with this proposition. I would like to know where there is any provision in the bill that creates any new affirmative legal right or changes the practice of the courts or does anything except prescribe where and how these rights are to be established.

Mr. DALZELL. Then what is the necessity for the bill of the gentleman from Indiana?

Mr. LITTLEFIELD. The necessity is this: This bill in terms expressly provides so that the action of the Postmaster-General in matters of law and fact can without any question be reviewed by the court and the court be allowed to say whether the decision should be sustained or not, and then it further provides details, by virtue of which these orders can go into effect for a while. The gentleman's proposition would allow the order to be suspended immediately.

Mr. DALZELL. I did not yield the floor for a speech.

Mr. LITTLEFIELD. I beg your pardon, but as a member of the committee I felt I ought to call the attention of the House to the fact that there is no substantial distinction except the bill makes it certain the court can revise these decisions from their point of view lawfully on questions of fact, and I submit to the consideration of the gentleman from Pennsylvania whether his amendment does go quite as far as that.

Mr. DALZELL. I submit to the gentleman the evidence before us in the report of the committee is that the machinery of the courts as now existing is adequate to supply a remedy if it were not for the fact the decision of the Postmaster-General in the premises is conclusive and not a subject of review. Now, I propose to make it a subject of review. That is all.

Mr. LITTLEFIELD. Well, it is already reviewed. It is now reviewed by the district court on the application for injunction, and the result of the review is that the determination of the Postmaster-General is final. Now, you simply provide also for a review, but are you going to allow the review to go both to the facts and the law?

Mr. DALZELL. Certainly.

Mr. LITTLEFIELD. Your amendment does not say so, but the bill from the committee makes it certain. I have not the slightest doubt the gentleman from Pennsylvania agrees with us in the result desired to be accomplished by the legislation, but the bill of the committee makes some restrictions and gives the Post-Office Department some leeway——

Mr. DALZELL. I see the point made by the gentleman.

Mr. LITTLEFIELD. There is this element of fifteen days, which we think is a perfectly reasonable proposition——

Mr. DALZELL. And I am willing to add to the amendment, if the gentleman thinks it is lacking in that respect, "both law and fact."

Mr. LITTLEFIELD. I have not any authority to make any change in the bill. I am not responsible for any of its provisions. I was not in the committee when it passed, but my own judgment is the bill is perhaps longer than entirely necessary; but it has been well considered by the committee, and, however diffuse it may be in detail, there is one thing certain, and that is it will adequately protect the rights of the Department and the rights of the men to be affected by the order. The committee felt, I have no doubt, that without this detail we would not be sure to accomplish this result.

So far as I am concerned personally, I do not think that the bill goes far enough. I am willing to agree to it, however, under the circumstances, and we think it is very conservative on the lines suggested. I do not wish to antagonize the amendment of the gentleman from Pennsylvania [Mr. DALZELL], except to say

that the committee has spent a good deal of time on this bill, and are satisfied that it reasonably takes care of all the rights of the Department and reasonably takes care of all the rights of the people affected by these orders, and it seems to me it is a bill that should be adopted, and I think we may go further and say, while I was not present at the hearings, that the amendment suggested by the gentleman from Pennsylvania would be vastly more offensive to the Post-Office Department and very much more a subject of their criticism from their point of view than is the more conservative measure which is before the House, and I hope under these circumstances the amendment of the gentleman from Pennsylvania will not prevail.

Mr. HINSHAW. Will the gentleman permit me to ask a question?

Mr. DALZELL. Mr. Speaker, I wish to amend my amendment as I have indicated. I have inserted the suggestion of the gentleman from Maine [Mr. LITTLEFIELD].

The SPEAKER pro tempore (Mr. LACEY). The Clerk will report the amendment.

The Clerk read as follows:

After the word "review," in the seventh line, add, "both as to law and fact;" so as to read: "review both as to law and fact."

Mr. LITTLEFIELD. That covers that point.

Mr. HINSHAW. Does the gentleman from Maine [Mr. LITTLEFIELD] understand that on the amendment proposed by the gentleman from Pennsylvania, or the bill as it is now here, that before a court of review testimony must be taken de novo or simply upon the record presented by the Postmaster-General?

Mr. LITTLEFIELD. Under the bill presented by the committee testimony can be taken de novo. Whether under the amendment of the gentleman from Pennsylvania it could be done I do not want to say, but I think probably it could.

Mr. HINSHAW. The testimony taken is not on cross-examination or oath.

Mr. LITTLEFIELD. The testimony "taken below," and I have had some experience with the practice of the Department, is not testimony, and nobody undertakes to pretend it is, except as an original paper may be filed, or a letter may be filed that in the nature of the case would be evidence against a man writing the letter. I do not think anybody would pretend, even for a moment, that there is anything on file in the Department outside of records and correspondence that would be in the sense of testimony anywhere.

Mr. HINSHAW. But the man whose mail is impounded; he could put in his affidavit or his showing, or whatever he might have, against the order.

Mr. LITTLEFIELD. In case of a hearing before the court, as I understand the bill, the whole matter would be taken up de novo, and it is up to the Department, if it wants to keep a man from the use of the mail, to show by competent evidence that he is engaged in fraudulent practices and ought to be deprived of the use of the mails, and on that issue he would have a right to be heard by legal and competent testimony. Do I make that clear?

Mr. DALZELL. I understand the gentleman; yes.

Mr. KEIFER. Mr. Speaker, I rise to make a suggestion in opposition to the amendment offered by the distinguished gentleman from Pennsylvania [Mr. DALZELL]. The purport of his amendment is to give jurisdiction to some Federal court to determine the right of the Postmaster-General to issue a fraud order. Now, what court is intended we do not ascertain by the proposed amendment, which is a substitute for the bill under consideration.

Mr. DALZELL. The Federal court of the district in which he resides.

Mr. KEIFER. Does it so state?

Mr. DALZELL. Yes.

Mr. KEIFER. Then in that case you must serve the Postmaster-General and not proceed according to the method adopted in the case of the People's Bank of the United States *v.* Gilman, where it was sought to regulate the Post-Office Department through some of its subordinates. There has been no case attacking the head of any one of the Departments of the Government in seeking to control it by injunction or by mandamus or quo warranto anywhere in any of the States or Territories, except in the District of Columbia.

If we are going to give jurisdiction to the Postmaster-General, we should have to bring suit where you could get personal service upon him, and that would be in the District of Columbia, unless, possibly, he was found outside of it.

Mr. LITTLEFIELD. Well, I do not suppose the gentleman will contend that in a United States court the United States would not have jurisdiction?

Mr. KEIFER. Perhaps so, if you had a measure full enough to provide for acquiring jurisdiction elsewhere, and that is necessary to its exercise; but the amendment does not provide for all this.

Mr. LITTLEFIELD. I agree with you there.

Mr. KEIFER. Take a case that arose some years ago in this city—the case of United States upon relation of one McBride against Carl Schurz, who was then Secretary of the Interior. In the supreme court of the District of Columbia a mandamus was applied for against the then Secretary of the Interior to compel him to deliver a patent for certain homestead lands in Utah. That court decided that it had no jurisdiction to determine whether the Secretary of the Interior should deliver the patent or not. In that case the patent, however, had been prepared, signed, and made ready for delivery when the Secretary of the Interior directed a subordinate clerk to cut into slips and thus annul it as far as he had power to revoke it. The relator, McBride, asked the supreme court of the District of Columbia to issue an order for the delivery of that patent, mutilated, as it was. That court held against its right to do it. The Supreme Court of the United States (102 U. S., 378) by a majority of the judges held that the supreme court of the District had jurisdiction, and should have issued the order against the Secretary, and the Supreme Court of the United States directed the supreme court of the District of Columbia to issue its mandamus requiring the Secretary of the Interior to deliver the patent to the homesteader. Now, it did it by virtue of a personal jurisdiction that was acquired over the Secretary of the Interior. He appealed to the Supreme Court of the United States afterwards to know whether he should be charged with the cost, alleging that he should because he had acted in an official character. The court again decided that it was a personal action against him for that purpose, and they adjudged that he should personally pay the cost of the procedure to compel him to issue the writ of mandamus.

Mr. GILBERT. Where did the suit originate—here?

Mr. KEIFER. It originated in the District of Columbia.

Mr. GILBERT. And it was because they secured personal service of the process.

Mr. KEIFER. They secured personal service of the process, and that would have to be obtained through some provision of law wherever you might proceed against the Postmaster-General to require him or enjoin him—and that is what is contemplated—to enjoin him from issuing these fraud orders; and every litigant would have to come to the District of Columbia.

Mr. DALZELL. Why, certainly not. The process would issue against the local postmaster through which the mail is to be distributed, just as it was in the case reported in which Judge McPherson made the decision.

Mr. KEIFER. Oh, no. It would not be efficacious. If you enjoin the postmaster of a little town out in Utah, the mails would still not be distributed in the cities of the United States. The proceeding would, in order to be efficacious, have to be against the Postmaster-General and enjoin him from issuing the order; and it might have to be mandatory and require him to revoke the order already issued. Under the amendment, everybody, every person, would have to come to the supreme court of the District of Columbia to bring his suit. It seems to me that there is not enough in the proposed amendment for the purpose of issuing summons and writs of summons and service upon the Postmaster-General. Service upon or suit against a mere postmaster in a city or village in one of the United States would not be the equivalent of a suit against the Postmaster-General, and would not affect the suspension or require the revocation of a fraud order. It may be possible that gentlemen can work out a mental theory about how they would proceed in a case of this kind, but it would not work out in practice. The case of the People's Bank of the United States at St. Louis against Gilman furnishes no precedent at all. It is no precedent; and if you are going to do anything in the way of giving the parties who feel aggrieved a remedy, it will have to be done in a bill of the character under consideration.

[Cries of "Vote!"]

Mr. MANN. Mr. Speaker, I have had some doubt at different times whether the existing law was too liberal or too strict. I have no doubt whatever that it is the sentiment of the people everywhere that a man shall be entitled to some kind of hearing before he is condemned.

Mr. BEIDLER. Even colored troops. [Laughter.]

Mr. LITTLEFIELD. The colored troops that fought so nobly.

Mr. MANN. And even in the House here it is fair that we hear the gentleman from Indiana before we condemn his measure. But, Mr. Speaker, the assumption has been made that under the present law the Post-office Department is ruthlessly engaged in wiping out legitimate business concerns of the United States. I hold in my hand a daily paper of yesterday, containing a number of advertisements which the existing law has not been able

to reach. The gentleman proposes to make the law more liberal instead of more strict.

Mr. LITTLEFIELD. It does not change it in the slighest, in that respect.

Mr. MANN. The gentleman, under the advertisements, has the opportunity offered to him to engage in various investment enterprises. Here is an advertisement covering half a page of a daily newspaper:

Chicago to New York in ten hours. Stock in Chicago and New York Electric Air-Line Railroad will advance to $32 by January 12, and a week later to $35. Great results accomplished in four months. Rare opportunity to make a fortune. January a record breaker.

And so forth.

The great work that has been accomplished has been accomplished at South Bend, in the State represented by the distinguished gentleman who is presenting this bill [Mr. CRUMPACKER], and it consists in this:

The St. Joseph county commissioners have passed franchise giving Air-Line 10 miles of double-track right of way to South Bend on county road for branch for main line.

Here is an advertisement, and the only practical work that has been accomplished is the right to build 10 miles of a branch line over a county road—on a road the main line of which is to extend from Chicago to New York and run its trains through in ten hours. That advertisement has been printed in numerous papers in this country time and time again, bleeding the people of this country by its fraudulent purposes and representations, and the gentleman would extend the liberality of the law, where it ought to be made more strict.

Mr. LITTLEFIELD. I should like to inquire what the Post-Office Department have done with what my friend refers to as a prima facie fraud, under the existing conditions, which enable them to issue an order on practically nothing. Have they stopped this institution? Have they found a way to do even that, assuming it to be a fraud? I know nothing about it.

Mr. MANN. They have not stopped this institution, because it is impossible to get the character of evidence which the gentleman would require under this bill. There is no human power to obtain legal and competent evidence to-day to show that this advertisement is a fraud, and yet there is not a man with any sense in his head who does not know that every word of it is a fraud and a lie.

Mr. LITTLEFIELD. Then let me say that this bill would not affect that condition one way or the other a particle. It would leave what my friend refers to as a colossal fraud where the Department now has left it. It would be hereafter just exactly as it has been heretofore, and the position would not be changed by a hair.

Mr. MANN. Now, Mr. Speaker, that is not the only advertisement of this kind in this same paper.

Mr. CRUMPACKER. I understand the gentleman's theory to be that where a man is guilty he has no right in the courts.

Mr. MANN. The gentleman can understand whatever he pleases. I can not prevent that.

Mr. CRUMPACKER. That is the logic of it, that if a man is guilty it makes no difference how he is convicted, whether by a mob or otherwise.

Mr. MANN. I did not suppose the gentleman would get frightened so early in my remarks. I will endeavor to reach the gentleman's bill later.

Mr. CRUMPACKER. I want to get at the gentleman's real attitude.

Mr. GILBERT. I understood the gentleman to say that was a patent fraud on its face from end to end. Now, why does the gentleman make the additional statement that, that being true, there is no legal evidence obtainable to establish the fraud?

Mr. MANN. I do not think that requires an answer. It is too simple for the gentleman from Kentucky to require an answer.

Now, Mr. Speaker, here is another advertisement:

The riches of Cobalt are beyond human belief. Greatest silver camp in the world's history. Government protects investors. Enormous fortunes being made. Dividends to stockholders for generations to come.

And a great deal more of the same kind in this advertisement. In this same edition of the same paper is the following:

How $20 can make $1,000. A proposition indorsed by bankers, manufacturers, wholesalers, railroad men, judges, and men of wealth and prominence.

I am surprised that it does not mention Members of Congress on the Judiciary Committee. [Laughter.]

Only a few days more at 10 cents a share. This stock has already jumped 100 per cent.

And various other statements of the same kind.

Mr. KEIFER. I want to find out what you are reading from.

Mr. MANN. The gentleman will find the same advertisements in all the prominent Ohio daily papers.

Mr. KEIFER. Will the gentleman tell me what paper he reads from?

Mr. MANN. I will not.

Mr. KEIFER. Is it a Chicago paper?

Mr. MANN. The gentleman can ask what he pleases. I do not propose to discriminate between the numbers of papers publishing these fraudulent advertisements by the connivance of Congress and to discriminate by naming one of them. The same advertisements are in the prominent papers of the gentleman's State, and the same advertisements are in the prominent daily papers of the State of the gentleman from Indiana.

Mr. KEIFER. I deny that.

Mr. CRUMPACKER. I deny that statement. The only advertisements of that kind that come into Indiana are contained in Chicago papers. [Laughter.]

Mr. MANN. While I have said that Indiana is the most fruitful field for advertisements of this kind emanating from Chicago, I deny that the only papers that go into the gentleman's State containing these advertisements are from Chicago. If the gentleman from Indiana and the gentleman from Ohio dare make the statement that their daily papers do not publish these advertisements, I will produce the papers containing them.

Mr. LITTLEFIELD. They have made that declaration.

Mr. KEIFER. I only deny so far as the papers generally in Ohio are concerned. We possibly have got a paper in Ohio somewhere that is as bad in the way of the publication of advertisements as the one from Chicago which the gentleman reads from. [Laughter.]

Mr. MANN. I notice, Mr. Speaker, that notwithstanding the insinuations of the gentleman, it is the Member of Congress from Chicago that insists on the strictness of the law, and it is the gentlemen from Indiana and Ohio that are insisting on letting down the bars. Why? That Chicago may swindle their people. I admit that it is not a difficult enterprise. [Laughter.]

Mr. OLMSTED. Will the gentleman yield to me for a question?

Mr. MANN. I will yield.

Mr. OLMSTED. I understood the gentleman to say that the postmaster had authority in the case I stated to exclude from the mails a little country newspaper which published advertisements of a milling company that offered a picture with every five sacks of flour.

Mr. MANN. It is unfortunate that the gentleman from Pennsylvania, usually so well informed about everything that comes before the House, should know so little about this subject.

Mr. OLMSTED. I am trying to get information.

Mr. MANN. I have never considered myself able to teach the gentleman from Pennsylvania. I have always knelt before him to receive instruction.

Mr. OLMSTED. I know; but I understand that information flows from the gentleman from Illinois, as Mark Twain would say, "like otter of roses from the otter." [Laughter.] I simply wanted information as to the power of the postmaster.

Mr. MANN. Now, Mr. Speaker, I have read from several advertisements in one daily paper, and gentlemen will find them in every daily paper of prominence in the country. These are not the only ones. I picked up at random one part of a Sunday daily paper and put it in my pocket this morning. There are four or eight pages probably out of the thirty-two, or such a matter, containing I do not know how many advertisements of this nature. Here is another one calculated to receive special inducements from an excited and somewhat hysterical people:

Fortunes for all who invest now. The electric signograph and semaphore would positively have prevented all the recent horrible collisions. Had these instruments been in use these wrecks would have been avoided.

Then they name a number of wrecks. Then they continue with a lot of statements such as this:

There are, on an average, 500 railroad collisions on the railroads every month.

That is a lie.

More than 95,000 persons were killed in railroad wrecks last year.

That is a bold, unblushing lie. And yet these daily advertisements go on to show how speedily people may become rich who invest in this stock, and the purpose of the bill now before the House is to protect these people from the enforcement of the law denying them the use of the mails. These are the ones who advertise in the daily papers. There are hundreds of them in every large city who advertise in the monthly papers; there are many papers which live on the advertisements of this class of fraud. They are papers published in one city several hundreds of miles from home. Now, under this bill, there will be practically no method provided by which the Government can protect the weak against the strong.

Mr. PERKINS. I would like to ask the gentleman to explain to the House any possible way in which this bill could aggravate

this evil. Merely saying it has that effect is not satisfactory to the House.

Mr. LITTLEFIELD. If under existing law the Department can not rectify the menace contained in these advertisements mentioned by the gentleman from Illinois, would it not be a good idea to have the law changed?

Mr. PERKINS. I think so; yes.

Mr. MANN. Why does the gentleman say that under the existing law the Postmaster-General and the Post-Office Department can not rectify these frauds that are charged? There never has been a Postmaster-General and there never will be who can rectify and correct every fraud the moment it commences. The gentleman would prevent its correction at any time. These advertisements are fraudulent to-day. It takes time to make an investigation. The Post-Office Department does not act without an investigation, as the gentleman from Indiana [Mr. CRUMPACKER] would have us believe. It takes time to make these investigations, and by the time they reach the investigations and enter the order the gentleman would have a bill passed prohibiting the Postmaster-General from acting upon anything but legal and competent evidence. Who can say, as a matter of competent evidence, that they will not be running trains from Chicago to New York in ten hours, or ten minutes? Does the gentleman from Maine [Mr. LITTLEFIELD] pretend to say that he can swear in court, as a matter of competent evidence, that this company can not construct a road which will run trains in ten hours between Chicago and New York? A few years ago the gentleman would have said it would be impossible to communicate between Chicago and New York in less than ten days, and yet now it is done in ten seconds. Who can say as a matter of competent evidence? Yet we all know that the purpose of these advertisements is to defraud the purchaser of the stock.

Mr. CRUMPACKER. Sixty or seventy years ago if this fraud-order statute had been in operation, advertisements proposing communication between Washington and Chicago in ten minutes would have been tabooed and driven out of existence under a fraud order.

Mr. MANN. Yes; and they would have been inserted for the purpose of defrauding people. The men who actually do these things are not advertising stock in this way. If they had this thing which they believe was good, they would not be offering the stock for a mere song. The purpose of this enterprise is to fleece the public out of the money in its pocketbook, taking it away from the innocent constituents of the gentleman from Indiana [Mr. CRUMPACKER] and of the able gentleman who represents the district of Rochester [Mr. PERKINS].

Mr. PERKINS. Does the gentleman mean to say to this House that if he were a prosecuting attorney he could not prove those advertisements were fraudulent before any court?

Mr. MANN. I say that nobody can prove they are fraudulent.

Mr. PERKINS. If he says so, then he is a very much poorer lawyer than I had always supposed him to be.

Mr. MANN. That is very likely. The gentleman from Illinois [Mr. MANN] makes no pretensions to be as distinguished a lawyer as the gentleman from New York [Mr. PERKINS]. I have often heard the gentleman from New York [Mr. PERKINS] prove things that were not true [laughter], and I have often listened to him split hairs in the House. I have not yet reached his height in the legal profession, but I doubt whether even he will be able, with all of his acumen, to prove, as a matter of competent testimony, this thing.

Mr. PERKINS. I would like to go to the jury on that question with the gentleman.

Mr. LITTLEFIELD. The gentleman from Illinois [Mr. MANN] is very sincere and conscientious as well as able. [Prolonged laughter.]

Mr. MANN. Oh, now!

Mr. LITTLEFIELD. Well, I thought there ought to be a bouquet coming from this side to the other instead of having them all come the other way. The gentleman has read these advertisements upon the assumption that they justify him as a Member of the House in asserting that they are prima facie fraudulent, and they are the basis of his statement. Does he not believe that the advertisement itself, assuming that it justifies his conclusion, and I do not criticise that—doesn't he think that that of itself would substantially make a prima facie case, assuming now that he feels justified in making the assertion that he does?

Mr. MANN. Mr. Speaker, it is a remarkable circumstance that the gentleman from Maine [Mr. LITTLEFIELD] criticises the action of the Post-Office Department because it acts without evidence and then proposes to do more than the Post-Office Department ever has done in arbitrary action.

Mr. LITTLEFIELD. Oh, not at all.

Mr. MANN. The gentleman from Maine [Mr. LITTLEFIELD] would take the advertisement and rule a fraud order at once, and yet in its most tyrannical day the Post-Office Department has never done that.

Mr. LITTLEFIELD. I beg the gentleman's pardon. The gentleman from Maine did not make any such suggestion.

Mr. MANN. I beg the gentleman's pardon. It is sometimes difficult for me to understand what the gentleman from Maine means. His words and sentences are sometimes slightly involved, though always clear.

Mr. LITTLEFIELD. Yes; that is true; but the gentleman from Maine regrets his inability to express himself clearly.

Mr. MANN. Oh, the gentleman from Maine is always clear.

Mr. LITTLEFIELD. But the gentleman from Maine is trying to get an opinion from the gentleman from Illinois [Mr. MANN] on the basis of his own statement, and not to suggest his own construction or statement. I regret very much that I did not succeed in making myself clear. Perhaps I have now.

Mr. MANN. I am not proposing a bill. I am not asking the House to pass a measure which I have proposed. It is not a part of my province to do anything but lay the facts before the House as I see them. The fact is that these advertisements are inserted. They are published throughout the country. Nobody yet has been put on the fraud-order list because of them, and yet the gentleman's bill, if the Post-Office Department should put them on the fraud-order list, does not put them out of business——

Mr. LITTLEFIELD. Until they have had a chance to be heard.

Mr. MANN. Now, Mr. Speaker, I want to call the attention of the House to what seems to me to be the gist and foundation of this bill. I agree with the gentleman from Indiana and the gentleman from Maine and the gentleman from Pennsylvania that there ought to be some method by which the Attorney-General for the Post-Office Department shall not have the right on his own dictum to determine whether somebody shall use the mail. I think there ought to be in the Government a method provided, either by a hearing by the administrative officers that is public in its character or a review before a court; but the bill which is now proposed before the House, besides being cumbersome, accomplishes not the result which the gentleman proposes, but an entirely different result. Let us see what the bill says. The bill provides that if a fraud order is issued the mail shall be held for fifteen days; that during the fifteen days the person against whom the order runs can enter suit in the United States court, and thereupon the mail shall continue to be held by the Post-Office Department until the determination of the suit or until some different disposition shall be ordered by the judge. The disposition of the mail depends upon the final result of the suit. There will ordinarily be no order for the disposition of the mail until the final determination, so that this bill provides that the mail of the party shall be held until the final trial of the case. That probably will not come for one or two years. The proceedings may be in Maine, probably, and the witnesses will live in Indiana. That is where most of them probably will live, or possibly in the Rochester, N. Y., district, and it will take some time to produce the testimony; it will take a considerable length of time to reach the testimony and to obtain it, so this case goes on. Gentlemen well know that it takes a long time to get these cases heard in a court. Meanwhile the mail is accumulating and the party has been deprived of the use of the mail and has gone out of business.

Mr. LITTLEFIELD. May I call the attention of the gentleman to this fact, that the bill in terms provides that the disposition of the mail shall be subject to the order of the court?

Mr. MANN. Well, if the gentleman had listened to what I just said he would have discovered I have just covered that whole question.

Mr. LITTLEFIELD. I beg the gentleman's pardon.

Mr. MANN. But the gentleman diverts his attention to have a conversation with somebody else and misses the best part of my remarks.

Mr. LITTLEFIELD. Of course it is very unfortunate I do not hear every word the gentleman says.

Mr. MANN. It is unfortunate; the gentleman from Maine would be greatly instructed.

Mr. LITTLEFIELD. The misfortune is mine.

Mr. MANN. Not mine.

Mr. LITTLEFIELD. Not at all; it is not your fault.

Mr. MANN. Now, what is the result, Mr. Speaker? The gentleman from Indiana said that the suggestion which I made a while ago was idle fancy. I said then, and I say now, in all seriousness that every time a proceeding of this sort is had and the United States is defeated in its efforts and a fraud order is

set aside, the man's business having been ruined, he will knock at the doors of Congress for relief with a claim morally valid. The gentleman from Indiana makes light of it. It is a serious proposition.

Mr. CRUMPACKER. Let me ask the gentleman how many claims have been presented to Congress for damages under the existing fraud-order law?

Mr. MANN. How many claims?

Mr. CRUMPACKER. Yes; how many have been presented? Does the gentleman know of a single claim that has ever been presented under the present arbitrary method where the citizen is denied absolutely any of the rights that are afforded men in the courts of the country?

Mr. MANN. There are just as many claims presented as the courts have decided cases against the United States. Of course there could be no claim presented to Congress up to the present time, where in every case the exercise of authority by the Postmaster-General has been sustained, but the gentleman's bill proceeds upon the theory that there will be cases where the Postmaster-General will be overruled, and I say that in every one of those cases there will be a claim presented to Congress for ruining the man's business.

Mr. CRUMPACKER. The gentleman's idea is this, that when a man wins in a contest he has a right of action for damages, but when he loses he has none. Is that the theory of the gentleman? When he wins out he suffers damage and when he loses there has been no damage to him?

Mr. MANN. The gentleman certainly is not serious in making the remark he does. If he is serious let me explain to him his own bill. Here is a proposition to hold a man's mail up for two or three years. How many people will have any business left at the end of that time? Here is a concern doing business, the gentleman from Indiana [Mr. CRUMPACKER] says, in Kansas City—a liquor house. How much business would the Kansas City liquor dealer have at the end of two or three years' time if he could receive no mail during that time?

Mr. JAMES. His whisky would have aged. [Laughter.]

Mr. MANN. Some gentleman makes the remark that the whisky would have aged, but it would have added nothing to the value of the whisky in that case, because that whisky was composed of poor neutral spirits colored with caramel and flavored with a rye flavor.

Mr. CRUMPACKER. How does the gentleman know that? Did he buy any of it? Was he a consumer?

Mr. MANN. The gentleman knows it in this way. The gentleman from Indiana [Mr. CRUMPACKER] says that the proposition of the gentleman from Kansas City was that he would send out whisky; you could drink it, and if it was not what he represented it to be, you could send it back. [Laughter.] That was the statement of the gentleman from Indiana.

Now, it is not well to say that these claims will not be presented. What have we now on the Calendar in the way of claims? The United States some years ago passed a law providing that there should be no seal catching in the Bering Sea off of the Pribilof Island. That law applied to the citizens of the United States and of the world. It was afterwards held in the arbitration with Great Britain that the United States had no authority to pass that law so far as foreign subjects were concerned. We seized a large number of vessels of American citizens for violation of that law, a plain, simple, straight violation of the national law; and the great Committee on the Judiciary, which has reported this bill, has also reported in a bill to reimburse the citizens who violated the law of the United States and engaged in the seal fisheries contrary to the statutes. No one would have thought when that bill was passed that Congress would ever consider a proposition to pay a man for a violation of the law, and I do not believe that the Committee on Claims, which has proper jurisdiction of this bill, would have reported it; but the Committee on the Judiciary—amiable gentlemen, sometimes easily imposed upon by fairy tales—swelling their hearts with sympathy for the defrauded, have indorsed a proposition to pay these people for a violation of the law of the United States.

A few years ago the State of Missouri presented a claim to the United States for money contracted in the equipment and pay of the enlisted Missouri Militia. Shortly after that claim was presented the State officials of Missouri put on record the statement that those claims were based on forgery, that they were fraudulent, that the great majority of them ought not to be paid, and yet we find upon the Calendar, reported from the Committee on War Claims, a bill already passed in the Senate of the United States, favorably reported to the House, which practically would mean the payment of all of these claims.

It is not difficult to make a claim against the Government. Claim agents never tire. They never cease. And I warn the Congress that when a man has had his business closed up by the method proposed in this bill, if he succeeds in court, he will have a claim against the Government with so much moral equity in his favor that in the end it will be paid. If we confer any right, as I think we ought, upon these people against whom the order runs, we ought to confer that right in such a way that the case can be settled at the beginning, when there can be no claim against the Government.

I do not know whether the amendment offered by the gentleman from Pennsylvania [Mr. DALZELL] is sufficient or not, but it seems perfectly patent to me, at least, that the bill proposed by the gentleman from Indiana [Mr. CRUMPACKER] is not sufficient protection to the Government, and I think, personally, that when this matter comes again before the Judiciary Committee, at another session of Congress, it will give more careful consideration to the rights of the Government and the rights of the innocent as against the rights of those who live by their wits. [Applause.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. OVERSTREET of Indiana. Mr. Speaker, I want to say just a word. We ought not to allow ourselves to be carried away with any prejudice which may arise from any extraordinary cases. This fraud-order law is intended as a protection to the innocent public against the numerous efforts to separate those people from their money through fraudulent methods. When we remember that the media of advertisements aggregate millions and millions, emanating from more than 40,000 separate periodicals enjoying the second-class privileges, and that hundreds of thousands of individuals and corporations using the mails other than by advertisement may use different media for getting their fraudulent methods to the public, we can appreciate the necessity of some restrictive measure for the protection of the people. Therefore in the passage of any law which would change this present arbitrary power under the fraud-order law care should be exercised that the basis of our efforts should be for the protection of the largest number and not a basis which should be for the protection of the persons against whom the orders may have issued.

The cases cited by the gentleman from Illinois, many of which advertisements I have myself seen in various papers of reputable standing, are to be found in greater or lesser degree with reference to numerous other projects. It is impossible for the Post-Office Department to inquire as to all of them. But the more flagrant cases which have come under the notice of the Department have been prosecuted with great diligence. I admit that this fraud-order law is an exceedingly powerful law. It is necessarily arbitrary, because of the purpose of the law to protect the great masses of the mail-using people. If, therefore, this bill, which is now brought in from the Committee on the Judiciary, should be passed as it is now before the House, I fear, with the hasty examination which I have given it, that its power for the investigation of actual frauds, frauds which will unquestionably deprive innocent people of their money, will be sufficiently depreciated or lessened that Congress will have made a very great mistake.

I am therefore, Mr. Speaker, against the bill. I do not believe the House ought to pass it, for the reason that it will in all probability result in greater harm than good. Yet, on the other hand, I am very frank to admit that there may be abuses of this arbitrary power. All arbitrary power that is conferred is subject to abuse. A dishonest official, an incapable official, a narrow-minded official, may exercise that arbitrary law to the great disadvantage of the people and might depart from the purpose of the law. But by the action of the liberal-minded official, the person who believes in the greatest possible liberality, an abuse may be permitted through his exercise of it. But the most of the people are protected in great degree against the thousands of fraudulent schemes which are laid before them by these various enterprises in advertisements given to them through the mail to exploit their plans of separating the people from their money. I think that the amendment offered by the gentleman from Pennsylvania, which gives the right of review of the proceedings of the Department by a proper Federal court, is perhaps a wise provision. I would not oppose that amendment. I would prefer to see even that amendment so changed that a case which has been made by the Department under its method of investigation, if you please, may be regarded as a prima facie case.

That is, let the court determine whether or not on that prima facie case, when modified by any other evidence which may be presented by the party to the court, the order should have been issued. To bring into this House such an extremely important measure as the committee has brought, with a method of

procedure that notice after a certain period of time that a case may be heard with provision for a bond which may or may not be sufficient for the protection of the Government, and other provisions equally uncertain, is a mistake. I think we will be subject to the danger pointed out by the gentleman from Illinois [Mr. MANN] that it might occasion numerous applications for damages against the Government or at least appropriations by Congress to cover supposed losses. So that I think it is better to let the whole subject fall rather than we should incur these dangers. I think, Mr. Speaker, that the public is entitled to some sort of protection by the Government in the use of the mails against fraudulent schemes. You might not provide any better method than the present law gives, except possibly the right of review by a competent court. I think, therefore, that the House will best meet the situation by refusing to approve the bill, even though it should adopt this amendment.

Mr. CRUMPACKER. Mr. Speaker, only a word or two on the amendment proposed by the gentleman from Pennsylvania [Mr. DALZELL]. The fundamental difference between his amendment and the original bill is that under his amendment there can be no review of the law and the facts of a fraud-order decision until after the order had been issued and the person affected by it had been publicly branded as a criminal or a perpetrator of fraud. Under the bill it is attempted to provide a way by which the fraud order shall not be finally effective until the person affected by it shall have had an opportunity to go into court and by proper proof show that his conduct has not been such as to justify the issuing of the order, and thereby obviate the entering of a record against him that will stand forever.

What has been termed the cumbersome machinery of the bill has been found necessary in order that this right may be established, and at the same time the Postmaster-General may have the power to protect the public, pending an investigation, against individuals and institutions that may be fraudulent.

The bill does not in any degree interfere with the power of the Postmaster-General to hold up the mails where he is satisfied that they are being used for criminal or fraudulent purposes. The rights of the public are safeguarded, and at the same time the individual is secured the privilege of having questions of law and fact determined in courts of justice according to established procedure where he can, in the open and before the public if he is able to do so, establish his innocence of the misconduct which may be imputed against him.

The criticism made by my friend from Illinois [Mr. MANN] that claims may be presented for damages is, I think, hardly worthy of notice. We can not pass any law to prevent a Member of Congress from introducing a bill providing for the payment of damages to this, that, or the other person for one grievance or another, real or fancied. There is no legal liability, and this bill creates none. It simply proposes to give the citizen a chance to go into the courts, and to have questions of such vital importance to him determined according to established procedure. It is the policy of the law to permit even the guilty to have a day in court, to face the witnesses, to be allowed to cross-examine them, to insist that they shall testify under oath, that they shall testify publicly, and I think it is asking very little to ask that men against whom fraud orders are about to be issued shall be accorded the same privilege. [Applause.]

Now, Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The SPEAKER pro tempore [Mr. LACEY]. The gentleman from Indiana moves the previous question on the bill and amendments to the final passage.

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 111, noes 1.

Mr. MANN. I asked for a division in order to ascertain the presence of a quorum.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MANN. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count.

Mr. MANN (pending the count). I withdraw the point.

Accordingly the previous question was ordered.

The SPEAKER pro tempore. The question is upon the amendment to the substitute offered by the gentleman from Pennsylvania [Mr. DALZELL].

The question being taken, on a division (demanded by Mr. DALZELL) there were—ayes 51, noes 82.

Accordingly the amendment to the substitute was rejected.

The SPEAKER pro tempore. The question now is on the substitute offered by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. OVERSTREET. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OVERSTREET. What is the motion the Chair is now putting?

The SPEAKER pro tempore. The question is on the amendment, in the nature of a substitute, offered by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. OVERSTREET. What was voted on before?

The SPEAKER pro tempore. The amendment to that substitute. The question now is upon the substitute itself.

Mr. KEIFER. Mr. Speaker, what was the amendment that was offered?

The SPEAKER pro tempore. An amendment offered by the gentleman from Pennsylvania to his own substitute.

Mr. DALZELL. I simply asked leave to change my original motion. I am satisfied that the last vote shall determine the question.

The substitute was rejected.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the last vote was laid on the table.

PANAMA CANAL.

Mr. CHARLES B. LANDIS. Mr. Speaker, I desire to report the following House joint resolution for immediate consideration.

The SPEAKER. The gentleman from Indiana reports a House joint resolution, which the Clerk will read.

The Clerk read as follows:

Resolved, etc., That there be printed 16,000 copies of Senate Document No. 144, Fifty-ninth Congress, second session, being a special message of the President of the United States concerning the Panama Canal, to be accompanied by a map to be prepared under the direction of the Joint Committee on Printing, 5,000 copies for the use of the Senate, 10,000 copies for the use of the House of Representatives, to be distributed through the folding room, and 1,000 copies for the use of the House of Representatives, to be distributed through the document room.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

Mr. MANN. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. CHARLES B. LANDIS. I do.

Mr. MANN. Mr. Speaker, we have not been able to hear what the resolution is. We were not able to hear just what the resolution provides.

Mr. CLARK of Missouri. Mr. Speaker, I want to inquire of the gentleman where the documents are to be placed?

Mr. CHARLES B. LANDIS. In the folding room. Ten thousand copies in the folding room of the House, 5,000 copies in the folding room of the Senate, and 1,000 in the document room of the House.

Mr. CLARK of Missouri. What do you want to put 1,000 in the document room of the House for?

Mr. CHARLES B. LANDIS. Where they will be convenient.

Mr. CLARK of Missouri. And some fellow will go out and gobble the whole lump. [Laughter.]

Mr. MANN. I would like to ask the gentleman from Indiana if the message is to have the illustrations printed with it?

Mr. CHARLES B. LANDIS. Yes; as they accompanied the message originally.

Mr. CLARK of Missouri. Well, Mr. Speaker, I am opposed to that provision for 1,000 copies in the document room.

The SPEAKER. The question is on agreeing to the resolution.

Mr. CLARK of Missouri. I object.

Mr. CHARLES B. LANDIS. This is not a question of unanimous consent, it is a privileged report.

The SPEAKER. The gentleman reports it from his committee?

Mr. CHARLES B. LANDIS. I do.

The SPEAKER. It seems to the Chair that it is privileged.

Mr. CLARK of Missouri. Well, Mr. Speaker, I offer an amendment that the 1,000 copies provided for the document room be stricken out and be added to the quantity to be distributed through the folding room.

The SPEAKER. The Clerk will read the proposed amendment.

The Clerk read as follows:

Strike out the words "one thousand copies for the use of the House of Representatives to be distributed through the document room," and in the second line from the end, change "ten thousand" to "eleven thousand;" so it will read "eleven thousand copies for the use of the House of Representatives to be distributed through the folding room."

Mr. CHARLES B. LANDIS. I will say, Mr. Speaker, that the provision for a thousand copies to be distributed through the document room of the House was made because the committee

desired that that thousand copies be printed accompanied by the map as it originally appeared. Under the provisions of the joint resolution, the committee is clothed with the power of preparing a map for the 15,000 copies that are to be printed for the House and Senate, to be distributed through the folding room. We make that provision because we can get out the publication at about one-half its original cost. The Senate, by reason of a Senate resolution, had 2,000 copies distributed through the document room of the Senate. There have been none at all, as originally presented, distributed through the document room of the House, and we felt that at least a thousand copies, with the map as originally prepared, ought to be at the disposal of the House.

Now, the map, as it will be prepared under the joint committee, will be as intelligent as the map that accompanied the message originally, but the publication, if gotten out as originally presented, would cost in the neighborhood of $250 a thousand, whereas with the map as prepared by the committee it will cost $100 a thousand.

Mr. CLARK of Missouri. Why not print them all under the cheaper plan?

Mr. CHARLES B. LANDIS. Because we felt that the House ought to have at least a thousand copies with the map as it originally accompanied the message.

Mr. MANN. The gentleman from Indiana says that the original cost of the message, with the map as originally sent out, was $250 a thousand. I talked with a gentleman connected with the Isthmian Canal Commission, who told me that the cost was nothing like that.

Mr. CHARLES B. LANDIS. That is the report that the Committee on Printing has from the Public Printer.

Mr. MANN. The original map belongs to the Isthmian Canal Commission, and all the cost there is is the presswork and binding.

Mr. CHARLES B. LANDIS. I do not think that the plans belong to the Isthmian Canal Commission.

Mr. MANN. I think the gentleman is mistaken.

Mr. CHARLES B. LANDIS. The information the committee had was that as the map was originally prepared the cost would be $250 a thousand.

Mr. MANN. The reason I asked the gentleman is because I was told through the document room that a new edition of this publication would cost $250 a thousand. It seemed to me so exorbitant that I took the trouble to ask, and was told that they owned the plates; that it would cost nothing so far as the use of the plates was concerned, but that the only cost would be the presswork, paper, and binding.

Mr. CHARLES B. LANDIS. We secured our estimate from the Public Printer.

Mr. MANN. Well, the Government Printer assumed a case, then, which did not exist.

Mr. SHACKLEFORD. May I ask the gentleman a question? If it be true that this thousand copies that are going to the document room are going to be more valuable than the others by reason of having better maps, is not that all the more reason why they should be sent to the folding room so that each Member of the House should have his equal share?

Mr. CHARLES B. LANDIS. Well, in view of the fact that the Senate distributed 2,000 copies through the document room of the Senate, where they were available to those who wanted them immediately, we felt this thousand copies, gotten out sooner than the whole edition, would be available at an earlier date, and that those Members who were pressed for copies would have an opportunity of securing them.

Mr. SHACKLEFORD. Would it not be better for us all to wait a little while and let each Member have his proper share through the folding room than to put them into the document room, where just a few Members will get more than they ought to have and others none?

Mr. CHARLES B. LANDIS. That will give each Member only about three copies.

Mr. SHACKLEFORD. Well, that is what each Member ought to have, and each Member won't get that if they go to the document room, because some of them will get none.

Mr. MADDEN. Mr. Speaker, I move to amend the resolution by providing that the plates now owned and in possession of the Isthmian Canal Commission be used in the preparation of the maps which it is proposed to have prepared under this report.

The SPEAKER. But there is an amendment pending, the amendment offered by the gentleman from Missouri [Mr. CLARK], and that is first in order.

Mr. MADDEN. Then I move to amend the amendment.

Mr. MANN. It is not germane.

The SPEAKER. The gentleman's amendment would be in order after this amendment is disposed of.

Mr. MADDEN. Very well.

Mr. PAYNE. Mr. Speaker, I desire to ask the gentleman from Indiana a question. If this amendment of the gentleman from Missouri [Mr. CLARK] is adopted by the House, would it cut off the printing of the thousand copies with the original maps?

Mr. CHARLES B. LANDIS. I do not understand it would. It would simply provide for their distribution through the folding room. I have no objection to distributing the thousand copies through the folding room of the House.

Mr. PAYNE. Why does the gentleman then state that 15,000 copies are to be issued on plates or maps to be prepared by the Committee on Printing and 1,000 on the original maps?

Mr. CHARLES B. LANDIS. That is what the chairman of the Committee on Printing did announce.

Mr. PAYNE. If the resolution does not provide for it, where do you get that?

Mr. GROSVENOR. It does provide for it.

Mr. CHARLES B. LANDIS. The resolution does not provide for that, but the Committee on Printing would have control of it to that extent.

Mr. PAYNE. Oh, that is something the committee has up its sleeve, so to speak.

Mr. CHARLES B. LANDIS. Yes, sir.

Mr. PAYNE. I was afraid if the amendment of the gentleman from Missouri [Mr. CLARK] struck out this provision about the thousand copies that it might result in striking out any authority of the Committee on Printing to print the 1,000 copies with the original maps.

Mr. MANN. Will the gentleman yield for a question? As I understand, when this message came to Congress it was not ordered by the House to be printed with the illustrations. Is that correct?

Mr. CHARLES B. LANDIS. It was printed out of money appropriated by Congress for the Panama Commission.

Mr. MANN. I understand; but when it came to the House it was not ordered to be printed by the House with the illustrations.

Mr. CHARLES B. LANDIS. It was not.

Mr. MANN. Ordinarily when a document comes to the House and is printed a certain number go to the document room. It is from that number that the newspaper men are supplied. It is from that number that the various Government officials are supplied, so that if the amendment of the gentleman from Missouri [Mr. CLARK] should prevail there would be no quota out of which the newspaper men could be supplied or out of which Government officials could be supplied, the entire number going to the folding room to the credit of the individual Members of the House.

Mr. CHARLES B. LANDIS. The usual number is in process of printing under the Senate order.

Mr. MANN. I think the gentleman is mistaken. The document has already been printed by the Senate.

Mr. CHARLES B. LANDIS. I would say this, that the usual number has not yet been placed in the document room, but is now in the process of printing under the Senate order. They will be available for the newspaper men and others, as the gentleman suggests.

Mr. MANN. The House did not order the original message printed with illustrations. Now the Senate ordered it printed with illustrations.

Mr. CHARLES B. LANDIS. But under the rule the usual number is printed.

Mr. MANN. Is not the gentleman mistaken about the usual number being printed when it is a second printing? This is a second printing.

Mr. CHARLES B. LANDIS. But I say under the rule the usual number will be printed, and the usual number has not yet been given to the document room.

Mr. PAYNE. The usual number will be printed whether this resolution is passed or not.

Mr. CHARLES B. LANDIS. The usual number will be printed, whether this resolution is passed or not, and will be placed in the document room, where those whom the gentleman has mentioned have access to it.

Mr. MANN. I think the gentleman is again mistaken about that. The law provides that these documents shall not be printed with illustrations unless it is especially authorized. Now, when this message came to the House, it was not directed to be printed with illustrations, so there is no usual number printed and the usual number goes in the air on this proposition.

Mr. CHARLES B. LANDIS. My information from the docu-

ment room was that the usual number would be received in a few days and would be available.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken; and the amendment was agreed to.

Mr. MADDEN. Now, Mr. Speaker, I propose the amendment I suggested a few moments ago, namely, that the report be printed from the plates in possession of and owned by the Isthmian Canal Commission. I can not understand, Mr. Speaker, why it costs more to print a thousand with the original map than it is proposed to pay for the printing of the 10,000 which go to the document room or folding room, unless it is that the Committee on Printing proposes to make a smaller map than the one which was supplied with the report submitted by the President some time ago.

The SPEAKER. If the gentleman from Illinois will pause until the amendment is reported to see if it is in the shape in which he desires it. The gentleman from Illinois offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Add, after the words "folding room" at the end of the resolution, the following:

"The plates owned by and in the possession of the Isthmian Canal Commission shall be used in printing the said document hereunder."

Mr. MADDEN. I move the adoption of the amendment, Mr. Speaker.

Mr. CHARLES B. LANDIS. Mr. Speaker, I will say in this connection that the estimate the committee received on this publication, accompanied by the map as originally presented to the House, will cost $250 a thousand. As presented with the map, as it will be reduced and changed, they will cost $100 a thousand.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. CHARLES B. LANDIS. I will.

Mr. MADDEN. I presume that report is based on the theory that a new plate would have to be made, or upon another theory that the plate which it is proposed to make will be so small that it will not compare at all with the plate from which the original map was made.

Mr. CHARLES B. LANDIS. It is based upon the theory that the information of the committee was that this plate was not owned by the Isthmian Canal Commission, but they simply ordered this map prepared at so much a thousand.

Mr. MADDEN. Will the gentleman answer this question? Who made the plate?

Mr. CHARLES B. LANDIS. It was made in New York.

Mr. MADDEN. Who authorized it to be made?

Mr. CHARLES B. LANDIS. The Isthmian Canal Commission.

Mr. MADDEN. Who paid for it?

Mr. CHARLES B. LANDIS. The Isthmian Canal Commission.

Mr. MADDEN. That was paid for out of Government funds?

Mr. CHARLES B. LANDIS. It was.

Mr. MADDEN. Then it ought to be owned by the Government.

Mr. CHARLES B. LANDIS. But it is not.

Mr. MADDEN. Why is it not?

Mr. CHARLES B. LANDIS. Because the Government did not buy the plate, but did buy the map, just as the Government did not buy the Jefferson Bible plates. The Jefferson Bible plates are owned by the contractor in Chicago.

Mr. MADDEN. The statement made by my colleague from Illinois is to the effect that he has information, which is reliable, to the effect that the plates are owned and in possession of the Isthmian Canal Commission.

Mr. CHARLES B. LANDIS. Well, the information the committee had was to the contrary, and I will say to the gentleman from Chicago that this map would be reduced about half its present size and would not be printed in colors, but would have just as much in it as it is now prepared.

Mr. MADDEN. I see no reason, Mr. Speaker, notwithstanding the statement of the gentleman, why we should be compelled to make a new plate. The Government has paid for making a plate once, and if that plate is in existence it ought to be the property of the Government, and there ought to be no further expenditure for making the plate in order that we may have the map in the report.

Mr. CHARLES B. LANDIS. Mr. Speaker, I will say that that same suggestion was made when the Jefferson Bible was originally printed. It was contended on the floor of this House that inasmuch as we had bought and paid for 10,000 copies of that publication we ought to own the plates, but we did not own the plates, and we never have owned the plates.

Mr. MANN. Will the gentleman yield for a statement?

Mr. CHARLES B. LANDIS. Certainly.

Mr. MANN. Mr. Speaker, when this measure came before the House and was not printed I made inquiry in the document room in regard to it, and was told there that the Printing Office had reported that it would cost $250 a thousand to print the message. I saw Mr. Bishop, the secretary of the Isthmian Canal Commission, and made the statement to him that it had been reported to me that it would cost $250 a thousand to print this message with the illustrations, because the Government did not own the plates. I will say that the plate with reference to the map was not specifically mentioned.

Mr. CHARLES B. LANDIS. I will say to the gentleman that the other plates are owned by the Government, but not the map plate.

Mr. MANN. Mr. Bishop stated to me that there was no reason why it should cost $250 a thousand, or, in his judgment, more than $50 a thousand, because the Isthmian Canal Commission owned all the plates, and that they were at the service of the Government Printing Office at any time without expense and that the Commission was ready to turn them over.

Mr. CHARLES B. LANDIS. Did Mr. Bishop say that the Isthmian Canal Commission owned the map plate?

Mr. MANN. The map plate was not specifically mentioned, but the cost was mentioned, and he spoke of all of the plates. Either Mr. Bishop was very much mistaken or else he did not know what was in the message.

Mr. GAINES of Tennessee. Mr. Speaker, I want to get a little more information on that point. The gentleman undertook just now to state, and did state, that this was a case similar to the case of the Jefferson Bible. He said that the Jefferson Bible was printed by plates that were owned by some private firm. Well, these plates are owned by the Panama Canal Commission and the Panama Canal Commission is controlled by the United States, and all the money that it takes to make plates for them ought to make any other Government work the Government of the United States pays for. Why should we not take these plates away from the Panama Commission, which we control, and use them in printing these maps?

Mr. CHARLES B. LANDIS. I will say to the gentleman from Tennessee that the information of the Committee on Printing is to the effect that the plate from which the map was printed was not owned by the Panama Commission.

Mr. GAINES of Tennessee. Who owns it?

Mr. CHARLES B. LANDIS. It was owned by some contractor, as I understand it, in New York or Philadelphia—New York, I think.

Mr. GAINES of Tennessee. He just loaned it to the President to have it printed?

Mr. CHARLES B. LANDIS. He prepared this plate and sold the Government so many maps for so much money, just as we originally bought 10,000 of the Jefferson Bible for so much money.

Mr. GAINES of Tennessee. Of course, if a private individual owns that map plate, we can not control it, but I think the resolution the gentleman has offered should be modified so as to eliminate that and let us have the balance of the plates. Of course we control the Panama Canal Commission and give them all the money they want.

Mr. CHARLES B. LANDIS. I will say, if the amendment offered by the gentleman from Illinois [Mr. MADDEN] is voted down, that the publication will be issued with all the plates except the map plate, as they appeared in the original publication. Then the map that will accompany the publication will be of reduced size, but be just as intelligent as the map that accompanied the original publication, and will not cost half the price and will not be a detached map.

Mr. OLMSTED. Mr. Speaker, I offer an amendment to the amendment.

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by adding at the end thereof the following:

"So far as the Isthmian Canal Commission owns and controls the free use of the necessary plates."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was according read the third time, and passed.

MEMORIAL ADDRESSES ON LATE HON. ROCKWOOD HOAR.

Mr. WASHBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the desk.

The Clerk read as follows:

Ordered, That there be a session of the House on Sunday, February 10, 1907, at 12 m., which shall be set apart for memorial addresses on

the life, character, and public services of Hon. ROCKWOOD HOAR, late a Representative from the Third Congressional district of Massachusetts.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the order was agreed to.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following telegram, which was read:

CHICAGO, ILL., *January 7, 1907.*

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives, Washington, D. C.:

For the past two days I have been laid up sick at home. I started for Washington yesterday, but had a relapse on train and had to return from Fort Wayne. I will appreciate it if you will secure a leave of absence for me on account of sickness.

WILLIAM LORIMER.

The SPEAKER. Without objection, the leave of absence will be granted.

There was no objection.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 43 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, submitting a preliminary report as to legislation requiring reports as to proceeds of sales of public property, with a statement of payments from such funds—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Catharine Kelton against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the heirs of Theodorick Bland, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of C. J. McKee, administrator of estate of David B. Johnson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for meandering the north bank of the Popo Agie River and the south bank of the Big Wind River, Shoshone Indian Reservation, Wyo.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a statement of the mail matter entered at the Washington City post-office by the Treasury Department, under the penalty privilege from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Acting Secretary of State, submitting a request that Samuel R. Gummeré be empowered to receive a sword from the Sultan of Morocco—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting papers in the claim of the Charleston (S. C.) Light and Water Company—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of deficiency appropriation for the public schools of the District—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, submitting a statement of the expenditures of the Coast and Geodetic Survey for the year ended June 30, 1906—to the Committee on Expenditures in the Department of Commerce and Labor, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Erwin against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. M. Tate, administrator of estate of David N. Tate, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. A. Montgomery, administrator of estate of Willis Lowe, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary J. Brown, administratrix of estate of Jesse A. Brown, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Bryant against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. J. Penn, administrator of estate of William Penn, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Cain Leach against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John D. Long against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of G. W. Elmore, administrator of estate of George W. Pierce, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George C. Strauss, administrator of estate of Peter Strauss, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the harbor of Hilo, Hawaii—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Secretary of the Treasury, transmitting reports of deliquencies of officers of the Government in accounts and balances—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the Director of the Geological Survey, transmitting the annular report of the Survey for the fiscal year 1905–6—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21689) to increase the limit of cost of five light-house tenders heretofore authorized, reported the same without amendment, accompanied by a report (No. 5882); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 22543) granting to the town of Pawnee, in Pawnee County, Okla., certain lands for park, educational, and other public purposes, reported the same without amendment, accompanied by a report (No. 5883); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22203) granting an increase of pension to Oliver J. Burns, reported the same without amendment, accompanied by a report (No. 5631); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22217) granting

an increase of pension to George W. Boughner, reported the same without amendment, accompanied by a report (No. 5632); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22214) granting an increase of pension to Thomas J. Prouty, reported the same with amendment, accompanied by a report (No. 5633); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22270) granting an increase of pension to Michael Hogan, reported the same with amendment, accompanied by a report (No. 5634); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22272) granting a pension to George W. Rodefer, reported the same with amendment, accompanied by a report (No. 5635); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22280) granting an increase of pension to Emily V. Ackley, reported the same with amendment, accompanied by a report (No. 5636); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22288) granting an increase of pension to Samuel L. Davis, reported the same with amendment, accompanied by a report (No. 5637); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22424) granting an increase of pension to William Faulkner, reported the same with amendment, accompanied by a report (No. 5638); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22431) granting an increase of pension to Alden Youngman, reported the same with amendment, accompanied by a report (No. 5639); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22442) granting an increase of pension to John Clark, reported the same with amendment, accompanied by a report (No. 5640); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22448) granting a pension to F. Medora Johnson, reported the same with amendment, accompanied by a report (No. 5641); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22451) granting an increase of pension to John McCaslin, reported the same with amendment, accompanied by a report (No. 5642); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22500) granting an increase of pension to Minor Cleavenger, reported the same without amendment, accompanied by a report (No. 5643); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22551) granting an increase of pension to Wilson Siddell, reported the same with amendment, accompanied by a report (No. 5644); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22566) granting an increase of pension to Joseph L. Six, reported the same without amendment, accompanied by a report (No. 5645); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22602) granting an increase of pension to John H. Passon, reported the same with amendment, accompanied by a report (No. 5646); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22607) granting an increase of pension to John T. Hetherlin, reported the same with amendment, accompanied by a report (No. 5647); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22624) granting an increase of pension to Louisa M. Carothers, reported the same with amendment, accompanied by a report (No. 5648); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1150) granting a pension to Emma J. Turner, reported the same with amendment, accompanied by a report (No. 5649); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22651) granting an increase of pension to Emily J. Cadmus, reported the same with amendment, accompanied by a report (No. 5650); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22684) granting an increase of pension to William Sherk, reported the same with amendment, accompanied by a report (No. 5651); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22717) granting an increase of pension to Mary A. Brick, reported the same with amendment, accompanied by a report (No. 5652); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22734) granting an increase of pension to Marshall Maier, reported the same with amendment, accompanied by a report (No. 5653); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22749) granting a pension to Della S. Easton, reported the same with amendment, accompanied by a report (No. 5654); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22756) granting an increase of pension to Levi Curtis, reported the same with amendment, accompanied by a report (No. 5655); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22766) granting an increase of pension to Soren V. Kalsem, reported the same with amendment, accompanied by a report (No. 5656); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22771) granting an increase of pension to William J. Courter, reported the same without amendment, accompanied by a report (No. 5657); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22776) granting an increase of pension to James E. Converse, reported the same with amendment, accompanied by a report (No. 5658); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20929) granting an increase of pension to Thomas D. King, reported the same with amendment, accompanied by a report (No. 5659); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22853) granting an increase of pension to Burden H. Barrett, reported the same with amendment, accompanied by a report (No. 5660); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22937) granting an increase of pension to Edward Murphy, reported the same with amendment, accompanied by a report (No. 5661); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22976) granting an increase of pension to Milton Stevens, reported the same with amendment, accompanied by a report (No. 5662); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22994) granting an increase of pension to Lucinda C. Musgrove, reported the same with amendment, accompanied by a report (No. 5663); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22997) granting an increase of pension to Edmond D. Doud, reported the same with amendment, accompanied by a report (No. 5664); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22995) granting an increase of pension to Nathaniel Y. Buck, reported the same without amendment,

accompanied by a report (No. 5665); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22416) granting an increase of pension to Barbara E. Schwab, reported the same with amendment, accompanied by a report (No. 5666); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23036) granting an increase of pension to John Cutler Mitchell, reported the same with amendment, accompanied by a report (No. 5667); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20973) granting an increase of pension to Henry Lufft, reported the same with amendment, accompanied by a report (No. 5668); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21837) granting an increase of pension to James W. Kasson, reported the same without amendment, accompanied by a report (No. 5669); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14378) granting an increase of pension to Charles Settle, reported the same without amendment, accompanied by a report (No. 5670); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 742) granting an increase of pension to James Wintersteen, reported the same without amendment, accompanied by a report (No. 5671); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21836) granting a pension to Mary C. Hall, reported the same with amendment, accompanied by a report (No. 5672); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21832) granting an increase of pension to John W. Wilkinson, reported the same with amendment, accompanied by a report (No. 5673); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21828) granting an increase of pension to Noah Perrin, reported the same with amendment, accompanied by a report (No. 5674); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21808) granting an increase of pension to Levi Mitchell, reported the same with amendment, accompanied by a report (No. 5675); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21798) granting an increase of pension to Andrew Spencer, reported the same with amendment, accompanied by a report (No. 5676); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21724) granting an increase of pension to John D. Martin, reported the same with amendment, accompanied by a report (No. 5677); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21702) granting an increase of pension to John Cyrus Rinehart, reported the same with amendment, accompanied by a report (No. 5678); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21660) granting an increase of pension to Emma Fehr, reported the same with amendment, accompanied by a report (No. 5679); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21651) granting an increase of pension to Jacob B. Butts, reported the same with amendment, accompanied by a report (No. 5680); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21626) granting an increase of pension to Calvin Barker, reported the same with amendment, accompanied by a report (No. 5681); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21617) granting an increase of pension to William Miller, reported the same with amendment, accompanied by a report (No. 5682); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21575) granting an increase of pension to Calvin E. Morley, reported the same with amendment, accompanied by a report (No. 5683); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20586) granting an increase of pension to Calvin Judson, reported the same without amendment, accompanied by a report (No. 5684); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21551) granting an increase of pension to Alfred E. Lucas, reported the same with amendment, accompanied by a report (No. 5685); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21519) granting an increase of pension to Montezuma Saint John, reported the same with amendment, accompanied by a report (No. 5686); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21524) granting an increase of pension to Elison Gatewood, reported the same with amendment, accompanied by a report (No. 5687); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21483) granting an increase of pension to George S. Wood, reported the same with amendment, accompanied by a report (No. 5688); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21448) granting an increase of pension to Jesse Jackman, reported the same with amendment, accompanied by a report (No. 5689); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21428) granting an increase of pension to Cornelius H. Lawrence, reported the same with amendment, accompanied by a report (No. 5690); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21375) granting an increase of pension to John S. Cornwell, reported the same without amendment, accompanied by a report (No. 5691); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21307) granting an increase of pension to Samuel Fauver, reported the same with amendment, accompanied by a report (No. 5692); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21344) granting an increase of pension to Edward S. Lightbourne, reported the same with amendment, accompanied by a report (No. 5693); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21347) granting an increase of pension to Jeanette M. Guiney, reported the same with amendment, accompanied by a report (No. 5694); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22155) granting an increase of pension to Andrew J. Armstrong, reported the same with amendment, accompanied by a report (No. 5695); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13201) granting a pension to Sarah A. Jones, reported the same with amendment, accompanied by a report (No. 5696); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22090) granting an increase of pension to Severt Larson, reported the same with amendment, accompanied by a report (No. 5697); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22094) granting an increase of pension to Albert J. Hamre, reported the same with amendment, accompanied by a report (No. 5698); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22088) granting an increase of pension to Gottlieb Schweitzer, reported the same with amendment, accompanied by a report (No. 5699); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22069) granting an increase of pension to Caroline W. Congdon, reported the same with amendment, accompanied by a report (No. 5700); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22067) granting an increase of pension to Levi E. Miller, reported the same with amendment, accompanied by a report (No. 5701); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22065) granting an increase of pension to Henry Utter, reported the same with amendment, accompanied by a report (No. 5702); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22052) granting a pension to James A. Meredith, reported the same with amendment, accompanied by a report (No. 5703); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22039) granting a pension to Alethia White, reported the same with amendment, accompanied by a report (No. 5704); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22015) granting an increase of pension to William Reese, reported the same with amendment, accompanied by a report (No. 5705); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21997) granting an increase of pension to Martha Joyce, reported the same with amendment, accompanied by a report (No. 5706); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21961) granting an increase of pension to Harvey F. Wood, reported the same with amendment, accompanied by a report (No. 5707); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21906) granting an increase of pension to John M. Bruder, reported the same without amendment, accompanied by a report (No. 5708); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1185) granting a pension to Josiah C. Hancock, reported the same with amendment, accompanied by a report (No. 5709); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21896) granting an increase of pension to George H. Field, reported the same with amendment, accompanied by a report (No. 5710); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21881) granting an increase of pension to Mahala Jones, reported the same with amendment, accompanied by a report (No. 5711); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21856) granting an increase of pension to John G. Viall, reported the same with amendment, accompanied by a report (No. 5712); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21848) granting an increase of pension to Charles W. Arthur, reported the same with amendment, accompanied by a report (No. 5713); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21852) granting an increase of pension to James M. Eaman, reported the same with amendment, accompanied by a report (No. 5714); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21843) granting an increase of pension to Robert H. Delaney, reported the same with amendment, accompanied by a report (No. 5715); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20557) granting a pension to Webster Miller, reported the same with amendment, accompanied by a report (No. 5716); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21283) granting an increase of pension to Frederick De Planque, reported the same with amendment, accompanied by a report (No. 5717); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21258) granting an increase of pension to James Dopp, reported the same with amendment, accompanied by a report (No. 5718); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21256) granting an increase of pension to William Foster, reported the same with amendment, accompanied by a report (No. 5719); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11141) granting an increase of pension to Jesse S. Miller, reported the same with amendment, accompanied by a report (No. 5720); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21227) granting a pension to Cora A. Lasley, reported the same with amendment, accompanied by a report (No. 5721); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H R. 21157) granting an increase of pension to George C. Peak, reported the same with amendment, accompanied by a report (No. 5722); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21139) granting an increase of pension to Willa Fyffe, reported the same with amendment, accompanied by a report (No. 5723); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21086) granting an increase of pension to Jerry Johnson, reported the same with amendment, accompanied by a report (No. 5724); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21077) granting an increase of pension to Andrew M. Dunn, reported the same with amendment, accompanied by a report (No. 5725); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21060) granting an increase of pension to Gottlieb Kirchner, reported the same with amendment, accompanied by a report (No. 5726); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20966) granting an increase of pension to Thomas H. Jones, reported the same with amendment, accompanied by a report (No. 5727); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21000) granting a pension to Jessie F. Evans, reported the same with amendment, accompanied by a report (No. 5728); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19943) granting an increase of pension to E. La Coste, reported the same with amendment, accompanied by a report (No. 5729); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20967) granting an increase of pension to Samuel W. Hines, reported the same with amendment, accompanied by a report (No. 5730); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20930) granting an increase of pension to Joseph Ronge, reported the same with amendment, accompanied by a report (No. 5731); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20862) granting an increase of pension to August Weber, reported the same with amendment, accompanied by a report (No. 5732); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23051) granting an increase of pension to Volney S. Topping, reported the same with amendment, accompanied by a report (No. 5733); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23263) granting an increase of pension to Michael Downs, reported the same without amendment, accompanied by a report (No. 5734); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20715) granting an increase of pension to Charles Ballantyne, reported the same without amendment, accompanied by a report (No. 5735); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20727) granting an increase of pension to William Conwell, reported the same with amendment, accompanied by a report (No. 5736); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20717) granting an increase of pension to Adelbert E. Bleekman, reported the same with amendment, accompanied by a report (No. 5737); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20719) granting an increase of pension to James O. Price, reported the same with amendment, accompanied by a report (No. 5738); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20737) granting an increase of pension to William G. Whitney, reported the same with an amendment, accompanied by a report (No. 5739); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20856) granting an increase of pension to Catherine A. Greene, reported the same with amendment, accompanied by a report (No. 5740); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20852) granting an increase of pension to T. T. Tate, reported the same with amendment, accompanied by a report (No. 5741); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20842) granting an increase of pension to Henry Joyce, reported the same with amendment, accompanied by a report (No. 5742); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20689) granting an increase of pension to Francis Doughty, reported the same with amendment, accompanied by a report (No. 5743); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20558) granting an increase of pension to Mark W. Terrill, reported the same without amendment, accompanied by a report (No. 5744); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20571) granting an increase of pension to Frederick J. Dowland, reported the same with amendment, accompanied by a report (No. 5745); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20614) granting an increase of pension to James Howardson, sr., reported the same with amendment, accompanied by a report (No. 5746); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20618) granting an increase of pension to George W. Brinton, reported the same with amendment, accompanied by a report (No. 5747); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20686) granting an increase of pension to Joshua S. Jayne, reported the same without amendment, accompanied by a report (No. 5748); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20568) granting an increase of pension to Chester R. Pitt, reported the same with amendment, accompanied by a report (No. 5749); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23166) granting an increase of pension to William S. Voris, reported the same with amendment, accompanied by a report (No. 5750); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21113) granting an increase of pension to Emma E. Chamberlain, reported the same with amendment, accompanied by a report (No. 5751); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21246) granting a pension to Margaret Gilroy, reported the same with amendment, accompanied by a report (No. 5752); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20729) granting an increase of pension to Benjamin Lyons, reported the same with amendment, accompanied by a report (No. 5753); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20822) granting an increase of pension to Milton L. Howard, reported the same with amendment, accompanied by a report (No. 5754); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20882) granting an increase of pension to Luther W. Harris, reported the same with amendment, accompanied by a report (No. 5755); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21148) granting an increase of pension to Jacob A. Graham, reported the same with amendment, accompanied by a report (No. 5756); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1512) granting an increase of pension to Melvin T. Edmonds, reported the same with amendment, accompanied by a report (No. 5757); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1252) granting an increase of pension to Mary E. Mathes, reported the same with amendment, accompanied by a report (No. 5758); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 725) granting a pension to George E. Smith, reported the same with amendment, accompanied by a report (No. 5759); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 637) for the relief of William H. Bone, reported the same with amendment, accompanied by a report (No. 5760); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16340) granting an increase of pension to William M. Harris, reported the same without amendment, accompanied by a report (No. 5761); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17058) granting an increase of pension to J. H. O'Brion, reported the same with amendment, accompanied by a report (No. 5762); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16487) granting an increase of pension to Martha Lavender, reported the same without amendment, accompanied by a report (No. 5763); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13956) granting an increase of pension to Alfred Featheringill, reported the same with amendment, accompanied by a report (No. 5764); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20589) granting an increase of pension to Amanda Cherry, reported the same without amendment, accompanied by a report (No. 5765); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 13805) granting an increase of pension to Isaac Gordon, reported the same without amendment, accompanied by a report (No. 5766); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15463) granting an increase of pension to John Robb, reported the same with amendment, accompanied by a report (No. 5767); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6519) granting an increase of pension to Samuel W. Whybark, reported the same with amendment, accompanied by a report (No. 5768); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6424) granting a pension to George Price, reported the same with amendment, accompanied by a report (No. 5769); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6165) granting an increase of pension to Nelson Everson, reported the same with amendment, accompanied by a report (No. 5770); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20834) granting an increase of pension to Franklin Comstock, reported the same with amendment, accompanied by a report (No. 5771); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6088) granting an increase of pension to James R. Chapman, reported the same with amendment, accompanied by a report (No. 5772); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6060) granting an increase of pension to Lorenzo B. Fish, reported the same with amendment, accompanied by a report (No. 5773); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20613) granting an increase of pension to Hiram Steele, reported the same with amendment, accompanied by a report (No. 5774); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20851) granting an increase of pension to Henry Hamme, reported the same with amendment, accompanied by a report (No. 5775); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5829) granting an increase of pension to George Anderson, reported the same with amendment, accompanied by a report (No. 5776); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5801) granting an increase of pension to Algernon E. Castner, reported the same with amendment, accompanied by a report (No. 5777); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5595) granting an increase of pension to Elisha Brown, reported the same with amendment, accompanied by a report (No. 5778); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5187) granting an increase of pension to Robert John, reported the same with amendment, accompanied by a report (No. 5779); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4833) granting an increase of pension to S. F. Anderson, reported the same with amendment, accompanied by a report (No. 5780); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4719) granting a pension to Mary J. Trumbull, reported the same with amendment, accompanied by a report (No. 5781); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4692) granting an increase of pension to Levi Welch, reported the same with amendment, accompanied by a report (No. 5782); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22502) granting an increase of pension to Orren D. Haskell, reported the same with amendment, accompanied by a report (No. 5783); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4673) granting an increase of pension to Samuel Rowe, reported the same with amendment, accompanied by a report (No. 5784); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4151) granting an increase of pension to John W. Howard, reported the same with amendment, accompanied by a report (No. 5785); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3989) granting an increase of pension to Hiram T. Houghton, reported the same with amendment, accompanied by a report (No. 5786); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3740) granting an increase of pension to John G. H. Armistead, reported the same without amendment, accompanied by a report (No. 5787); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2769) granting an increase of pension to Ethan A. Valentine, reported the same with amendment, accompanied by a report (No. 5788); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2726) granting an increase of pension to John C. Keach, reported the same without amendment, accompanied by a report (No. 5789); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2286) granting a pension to Jacob Miller, reported the same with amendment, accompanied by a report (No. 5790); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2056) granting an increase of pension to Lucas Longendyke, reported the same with amendment, accompanied by a report (No. 5791); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1937) granting an increase of pension to Joseph B. Williams, reported the same with amendment, accompanied by a report (No. 5792); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8553) granting an increase of pension to Thomas E. Aylesworth, reported the same with amendment, accompanied by a report (No. 5793); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12497) granting an increase of pension to Allen M. Haight, reported the same without amendment, accompanied by a report (No. 5794); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10219) granting a pension to George S. Boyd, reported the same with amendment, accompanied by a report (No. 5795); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20728) granting an increase of pension to Ira D. Hill, reported the same without amendment, accompanied by a report (No. 5796); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10033) granting an increase of pension to Samuel C. Roe, reported the same with amendment, accompanied by a report (No. 5797); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7666) granting an increase of pension to Joseph C. Mahaffey, reported the same with amendment, accompanied by a report (No. 5798); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9278) granting

an increase of pension to Melville A. Nichols, reported the same with amendment, accompanied by a report (No. 5799); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5174) granting an increase of pension to Patrick Turney, reported the same with amendment, accompanied by a report (No. 5800); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21960) granting an increase of pension to Sarah Betts, reported the same with amendment, accompanied by a report (No. 5801); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9921) granting a pension to Ann Lytle, reported the same without amendment, accompanied by a report (No. 5802); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7393) granting an increase of pension to Ferdinand David, reported the same with amendment, accompanied by a report (No. 5803); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22092) granting an increase of pension to Simon McAteer, reported the same with amendment, accompanied by a report (No. 5804); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21343) granting an increase of pension to James C. Murray, reported the same with amendment, accompanied by a report (No. 5805); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21446) granting an increase of pension to William W. Crum, reported the same with amendment, accompanied by a report (No. 5806); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22748) granting an increase of pension to Willard P. Fisher, reported the same with amendment, accompanied by a report (No. 5807); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22718) granting an increase of pension to William Dean, reported the same with amendment, accompanied by a report (No. 5808); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22501) granting an increase of pension to Austin B. Truman, reported the same without amendment, accompanied by a report (No. 5809); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22376) granting a pension to William M. Colby, reported the same with amendment, accompanied by a report (No. 5810); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22452) granting an increase of pension to William A. Narrin, reported the same with amendment, accompanied by a report (No. 5811); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22281) granting an increase of pension to Leonard Tyler, reported the same with amendment, accompanied by a report (No. 5812); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22207) granting an increase of pension to William A. Harlan, reported the same without amendment, accompanied by a report (No. 5813); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20860) granting an increase of pension to Charles T. Chapman, reported the same with amendment, accompanied by a report (No. 5814); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7551) granting a pension to Daniel Robb, reported the same without amendment, accompanied by a report (No. 5815); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7378) granting an increase of pension to John L. Brown, reported the same with amendment, accompanied by a report (No. 5816); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6537) granting an increase of pension to William Jackson, reported the same with amendment, accompanied by a report (No. 5817); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6524) granting an increase of pension to Amos Snyder, reported the same without amendment, accompanied by a report (No. 5818); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4149) granting an increase of pension to Thompson Wall, reported the same with amendment, accompanied by a report (No. 5819); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5776) granting a pension to Priscilla A. Campbell, reported the same with amendment, accompanied by a report (No. 5820); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18881) granting an increase of pension to Alexander B. Mott, reported the same with amendment, accompanied by a report (No. 5821); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18723) granting a pension to William E. Hannigan, reported the same with amendment, accompanied by a report (No. 5822); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18681) granting an increase of pension to William E. Gray, reported the same with amendment, accompanied by a report (No. 5823); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18323) granting an increase of pension to Richard B. Rankin, reported the same with amendment, accompanied by a report (No. 5824); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18242) granting an increase of pension to Francis Anderson, reported the same with amendment, accompanied by a report (No. 5825); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18042) granting an increase of pension to James H. Sinclair, reported the same with amendment, accompanied by a report (No. 5826); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18014) granting an increase of pension to Elbridge P. Boyden, reported the same with amendment, accompanied by a report (No. 5827); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17773) granting a pension to Carel Lane, reported the same with amendment, accompanied by a report (No. 5828); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17642) granting an increase of pension to Roland M. Johnson, reported the same with amendment, accompanied by a report (No. 5829); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17620) granting an increase of pension to Michael Pendergast, alias Michael Blake, reported the same with amendment, accompanied by a report (No. 5830); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17331) granting an increase of pension to D. V. Donnelly, reported the same with amendment, accompanied by a report (No. 5831); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20734) granting an increase of pension to Amos Kellner, reported the same with amendment, accompanied by a report (No. 5832); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22506) granting an increase of pension to James F. Smith, reported the same with amendment, accompanied by a report (No. 5833); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22568) granting an increase of pension to John H. Christman, reported the same without amendment, accompanied by a report (No. 5834); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21255) granting an increase of pension to Thomas McDowell, reported the same with amendment, accompanied by a report (No. 5835); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22528) granting an increase of pension to Daniel Fuller, reported the same with amendment, accompanied by a report (No. 5836); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20855) granting an increase of pension to George Hierl, reported the same with amendment, accompanied by a report (No. 5837); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21909) granting an increase of pension to George W. W. Tanner, reported the same with amendment, accompanied by a report (No. 5838); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17330) granting an increase of pension to William Tuders, reported the same without amendment, accompanied by a report (No. 5839); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16283) granting an increase of pension to A. H. R. Calvin, reported the same with amendment, accompanied by a report (No. 5840); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16222) granting an increase of pension to Napoleon B. Ferrell, reported the same with amendment, accompanied by a report (No. 5841); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16181) granting an increase of pension to Ann Rafferty, reported the same with amendment, accompanied by a report (No. 5842); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15874) granting an increase of pension to Benjamin B. Ream, reported the same with amendment, accompanied by a report (No. 5843); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13031) granting an increase of pension to Thomas H. Leslie, reported the same with amendment, accompanied by a report (No. 5844); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14860) granting an increase of pension to William D. Campbell, reported the same with amendment, accompanied by a report (No. 5845); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14715) granting an increase of pension to Norman W. McDonald, reported the same with amendment, accompanied by a report (No. 5846); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19762) granting an increase of pension to Clara C. Edsall, reported the same with amendment, accompanied by a report (No. 5847); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16886) granting a pension to James W. Murray, reported the same with amendment, accompanied by a report (No. 5848); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23171) granting an increase of pension to Harmon Veatch, reported the same with amendment, accompanied by a report (No. 5849); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5173) granting an increase of pension to Jacob Henninger, reported the same with amendment, accompanied by a report (No. 5850); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19133) granting an increase of pension to Fergus P. McMillan, reported the same with amendment, accompanied by a report (No. 5851); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19294) granting an increase of pension to Francis M. Hatton, reported the same with amendment, accompanied by a report (No. 5852); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19400) granting an increase of pension to Washington M. Brown, reported the same with amendment, accompanied by a report (No. 5853); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13253) granting an increase of pension to R. M. C. Hill, reported the same with amendment, accompanied by a report (No. 5854); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12523) granting an increase of pension to Gancelo Leighton, reported the same with amendment, accompanied by a report (No. 5855); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11959) granting an increase of pension to Henry J. Rice, reported the same with amendment, accompanied by a report (No. 5856); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11869) granting an increase of pension to Henry A. Geduldig, reported the same without amendment, accompanied by a report (No. 5857); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11362) granting an increase of pension to Nicholas A. Bovee, reported the same with amendment, accompanied by a report (No. 5858); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11307) granting an increase of pension to Joseph J. Roberts, reported the same without amendment, accompanied by a report (No. 5859); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10721) granting an increase of pension to Harriett J. Lewis, reported the same with amendment, accompanied by a report (No. 5860); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12124) granting an increase of pension to Howard Brown, reported the same without amendment, accompanied by a report (No. 5861); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10317) granting an increase of pension to Clarissa A. Frederick, reported the same without amendment, accompanied by a report (No. 5862); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10402) granting an increase of pension to Albert H. Campbell, reported the same with amendment, accompanied by a report (No. 5863); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11708) granting an increase of pension to Jesse Ask, reported the same with amendment, accompanied by a report (No. 5864); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20244) granting an increase of pension to Alfred Hayward, reported the same without amendment, accompanied by a report (No. 5865); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20236) granting

an increase of pension to W. E. Richards, reported the same with amendment, accompanied by a report (No. 5866); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20224) granting an increase of pension to Philip Hamman, reported the same without amendment, accompanied by a report (No. 5867); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20201) granting an increase of pension to Charles W. Airey, reported the same with amendment, accompanied by a report (No. 5868); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19976) granting a pension to Nelson Isbell, reported the same with amendment, accompanied by a report (No. 5869); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2764) granting an increase of pension to George L. Robinson, reported the same with amendment, accompanied by a report (No. 5870); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19967) granting an increase of pension to Martin L. Ohr, reported the same with amendment, accompanied by a report (No. 5871); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19969) granting an increase of pension to Henry K. Burger, reported the same with amendment, accompanied by a report (No. 5872); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19863) granting an increase of pension to Walter B. Swain, reported the same with amendment, accompanied by a report (No. 5873); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19772) granting a pension to Mary L. Kirlin, reported the same with amendment, accompanied by a report (No. 5874); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19770) granting an increase of pension to James G. Van Dewalker, reported the same with amendment, accompanied by a report (No. 5875); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19581) granting an increase of pension to Mary E. Bookhammer, reported the same with amendment, accompanied by a report (No. 5876); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19526) granting an increase of pension to Judson H. Holcomb, reported the same with amendment, accompanied by a report (No. 5877); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19448) granting an increase of pension to Abiram P. McConnell, reported the same with amendment, accompanied by a report (No. 5878); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20215) granting an increase of pension to Riley J. Berkely, reported the same with amendment, accompanied by a report (No. 5879); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21331) granting an increase of pension to Robert O. Bradley, reported the same without amendment, accompanied by a report (No. 5880); which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 13) authorizing the Secretary of War to award the Congressional medal of honor to Roe Reisinger, reported the same without amendment, accompanied by a report (No. 5884); which said resolution and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908—to the Union Calendar.

By Mr. LACEY: A bill (H. R. 23552) to authorize the withdrawal from entry of all gas, oil, lignite, and coal upon the public lands and providing for the leasing of the same—to the Committee on the Public Lands.

Also, a bill (H. R. 23553) to authorize the withdrawal from entry of one-half of the remaining coal, gas, lignite, and oil in the public lands, and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 23554) to authorize the creation of coal, gas, and oil reserves, and for other purposes—to the Committee on the Public Lands.

By Mr. ROBERTS: A bill (H. R. 23555) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows, approved March 3, 1901," approved February 28, 1903—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 23556) prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons—to the Committee on the District of Columbia.

By Mr. BATES: A bill (H. R. 23557) to cause a survey to be made of Erie Harbor—to the Committee on Rivers and Harbors.

By Mr. MADDEN: A bill (H. R. 23558) amending an act to regulate commerce, approved February 4, 1887, and all acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Delaware: A bill (H. R. 23559) to amend, modify, and simplify the pension laws of the United States—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 23560) to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 23561) to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company—to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: A bill (H. R. 23562) regulating life insurance companies and the issuing and delivering of life insurance policies in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAMAR: A bill (H. R. 23563) to levy and collect an import duty on long staple cotton imported into the United States from foreign countries—to the Committee on Ways and Means.

Also, a bill (H. R. 23564) to provide compensation for carriers of rural free delivery mail—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: A bill (H. R. 23565) to authorize the Secretary of the Interior to review the cases of certain Choctaw Indians claiming citizenship in the Choctaw tribe—to the Committee on Indian Affairs.

By Mr. WILEY of Alabama: A bill (H. R. 23566) to establish a subtreasury at Montgomery, Ala.—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: A bill (H. R. 23567) to encourage agriculture in the Philippine Islands by granting certain concessions and guaranties to a corporation to be known as the Philippine Agricultural Bank, the business of which shall be the making of loans to agriculturists in the Philippine Islands upon real estate, growing crops, or other security duly authorized by this act, for the purpose of enabling them to pay off existing debts, to make improvements upon their lands, to purchase agricultural implements, farm animals, fertilizers, and seed, and to make other similar expenditures desirable and proper for the advancement and improvement of agriculture in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. PARSONS: A bill (H. R. 23568) to secure a better system of report and accountability by the governments of the insular possessions of the United States—to the Committee on Insular Affairs.

By Mr. MURPHY: A bill (H. R. 23569) to amend section 3243 of chapter 3 of the Revised Statutes of the United States

in relation to special taxes—to the Committee on Ways and Means.

By Mr. ELLIS: A bill (H. R. 23570) to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904—to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS: A bill (H. R. 23571) to ratify and confirm elections held under and by virtue of the provisions of an act to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, etc.—to the Committee on the Territories.

By Mr. VOLSTEAD: A bill (H. R. 23572) to authorize the Commissioner of Internal Revenue to remove certain restrictions upon the manufacture of alcoholic spirits, so as to facilitate the erection of distilleries producing alcohol to be denatured—to the Committee on Ways and Means.

By Mr. YOUNG: A bill (H. R. 23573) authorizing the purchase of a fish hatchery owned by the State of Michigan and located at Sault Ste. Marie, Mich.—to the Committee on the Merchant Marine and Fisheries.

By Mr. DE ARMOND: A bill (H. R. 23574) to authorize the Secretary of War to detail officers of the Army for service in the construction of good roads in the several States—to the Committee on Military Affairs.

By Mr. HEDGE: A bill (H. R. 23575) appropriating the sum necessary for completion of addition to the public building at Burlington, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. WATSON: A bill (H. R. 23576) to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. BURLEIGH: A bill (H. R. 23577) to provide for the purchase of a site and the erection of a public building thereon at Waterville, Me.—to the Committee on Public Buildings and Grounds.

By Mr. MACON: A bill (H. R. 23578) to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE: A bill (H. R. 23579) to regulate the salaries of letter carriers in free-delivery offices—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: A bill (H. R. 23580) granting thirty days' leave of absence with pay each year to every member of the Metropolitan police of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BEALL of Texas: A bill (H. R. 23581) to extend the privileges of the transportation of dutiable merchandise without appraisement to the city of Dallas, in the State of Texas—to the Committee on Ways and Means.

By Mr. BENNET of New York: A bill (H. R. 23582) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898—to the Committee on the Judiciary.

By Mr. MILLER: A bill (H. R. 23583) to provide for the investigation of the water resources in the United States—to the Committee on Mines and Mining.

By Mr. BOWIE: A concurrent resolution (H. C. Res. 47) accepting the statue of Jabez Lamar Monroe Curry, to be placed in Statuary Hall—to the Committee on the Library.

By Mr. HAY: A resolution (H. Res. 677) as to certain tests made by the Department of Agriculture—to the Committee on Agriculture.

By Mr. AMES: A resolution (H. Res. 678) to pay to Charles H. Mann, superintendent of the Press Gallery of the House, a certain sum of money—to the Committee on Accounts.

By Mr. DAWSON: A joint resolution (H. J. Res. 212) making each Saturday after 12 o'clock noon during the months of July, August, and September only, in each year, a legal holiday for certain officers and employees of the United States—to the Committee on Appropriations.

By Mr. GARDNER of Massachusetts: A joint resolution (H. J. Res. 213) authorizing the appointment of a special commissioner for the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 23584) granting an increase of pension to E. B. Milligan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23585) granting an increase of pension to D. G. Roney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23586) granting an increase of pension to Reuben Sanders—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 23587) granting an increase of pension to Phineas P. Trowbridge—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 23588) conferring jurisdiction upon the Court of Claims to hear, try, and determine the land claims of the heirs of Jacques Clamorgan, deceased—to the Committee on Private Land Claims.

By Mr. BRADLEY: A bill (H. R. 23589) granting an increase of pension to William Van Gorden—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 23590) granting an increase of pension to James W. Bedell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23591) granting an increase of pension to Henry McNeil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23592) granting an increase of pension to James R. Harrover—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 23593) granting an increase of pension to Charles M. Buck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23594) granting an increase of pension to Rolin J. Southerland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23595) granting an increase of pension to Robert Guttery—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 23596) granting an increase of pension to H. O. Bennum—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 23597) granting an increase of pension to George W. Bireley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23598) granting a pension to Robert R. Clendenin—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 23599) granting an increase of pension to Alfred B. Stansil—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 23600) granting an honorable discharge to James T. Brown—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 23601) granting an increase of pension to Emil Wiegleb—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 23602) granting an increase of pension to Ashley W. Holland—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 23603) granting an increase of pension to Samuel Desbrow—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 23604) for the relief of William Pfeiffer—to the Committee on War Claims.

By Mr. DEEMER: A bill (H. R. 23605) to correct the military record of C. W. Walker—to the Committee on Military Affairs.

Also, a bill (H. R. 23606) to correct the military record of Mifflin R. Moyer—to the Committee on Military Affairs.

Also, a bill (H. R. 23607) granting a pension to Martha E. Doebler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23608) granting an increase of pension to John Manley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23609) granting an increase of pension to Samuel P. Wallis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23610) granting an increase of pension to George W. Bowman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23611) granting an increase of pension to Abram L. Crist—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 23612) granting an increase of pension to Thomas H. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23613) granting an increase of pension to Henry Daum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23614) granting an increase of pension to James M. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23615) granting an increase of pension to John W. Conard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23616) granting an increase of pension to Joseph Kelble—to the Committee on Pensions.

Also, a bill (H. R. 23617) granting an increase of pension to Elizabeth J. Miles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23618) granting an increase of pension to John M. Guley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23619) granting a pension to Josephine Dumont—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 23620) granting an increase of pension to Emma L. De Gou—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 23621) granting an increase of pension to Wilson Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23622) granting an increase of pension to Benjamin Maple—to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 23623) granting an increase of pension to Sarah Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23624) granting an increase of pension to Albina M. Williams—to the Committee on Pensions.

Also, a bill (H. R. 23625) granting an increase of pension to Jacob Bartshe—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23626) granting an increase of pension to Richard C. Taylor—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 23627) granting a pension to William B. Walton—to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 23628) granting an increase of pension to Clara E. Daniels—to the Committee on Pensions.

By Mr. GARNER: A bill (H. R. 23629) for the relief of A. M. Gildea—to the Committee on Claims.

By Mr. GOULDEN: A bill (H. R. 23630) authorizing the President to nominate and appoint Birchie O. Mahaffey, John A. Cleveland, and Traugett F. Keller as second lieutenants in the United States Army—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 23631) granting a pension to Francis M. Oglesby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23632) granting an increase of pension to Isaac M. W. Keller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23633) granting an increase of pension to Calvin Patterson—to the Committee on Pensions.

Also, a bill (H. R. 23634) granting an increase of pension to Gabriel Mangus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23635) granting an increase of pension to Benjamin F. Houston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23636) granting an increase of pension to John B. Schroll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23637) granting an increase of pension to John A. Collier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23638) granting an increase of pension to Calvin Frost—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23639) granting an increase of pension to John Lobach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23640) granting an increase of pension to Cleon Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23641) granting an increase of pension to Isaac B. Beals—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23642) for the relief of George W. Mabry—to the Committee on War Claims.

Also, a bill (H. R. 23643) to remove charge of desertion standing against H. B. Jones—to the Committee on Military Affairs.

By Mr. HEDGE: A bill (H. R. 23644) granting an increase of pension to Charles J. Schreiner—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 23645) granting an increase of pension to Isaac L. Griswold—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 23646) for the relief of I. B. Hammond—to the Committee on the Public Lands.

By Mr. HINSHAW: A bill (H. R. 23647) granting a pension to Lucy A. Tibbetts—to the Committee on Pensions.

Also, a bill (H. R. 23648) granting an increase of pension to Willet Shottenkirk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23649) granting an increase of pension to George H. Ross—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 23650) to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes—to the Committee on Indian Affairs.

By Mr. HOLLIDAY: A bill (H. R. 23651) granting an increase of pension to John W. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23652) granting an increase of pension to William H. Zimmerman—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 23653) granting an increase of pension to Dewit C. Chapman—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 23654) granting an increase of pension to William P. Snowden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23655) granting an increase of pension to Edward Yarton—to the Committee on Invalid Pensions.

By Mr. CLAUDE KITCHIN (by request): A bill (H. R. 23656) granting an increase of pension to John Kilpatrick—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 23657) correcting the military record of William Rommel—to the Committee on Military Affairs.

Also, a bill (H. R. 23658) granting a pension to Carrie G. Yates—to the Committee on Pensions.

By Mr. LE FEVRE: A bill (H. R. 23659) granting an increase of pension to John G. Aitken—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23660) granting an increase of pension to Harriet U. Burgess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23661) granting an increase of pension to John W. Moak—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23662) granting an increase of pension to William Bronson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23663) granting an increase of pension to Charles A. Bartholomew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23664) granting an increase of pension to George M. Austin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23665) granting an increase of pension to Henry W. Witbeck—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 23666) granting a pension to Cornelius Beecher—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 23667) granting an increase of pension to Mary J. Richards—to the Committee on Pensions.

Also, a bill (H. R. 23668) granting a pension to H. H. Kidwell—to the Committee on Invalid Pensions.

By Mr. LAMAR: A bill (H. R. 23669) granting a pension to John H. Ayers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23670) granting an increase of pension to Margaret Moody—to the Committee on Pensions.

Also, a bill (H. R. 23671) granting an increase of pension to Thomas W. Crosby—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 23672) granting an increase of pension to Charles H. Perrin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23673) granting an increase of pension to John T. Grayson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23674) granting a pension to Elizabeth E. Carr—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 23675) granting an increase of pension to Watson F. Bisbee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23676) granting an increase of pension to William J. Hoey—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 23677) granting an increase of pension to John D. Dryden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23678) granting an increase of pension to Eli Norton—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 23679) granting an increase of pension to John F. Hart, alias Edward Hart—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 23680) granting a pension to John W. Davis—to the Committee on Pensions.

Also, a bill (H. R. 23681) granting a pension to Nannie T. Harris—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 23682) granting an increase of pension to Joseph R. Bartlett—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 23683) granting an increase of pension to Thomas Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23684) granting an increase of pension to Harry C. Cadwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23685) granting an increase of pension to Robert Brake—to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 23686) granting an increase of pension to William H. Kehlbeck—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 23687) granting a pension to Blanche C. Polk—to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 23688) granting an increase of pension to William H. Hawley—to the Committee on Pensions.

By Mr. PUJO: A bill (H. R. 23689) for the relief of Martin Guillory—to the Committee on War Claims.

Also, a bill (H. R. 23690) for the relief of the estate of Leon Lemelle, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23691) for the relief of the estate of Hillaire Paillett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23692) for the relief of the estate of Victor Lastrapes, deceased—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 23693) to correct the military record of George Morse—to the Committee on Military Affairs.

Also, a bill (H. R. 23694) granting an increase of pension to Wellington B. McCurdy—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 23695) granting a pension to John Hearn—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 23696) for the relief of F. W. Volz, of Canon Diablo, Coconino County, Arizona—to the Committee on Claims.

By Mr. SMITH of Pennsylvania: A bill (H. R. 23697) granting an increase of pension to Robert M. Wadding—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 23698) granting an increase of pension to William H. Wyman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23699) granting an increase of pension to Joseph Countryman—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 23700) granting a pension to Margaret Rice—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 23701) for the relief of James E. Arnold—to the Committee on Claims.

By Mr THOMAS of Ohio: A bill (H. R. 23702) granting an increase of pension to James A. Mowrey—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 23703) granting an increase of pension to Clarendon Kelly—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 23704) to reimburse A. Herbert Bailey, of Boston, Massachusetts, for duties illegally paid—to the Committee on Claims.

By Mr. WILEY of New Jersey: A bill (H. R. 23705) granting an increase of pension to Frederick P. Gaudineer—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 23706) for the relief of the estate of Jacob Oates, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23707) for relief of the estate of Rebecca E. Sexton—to the Committee on War Claims.

Also, a bill (H. R. 23708) for the relief of the estate of Elizabeth Hemphill, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23709) granting an increase of pension to James M. Dick—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 23710) granting an increase of pension to Henry Bliss—to the Committee on Invalid Pensions.

By Mr. ACHESON: A bill (H. R. 23711) granting an increase of pension to Jacob Hornbake—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 23712) for the relief of the estate of Raymond Pochelu, deceased, late of New Orleans, La.—to the Committee on War Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which was thereupon referred as follows:

A bill (H. R. 23152) granting a pension to Edward Hunt—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Denison, Tex., Board of Trade, for an appropriation of $100,000 to clear channel of the upper Red River—to the Committee on Rivers and Harbors.

Also, papers to accompany bills for relief of Joseph Rodgers Day, Joseph Swihart, and Reuben Sanders—to the Committee on Invalid Pensions.

By Mr. AIKEN: Petition of South Carolina State Federation of Women's Clubs, for Appalachian Forest Reserves—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Joseph H. Grant—to the Committee on War Claims.

Also, petition of citizens of South Carolina, for forest reservation—to the Committee on Agriculture.

By Mr. ALEXANDER: Petition of Pomona Grange, No. 33, Patrons of Husbandry, Akron, N. Y., for parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Peter G. Straub—to the Committee on Claims.

Also, petition of Colonel S. Y. Syrum Camp, United States War Veterans, for restoration of army canteen—to the Committee on Military Affairs.

By Mr. BATES: Petition of Brotherhood of Locomotive Engineers, Meadville, Pa., against Senate bill 5133, restricting hours of employment—to the Committee on Interstate and Foreign Commerce.

Also, petition of Erie Tageblatte, Morning Despatch, and Erie Herald, Erie, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BENNETT of Kentucky: Petition of citizens of Ninth district of Kentucky, against legislation in copyright bill inimical to mechanical musical instruments—to the Committee on Patents.

Also, petition of Vanceburg Council, No. 2; Success Council, No. 84, and Lawton Council, No. 85, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Patterson Moore, alias Andrew Jackson—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Papers to accompany an act to amend an act entitled "An act to establish a uniform system of bankruptcy in the United States," approved July 1, 1898—to the Committee on the Judiciary.

By Mr. BOUTELL: Petitions of business firms, organizations, and citizens of cities and towns as follows, for parcels-post law: Michigan—Benton Harbor, Cigar Makers' Union, No. 457; Detroit, Stationary Firemen, No. 32; International Brotherhood of Bookbinders, No. 20; International Association of Steam, Hot Water, and Power Pipefitters, No. 8. Minnesota—Duluth, Bricklayers and Masons' International Union, No. 4; Bricklayers and Masons' International Union, No. 5; Steamfitters' Union. Ohio—Cincinnati, International Association of Steam, Hot Water, and Power Pipefitters. Wisconsin—Milwaukee, Beer Bottlers, No. 213; International Association of Marble Workers, No. 9; Pattern Makers' Association of Milwaukee. Indiana—Hammond, Cigar Makers' Union, No. 335. Missouri—Hannibal, Cigar Makers' Union, No. 76. Illinois—Freeport, Freeport Trades and Labor Council; Chicago, Typographical Union, No. 16; Brick Makers' District Council; Post-Office Clerks' Union; Carpenters and Joiners' Union, No. 54. Utah—Salt Lake City, International Brotherhood of Blacksmiths, No. 166; Cigar Makers' Union, No. 224; Brewery Workmen's International Union, No. 64. Washington—Spokane, Cigar Makers' Union No. 325. Maine—Bangor, Cigar Makers' Union, No. 179. New Jersey—Newark, Leather Workers on H. G., No. 91. Rhode Island—Providence, Lithographers' International and Protective Association, No. 26. Board of supervisors of county of Oahu, Hawaii; members of Steamfitters' Union, Duluth, Minn.; citizens of Hammond, Lake County, Ind., and Morgan Park, Cook County, Ill.; Bookbinders and Rulers' Union, No. 20, Detroit, Mich.; citizens of Philadelphia, Pa., Vicksburg, Mich., Rochester, N. Y., and Chicago, Ill.; Local Union No. 160, Brotherhood of Painters, Decorators, and Paper Hangers of America, Milwaukee, Wis.; citizens of Monmouth, Ill., Milwaukee, Wis., Spokane, Wash., Freeport, Ill., Duluth, Minn, and Columbus, Ohio; Foster Literary Club, Roseland, Ill.; Lithographers' International Protective and Beneficial Association, Local No. 24, Pittsburg, Pa.; citizens of Davenport, Iowa, Champaign, Ill., West, Cook County, Ill., Moline, Ill., Salt Lake City, Utah, Cincinnati, Ohio, Aledo, Ill., South Chicago, Ill., and Detroit, Mich.—to the Committee on the Post-Office and Post-Roads.

By Mr. BRADLEY: Petition of Argus Publishing Company, Middletown, N. Y., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of McKinley Council, No. 67, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BURTON of Delaware: Petition of Patriotic Council, No. 31, and Perseverance Council, No. 17, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Pennsylvania: Petition of Mantayukee Council, No. 106, Daughters of Liberty, Darby, Pa., and Strickersville Council, No. 975, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. CASSEL: Paper to accompany bill for relief of Robert R. Clendenin—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Petition of John M. Mott, for repeal of tax on State bank circulation—to the Committee on Banking and Currency.

By Mr. DAVEY of Louisiana: Petition of New Orleans Board

of Trade, for appropriation to improve navigation on Red River—to the Committee on Rivers and Harbors.

Also, petition of Palfrey Robb Pursell Company, New Orleans, La., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAWSON: Petition of Corn Beef Meat Producers' Association of Iowa, against change in meat-inspection law—to the Committee on Agriculture.

By Mr. DAVIS of Minnesota: Petition of Northfield News, Northfield, Minn., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DOVENER: Paper to accompany bill for relief of Will R. Hall—to the Committee on Pensions.

By Mr. DRAPER: Petition of National Camp, Patriotic Order of Americans, and Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of International Seamen's Union of America, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Division 166, Carbondale, Pa.; Division 263, Wilkes-Barre, Pa., and D. and H. members, Division 172, Brotherhood of Locomotive Engineers, against restriction of hours of labor by railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of Division No. 58, Brotherhood of Locomotive Engineers, against bill S. 5133, introduced by Senator LA FOLLETTE—to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIS: Paper to accompany bill for relief of William S. Blair—to the Committee on War Claims.

By Mr. FITZGERALD: Petition of National Camp, Patriotic Order of Americans, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of International Seamen's Union of America, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of San Francisco Labor Council, against utterances of the President relative to Japanese in public schools of said city—to the Committee on Foreign Affairs.

Also, petition of American artists, for repeal of duty on art works—to the Committee on Ways and Means.

Also, petition of Devin Post, No. 148, Grand Army of the Republic, Department of New York, for restoration of Army canteen—to the Committee on Military Affairs.

By Mr. FLOYD: Petition of citizens of Missouri for permission to make available waters of White River for electrical power purposes (H. R. 21385)—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Sarah E. Terrill—to the Committee on War Claims.

Also, paper to accompany bill for relief of James Drake—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Thomas F. Adkins, for the Crumpacker bill for court review of postal-fraud orders—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Richard C. Tailor—to the Committee on Invalid Pensions.

Also, petition of the Register-Gazette, Rockford, Ill., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petition of Sunday Record, Haverhill, Mass., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Col. W. B. Walton—to the Committee on Pensions.

By Mr. GOEBEL: Petition of United Spanish War Veterans, of Cincinnati, Ohio, for restoration of Army canteen—to the Committee on Military Affairs.

Also, petition of Harmony Council, No. 50, Junior Order United American Mechanics, Cincinnati, Ohio, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of German-American Alliance, Cincinnati, Ohio, against Dillingham-Gardner immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GRANGER: Petition of Betsey Williams Council, No. 2, Daughters of Liberty, Providence, R. I., and Eagle Council, No. 8, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HALE: Petition of Manufacturers and Producers' Association of Knoxville, Tenn., for investigation by Congress into cause of railway disasters—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: Petition of Chamber of Commerce, New Haven, Conn., for establishment of forest reserves in White Mountains—to the Committee on Agriculture.

Also, petition of the Herald, and the Eastern Herald, New Britain, Conn., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of train and engine men of Wabash system of railways, Stanberry, Mo., and train and engine men of Chicago, Burlington and Quincy system, Ottumwa, Iowa, against legislation to limit hours of service of railway employees—to the Committee on Interstate and Foreign Commerce.

Also, petition of General Protective Board, Brotherhood of Locomotive Engineers, Union Pacific system, against legislation limiting hours of service of railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: Petition of Portland Chamber of Commerce, for appropriation of $15,000,000 for construction of marine torpedo boats for Pacific coast defense—to the Committee on Naval Affairs.

By Mr. HINSHAW: Paper to accompany bill for relief of Jacob H. Culver—to the Committee on War Claims.

Also, petition of Order of Railway Conductors, of Lincoln, Nebr., against legislation restricting hours of labor on railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of Beatrice Commercial Club, for appropriation to enlarge United States post-office building at Beatrice, Nebr.—to the Committee on the Post-Office and Post-Roads.

Also, petition of General Protective Board of Locomotive Firemen and Engineers, Union Pacific system, against legislation restricting hours of labor on railways—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: Paper to accompany bill for relief of W. B. Corley and John M. Gilbert—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of citizens of Cliffwood, N. J., Long Branch, N. J., and Toms River, N. J., favoring McCumber-Sperry-Tirrell bill (H. R. 5292)—to the Committee on Alcoholic Liquor Traffic.

Also, petition of National Camp, Pennsylvania State Camp, and New York State Camp, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of harbor master of Philadelphia, Pa., for deepening channel of Delaware River—to the Committee on Rivers and Harbors.

Also, petition of Seaman's Union of America, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HULL: Petition of McCorkle Camp, United Spanish War Veterans, and civil war veterans, National Soldiers' Home, Tennessee, for restoration of canteen—to the Committee on Military Affairs.

By Mr. HUNT: Petition of Camp Louis A. Craig, Army of Philippines, for bill H. R. 18276 (badges to veterans of Philippine war)—to the Committee on Military Affairs.

By Mr. KENNEDY of Nebraska: Petition of Commercial Club of Omaha, for increase of salary for post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of South Omaha Live Stock Exchange, against car shortage and short train service for handling live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of State legislative committee of Order of Railway Conductors of Nebraska, against the La Follette bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Ohio: Paper to accompany bill for relief of Christian Roessler—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: Petition of Pennsylvania State Camp and New York State Camp, Patriotic Order Sons of America, and National Camp, Patriotic Order of Americans, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of J. M. Reece, Greensboro, N. C., against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Mrs. Carrie G. Yates—to the Committee on Pensions.

By Mr. KNAPP: Petition of Chamber of Commerce, Watertown, N. Y., for increase of salaries of clerks of first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: Paper to accompany bill for relief of Cornelius Beecher—to the Committee on Invalid Pensions.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, and National Camp, Patriotic Order of Americans, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Federation of Trades, York, Pa., against employment of Chinese, Japanese, et al., Asiatic cooly labor, in Panama Canal Zone—to the Committee on Foreign Affairs.

By Mr. LAW: Papers to accompany bills for relief of Henry Bauerlin and Mary C. Leavens—to the Committee on Invalid Pensions.

By Mr. LEE: Paper to accompany bill for relief of Frederick Ellison—to the Committee on Invalid Pensions.

By Mr. LEVER: Paper to accompany bill for relief of Caroline Vicks—to the Committee on Pensions.

By Mr. LOUD: Paper to accompany bill for relief of William Hoey—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Watson F. Bisbee—to the Committee on Invalid Pensions.

Also, petition of Fourth Immune Camp, United Spanish War Veterans, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of National Camp, Patriotic Order of Americans, and State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Merchantville, Camden County, N. J., against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. PATTERSON of Tennessee: Petition of Thomas F. Adkin, Rochester, N. Y., for the Crumpacker bill, relative to fraud-order law—to the Committee on the Judiciary.

By Mr. McKINLEY of Illinois: Petition of Journal and Gazette, Mattoon, The Gazette, Champaign, Mattoon Morning Star, Champaign News, and The Herald, Decatur, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MAHON: Petition of People's Register, Chambersburg, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Lewistown, Pa., for consideration of third and fourth class mail matter at rate of 1 cent per pound—to the Committee on the Post-Office and Post-Roads.

By Mr. MAYNARD: Paper to accompany bill for relief of John W. Davis—to the Committee on Pensions.

Also, paper to accompany bill for relief of Charles H. Harris—to the Committee on Military Affairs.

By Mr. OLCOTT: Paper to accompany bill for the relief of William H. Kehlbeck—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of George W. Robinson—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany bill for relief of Myron C. Marshall—to the Committee on Pensions.

Also, paper to accompany bill for relief of Richard Welch and William B. Yawger—to the Committee on Invalid Pensions.

By Mr. POLLARD: Petition of Division No. 227, Railway Conductors, Lincoln, Nebr., and convention of railway conductors, against reduction of hours of labor by railway employees—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union, Lincoln, Nebr., against sale of liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. PRINCE: Petition of Galesburg Evening News, Quincy Whig, and Star-Courier, Kewanee, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PUJO: Petition of International Seaman's Union of America, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of The Signal, Crowley, La., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of general assembly of Louisiana, for investigation relative to the dam in Mississippi as impediment to navigation—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Elsie David, heir of Theophile Lanvald—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Victor Lastrapes, estate of Hillaire Paillet, Martin Guillory, and estate of Leon Lemelle—to the Committee on War Claims.

By Mr. REYBURN: Petition of Workingman's Protective Tariff League of Philadelphia, for 35-foot channel in Delaware River—to the Committee on Rivers and Harbors.

By Mr. RIXEY: Paper to accompany bill for relief of William R. Stabb—to the Committee on War Claims.

Also, petition of Alexandria (Va.) Council, No. 33, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of Patriotic Order Sons of America, Corning, N. Y., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of San Francisco Labor Council, relative to Japanese school question against President's utterances relative to same—to the Committee on Foreign Affairs.

Also, petition of Colonel S. Y. Seyburn Camp, No. 13, Spanish War Veterans, for restoration of canteen—to the Committee on Military Affairs.

By Mr. SCHNEEBELI: Petition of Thomas F. Adkins, Rochester, N. Y., for the Crumpacker bill relative to the fraud-order law—to the Committee on the Judiciary.

By Mr. SHARTELL: Petition of Commercial Club of Joplin, Mo., for increase of salaries of first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of Camp Louis A. Craig, Army of Philippines, Kansas City, Mo., favoring bill H. R. 18276, relative to bestowal of badges to those who fought in Philippines—to the Committee on Military Affairs.

Also, petition of Peter Francis, for $50,000 appropriation for improvement of rivers and harbors of Missouri—to the Committee on Rivers and Harbors.

Also, petition of citizens of Fifteenth Congressional district, for $50,000 for river and harbor improvements in Missouri—to the Committee on Rivers and Harbors.

By Mr. SHEPPARD: Paper to accompany bill for relief of legal representatives of Samuel Dickens—to the Committee on War Claims.

Also, paper to accompany bill for relief of Joseph F. Knighten and John M. Smith—to the Committee on Pensions.

Also, paper to accompany bill for relief of Stephen D. Jordan—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of F. C. Warner Camp, Spanish War Veterans, Ilion, N. Y., for restoration of Army canteen—to the Committee on Military Affairs.

Also, petition of Utica Council, No. 50, and Guiding Star Council, No. 29, Daughters of Liberty, Utica, N. Y., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Arizona: Petition of citizens of Tucson, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Yuma County Commercial Club and board of supervisors of Yuma County, for an appropriation of $2,000,000 for turning Colorado River for Salton Sea—to the Committee on Rivers and Harbors.

Also, petition of Bisbee Daily Review, the Republican, Phoenix, and the Enterprise, Phoenix, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Pennsylvania: Petition of San Francisco Labor Council, against utterances of the President relative to Japanese in schools of said city—to the Committee on Foreign Affairs.

Also, petition of Pennsylvania State Camp, Patriotic Sons of America, and National Camp, Patriotic Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SNAPP: Petition of Daily News, Elgin, Ill., and Daily News, Aurora, Ill., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Elgin Merchants' Association, for increase of salaries of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. SOUTHARD: Petition of Ohio State Dental Society, for bills relative to dental service in the Army—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of John A. Hulen—to the Committee on War Claims.

By Mr. TAWNEY: Paper to accompany bill for relief of Lewis L. Bingham—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: Paper to accompany bill for relief of Richard J. Fanning—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: Petition of International Seamen's Union, against the subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, and National Camp, Patriotic Order of Americans, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. WACHTER: Petition of ministers of the Methodist Episcopal churches of Baltimore, Md., for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Pennsylvania State Camp, National Camp, and New York State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. WALDO: Petition of George A. Orrok, George W.

Tillson, and Edwin Sanderson, for continuance of appropriation for measurement of water flow in rivers by the Hydrographic Bureau—to the Committee on Appropriations.

Also, petition of Augustine L. Roderiguey, for annexation of Cuba to United States—to the Committee on Insular Affairs.

By Mr. WILLIAMS: Paper to accompany bill for relief of estate of Jacob Oates, Warren County; estate of Rebecca E. Sexton, Warren County; estate of Elizabeth Hemphill, Hinds County; estate of J. P. Davis, Yazoo County, and Burwell V. McGuffie—to the Committee on War Claims.

By Mr. ZENOR: Paper to accompany bill for relief of Isaiah Carter and George Peyton—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *January 8, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

Mr. WILLIAM B. ALLISON, a Senator from the State of Iowa, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

KLAMATH INDIAN AGENCY, OREG.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an increase in the estimate of appropriation for the support of the Indians of the Klamath Agency, Oreg., from $5,000 to $8,000; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

H. R. 16548. An act to provide for a judicial review of orders excluding persons from the use of United States mail facilities; and

H. J. Res. 214. Joint resolution to provide for the printing of 16,000 copies of Senate Document No. 144, Fifty-ninth Congress, second session.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the preachers' meeting of the Methodist Episcopal Church of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Townsend, Mont., and of Mitchell County, Kans., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Augusta, Ga., praying for the establishment in Africa of a free and independent government for ex-slaves and their offspring under the protection of the United States; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Rochester and New York, N. Y., and of Chicago and Blue Island, Ill., remonstrating against any investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. CULBERSON presented the petition of Godfrey R. Fowler, of Texas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. NELSON presented petitions of the congregation of the Evangelical Church, of the Woman's Christian Temperance Union of Preston, of sundry citizens of Argyle, of the congregation of the Baptist Church, and of the Woman's Christian Temperance Union of Anoka, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. MILLARD presented memorials of sundry railway employees of North Platte and Omaha, Nebr., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. DEPEW presented a memorial of Local Division No. 154, Order of Railway Conductors, of Binghamton, N. Y., remonstrating against the enactment of legislation limiting the hours of service of railway employees; which was ordered to lie on the table.

Mr. FRAZIER presented a petition of the trustees of the Methodist Episcopal Church South, of Saulsbury, Tenn., praying for the payment of their claim against the United States, as recommended by the Court of Claims; which was referred to the Committee on Claims.

Mr. CULLOM presented memorials of sundry citizens of Chicago, Ill., remonstrating against any investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. FULTON presented a petition of sundry citizens of Ashland, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HEMENWAY presented memorials of sundry employees of the western division of the Pennsylvania Railroad, west of Pittsburg, Pa., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. BEVERIDGE presented a petition of sundry citizens of South Bend, Ind., and of sundry citizens of La Porte, Ind., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a memorial of Local Division No. 186, Street and Electric Railway Employees' Association, of Anderson, Ind., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of the congregation of the First Presbyterian Church of Hartford City; of the congregation of the Third Presbyterian Church of New Albany, and of the congregation of the Presbyterian Church of Kingston, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Graessle Mercer Company, of Seymour, Ind., praying for the enactment of legislation to remove the duty on composing and linotype machines and the parts thereof; which was referred to the Committee on Finance.

He also presented a memorial of Crescent City Council, No. 14, United Commercial Travelers of America, of Evansville, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted by the San Francisco Labor Council, of San Francisco, Cal., relative to the exclusion of Japanese from the schools of that city; which were referred to the Committee on Foreign Relations.

He also presented a petition of the city council of Chicago, Ill., praying that the outflow from Lake Michigan be controlled solely by legislation and not by treaty with any foreign government; which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Hartford City, Dubois County, and Sullivan County, all in the State of Indiana, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

MISSOURI RIVER BRIDGE.

Mr. BERRY. I report back favorably without amendment, from the Committee on Commerce, the bill (S. 7211) to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904, and I submit a report thereon. I call the attention of the Senator from Missouri [Mr. WARNER] to the bill.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO ARMY NURSES.

Mr. SCOTT. I am authorized by the Committee on Pensions to report back favorably the bill (S. 695) increasing the pensions of Army nurses. I report the bill without amendment, and submit a report thereon. At as early day as possible I shall try to call up the bill by unanimous consent.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. McCUMBER. As a minority of the Committee on Pensions, I submit adverse views upon the bill reported favorably by the Senator from West Virginia.

The VICE-PRESIDENT. The views of the minority of the committee will be printed in connection with the report.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 7612) granting an increase of pension to Amos Brough; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 7613) granting an increase of pension to Joseph T. Woodward; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7614) to amend the act entitled "An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes," approved July 7, 1898; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOPKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7615) granting an increase of pension to James M. Brown; and

A bill (S. 7616) granting an increase of pension to Ezekiel C. Ford.

Mr. MILLARD introduced a bill (S. 7617) granting an increase of pension to Victor H. Coffman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 7618) providing for the control of grazing upon the public lands in the arid States and Territories of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BURKETT. I ask that 5,000 copies additional of the bill be printed for the use of the Senate. It is a bill similar to one I introduced at the last session, and there was an extra number printed at that time. The bill in its present form embodies some amendments in which certain organizations are concerned.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent that in addition to the usual number 5,000 copies of the bill be printed for the use of the Senate. Is there objection? The Chair hears none, and it is so ordered.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7619) granting an increase of pension to Ella L. Deweese;

A bill (S. 7620) granting an increase of pension to Robert E. McBride (with accompanying papers); and

A bill (S. 7621) granting an increase of pension to John Lynch.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7622) granting an increase of pension to George K. Taylor; and

A bill (S. 7623) granting an increase of pension to Sarah A. Kumler.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7624) granting an increase of pension to Andrew Ogle;

A bill (S. 7625) granting a pension to Perry H. Johnson;

A bill (S. 7626) granting an increase of pension to Enoch Childers;

A bill (S. 7627) granting a pension to Waldo W. Gifford; and

A bill (S. 7628) granting an increase of pension to John P. Wildman.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7629) for the relief of Harmon Snyder;

A bill (S. 7630) for the relief of the estate of Sarah J. Ronemous, deceased; and

A bill (S. 7631) for the relief of Jasper Workman.

Mr. KNOX introduced a bill (S. 7632) granting an increase of pension to Elias Garrett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KNOX (for Mr. PENROSE) introduced a bill (S. 7633) to encourage and temporarily assist the construction, equipment, operation, and maintenance of railroads in the district of Alaska, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. KITTREDGE introduced a bill (S. 7634) granting an increase of pension to Charles Shattuck; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WARREN introduced the following bills; which were severally read twice by their titles, and, with accompanying papers, referred to the Committee on Pensions:

A bill (S. 7635) granting an increase of pension to Louis Grade; and

A bill (S. 7636) granting an increase of pension to Samuel M. Breckenridge.

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7637) granting an increase of pension to Andrew Brown;

A bill (S. 7638) granting a pension to Spencer Woods;

A bill (S. 7639) granting an increase of pension to Paul H. Burns;

A bill (S. 7640) granting an increase of pension to Stephen H. S. Cook;

A bill (S. 7641) granting an increase of pension to Mary E. Ostheimer; and

A bill (S. 7642) granting an increase of pension to Oliver H. Rhoades.

Mr. SPOONER introduced a bill (S. 7643) for the promotion and retirement of Col. John B. Rodman, United States Army, retired; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MONEY introduced a bill (S. 7644) for the relief of the estate of James S. Wilson; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KITTREDGE submitted an amendment authorizing the Secretary of the Interior to pay the judgment obtained by Jane E. Waldron in the United States circuit court for the district of South Dakota in the case entitled "Jane E. Waldron against Black Tomahawk and Ira Hatch, agent of the Cheyenne River Agency," intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate $50,000 for compensation and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, etc., intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Manufactures, and ordered to be printed.

He also submitted an amendment relative to the appointment of three clerks of class 4, one of whom shall act as chief clerk, in the Bureau of Manufactures, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Manufactures, and ordered to be printed.

PROTECTION OF PACKAGES IN THE MAIL.

On motion of Mr. CARTER, it was

Ordered, That 1,000 additional copies of the bill (S. 6923) for the better protection of packages sent through the mails be printed for the use of the committee.

COMMITTEE ON VENTILATION AND ACOUSTICS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there shall be added to the select committees of the Senate the Committee on Ventilation and Acoustics.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the following constitute the Select Committee of the Senate on Ventilation and Acoustics: Mr. DU PONT (chairman), Messrs. GALLINGER, GAMBLE.

Mr. HALE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Select Committee on Ventilation and Acoustics be authorized to employ a messenger at $1,440 per annum, the same to be paid out of the contingent fund of the Senate.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on Appropriations be authorized and instructed to provide for a clerk of the Select Committee on Ventilation and Acoustics, at an annual salary of $1,800.

COMMITTEE ON MANUFACTURES.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Mr. DU PONT be appointed to fill the vacancy in the Committee on Manufactures.

JOANNA C. KELLEY.

Mr. RAYNER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, from the contingent fund of the Senate, to Joanna C. Kelley, widow of T. A. Kelley, late a fireman in the employ of the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

ESTATE OF JAMES MAKOY, DECEASED.

Mr. MONEY submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 1296) for the relief of the estate of James Makoy, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

CHANGE OF REFERENCE.

Mr. LODGE. I asked the other day that Senate Document No. 165, being the letter from the Secretary of War transmitting, pursuant to Senate resolution, a report relative to allowances made by the Quartermaster-General's Department upon the claims of D. M. Carman, of Manila, P. I., etc., and Senate Document No. 166, being the letter from the Secretary of War relative to allowance made by the Quartermaster-General's Department on the claim of Brooks & Co., of Santiago, for the loss of the lighter *Maria*, etc., be referred to the Committee on Military Affairs. The bills to which those documents relate I find have been referred to the Committee on Claims, and the reference which I requested was a mistaken one. I ask that the reference may be changed, and that Documents 165 and 166 may be referred to the Committee on Claims, where the bills are pending.

The VICE-PRESIDENT. Without objection, that change of reference will be made.

ANNUAL REPORT NATIONAL PUBLICITY BILL ORGANIZATION.

Mr. PATTERSON. Mr. President, there is a bill pending in the House and in the Senate that relates to publicity of political contributions in national elections. A national organization was established for the purpose of advancing the interests of the measure. Lately that organization held its first annual convention. I have the proceedings of that convention, and I ask unanimous consent that they be printed as a Senate document for the use of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none, and the proceedings mentioned will be printed as a Senate document.

HOUSE BILLS REFERRED.

H. R. 16548. An act to provide for a judicial review of orders excluding persons from the use of United States mail facilities; which was read twice by its title, and referred to the Committee on the Judiciary.

H. J. Res. 214. Joint resolution to provide for the printing of 16,000 copies of Senate Document No. 144, Fifty-ninth Congress, second session; which was read twice by its title, and referred to the Committee on Printing.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. The morning business is closed.

Mr. FORAKER rose.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution submitted by Mr. FORAKER, as modified, as follows:

Resolved, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge of members of Companies B, C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

The committee, or any subcommittee thereof, is further authorized, if deemed necessary, to visit Brownsville, Tex., inspect the locality of the recent disturbance, and examine witnesses there.

Mr. FORAKER. I received a communication a few moments ago from the Senator from South Carolina [Mr. TILLMAN], stating that he is so ill with the grippe and cold, from which he has been suffering for a few days, that he is unable to be in attendance, informing me further that he desires to speak upon this resolution, and requesting me to allow it to go over until to-morrow. That I am quite willing to agree to, but I understand that there are other Senators who desire to speak. If so, I will waive any right I may have under the notice I gave yesterday to speak further at this time, and speak later, if I find it agreeable to do so.

Mr. DANIEL. I would be glad to speak to-day.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. FORAKER. Certainly.

Mr. OVERMAN. Mr. President——

Mr. FORAKER. I will say further that on yesterday we arrived at an agreement, as I understood it, that the Senator from North Carolina [Mr. OVERMAN], who had given notice that he would address the Senate at this hour, should not be interfered with, but be allowed to proceed.

Mr. DANIEL. I would be glad if it could be understood that when the Senator from North Carolina gets through I may take the floor. I have no idea of interfering with him.

Mr. FORAKER. Then I will ask that the resolution may be temporarily laid aside until after the Senator from North Carolina has completed his remarks.

Mr. OVERMAN. I wish to say that I knew nothing about the unanimous-consent agreement, and there was no unanimous-consent agreement when I gave the notice. As I understand the rules of the Senate, I can only proceed by the courtesy of the Senate.

The VICE-PRESIDENT. The Chair recognizes the Senator from North Carolina.

EXTENSION OF FEDERAL POWERS.

Mr. OVERMAN. I ask the Secretary to read Senate resolution No. 200, on which I propose to make some remarks.

The VICE-PRESIDENT. The resolution will be read at the request of the Senator from North Carolina.

The Secretary read the resolution submitted by Mr. WHYTE December 17, 1906, as follows:

1. *Resolved*, That the people of the several States, acting in their highest sovereign capacity as free and independent States, adopted the Federal Constitution and established a form of government in the nature of a confederated republic, and for the purpose of carrying into effect the objects for which it was formed delegated to that Government certain rights enumerated in said Constitution, but reserved to the States, respectively, or to the people thereof, all the residuary powers not delegated to the United States by the Constitution nor prohibited by it to the States.

2. *Resolved further*, That the extension of the Federal powers beyond those enumerated in the Constitution can only be rightfully accomplished in the manner provided by that instrument, and not by a strained construction of the Constitution which shall obliterate all State rights and vest the coveted, but not granted, power where it will be exercised by the General Government.

Mr. OVERMAN. Mr. President, written in the constitution of the great State of North Carolina, which I have the honor in part to represent, is the following clause, which at the present time is very significant:

A recurrence to first principles is absolutely necessary to the preservation of our liberties.

Judging from newspaper articles, magazine articles, and certain banquet speeches, the very significant utterances of men of prominence, great leaders of the Republican party, who fearlessly and candidly declare the doctrines of the old Federalists, and who propose in a measure to shape the policy of their party and declare its issues, and, judging from certain measures which are proposed here, it is high time that we should recur to fundamental principles and maintain those immortal truths and tenets upon which rest the very framework of this great Republic; and it is about time to stop and take our bearings and see whither we are drifting, to guard against being dashed to pieces against the rock of anti-republicanism or against being driven into unknown seas.

Chief Justice Marshall never stated a greater truth than when upon one occasion he stated that delegated powers are often abused. If they were liable to abuse in his day, how much more now, when men are thirsting for more power, are they liable to abuse to suit the purpose of those in authority, who, acting perhaps as they think for the best interests of the country, are tempted to put the most strained construction upon the commerce clause of the Constitution?

Bills have been introduced in this Congress to regulate child labor in the factories and mines of the States. One bill introduced by the senior Senator from Massachusetts [Mr. LODGE].

And a bill proposed by the senior Senator from Indiana [Mr. BEVERIDGE], which is as follows:

Be it enacted, etc., That six months from and after the passage of this act no carrier of interstate commerce shall transport or accept for transportation the products of any factory or mine in which children under 14 years of age are employed or permitted to work, which products are offered to said interstate carrier by the firm, person, or corporation owning or operating said factory or mine, or any officer or agent or servant thereof, for transportation into any other State or Territory than the one in which said factory is located.

SEC. 2. That no carrier of interstate commerce shall transport or accept for transportation the products of any factory or mine offered it for transportation by any person, firm, or corporation which owns or

operates such factory or mine, or any officer, agent, or servant of such person, firm, or corporation, until the president or secretary or general manager of such corporation or a member of such firm or the person owning or operating such factory or mine shall file with said carrier an affidavit to the effect that children under 14 years of age are not employed in such factory or mine.

SEC. 3. That the form of said affidavit shall be prescribed by the Secretary of the Department of Commerce and Labor. After the first affidavit is filed a like affidavit shall be filed, on or before July 1 and on or before December 31 of each year, with the interstate carrier to which such factory or mine offers its products for transportation; and after the first affidavit subsequent affidavits shall also state that no children under 14 years of age are employed or permitted to work in said factory or mine or have been employed or permitted to work in said factory or mine at any time during the preceding six months.

SEC. 4. That any officer or agent of a carrier of interstate commerce who is a party to any violation of this act or who knowingly violates any of the provisions of this act shall be punished for each offense by a fine of not more than $10,000 nor less than $1,000 or by imprisonment for not more than six months nor less than one month or by both said fine and imprisonment, in the discretion of the court. Any person by this act required to file the affidavit herein provided for who fails or refuses to file such affidavit or who shall make a false statement in said affidavit, shall be punished by a fine not exceeding $20,000 nor less than $5,000 or by imprisonment not exceeding one year nor less than three months, or by both said fine and imprisonment, in the discretion of the court.

This bill has also been proposed as an amendment to the bill now pending to regulate child labor in the District of Columbia.

Mr. President, the enactment into law of either one of these bills, in my judgment, would be not only to stretch almost to the breaking the commerce clause of the Constitution, but would be a usurpation of the rights of the States or the people, an assumption of that power which they reserved when the tenth amendment to the original Constitution was adopted.

Mr. President, the old Confederation entered into after our independence was established for the benefit of the colonies proved a dismal failure. With no provision for the regulation of commerce, no provision for the raising of revenue or the laying of imposts, all was inharmonious, distress came, and the people were not only humiliated but degraded. Then, upon the invitation of several of the States, a convention was called for the purpose of establishing a more stable government and the adoption of a constitution. In this convention all the States were represented.

The Constitution then adopted was submitted to the States for ratification and was adopted by nine of the States, that being the number required for its ratification. Some of the States, however, refused to ratify until they were assured that it would be amended so as to protect the people in their rights, home rule and local self-government; so that it should be clearly understood and written in the instrument itself that the government to be established should be one of limited powers only, and that all the powers not granted therein should be reserved to the people. I doubt if the State of Massachusetts would have ever ratified the Constitution if she had not been assured by John Hancock that certain amendments would be adopted, one of which she herself proposed, among others, was almost in the language of the tenth amendment itself. The State of North Carolina, always conservative, but always jealous of her rights, absolutely refused to adopt the Constitution until it was made certain that the ten amendments were or would be adopted. She was not in the Union and did not participate in the election of the first President, and refused to join until November, 1789, when she ratified the Constitution. She was one of the last to go in as she was the last of the Southern States to secede.

The very prefix to the resolution of the Congress submitting these amendments to the States for their adoption stated that a number of States at the time of the ratification of the Constitution expressed a desire, in order to prevent misconstruction and abuse of its powers, that further declaratory and restrictive clauses should be added. It is therefore evident that not only the States, but the Congress itself, in every way they could endeavored to throw around it every safeguard to prevent strained constructions and abuses of power which seemed to have been anticipated, as well as to extend the grounds of public confidence in the Government.

In this connection and for the purpose of this argument I will read the tenth amendment or article, as well as the ninth article to be taken in connection therewith.

ARTICLE IX. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X. The powers not delegated to the United States by the Constitution, not prohibited by it to the States, are reserved to the States, respectively, or to the people.

Now, Mr. President, it is well not only to quote the language as it is written, which seems simple and plain enough and which is in no way involved. In the great case of Gibbons *v.* Ogden (9 Wheat., p. 188) Chief Justice Marshall says, in relation to this clause:

As men whose intentions require no concealment generally employ words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution and the people who adopted it must be understood to have employed words in their natural sense and to have intended what they have said.

But let us see how these principles were understood and expounded at the time of their adoption. Mr. Jefferson declared the duty of the Government to be—

The support of the State governments in all their rights as the most competent administration of our domestic affairs, the surest bulwark against antirepublican tendencies, the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad.

And Mr. Madison declared the purposes of the Government to be under the Constitution—

To support the Constitution, which is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and to the people and equally incorporated with and essential to the success of the general system.

As there was in those days of its adoption, there is to-day, it seems, a strong sentiment growing in this country for a consolidated or centralized government, for the extinction of the rights of the States, and abolition of State lines. This sentiment has grown with the inordinate desire for the dollar; the desire for grandeur and glory has increased with the growth of commercialism, the building up of mighty fortunes, the growth of a moneyed aristocracy, the centralization of great wealth in the hands of the few, produced by the great trusts and monopolies, many of which were organized for the purpose of crushing out competition and which have been robbing the people of untold millions.

A great writer years ago said:

With the aristocracy which great wealth brings comes the desire for power and glory, conferring greater power and necessarily reducing many to weakness, misery, and oppression.

And, I will add, with it comes corruption, if not despotism, and with the power that great wealth brings comes the desire for centralization of power in the Government, and with these desires realized a government of the people, for the people, and by the people will be a thing of the past.

Under our dual system of government, the reserved and delegated powers respected and no intrenchment upon one nor the other, this country has progressed beyond the wildest dreams of the fathers, our civilization has rapidly advanced, our increase of wealth has been marvelous, and there is no reason why the system should be changed and the limitations placed in the Constitution be obliterated; there is no reason for any departure from the fundamental principles as construed and expounded by the founders of the Republic and by the highest court of the land.

There is no question but that this Government derived all the power it has from the people of the States, and its Constitution was adopted by them with its written limitation and checks against abuses and usurpations. Shall the Congress not respect the limitations of the Constitution? And in the language of that great charter of our liberties, Shall it disparage the rights retained by the people?

No, Mr. President, the rights reserved to the States or to the people must be peacefully but efficiently protected against any encroachment by the General Government. And this great body which represents the States should see to it that there shall be no invasion upon these powers, should see to it that the fundamental principles of our free institutions are maintained in their full strength and vigor. For an encroachment upon these reserved rights to the extent which the tendencies of the time seem to be leading would be for the Central Government to interfere with, administer upon, and control the industrial, the local, and the domestic concerns of the people in the States, and when once begun and the precedent established there is no telling where it would lead nor where it would end, and State sovereignty would finally be no more. Instead of impairing the sovereignty of the State it is the duty of Congress to uphold and protect it to the last.

If more power is needed for the successful operation of the Government owing to changed conditions, the way is clearly pointed out; the method is provided for in the Constitution by Article V. Let an amendment be submitted to the States. In any event, let the people be consulted; let their sacred will be known, let their consent be given to the surrender of any of their rights, and without their consent let nothing be done by an unwarranted construction.

I will here read, Mr. President, the interstate-commerce clause of the Constitution:

The Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes.

It might be important here to observe that in the debates in the Constitutional Convention history shows that much more extensive grants of commercial power were proposed, asked for, and most strenuously advocated, but all such propositions were

voted down and this simple clause adopted by the wise men who composed that convention and who, being fresh from the people, respected their will.

Under the power here given, which was absolutely necessary for the General Government to have in order to harmoniously and efficiently regulate the commerce between the States and foreign nations, it is now claimed and seriously contended by some in this day and time that there is no limit to the extent of the power of Congress in commercial matters, and this is claimed in the face of frequent deliverances of the Supreme Court construing this clause.

There is probably, Mr. President, no limit to the power of Congress to deal with commerce as soon as it begins its transit or journey and until it ends and to deal with it while in transit between the States, and also it has full power to prescribe all the rules, regulations, and conditions under which it is governed. But as Congress has the exclusive power over interstate commerce, so the State has the exclusive power to control its own domestic and internal affairs, and it should be permitted to do so without question. Without the consent of the State the Congress has not only no business, but no power to interfere. And for any fancied act of omission of commission, I must say it is going very far for one citizen of another State or one high in authority in this Government to condemn and threaten the extinction of her rights as a State.

I am free to admit, Mr. President, that in some matters affecting the interstate commerce where citizens or corporations of one State are so conducting their business as to work an injury to citizens of other States, and where the other States, even under their reserved power, are powerless to protect themselves against the wrong done them on account of the power which has been surrendered to the Government, it is necessary for Congress to interfere and legislate for the purpose of controlling and regulating in these matters—such as the rate bill, the pure-food bill, and the food-inspection law, all of which receive my most hearty indorsement—and in my opinion no legislation for a century has done more for the good of all the people.

But when it is proposed to regulate and control these matters which can be controlled whether the State will or will not, as regards articles of commerce which in themselves can possibly work no injury upon citizens of other States, I deny the power of the General Government to interfere in any respect to the point where it begins its transit.

Though commerce and the scope of Congress over its regulations, under these laws, have been extended so as to include manufacture, the mere fact that goods are manufactured in the State for export to another, this fact in itself does not constitute in them interstate commerce within the meaning of the Constitution. This is so held by the Supreme Court of the United States in the case of Coe *v.* Erroll (116 U. S., 517).

In that case certain logs cut at a place in New Hampshire had been hauled to the town of Erroll, on the Androscoggin River, in that State, for the purpose of transportation beyond the limits of the State to Lewiston, Me., and were held at Erroll for a convenient time for shipment, and taxes were assessed on these logs for city and county and State purposes, and the question was whether these logs were subject to taxation like other property in New Hampshire, as they were to be exported into another State, and Justice Bradley, delivering the opinion of the court, says:

"Do the owner's state of mind in relation to the goods—that is, his intent to export them and his partial preparation to do so—exempt them from taxation? This is the precise question for solution.

"There must be a point of time when they cease to be governed exclusively by the domestic law and begin to be protected by the national law of commercial regulation, and that moment seems to us to be a legitimate one for this purpose in which they commence their final movement for transportation from the State of their origin to that of their destination. When the products of the farm or the forests are collected and brought in from the surrounding country to a town or station serving as an entrepôt for that particular region, whether on a river or a line of railroad, such products are not yet exports, nor are they in process of exportation, nor is exportation begun until they are committed to the common carrier for transportation out of the State to the State of their destination or have started on their ultimate destination to that State.

"Until then it is reasonable to regard this as not only within the State of their origin, but as a part of the general mass of property of that State, subject to its jurisdiction and liable to taxation. Then if not taxed by reason of their being intended for exportation, but taxed without any discrimination in the usual way and manner in which such property is taxed in the State, * * * the point of time when State jurisdiction over the commodity of commerce begins and ends is not an easy matter to designate or define, yet it is highly important both to the shipper and to the State that it should be clearly defined so as to avoid all ambiguity or question. But no definite rule has been adopted with regard to the point of time at which the taxing power of the State ceases as to goods exported to a foreign country or to another State. What we have already said, however, in relation to the products of a State intended for exportation to another State will indicate the view which seems to us to be the sound one on that subject, namely, that such goods do not seem to be part of the general mass of property subject as such to its jurisdiction and to taxation in the usual way until they have been shipped or entered with a common carrier for transportation to another State or have been started upon such transportation in a continuous route or journey."

The courts have held that the police power of a State is as broad and plenary as its taxing power. This being the doctrine as to the taxing power, Mr. President, all property in the State, therefore, is subject to the police power of that State so long as it remains in the State and before it starts upon its journey as commerce from one State to another.

If Congress can regulate child labor in our factories and mines under the interstate-commerce clause or any other clause of the Constitution, it has the power and can with the same reason regulate child labor upon the farm, can regulate the ages at which the boys and girls of the farm can pick from the boll the fleecy staple which is taken to the gin and then to the factory to be manufactured into cloth. It can regulate the ages at which the farmers' children shall work in the great wheat fields in the States of the Northwest, for the farmers have in mind when the wheat is produced that a greater portion of it is for interstate commerce, and it is to be shipped abroad to other states and foreign countries. The production of wheat and its manufacture into flour, though intended for such, is not interstate commerce. Neither is the production of cotton and its manufacture into cloth interstate commerce, though intended for such. As Justice Bradley says, "It is not the owner's or producer's mind which makes the commodity interstate commerce."

The cotton farmer knows that more than nine-tenths of his cotton will be shipped abroad; he knows that the price of cotton is fixed in Liverpool, a foreign market. While we manufacture about 2,500,000 bales in this country, about 7,500,000 bales are shipped to foreign countries. This does not make the raw material nor the manufactured products articles of interstate commerce. It does not become so until placed in cars or boats of the carrier for shipment.

If Congress is to regulate the cotton mills, why not let it go into the regulating business generally? Regulate the flour mills, the steel mills, the shoe factories, the clothing factories, and regulate the farms; regulate the laws in regard to health; let it regulate every branch of industry which contemplates an interstate or foreign market, and then there will be little left for the State to do.

I wish to say, Mr. President, that I am heartily in favor of reasonable child-labor laws. I favor a child-labor law for the District of Columbia, and, with some amendments, shall support the bill for that purpose now pending. I have favored a reasonable child-labor law for the mines and factories of my own State. We have such a law upon our statute books passed in 1903, a law passed by the legislature of that State, which had the power and whose concern it was, and not by the Congress, which has not the power and whose concern it was not. Such legislation by the General Government I am opposed to as being a step toward centralization and an invasion upon the rights of the State. The President, in his message, recognizes the fact that the power to control child labor is in the States and does not belong to Congress, for he says in his message to this session of Congress:

"The horrors incident to the employment of young children in factories or at work anywhere are a blot on our civilization. It is true that each State must ultimately settle the question in its own way, but a thorough official investigation of the matter, with the results published broadcast, would greatly help toward arousing the public conscience and securing unity of State action in the matter."

I am glad to state, too, Mr. President, that our cotton-mill children have the opportunity afforded them of an education. Many of our factories maintain the very best schools for from four to eight months, with the very best school buildings with modern equipment, and employ the best teachers, all at their own expense, and every opportunity is given for the education of the children.

While there may be much truth in it, and there may be, and perhaps is, an evil that should be corrected in the proper way,

yet, in my judgment, there is a good deal of claptrap in all this cry about the crimes against humanity and slavery in the cotton mills.

Where the evils exist the States can and will correct them. I insist that in this Christian land of ours there is no less of higher moral ideas and humanitarianism—the brotherhood of man—in one State than another. We are all living and moving on a higher, nobler, and more Christian-like plane, I trust, and where one State has seen its duty and legislated in favor of humanity and corrected these evils you may soon expect that the Christian and patriotic sentiment in other States will cause their legislatures to act in these matters until we have the uniformity that is so much desired.

And again, Mr. President, the law which will suit one State might not prove satisfactory to the people of another State, where conditions are entirely different, and the regulation should be left to each State, which knows its own conditions best. The power to pass such a law is exclusively in the State. The States never surrendered to the General Government the power or its right to legislate upon questions affecting the life and liberty of its citizens. It never surrendered its right to legislate upon the rights of person or property or upon questions affecting the good order of society, the public health, or upon any of its internal, industrial, or domestic concerns. It never surrendered its police power, and it never will. These rights they not only did not surrender, but the people have always jealously guarded them and reserved them. This was clearly understood when the Constitution was adopted, and to properly safeguard them was the reason for the adoption of the ten amendments.

These questions have been before the Supreme Court and, in my opinion, have been settled in a variety of cases.

In the case of Kidd *v.* Pearson (128 U. S., 1), Justice Lamar, writing the opinion of the court, says (p. 16):

"The line which separates the province of Federal authority over the regulation of commerce from the powers reserved to the States has engaged the attention of this court in a great number and variety of cases. The decisions in these cases, though they do not in a single instance assume to trace that line throughout its entire length, or to state any rule further than to locate the line in each particular case as it arises, have almost uniformly adhered to the fundamental principles which Chief Justice Marshall, in the case of Gibbons *v.* Ogden (9 Wheat., 1), laid down as to the nature and extent of the grant of power to Congress on this subject, and also of the limitations, express and implied, which it imposes upon State legislation, with regard to taxation, to the control of domestic commerce, and to all persons and things within its limits of purely internal concern.

"According to the theory of that great opinion the supreme authority of this country is divided between the Government of the United States, whose action extends over the whole Union, but which possesses only certain powers enumerated in its written Constitution, and the separate governments of the several States, which retain all powers not delegated to the Union. The power expressly conferred upon Congress to regulate commerce is absolute and complete in itself, with no limitations other than are prescribed in the Constitution; is to a certain extent exclusively vested in Congress, so far free from State action; is coextensive with the subject on which it acts, and can not stop at the external boundary of a State, but must enter into the interior of every State whenever required by the interests of commerce with foreign nations, or among the several States. This power, however, does not comprehend the purely internal domestic commerce of a State which is carried on between man and man within a State or between different parts of the same State.

"The distinction is stated in the following comprehensive language:

> The genius and character of the whole Government seem to be that its action is to be applied to all the external concerns of the nation and to those internal concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government. The completely internal commerce of a State, then, may be considered as reserved for the State itself. (P. 195.)

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"No distinction is more popular to the common mind or more clearly expressed in economic and political literature than that between manufactures and commerce. Manufacture is transformation, the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and the transportation incidental thereto constitute commerce, and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. The legal definition of the term as given by this court in County of Mobile *v.* Kimball (102 U. S., 691, 702) is as follows: 'Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities.' If it be held that the term includes the regulation of all such manufactures as are intended to be the subject of commercial transactions in the future, it is impossible to deny that it would also include all productive industries that contemplate the same thing. The result would be that Congress would be invested, to the exclusion of the States, with the power to regulate not only manufactures, but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short every branch of human industry. For is there one of them that does not contemplate, more or less clearly, an interstate or foreign market?

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"The power being vested in Congress and denied to the States, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these delicate, multiform, and vital interests, interests which in their nature are and must be local in all the details of their successful management.

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"This being true, how can it further that object so as to interpret the constitutional provision as to place upon Congress the obligation to exercise the supervisory powers just indicated? The demands of such a supervision would require, not uniform legislation generally applicable throughout the United States, but a swarm of statutes only locally applicable and utterly inconsistent. Any movement toward the establishment of rules of production in this vast country, with its many different climates and opportunities, could only be at the sacrifice of the peculiar advantages of a large part of the localities in it, if not of every one of them. On the other hand, any movement toward the local, detailed, and incongruous legislation required by such interpretation would be about the widest possible departure from the declared object of the clause in question. Nor this alone. Even in the exercise of the power contended for, Congress would be confined to the regulation, not of certain branches of industry, however numerous, but to those instances in each and every branch where the producer contemplated an interstate market. These instances would be almost infinite, as we have seen; but still there would always remain the possibility—and often it would be the case—that the producer contemplated a domestic market. In that case the supervisory power must be executed by the State, and the interminable trouble would be presented that whether the one power or the other should exercise the authority in question would be determined, not by any general or intelligible rule, but by the secret and changeable intention of the producer in each and every act of production. A situation more paralyzing to the State governments and more provocative of conflicts between the General Government and the States, and less likely to have been what the framers of the Constitution intended, it would be difficult to imagine.

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"These questions are well answered in the language of the court in the license-tax cases (5 Wall., 462, 470): 'Over this commerce and trade (the internal commerce and domestic trade of the States) Congress has no power of regulation, nor any direct control. This power belongs exclusively to the States. No interference by Congress with the business of citizens tranacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject.'"

In Wilkerson *v.* Rahrer (140 U. S., 545) the justice, in writing the opinion of the court, says (p. 554):

"The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government nor directly restrained by the Constitution of the United States, and essentially exclusive.

"And this court has uniformly recognized State legislation, legitimately for police purposes, as not in the sense of the Constitution necessarily infringing upon any right which has been confided expressly or by implication to the National Government.

"The fourteenth amendment, in forbidding a State to make or enforce any law abridging the privileges or immunities of citizens of the United States, or to deprive any person of life, liberty, or property without due process of law, or to deny to any person within its jurisdiction the equal protection of the

laws, did not invest and did not attempt to invest Congress with power to legislate upon subjects which are within the domain of State legislation.

"As observed by Mr. Justice Bradley, delivering the opinion of the court in the Civil Rights cases (109 U. S., 3, 13), the legislation under that amendment can not 'properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons of the equal protection of the laws is prohibited by the amendment, therefore Congress may establish laws for their equal protection.'

"In short, it is not to be doubted that the power to make the ordinary regulations of police remain with the individual States and can not be assumed by the National Government, and that in this respect it is not interfered with by the fourteenth amendment. (Barbier *v.* Connolly, 113 U. S., 27-31.)

"'Commerce undoubtedly is traffic,' said Chief Justice Marshall, 'but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches and is regulated by prescribing rules for carrying on that intercourse.' Unquestionably, fermented, distilled, or other intoxicating liquors or liquids are subjects of commercial intercourse, exchange, barter, and traffic between nation and nation and between State and State, like any other commodity in which a right of traffic exists, and are so recognized by the usages of the commercial world, the laws of Congress, and the decisions of courts. Nevertheless, it has been often held that State legislation which prohibits the manufacture of spirituous, malt, vinous, fermented, or other intoxicating liquors within the limits of a State, to be there sold or bartered for general use as a beverage, does not necessarily infringe any right, privilege, or immunity secured by the Constitution of the United States or by the amendments thereto. (Mugler *v.* Kansas, 123 U. S., 632, and cases cited.) 'These cases,' in the language of the opinion in Mugler *v.* Kansas (p. 659), 'rest upon the acknowledged right of the States of the Union to control their purely internal affairs, and in so doing to protect the health, morals, and safety of their people by regulations that do not interfere with the execution of the powers of the General Government or violate rights secured by the Constitution of the United States. The power to establish such regulations, as was said in Gibbons *v.* Ogden (9 Wheat., 1, 203), reaches everything within the territory of a State not surrendered to the National Government.'"

And in Knight case (156 U. S., 1) the Chief Justice, in delivering the opinion of the court, says (p. 11):

"The fundamental question is whether, conceding that the existence of a monopoly in manufacture is established by the evidence, that monopoly can be directly suppressed under the act of Congress in the mode attempted by this bill.

"It can not be denied that the power of a State to protect the lives, health, and property of its citizens, and to preserve good order and the public morals, 'the power to govern men and things within the limits of its dominion,' is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States, and essentially exclusive. The relief of the citizens of each State from the burden of monopoly and the evils resulting from the restraint of trade among such citizens was left with the States to deal with, and this court has recognized their possession of that power even to the extent of holding that an employment or business carried on by private individuals, when it becomes a matter of such public interest and importance as to create a common charge or burden upon the citizen; in other words, when it becomes a practical monopoly, to which the citizen is compelled to resort and by means of which a tribute can be exacted from the community, is subject to regulation by State legislative power. On the other hand, the power of Congress to regulate commerce among the several States is also exclusive. The Constitution does not provide that interstate commerce shall be free, but, by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraints. Therefore it has been determined that the failure of Congress to exercise this exclusive power in any case is an expression of its will that the subject shall be free from restrictions or impositions upon it by the several States, and if a law passed by a State in the exercise of its acknowledged powers comes into conflict with that will, the Congress and the State can not occupy the position of equal opposing sovereignties, because the Constitution declares its supremacy and that of the laws passed in pursuance thereof; and that which is not supreme must yield to that which is supreme. 'Commerce undoubtedly is traffic,' said Chief Justice Marshall, 'but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches, and is regulated by prescribing rules for carrying on that intercourse.'

"That which belongs to commerce is within the jurisdiction of the United States, but that which does not belong to commerce is within the jurisdiction of the police power of the State. (Gibbons *v.* Ogden, 9 Wheat., 1, 189, 210; Brown *v.* Maryland, 12 Wheat., 419, 448; The License cases, 5 How., 504, 599; Mobile *v.* Kimball, 102 U. S., 691; Bowman *v.* Chicago and N. W. Railway, 125 U. S., 465; Leisy *v.* Hardin, 135 U. S., 100; In re Rahrer, 140 U. S., 545, 555.)

"The argument is that the power to control the manufacture of refined sugar is a monopoly over a necessary of life, to the enjoyment of which by a large part of the population of the United States interstate commerce is indispensable, and that, therefore, the General Government, in the exercise of the power to regulate commerce, may repress such monopoly directly and set aside the instruments which have created it. But this argument can not be confined to necessaries of life merely, and must include all articles of general consumption. Doubtless the power to control the manufacture of a given thing involves in a certain sense the control of its disposition, but this is a secondary and not the primary sense; and although the exercise of that power may result in bringing the operation of commerce into play, it does not control it, and affects it only incidentally and indirectly. Commerce succeeds to manufacture, and is not a part of it. The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly. But it may operate in repression of monopoly whenever that comes within the rules by which commerce is governed or whenever the transaction is itself a monopoly of commerce.

"It is vital that the independence of the commercial power and of the police power, and the delimitation between them, however sometimes perplexing, should always be recognized and observed, for while the one furnishes the strongest bond of union, the other is essential to the preservation of the autonomy of the States as required by our dual form of government; and acknowledged evils, however grave and urgent they may appear to be, had better be borne than the risk be run in the effort to suppress them of more serious consequences by resort to expedients of even doubtful constitutionality.

"It will be perceived how far-reaching the proposition is that the power of dealing with a monopoly directly may be exercised by the General Government whenever interstate or international commerce may be ultimately affected. The regulation of commerce applies to the subjects of commerce and not to matters of internal police. Contracts to buy, sell, or exchange goods to be transported among the several States, the transportation and its instrumentalities, and articles bought, sold, or exchanged for the purposes of such transit among the States, or put in the way of transit, may be regulated, but this is because they form part of interstate trade or commerce. The fact that an article is manufactured for export to another State does not of itself make it an article of interstate commerce, and the intent of the manufacturer does not determine the time when the article or product passes from the control of the State and belongs to commerce."

Mr. President, it has been contended by some that the decision in the lottery cases governs this matter, and that under those decisions we have a right to pass such bills as this. These decisions are based upon an entirely different proposition, however. They are based upon the power which the Constitution gives to Congress to establish post-roads and post-offices; they are based upon that power which was conferred by the people. But there is one case, Mr. President, and that is also a lottery case, where is held constitutional an act making it unlawful to send lottery tickets by a private express company in a box. I want to read what the court says there, showing that this question has not been finally decided in that matter. I call the attention of the Senate to the fact that this is decided by a divided court—five to four—but the learned judge, in writing the opinion of the court, says this:

"It is said, however, that if, in order to suppress lotteries carried on through interstate commerce, Congress may exclude lottery tickets from such commerce, that principle leads necessarily to the conclusion that Congress may arbitrarily exclude from commerce among the States any article, commodity, or thing, of

whatever kind or nature or however useful or valuable, which it may choose, no matter with what motive, to declare shall not be carried from one State to another. It will be time enough to consider the constitutionality of such legislation when we must do so. The present case does not require the court to declare the full extent of the power that Congress may exercise in the regulation of commerce among the States. We may, however, repeat in this connection what the court has heretofore said—that the power of Congress to regulate commerce among the States, although plenary, can not be deemed arbitrary, since it is subject to such limitations or restrictions as are prescribed by the Constitution."

Mr. President, the cloth when manufactured and the ore when mined, no matter what the intention may be, does not become interstate commerce until delivered to the carrier for transit or exportation. Then, and not till then, does the jurisdiction of the General Government, under the commerce clause of the Constitution, attach, and prior to that time it is subject only to the jurisdiction of the State to legislate concerning it as other property in the State. This seems to me, and is, in my judgment, the construction of the court upon this matter.

Mr. President, there are many wholesome laws in some of the States which, in order to have uniformity, and for the good of the country, should be adopted by all the States. However, there are many laws which are necessary, and their enactment would be wise and wholesome for one section of the country, which would not be for another section and to that section would prove injurious and burdensome.

I should like to see uniformity in the divorce laws and the insurance laws, but uniformity can be obtained without Congressional action, and without the usurpation of the reserved powers of the States. A few years ago there was a wide difference in the negotiable instrument laws of the States, and the business of the country was suffering on account of it. There was a demand for uniformity, and the commercial interests, the public sentiment of the country forced uniformity, and they corrected this evil, so that now a large majority of the States have the same negotiable instrument law, and Congressional action was neither sought nor demanded, was not even thought of. The evil remedied itself, as many other evils affecting and acting to the detriment of all the people will do in time.

The laws of Congress must affect and bear upon all the people alike, and the usurpation by Congress of the rights to legislate upon these matters of domestic concern would work a great wrong and hardship upon some and cause jealousy and bitterness, which might prove disastrous. Time and mutual intercourse and commercial dealing among the people of the States will in time bring uniformity wherever there should be uniformity.

If Congress should so forget its duty to the people and to the States as to legislate in regard to education in the States and undertake to administer upon and control our schools, should make a law which would require the black child and the white child, the white child and the Chinese and the Japanese child to be admitted to the same school, while it might be perfectly acceptable and satisfactory to some States, it would shut the door of every schoolhouse in the South and the extreme Western States, and besides, Mr. President, would cause bitterness, riot, and bloodshed. The General Government must not interfere in these local matters. There are problems to settle and burdens to be borne which the States themselves can best deal with. The Government can not understand them; only the people who are daily brought face to face with them can.

The powers surrendered by the people to the United States for this great Federal Union are supreme and have been in the past and are now, ample and sufficient for any and all necessary purposes of the General Government, and so are the powers which the people reserved to themselves. They are supreme for any State purposes and the people are satisfied to continue as they are under the system of government under which we have prospered as no other country in the world has prospered; under which we have grown to be the greatest nation upon the face of the earth.

Centralization against the dual government, the State and the Federal, delegated power against reserved powers, consolidationists against the people. Are we to have such an issue? Let it come and the people will know how to settle it. They will never submit to having any of their rights taken away or State lines extinguished or their reserved powers merged into a great consolidated Government at Washington, for they will know it is sooner or later bound to result in the destruction of happiness and the robbing them of their liberties.

Shall the States be degraded and the people humiliated? Mr. President, the people will never submit to it. There is more of patriotism, there is more love and pride of country now than ever before in the history of the Government. The people are proud to know that our flag is honored abroad as it has never been before. If the issue is to come, the sooner the better. But when they, from whom the source of all our power comes, properly understand it, there will be a revolution, not at arms, but at the ballot box, and the party which champions the cause of centralization, I predict, will be overwhelmingly defeated. There can never be another civil war in this country. Thank God that day is past. The people of the various sections understand each other better. There is less of jealousy and more of fraternity between them; there is no hatred, and the sectional prejudice of the past is fast dying away. The railroads, the telegraph, and the telephone companies, commerce and commercial relation, mutual dealings have brought the sections of the country closer together and made them neighbors and friends. There is more of prosperity, more of concord and amity existing than ever before.

And no one section of the country is more loyal to the Government or takes more pride in her greatness than another, and should she be assailed the South as well as the North, the East and West, all together would rally to its support, each vying with the other in giving it its most loyal support. Pride of State and love of the Union would make us invincible. Under these conditions it would be a crime to change our present system of government, a crime to take from the people the right of local self-government in the States. Let the powers enumerated in the Constitution remain limited. Let the reserved powers in the people be undisturbed. Let the integrity and autonomy of the States be upheld; encourage State pride. Centralization would be a constant menace to the liberties of the people, breeding corruption and oppression. These reserved powers are in the people of the States. It is theirs to hold, it is theirs to surrender; but when once surrendered it can never be regained. I say with a great judge who wrote it, that that government is best which while performing all its duties interferes the least with the lawful pursuits of its people.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. DANIEL. Mr. President, the resolutions before us and the debate which has ensued bring a very important question of constitutional law before the Senate. It is applicable to the discipline of the Army of the United States. The question is not a novel one; neither to my mind is it a difficult one. It travels over no new road. It traverses in its antecedents the history of the English-speaking people. It entered at the beginning of our country into American military law. It is a question which has been settled long and long ago in every way that this country can settle any question.

From the foundation of the Government to this session of Congress no question has ever been raised here as to the power of the President of the United States to drop from the muster roll of the Army any private soldier. I say that this is the case; but, of course, I speak only according to my own limited knowledge and according to my information and belief. I believe as to this question we might well apply the familiar rule of construction, that "concerning things which do not appear, and those which do not exist, there is the same rationale." If the power of the President in such a case as the one now before the Senate had ever been successfully questioned, surely the wary minds which have searched the records of this country for a hundred years might have discovered and would surely have produced the precedent. Not only has this question been settled by the practice of the Presidents of the United States, the Secretaries of War, and the department commanders, but by repeated opinions rendered before their action by the Attorneys-General of the United States, and by the decisions of the Supreme Court after their action, all to the effect that the power exercised in this case was clearly vested in them.

THE PRESIDENT CLEAR IN HIS GREAT OFFICE.

I may be prolix, Mr. President, in laying my views before the Senate. As lunch hour has arrived, I am glad to believe that I will make myself less an infliction upon the patience of the body; but I am seeking sincerely to arrive at the truth, the justice, the law, and the Constitution of the matter. They are pearls of great price. The people of this country ought not to be misled by anybody's misapprehension. Public sentiment in this country should always stand by the Chief Magistrate of the land and the Commander in Chief of the Army and Navy when he is clear in his great office. I conceive that he has been clear in his great office, and that not only has he adhered closely to the precedents of those who have occupied it before him, but has remained clearly within the lines of the Constitution and the Articles of War.

ONE SENTENCE EXCEPTED TO.

I may add that there is one sentence in the general order which was issued by his command to which I must dissent. It is the one which declares that the troops or soldiers whom he caused to be dropped from the rolls of the Army should be "forever debarred" from admission to the civil service. I think in that respect the arrow from his bow went too far. But that is not at this time a matter of practical discussion, although it may be very properly one of animadversion and criticism. And if there be error in that regard, not only is legal remedy in the courts readily applicable, but the error will correct itself whenever any practical test is made.

I am not, Mr. President, a political adherent of the party to which the President belongs. I have often been constrained by my own conviction to differ from sentiments avowed in his messages and from doctrines which he has sought to enforce. I agree fully with the vigorous and eloquent speech which was made on yesterday by the Senator from Oregon [Mr. GEARIN], in which he undertook to show the departure of the President of the United States from the settled principles which control the relations of the States and the Federal Government with respect to the public schools of San Francisco, Cal., and the introduction therein of Japanese students. But this is not the time, Mr. President, to advert to differences which will necessarily occur in this country and are not altogether to be lamented. They are part of the process by which we arrive at truth, and there is a becoming time and place for their settlement.

BRITISH AND AMERICAN ARTICLES OF WAR.

With the beginning of our Government there was first introduced, of course, what are known as "Articles of War." The first Continental Congress, in 1774, enacted Articles of War, and the Continental Congress of 1776 enlarged and modified the articles which had been previously adopted. In doing so they fell into the language in some degree, and also in some degree into the adoption of the principles, which had ruled in the British army before the formation of the separate Republic. I agree fully with the Senator from Ohio [Mr. FORAKER] when he said on yesterday that proof that a certain thing was admissible in the British army or had been ruled by the King or a commander in the British army was not in itself proof that it was an American doctrine which we ourselves should enforce. By no means. But besides the common law and the common language which identify the two peoples there is a long identity in the stream of history which has flowed down from one country to the other. In our Constitution, as well as in our statutes, are terms which have historic meaning and application which they convey to all who speak our language and who know the traditions and the legends of our race.

THE BRITISH AND AMERICAN ARTICLES OF WAR AT THE TIME OF THE REVOLUTION.

In the British army at the time of the Revolution there was the following article of war:

After a noncommissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed our service without a discharge in writing; and no discharge granted to him shall be allowed of as sufficient which is not signed by a field officer of the regiment into which he was enlisted, or commanding officer where no field officer of the regiment is in Great Britain.

When the American articles of 1776 came to be enacted by the Continental Congress they pursued somewhat the same language and adopted this provision:

After a noncommissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be allowed of as sufficient which is not signed by a field officer of the regiment into which he was enlisted, or commanding officer where no field officer of the regiment is in the same State.

This shows nearly an identity of thought between the new people and the old one from which they had derived their origin.

Although adopted by the Continental Congress the articles of 1776 were, by the act of September 29, 1789, continued in force by a requirement that the then existing military establishment should "be governed by the Rules and Articles of War which have been established by the United States in Congress assembled, or by such Rules and Articles of War as may hereafter by law be established."

CHANGE OF AMERICAN ARTICLES OF WAR IN 1806—ONE ARTICLE CONCERNED BOTH OFFICERS AND SOLDIERS.

For thirty years this was about the state of the American Articles of War, but in 1806 there came about a specific change, and that changed condition is, with such modification as I shall presently show, now the law of this land. In 1806 the articles were amended so that they read as follows:

After a noncommissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be sufficient which is not signed by a field officer of the regiment to which he belongs, or commanding officer where no field officer of the regiment is present; and no discharge shall be given to a noncommissioned officer or soldier before his term of service has expired but by order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court-martial.

So far as this article of war applies to what is known as the rank and file of the Army, to the noncommissioned officer, and the man, it has been the law of this land for exactly one hundred years, with a little plus to balance, and the only variation in it is that which applies to a commissioned officer, for it remains identically the same as to the private and the subaltern. The paragraph which I am reading continues in the Articles of War of 1806 so as to include officers:

Nor shall a commissioned officer be discharged the service but by order of the President of the United States or by sentence of a general court-martial.

So it will be seen that in 1806 four authorities could discharge an enlisted man, namely: 1, the President; 2, the Secretary of War; 3, a department commander, and 4, a court-martial. But two could discharge an officer, namely: 1, the President; 2, a court-martial.

EXISTING ARTICLES OF WAR.

Now, Mr. President, let us take up our existing Articles of War. They are statutes of the Congress of the United States defining the power of the President, the Secretary of War, the department commander, and the function of a court-martial. They are two in number, so far as concerns this subject, and are no longer embraced in a single article, as in 1806. The first of them is article 4, which concerns the enlisted man. It provides as follows:

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man *before his term of service has expired* except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

I have myself italicized the words "*before his term of service has expired*," because "thereby hangs a tale."

I ask the Senate to observe particularly this expression of seven words "*before his term of service has expired*," because it is applicable to a case in which the noncommissioned officer or other enlisted man is simply severed from the service before the due and proper cessation of his term.

Now, when we turn to the ninety-ninth article we find where it has differentiated from the original article of 1806. It provides:

No officer shall be discharged or dismissed from the service, except by order of the President or by sentence of a general court-martial—

And the words which I now read are added—

and in time of peace no officer shall be dismissed, except in pursuance of the sentence of a court-martial or in mitigation thereof.

Observe: "*In time of peace*" no officer can be dismissed "except in pursuance of the sentence of a court-martial or in mitigation thereof."

THE CONTENTION OF THE SENATOR FROM OHIO [MR. FORAKER].

Yesterday, Mr. President, the Senator from Ohio [Mr. FORAKER] gave it as his opinion that the one hundred and forty-sixth paragraph of the Army Regulations, which provides for the discharge in due course and at the end of the term of service of an enlisted man, required that it be given with such formalities that they could not be disregarded by the President of the United States, and he also contended that the President was not above the law, but was obliged to be governed by those rules which are given in paragraph 146. Before I turn specifically to that paragraph and to its context, from which I think the mind will readily gather that the Senator's view is a misapprehended construction of its terms, I desire to point out a decisive and controlling fact that antedates it. That fact is this: That in Article XCIX of the Articles of War the President is prohibited from discharging a commissioned officer in time of peace, "except in pursuance of the sentence of a court-martial or in mitigation thereof." Mind you, that is the officer. When those two articles were made up, out of the one article of 1806, that its applications with respect to the court-martial was confined to the officer only, and when we come to read Article IV it simply says:

No discharge shall be given to any enlisted man before his term of service has expired—

Mark you, there, the words "before his term of service has expired"—

except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

It imports not that the President can *not* dismiss or discharge him—the enlisted man—in time of peace, but it affirmatively

gives "the President, the Secretary of War, the commander of a department, or a court-martial" each the same coordinate, conclusive, and equal power. This we have from the fourth article of war, which is an act of Congress, before we take the Army Regulations in hand.

ARTICLES OF WAR AND ARMY REGULATIONS.

The Articles of War, Mr. President, are generally embodied as a part of the Army Regulations, because they are the statutes of Congress, made in pursuance of the Constitution, for the government and regulation of the Army. But while Army Regulations include Articles of War, Articles of War do not include Army Regulations. While a whale is a fish, all fishes are not whales. The Army Regulations rest upon a different basis—not upon the express enactment of the Congress of the United States, not upon the express power conferred by Congress upon the President of the United States, though in one case or another they may be, but either upon the sanction of Congress given in collateral ways or upon the constitutional power of the President of the United States as Commander in Chief of the Armies and Navies of the United States to make orders, regulations, and rules.

NOT THE SUPPORTER OF AUTOCRACY.

I am neither the lover, the friend, nor the advocate of autocratic power. I believe in the government of the people, for the people, and by the people. But I know full well that no people in all the tide of time have ever been able either to make aggressive or defensive war without waging it through the discipline and organization of armies and without putting their power in the hands of those who head them and whom they themselves select as their agents.

OLD-TIME ARTICLES OF WAR.

The military commanders of Europe—aye, of history—issued as a part of their regulations to the army what they termed "articles of war." We have the ordinance of Richard I, of 1190, to regulate disputes between soldiers and sailors on the voyage to the Holy Land, and the articles of war of Richard II, of 1385. Gustavus Adolphus, King of Sweden, published his articles of war in 1621 and commanded that they be read publicly every month before every regiment. James II decreed articles of war in 1688. Parliament enacted the first British mutiny act of 1689. In 1765, at the beginning of the Revolutionary war, the British articles of war came in force, which were that year established.

THE EXISTING ARMY REGULATIONS OF THE UNITED STATES.

The regulations of the Army which now obtain were published for the last time in 1904. They were issued as Document 230, from the office of the Chief of Staff. They were promulgated September 15, 1904, from the War Department by the following order:

The *President of the United States* directs that the following regulations for the Army be published for the government of all concerned and that they be strictly observed. Nothing contrary to the tenor of these regulations will be enjoined in any part of the forces of the United States by any commander whomsoever.

WM. H. TAFT, *Secretary of War.*

What recognition or sanction from the Congress of the United States have those regulations thus issued by the Commander in Chief of the Army through his Secretary? I turn to page 179 of the Military Laws of the United States, published June 1, 1904, by Gen. George B. Davis, Judge-Advocate-General, in which is embodied section 2 of the act of June 23, 1879. It appears in the Military Laws as section 489 and reads:

That the Secretary of War is authorized and directed to cause all the regulations of the Army now in force to be codified and published to the Army, and to defray the expenses thereof out of the contingent fund of the Army.

RECOGNITION OF THE PRESIDENT'S POWER TO MAKE ARMY REGULATIONS.

Mr. President, let us examine a little further as to how far the jurists and the courts of this country have recognized the power of the President to publish and to make Army regulations. In the case of Kurtz *v.* Moffatt, 115 United States, pages 487 and 503, it is held:

The Army Regulations derive their force from the power of the President as Commander in Chief, and are binding upon all within the sphere of his legal and constitutional authority.

In a note to page 178 of General Davis's book on military law it is said, upon authority of the Supreme Court:

The power of the Executive to establish rules and regulations for the government of the Army is undoubted. The power to establish necessarily implies the power to modify or to repeal or to create anew. The Secretary of War is the regular constitutional organ of the President for the administration of the military establishment of the nation, and rules and orders publicly promulgated through him must be received as the acts of the Executive, and as such are binding upon all *within the sphere of his legal and constitutional authority.* Such regulations can not be questioned or defied because they may be thought unwise or mistaken.

REGULATIONS MADE BY THE PRESIDENT MUST BE CONSTITUTIONAL.

Of course, any regulation made by the President must be within the purview of the Constitution and laws of the United States. This is axiomatic—manifest—a truism. He, like every Member of the House and the Senate—he, like every military officer and every civilian officer—lives, moves, and has his being and authority within the powers conferred either expressly or by necessary or proper implication by the Constitution of the United States.

No one has ever questioned in a hundred years of its existence the power of the Congress of the United States to make the fourth and the ninety-ninth articles of war. They have behind them the practice of this whole people. In civil wars and in foreign wars, from 1812 to the crack of the last gun in the Philippine Islands, they have had the universal acquiescence and affirmation. It would be a curiosity to find anywhere in the history of this Government any disputation whatsoever of the power of the President to act under the fourth article of war and sever the relation of a private soldier to the Army of the United States at any time, according to his discretion and judgment.

ENLISTMENT AS A CONTRACT—A HARD KNOT AT ONE END AND A BOWKNOT AT THE OTHER END.

Mr. President, something has been said about enlistment as a contract, and that it confers certain contractual rights upon the soldier and imposes certain contractual obligations upon the Government that enlisted him. This is true, but it is only true in a qualified sense. The contract of enlistment, when you come to analyze it and read its history and read the decisions of both military men and civil jurists upon it, is a contract which has a hard knot tied at one end of it to bind the soldier and a bowknot at the other end. At this other end the President, the Secretary of War under him, the commander of a department, or a court-martial, may at any moment dissolve it by untying the bowknot, as their judgment or discretion may prescribe.

HARDSHIP, FAVOR, AND HUMANITY EACH AND ALL MAY BE INVOLVED IN THIS DISSOLUBLE QUALITY OF THE CONTRACT.

It may in some cases operate to the hardship of the soldier. A soldier's life is not one of primroses. He does not join an army to seek pleasure or expecting to be laid in the eiderdown. Often he must "scorn delights and live laborious days." He goes in an army to encounter hardships. It is a service of honor. It is a service of credit. It is a service that brings to the soldier that highest meed of commendation which one man can give to another. The soldier lives a life of sacrifice, of toil, of risk, and danger for a cause which commands his respect and devotion.

But while this bowknot, which may be untied at any moment, may be sometimes untied to the hardship of the soldier, it is very often untied to his advantage. He is permitted to purchase his discharge, and often this is very greatly desired. Day after day and year after year married men and widows' sons by the equitable and just sense of the President, a commander of a department, or the Secretary of War, are permitted to leave the Army and are discharged by order. Very often men who have become feeble in mind but upon whom one would not wish to put the disadvantage of having been removed for lunacy or anything of the sort, are quietly let out of the Army by humane and just considerations which deal with them with grace and leniency.

Very often there is a charge against a man. The legal evidence may not be procurable which would convict him in a court. It may be impossible in the nature of things to get the testimony which would convict before a court-martial. But the President of the United States, the Secretary of War, or the officer commanding the department may reach the conclusion upon any moral evidence that is brought to their minds that it is better for the man or it is better for the service just to let him drop. And time and again, in innumerable cases, this has been done. The mere fact that a man is unsuitable in any way for the service—physically, morally, or intellectually—may be good ground to drop him out. And this has occurred in multitudinous cases in recent years as in times thitherto.

There is another case. There may be grave suspicion. A soldier may lose the confidence of his commander. That is a kind of thing which may not depend on mathematical or logical demonstration. But never since armies were organized, and certainly never since the army of an intelligent and high-minded people, like those of America, was organized was the President or commander of an army required to keep in the service a soldier in whom he had no confidence. Humanity to the soldier and humanity in public considerations are often subserved by this great power reposed in the chieftains of the people. It is equally true, Mr. President, upon the other hand, that this power to drop a man may operate as a hardship. There is no rule

of law, good or bad, which does not have in some respect its influence and operation in both directions.

ANCIENT FORM OF ENLISTMENT BEFORE THE ARTICLES OF 1776.

Mr. President, before the Articles of War of 1776 the usual form of enlistment in the Army was to serve for such a time, "unless sooner discharged," and I have before me the form of enlistment adopted in the American Army on June 14, 1775, before the articles of 1776 were framed. Here is the form:

I have this day voluntarily enlisted myself as a soldier in the American Continental Army for one year, *unless sooner discharged.*

This form is given in Winthrop's Military Law, volume 1, page 774. It is useful as illustrating the historic sense of the relation of a soldier to an army—that he contracted for service for a certain time, but had it impressed upon his mind that he might be sooner discharged.

I have before me, Mr. President, the Army Regulations which were published in 1821. They are instructive as showing the form of certificate to be given to soldiers at the time of their discharge, and they reveal the fact that this so-called discharge "without honor," which was known in the old British army as a discharge "without character," is no novel thing in our present American law, although not embodied in the particular phrases which aforetime were in vogue. These regulations were published in July, 1821, when John C. Calhoun was Secretary of War. They had been compiled by Maj. Gen. Winfield Scott, Commander in Chief of the Army. Here on one of the pages of the appendix is the form for a certificate of discharge. In reciting the service of the soldier come the words "having served honestly and faithfully," but at the bottom of the discharge are the words: "'*Honestly and faithfully*' *will be erased where the conduct of the soldier has not been such as to entitle him to an honorable discharge.*"

The following certificate of discharge is the form of the actual discharge which the soldier was to get in hand when he severed his connection from the service. In the text of it are the words "is hereby honorably discharged," but in a note at the bottom is this explicit statement:

When the officer commanding the company has not certified that the soldier served honestly and faithfully the word "honorably" will be stricken out.

So far as our Army Regulations run, although I can not claim to have made a perfectly expert and thorough examination, that is the first public appearance in the promulgations of the War Department in which is found a recognition of this practice.

DISCHARGES GIVEN BY THE COMPANY CAPTAINS.

It will be observed, Mr. President, that in this discharge, just as in the one referred to in the present one hundred and forty-sixth article of the Army Regulations, it was a discharge to be given by the captain of the company, and it related for the most part, though not necessarily employed in such cases alone, to the normal or ordinary discharge, as it is called, which came at the end of the service. In those days the captain of the company attested the character of the soldier under which he departed from the service.

THREE KINDS OF DISCHARGES—HONORABLE, DISHONORABLE, AND NEUTRAL.

Now, Mr. President, it would seem that not only in the British army, where existed the discharge known as "without character," but in our armies in antecedent days and in our Army to-day three kinds of discharge are recognized and are constantly practiced. One is the honorable discharge. When the officers of the service attest at the end of a soldier's career that that career has been honest and faithful, it is to him the crown of his career. It is not a neutral thing. It is an affirmation that he goes forth from the Army with the testimony of those who have served with him and who have known him attesting to the world by the credentials of their name the good service which he has rendered to his cause and country.

There is also known such a thing, Mr. President, as a dishonorable discharge. It applies now for the most part, if not altogether—and I believe altogether—to those discharges in which the soldier has been discredited by conduct ascertained by a court-martial, or at least one created by an infamous offense. If he has been guilty of some conduct which is known to be and which is affirmed as infamous, if he has been drummed out of camp as an improper person for any offense that meets such condign punishment, if he has been ascertained to be a deserter, if he is unworthy to be trusted or credited—he is given a dishonorable discharge.

THE NEUTRAL OR COLORLESS DISCHARGE WITHOUT HONOR.

Now, then, Mr. President, there is the third or middle kind of discharge, for the most part neutral in its effects upon the soldier, apart from the fact that it severs his relation with the Army. It is upon a charge without conviction and without punishment in any legal sense. The soldier who gets a discharge of this middle or neutral kind may have served with distinguished honor, but he leaves the service under such circumstances that those who have been appointed in authority over him are not prepared to give him the credential of honor. They are in doubt about it; they do not know. There has either been an affirmative diminution of his character or there has been such an obscuration of his character that they can not as truthful men bear witness unto it.

WHAT "WITHOUT HONOR" MEANS.

In these cases, Mr. President, in the Army of the United States, the soldier who is simply dropped from the rolls has the words "without honor" written in his discharge. They do not mean that he has served without honor, but they do mean without the credential and certificate of honor.

There is no man in the public service of the United States who has not been called upon at some time to accredit this man or that man to some appointed power. Neither is there anyone who has not at some time withheld the signature of his name or the attestation of his recommendation, not that he knew anything against the party desiring it, not that he had heard anything against the party desiring it, but simply because he was without knowledge, and it had not been made to appear to him that such testimony could be truly given.

In the English army it is called a discharge without character, and in the slang term of the soldiers it is known as the "bobtail" discharge—a discharge in which the character has not been attested.

Mr. President, after the Articles of War of 1776 our forms of enlistment dropped out for the most part "unless sooner discharged." It became evident that they were neither necessary nor desirable; Congress, in 1806, provided for the dropping of soldiers from the Army at any time. In the old British army a colonel could do it, or a field officer, under the customs that had grown up. In our first article of war of 1776 it was not confined to the President of the United States or to the officers now designated, but for the whole track of a hundred years, without contest and without dispute, every President of the United States, every Secretary of War, and every departmental commander has had the conceded authority to drop from the rolls a private soldier according to his own just judgment and for any reason that might appeal to his wisdom and discretion.

EVERY SOLDIER APPRISED OF THE ARTICLES OF WAR.

So, Mr. President, it is understood both by the soldiers and by the enlightened public in this country that the contract of enlistment is a contract loose at one end and severable at any moment. When a soldier enters the Army of the United States it is required as a part of the ceremonial of enlistment that the Articles of War shall be read to him, either at the moment or within six days afterwards, and also the Regulations of the Army. It is true that if this be not done the enlistment will not be vitiated, but that is the order which we must presume is in general obeyed. Every soldier who enters the Army of the United States is thus apprised by his Government and notice is served upon him, so that he may be cognizant of the nature of the contract he is entering into, and that the President, the Secretary of War, the commander of a department, or a court-martial may dissolve it at any moment.

Colonel Winthrop, in his book on Military Law, has written as follows:

We have thus seen what enlistment really is—a contract, but a contract made with the State, under the specific authority of the Constitution, and thus governed by those principles or considerations of expediency and economy expressed in the term "public policy." We have already found that this peculiar contract, to which the Government is a party, is not necessarily affected by the rules of the common law especially applicable to the private engagements of minors. It is a further feature that while the necessities of military discipline require that the soldier should be strictly obliged by the compact, the State, on the other hand, is not bound by the conditions, though imposed by itself. Thus it may put an end to the term of enlistment at any time before it has regularly expired and discharge the soldier against his consent. So, pending the engagement, it may reduce the pay, or curtail any allowance which formed a part of the original consideration. The contract of enlistment is thus a transaction in which private right is subordinated to the public interest. In law it is entered into with the understanding that it may be modified in any of its terms, or wholly rescinded, at the discretion of the State. But this discretion can be exercised only by the legislative body or under an authority which that body conferred

INDISPUTABLE AUTHORITY OF THE PRESIDENT UNDER THE FOURTH ARTICLE OF WAR.

I have read the whole of this paragraph, Mr. President, and if any part of it might be brought in question it is the last sentence; but I wish to observe respecting that that the power of the President as Commander in Chief of the Army, as created in the Constitution of the United States, is one thing standing by itself alone. It is another thing when to it are superadded the Articles of War, which are specific and express authorizations to him. When there is one clear basis which no man has ever

questioned, which no man can be found to question, upon which a proposition rests, it seems to me useless to discuss the other. The Articles of War give as much power to the President of the United States to dismiss, or drop, or discharge a private soldier before the expiration of his term as they give to a general court-martial. They repose the same authority in a department commander and the same in the Secretary of War.

If in this case, Mr. President, the soldiers of the Twenty-fifth Infantry had been court-martialed and dismissed the Army, what would Congress have to do with it? They have been dismissed by a coequal agency of the law authorized in the same terms that the court-martial was authorized. What is the use or pertinence in this case of discussing whether the President, simply as Commander in Chief, could do it? There is full power conferred that stands foursquare to all the winds that blow in the fourth article of war, which is an act of Congress.

LEE, AS LIEUTENANT-COLONEL AND DEPARTMENT COMMANDER, COULD DISCHARGE A SOLDIER.

I may observe, Mr. President, though I intend to go but little into any of the numerous incidents of the expression of this power which have been related, that when Robert E. Lee was a lieutenant-colonel in the Army of the United States in Texas he dismissed soldiers of the United States from the service or disposed of them in the way summarily which has been brought to the attention of the Senate. He was not a President. He was not a Secretary of War. He was not a general officer. He was not even the colonel of a regiment; but he was a department commander, and so far from questioning his authority, it has been cited here as a precedent by debaters on both sides. One thing is very clear about him which is known of all men and to history, that he was an exceedingly intelligent and well-read man, and that he always sought to adhere strictly within the lines of military power and was never suspected of acting either hastily or from any selfish ambitions or any improper motive.

Now, Mr. President, I wish to turn my attention for a few moments to those Army regulations which, according to my humble conception of this case——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Texas?

Mr. DANIEL. Certainly, sir.

Mr. CULBERSON. I simply desire to invite the attention of the Senator from Virginia to what I understand to be the fact, different from the way he understands it, that Lieutenant-Colonel Lee at the time commanded a department, to wit, the Department of Texas.

Mr. DANIEL. That is what I said.

Mr. CULBERSON. I understood the Senator differently.

Mr. DANIEL. I said that although he was not a colonel of a regiment or a general, he exercised authority as department commander.

Mr. CULBERSON. I beg pardon of the Senator.

Mr. DANIEL. All right; no intrusion. It makes no difference as to the rank of the department commander. These authorizations in the fourth article of war apply to four agencies alike—that is, first, to the President; second, the Secretary of War; third, the department commander of whatever rank, and, fourth, to a general court-martial, which have equal and coordinate dignity, according to the act of Congress.

PARAGRAPHS 141 TO 148 OF ARTICLE 21 OF THE ARMY REGULATIONS AND THE REGULATIONS FOR COMPANY COMMANDERS.

Now, Mr. President, I now call attention to article 21 and to paragraphs 141 to 148, inclusive, of Army Regulations. These are not acts of Congress unless in a measure here and there. They are the Army Regulations, published, as I have heretofore stated, by the War Department and attested by Secretary W. H. Taft. It is manifest to the reader of pages 26, 27, and 28 that these regulations concern the normal discharges, commonly called "ordinary discharges," which take place in due course of administration at the expiration of a soldier's term.

It will be noted in paragraph 146 that it is only when "the company commander"—"company commander," mark you—not the President, not the Secretary of War, not a department commander, not a court-martial, but expressly:

> When the company commander deems the service not honest and faithful he shall, if practicable, so notify the soldier at least thirty days prior to discharge, and shall at the same time notify the commanding officer, who will in every such case convene a board of officers, three, if practicable, to determine whether the soldier's service has been honest and faithful. The soldier will in every case be given a hearing before the board.

This is as plain as a pikestaff. It is the direction of the President to company commanders. It is wholly inapplicable when the process required has been rendered impracticable, indeed, impossible, by the paramount authority and decisive action of the President, the Secretary of War, the department commander, or a court-martial.

These regulations for company commanders were made by the President of the United States himself. We can not impute to him an intention to eliminate the paramount Articles of War, or to supervene his own authority under them. That would be a very unnatural inference. It would impute to him a self belittlement and abrogation. It would be a very unnatural and farfetched inference to imagine that the President sought to curtail his own power. It is not generally in the heart of man to curtail the power which has been given to him by others. Whatever other criticism has been made upon the present President of the United States from the other side of the Chamber, none have ever intimated that he was at present engaged in seeking to curtail his own power. In fact, some have delicately intimated that he was seeking to extend it beyond the lines which they would prescribe as legitimate and proper.

All these details, Mr. President, show that the discharges referred to in paragraph 146 are to be given by the company commander just as in the certificate and attestation of discharge which I read from the regulations of 1821. Before we get through with the series of provisions in the text of the regulations, let us note that they make manifest upon their face that this paragraph 146 did not intend to deal with, was not dealing with, and had nothing to do with those discharges which are comprehended in the fourth article of war, which concerns discharge before the expiration of service.

BLANK DISCHARGES FURNISHED UNDER THE REGULATIONS TO COMPANY COMMANDERS.

This is further made manifest in the declaration of the blank forms for discharge and final statements which are to be furnished by The Military Secretary of the Army, by paragraph 148, and in the prescriptions of the rule which apply to different orders of discharges. It is said in that paragraph 148, right upon the heels of paragraph 146:

> 148. Blank forms for discharge and final statements will be furnished by The Military Secretary of the Army and will be retained in the personal custody of company commanders. Those for discharge will be of three classes: For honorable discharge, for dishonorable discharge, and for discharge without honor. They will be used as follows:
> 1. The blank for honorable discharge when the soldier's service has been honest and faithful, in which case he would be entitled to character at least "good." Where the soldier's conduct has been such as to warrant his reenlistment, his service has been honest and faithful, and he is entitled to character at least "good."
> 2. The blank for discharge without honor when a soldier is discharged:
> (*a*) Without trial, on account of fraudulent enlistment.
> (*b*) Without trial, on account of having become disqualified for service, physically or in character, through his own misconduct.
> (*c*) On account of imprisonment under sentence of a civil court.
> (*d*) Where the service has not been honest and faithful; that is, where the service does not warrant his reenlistment.
>
> Now, last—
>
> (*e*) When discharge without honor is specially ordered by the Secretary of War for any other reason.

THE CASE MARKED "E" IN PARAGRAPH 148, ARTICLE 21, OF ARMY REGULATIONS.

That is a case in which the regulations from which the distinguished Senator from Ohio, who has read paragraph 146 with emphasis, is by necessary terminology excluded. The captain of the company in this case, which is separated from the class of cases which he has considered, has nothing to do whatsoever and can have nothing to do with marking character one way or another, because in this case the Secretary of War has himself ordered that the dismissal shall take place "*without honor*," and thereby himself marked character in a neutral and colorless way—that is to say, "without honor," and also "without dishonor."

So, Mr. President, in the very text of the book from which the distinguished Senator has read is found the obvious and the manifest refutation of his conclusion.

THE TRUE CONSTRUCTION GIVEN BY THE JUDGE-ADVOCATE-GENERAL, GEO. B. DAVIS.

Let me say, Mr. President, that this view of the matter which I am endeavoring to present is the view of the matter which has obtained in the War Department of the United States and the view that obtained when those regulations thus made it manifest to be its view in 1804 first appeared. I have before me the opinion of the present Judge-Advocate-General of the Army upon this subject. If it were not plain from that text, it would become plain on reading the consideration that he has given to the matter. He calls attention to this section 146 and to section 148, and says:

> Paragraph 146 of the Army Regulations contains certain provisions which, if carefully read, will be found to be in entire harmony with the requirements of paragraph 148, above cited. Paragraph 146 applies *exclusively* to the case of a discharge at expiration of a soldier's term of enlistment and to the form of discharge which shall be used in that case, and provides that—

General Davis, the Judge-Advocate-General, further says in a memorandum before me—

the power of the President or Secretary of War to terminate an enlistment contract is conferred by the fourth article of war. As it is personally exercised by them, no regulations in furtherance of the article are necessary. If a company commander has a case in which he believes that the public interest requires that the contract should be terminated, he forwards it to the War Department, through military channels, and the Secretary of War, in passing upon it, exercises the discretion which is vested in him by the article by denying the application or directing that the discharge be issued. The only requirement of regulations on this subject is embodied in paragraph 140, which provides that in such a case the actual cause of the discharge shall be stated in the order directing its issue.

There are several grades of "character" which may be given on discharge, all depending on the conduct of the soldier during his term of enlistment. These are "excellent," "very good," "good," "fair," "bad," etc. To entitle him to reenlist the soldier must have at least a "good" character. If his service has been so unfaithful as to require his discharge prior to the termination of his enlistment contract, his character would be less than "good," and for that reason he would not be permitted to reenlist.

It therefore follows that no character is given when the discharge of a soldier without honor is ordered by the Secretary of War, and there is no occasion to give operation to paragraph 146, Army Regulations, in such a case.

When the President or Secretary of War orders the discharge of a soldier without honor, in the operation of the fourth article of war, the company commander is guided by the requirements of paragraph 148, Army Regulations, in issuing the discharge. Such was the case in executing the orders of the President for the discharge of the enlisted men of the Twenty-fifth Infantry at Fort Sill.

The requirements of paragraph 146, Army Regulations, appeared for the first time as paragraph 148 of the Army Regulations of 1895.

It will be found in this case, Mr. President, as in many other questions which we have been considering, that we have moved in the groove of the old English understanding of army enlistments. The loose nature of that contract, in so far at least as the Government is concerned, is well explained in the second volume of Clode's Military Forces of the Crown, page 40, where it is said:

Though an engagement is made for a term certain, the Crown is under no obligation to retain the soldier, either in pay or in arms, for that period, but may discharge him at any time. The safety of the realm may depend in some measure on the immediate discharge or dismissal of any man or regiment in arms, and, equally, that the cause of such dismissal should not at the time be disclosed by the responsible ministers of the Crown

OPINIONS OF ATTORNEYS-GENERAL LEGARE AND CLIFFORD.

I will refer now to two opinions of the Attorneys-General of the United States, which were rendered sixty years ago. I refer to them, in the first place, to show the ancient and acknowledged basis of the military service of this country. I am glad, also, to refer to them to negate any suggestion from any source that those who affirm the rectitude and the constitutional propriety of the President's order in this case thereby indicate any tendency in their minds to favor autocratic or tyrannical government.

The first opinion in the fourth volume of the Reports of the Attorneys-General of the United States was rendered by Hugh S. Legare, of South Carolina. He was not only one of the ablest lawyers who ever gave his learning and genius to the service of this country, but he was also one of the most erudite and accomplished scholars of his time and one of the most brilliant essayists America has produced. It is true, Mr. President, that he came from South Carolina, but that never prevented him, as it has never prevented anybody who came from that State or from any other south of the Potomac, from declaring his honest judgment as to the meaning of our Constitution nor in upholding the power of the President of the United States and of the Army of the United States on all occasions where patriotism invoked adhesion or where clear understanding produced conviction. Mr. Legare, in that case, was called to give his opinion as to the power of the President of the United States to cause the name of a military officer to be stricken from the rolls without a trial by a court-martial, notwithstanding a decision in his favor by a court of inquiry ordered for the investigation of his conduct. He declared that it was "an absolute and tremendous power incidental to the Executive of the Government, who is only responsible to the country for a breach of a solemn trust." With lucid order he presents the views which actuate Senators upon this side of the Chamber now in supporting the President of the United States in the exercise of a plain and constitutional provision and a clear statute in the Articles of War.

LEGARE.

Attorney-General Legare said as to the power of the President to remove an officer:

It is obvious that, if necessity is a sufficient ground for such a concession in regard to officers in the *civil* service, the argument applies *a multo fortiori* to the military and naval departments. That the power is a tremendous one, and that, if tyrannically exercised, none can be imagined more intolerable and more revolting to a free people, are propositions which all will admit. That brave and honorable men, such as alone are worthy of a military commission, should be subjected to a capricious despotism which may not only deprive them of their profession, but even sully their good name, must be felt to be a case of very peculiar hardship.

As to the necessity of the power, he said:

Yet these considerations have not prevented nations jealous of their rights, and earnest in upholding and enforcing their laws against all prerogative, from acknowledging the necessity of such a power in the Commander in Chief of the Army and Navy.

This is the first opinion in this book.

CLIFFORD.

I read one which was delivered on November 24, 1846, by Nathan Clifford, of Maine, Attorney-General of the Administration of President Tyler at that time. As the first case related to an officer in the construction of the then exising satutory law, the one which I will now cite relates to a case of enlistment. The syllabus at its head is as follows:

By the laws regulating contracts for service in the Regular Army, all enlistments are required to be for the term of five years; and no discretion has been conferred to contract for such service, either conditionally or for a shorter term.

Wherefore, enlistments can not be lawfully made upon the condition that the soldiers are to be discharged at the end of the war with Mexico.

But while thus holding that the President could not extend or change the terms of the contract of enlistment, he sets forth that the Department of Justice of this country has ever held that the President might sever that term at any time.

By the Constitution—

He says—

the power to raise armies is vested exclusively in Congress; and the Executive Department, in carrying the will of Congress into effect, must conform its action to the authority conferred on it. The acts above mentioned, in my opinion, give no discretion to make the contract of enlistment for a shorter term than five years, or to annex a condition that the troops are to be discharged at the end of the war with Mexico.

And now comes the sentence that comprehends this case:

The Executive Department has discretionary authority to discharge before the term of service has expired, but has no power to vary the contract of enlistment.

That opinion, Mr. President, was made upon the very language in the fourth article of war, which we are now construing, and the book has been a sealed one and the question has not been mootable in legal circles, according to my understanding of it, since those days.

DECISIONS OF THE SUPREME COURT.

When we turn to the decisions of the Supreme Court of the United States, approving the very opinions I have cited, they are of the same tenor. I will content myself without quoting them, but ask leave to insert reference to them, as I do not wish to continue my remarks too long. I will, however, read a little from 3 Howard, 646, in which Justice Wayne gave the opinion:

The President sanctioned these regulations—

Says he, in speaking of the articles of war which cover this case—

and by doing so delegated his authority, as he had a right to do, to the Secretary of War, because it is done by him by the authority of law. The regulations of 1825, then, were as conclusive upon the accounting officer of the Treasury, whilst they continued in force, as those of 1836 afterwards were, and as those of 1841 now are.

In the case of Blake *v.* The United States (103 U. S., p. 227) the Supreme Court in 1880 reviewed the power of the President to remove an officer of the Army or Navy. It appeared that Charles Blake, a post chaplain, had resigned and that after his resignation President Hayes, by Executive order of September 28, 1878, and General Sherman, by order of October 2, 1878, had rescinded the resignation and restored Captain Blake to the list of post chaplains. In the meantime, however, Gilmore had been appointed chaplain in his place. It was held that the orders of restoration were invalid and that the President had exercised the power of removal by appointing the successor.

Judge Harlan, giving the decision, quoted the opinion of Attorney-General Legare which I have cited. He approved, also, the opinion of Attorney-General Clifford to the effect that there "is no foundation in the Constitution or any distinction in this regard between civil and military officers." He likewise approved the opinion of Attorney-General Cushing in Lansing's case declaring the President's right to remove a military storekeeper. "It is no answer to the doctrine," said Attorney-General Cushing, "to say that officers of the Army are subject to be deprived of their positions by court-martial, but a civil officer by impeachment. The difference between the two cases is in the form and mode of trial, not in the principle which involves in both cases the whole constitutional power of the President."

THE ACT OF JULY 17, 1862.

Judge Harlan in the course of his opinion (103 U. S., 234) showed the established practice in the Executive Department and the recognized power of the President up to the passage of the

act of July 17, 1862. On that day was passed an act to define the pay and emoluments of certain officers of the Army, and for other purposes, the seventeenth section of which provides that the President of the United States be, and hereby is, authorized and *requested* to dismiss and discharge from the military service of the Army, Navy, Marine Corps, or Volunteer Corps, any officer *for any cause which, in his judgment*, rendered such officer unsuitable or whose dismissal would promote the public service (103 U. S., 234). Judge Harlan shows that the law, in so far as legislative enactments are concerned in reference to dismissal of Army or naval officers, so stood until the passage of the Army appropriation act of July 17, 1866 (ch. 17, 14 Stat., 1892). That act repeals an act to define the pay and emoluments of certain officers of the Army approved July 17, 1862, and a resolution entitled "A resolution to authorize the President to assign a command of troops in the same field of the Department to the officers of the same grade without regard to seniority," approved April 4, 1862, and it was then provided "that no officer in the military or naval service shall in time of peace be dismissed from the service, except upon and in pursuance of a sentence of court-martial to that effect or in commutation thereof." It is this act in the appropriation bill of July 17, 1866, which now appears in the ninety-ninth article of war.

NOT A RACIAL QUESTION.

This, Mr. President, is no racial question. God forbid that the people of the United States shall raise racial questions where it is possible for them to avoid it. I have no particle of prejudice against the colored people. If I felt that they had been unjustly dealt with in this case, there is not a man upon this floor, as I solemnly believe, who would stand more ready to defend them. But, Mr. President, it is not the color of the soldier's skin that gives him any right of law or privilege. We should teach the colored men of the United States, even as we teach the white ones, that obedience to law, whatever that law be, is the first duty of a soldier and that the man who does not obey it shall feel its power.

It is very true, Mr. President, that in administration of law it can not be avoided that sometimes an innocent man shall be hurt. When General Lee dismissed a battalion from the Confederate service on account of ill action in battle he showed the delicate sensibility and high feeling which must actuate a man when he knows that his order must give pain and sorrow where it is not deserved, by saying that though some brave officers and men must suffer they should bear it like brave men. Innocence is a sacred thing. I would that no innocent man of the Twenty-fifth Infantry might suffer.

But all along the line of our history white battalions and white regiments have been disgraced, some more than the Twenty-fifth Infantry—some by generals of the Federal Army and some by generals of the Confederate army. No man ever thought that the disgrace came or the punitive or objectionable order came because they were of a particular State or because they were of particular color or section, and, while they grieved that those near related to them, either historically or otherwise, were afflicted, and some of them innocent, they submitted to the law, because they knew that the law was necessary for the administration of military justice.

INCREDIBLE THAT ALL THE OFFICIALS HAVE BEEN DECEIVED.

While, Mr. President, it may be possible, aye, it may be probable, that some of the men of the Twenty-fifth Infantry were innocent in this case, it is impossible that the whole people of Brownsville have been deceived. It is impossible that all the persons in the civil service of the Government in Brownsville have been deceived. In the nature of things it is incredible that every officer of the military and civil service of the United States who was on the ground or who had been there and taken cognizance of this matter has been deceived. If so, some hallucinating circumstance going on in the United States is leading to general lunacy and insanity.

There is another very peculiar thing about this matter, Mr. President, that while some have suggested—and one, I believe, has said that he even thought—that the soldiers were not guilty in this matter, with military officers in command of the department and of the city, with 170 soldiers in the city, with customs officers and postal officers, with officers of the Government sent there to inspect and look over all the res gestæ of the matter and all the surrounding circumstances, nobody at any time has suggested anybody else that did it except the soldiers.

It is true that there comes from far away, from a writer who can write briefs, a vague suggestion that the people of Brownsville, or some people of Brownsville, "shot up" their own town; tried to murder their own women and children; went out on the streets and killed the horse of the chief of police, and shot right and left in all directions in order to bring reproach on colored soldiers! In all the southern outrages I have ever heard of, whether they were spun by fable makers or not, it is the first time that the human mind has been distorted into the suggestion that a southern town was "shooting up" itself. In all towns, especially boundary or frontier towns, there are some miscreants who might do anything, but they could not do it without having some one soon getting on the trail of it. Whoever heard of any people from abroad or in a town shooting it up, shooting two or three hundred guns, murdering people in the streets, without it being somehow traced and finally the truth arrived at?

THE CONCLUSION OF THE PRESIDENT.

In the midst of these conjectures, we have the conclusions of many minds, of those that have perused the testimony and of those who went there and took the testimony. Let us see what these conclusions are, and, briefly, upon what they are based. In the first place comes the conclusion of the President of the United States. There is nothing in the history, there is nothing in the political career, there has never been anything in the conduct of the President of the United States to cause any man to infer that he would make haste, unguardedly, to take sides against any portion of the negro population of this country. Neither is there anything in his political affiliations or history to lead to the conclusion that he would be at all willing to defend a town or a community anywhere which had proved itself so lawless as it is alleged—unjustly—that Brownsville was. Read the President's message. It is clear and cogent. It is simply a conclusion that was forced upon his mind by the intelligent advice of his counselors and by scores of witnesses whose testimony in one shape or another was laid before him.

THE CONCLUSION OF SECRETARY TAFT.

The next man, Mr. President, who has summed up this case—and I wish to put his summary into the RECORD—is William H. Taft, the Secretary of War. He was not born in South Carolina, neither did he come from the Vallandigham district of Ohio. His antecedents are Republican. He has led a great career in the Republican party. His people belonged, as I understand, to the antislavery wing of that party. He was Solicitor-General of the United States and a practitioner at the bar. He became judge, and for some years administered justice in an honorable and a creditable manner, according to all accounts. He has held high positions in the East and in the West. He is not a man who "tears a passion to tatters." Whatever else he may be, he is a learned man; he is a gentleman; he is a scholar and a jurist. He has summed up this case under his oath of office, and has made report of it in his last annual report, which has been laid upon our desks. I wish, Mr. President, to insert extracts from his report in my remarks. It is like the summing up of a judge after he has heard the witnesses. I will point to one or two observations which he makes which are worthy of your notice.

The evidence makes it quite clear—

He says—

that the firing had not ceased when the men began to form in line, and therefore that all the guns with which the firing was done could not have been in the racks when the sergeants in charge of quarters went to unlock the racks, although they testified that they were there.

A second observation he makes in summing up of the testimony:

It is also certain that during the formation of the companies, or immediately after, the men who had done the shooting must have returned to their places so as to respond to the roll call or that some one answered for them.

One or two enlisted men testified that the first shooting was done outside the fort, that it was accompanied by cries indicating hostility to the soldiers, and that the bullets were directed toward the barracks.

Then he points out this fact, which leads directly to the door of truth:

Not the slightest trace of any bullet holes could be found in the barracks, and the great weight of testimony indicates that these witnesses were mistaken.

Then Secretary Taft adds, respecting the order of the President, a review of the case, as follows:

The order has attracted much attention and has been severely criticised as unjust because it condemns many innocent men to undeserved punishment. It is not improper therefore in this report to review the case and state the reasons which not only justified it, but made it necessary.

First. Out of a battalion of 170 enlisted men in the Army of the United States, from 9 to 20 men *formed a preconcerted* plan to revenge themselves upon the people of a town in which they were stationed for the insults they felt that the townspeople had heaped upon them. In accordance with the plan, they left their barracks under cover of the darkness—about midnight—and proceeded to discharge their weapons into the houses of the town for the purpose of killing those against whom they felt a grievance. They came very near killing some one or more of the three women and seven children who were sitting or sleeping in two of the lighted rooms into which they fired. They, in fact, did kill one man, wound another, and seriously injure the chief of

police. They accompanied their firing with expressions indicating the malice which prompted their action. There can be no doubt, therefore, that the squad of men who moved together from the fort to the town and did this shooting were guilty of murder, and murder in the first degree, and that if they were discovered they could be properly subjected to capital punishment. The purpose of one was the purpose of all.

Second. Within ten minutes or more after this crime was committed, when the whole garrison was aroused by the noise of the fusillade and by the call to arms which followed it, the guilty men returned to their places, and must have been among the last men to take their places, for the reason that the firing continued after the formations had begun. The absence of the rifles from the racks could not have escaped the attention of the sergeants who had the keys of the racks, if indeed they had the keys; and yet all the sergeants swear that the rifles were in the racks, untouched. Before the next morning, all the guns were clean. It is impossible that many of the battalion who did not take part as active members of the conspiracy to murder were not made aware by one circumstance or another of the identity of the persons who committed this heinous offense.

Third. Instead of giving to their officers, or to the military inspectors who were directed to make the examination, the benefit of anything which they knew tending to lead to a conviction of the guilty persons, there was a conspiracy of silence on the part of the many who must have known something of importance in this regard. Thus the murderers were taken back into the battalion and protected entirely from punishment.

Under these circumstances the question arises, Is the Government helpless? Must it continue in its service a battalion many of the members of which show their willingness to condone a crime of a capital character committed by from ten to twenty of its members, and put on a front of silence and ignorance which enables the criminals to escape just punishment? These enlisted men took the oath of allegiance to the Government, and were to be used under the law to maintain its supremacy. Can the Government properly therefore keep in its employ for the purpose of maintaining law and order any longer a body of men, from 5 to 10 per cent of whom can plan and commit murder, and rely upon the silence of a number of their companions to escape detection?

It may be that in the battalion are a number of men wholly innocent, who know neither who the guilty men are, nor any circumstances which will aid in their detection, though this can not be true of many. Because there may be innocent men in the battalion, must the Government continue to use it to guard communities of men, women, and children when it contains so dangerous an element impossible of detection? Certainly not. When a man enlists in the Army he knows that, for the very purpose of protecting itself, the Government reserves to itself the absolute right of discharge, not as a punishment, but for the public safety or interest. In such a case as this the inconvenience and hardship to those innocent of participation or knowledge, arising from arbitrarily terminating the contract of enlistment in accordance with the right which the Government by statute reserves, must be borne by them in the public interest. It goes without saying that if the guilty could be ascertained they should and would be punished; but the guilty can not be ascertained and the very impossibility of determining who are the guilty makes the whole battalion useless to the Government as an instrument for maintaining law and order. The only means of ridding the military service of a band of would-be murderers of women and children, and actual murderers of one man, is the discharge of the entire battalion.

Might not any community into which the War Department should send this battalion, in which it is known that there are from nine to twenty murderers, justly complain that the battalion is not a proper instrument for maintaining the supremacy of the law? Could we properly send such a battalion to the Philippines or Cuba to maintain peace or furnish an example of orderly conduct? If a similar outbreak were there to occur, could we relieve ourselves from responsibility for it on the theory that we could not detect the particular ten or twenty who were guilty of the first murder?

Suppose a dozen men of the battalion stationed at Fort Brown in time of a war with Mexico carried plans and ammunition to the enemy on the other side of the Rio Grande River, and then returned under circumstances which made it clear that a large number of men in the battalion must have known who they were, but that every man in the battalion denied all knowledge of it, and thus all means of detecting the guilty were lacking. Would a competent general for one moment hesitate, in the interest of the public, to disband the entire battalion and discharge it from the service in order to avoid a repetition of the danger?

Can a real and logical distinction be made between the crime of treason, under the circumstances supposed, and the crime of murder in this case? Both are capital offenses, one perhaps more heinous than the other, and more dangerous to the Government itself, but in both cases it seems to me clear that the Government must protect itself and the community to which it is responsible from a recurrence of such offenses, not by punishing guilty and innocent alike, but by separating both the guilty and innocent from the service, so as to deprive the guilty of a second opportunity for such a crime, even though this may result in inconvenience and perhaps hardship to the innocent.

It is a mistake to suppose that this order is in itself a punishment either of the innocent or of the guilty. A discharge would be an utterly inadequate punishment for those who are guilty whether of committing the murder, or of withholding or suppressing evidence which would disclose the perpetrators of such a crime. The use of the word penalty in the proceedings is a mere misnomer and is unfortunate. The dismissal from the service of the members of this battalion under the circumstances is not a punishment, however great the hardship. There is a dismissal technically known as a dishonorable discharge, which is only imposed by sentence by a court. This is a punishment. But the members of this battalion were not dishonorably discharged. They could not have been so discharged except after a trial. They were discharged for the good of the service, as the technical phrase is, "without honor." It is not a fortunate phrase, because so easily confused with a dishonorable discharge. It is called "without honor" to distinguish the discharge from a discharge with honor, or an honorable discharge, which indicates the termination, in due course, of a satisfactory service. An enlistment brought prematurely to an end for the good of the service can not be an honorable discharge. Hence the distinction must be made. The discharge "without honor" is merely the ending of a contract and separation from the service under a right reserved in the statute for the protection of the Government, which may work a hardship to the private discharged, but which, in the public interest, must sometimes be arbitrarily exercised.

But it is said that the order forbids reentry by the discharged men into the Army or Navy or civil service, and this is a penalty. When an employee is discharged for the good of the service, it naturally follows that he can not be taken back, and the President in formally stating this result is not imposing a penalty in the proper sense of the term. He is only laying down a rule of ineligibility for the service with respect to which it is his Executive duty to prescribe the rules of admission. Should hereafter facts be disclosed, or a new state of facts arise from which it can be inferred that the public service will suffer no detriment from reentry of any one of these men into the service, his ineligibility can be removed by a mere Executive order.

Much sympathy has been evoked for those who have been so long in the public service as some of the noncommissioned officers and others of this battalion of the Twenty-fifth Infantry. It is to be said with respect to these noncommissioned officers, that upon them especially falls the duty of maintaining the discipline of the companies and the battalion, and that by reason of their long service and from their official authority they have more influence over the men and more opportunity to learn the circumstances leading to a detection of the guilty in this case than any others connected with the regiment. Indeed, it was their peculiar duty to find out and disclose the facts, but they have failed to do so. It may be that they were not derelict in this. If not, then they have had the misfortune to be associated with men whose conduct and immunity from detection require the Government in the public service to exercise its reserved contract right of discharge against the entire body of which they were members.

The suggestion made in some quarters that this battalion has been treated in this way simply because the men are colored hardly merits notice. The fact of their color and the racial feeling aroused between them and the citizens of Brownsville may have been the cause and furnished the motive, but certainly not a justification, for the plot to murder men, women, and children; but to this extent only in explanation of the circumstances is the fact of their color at all relevant.

In a body of men sworn to uphold the law, enlisted as the instruments of maintaining the supremacy of the law, no obligation of comradeship, which would prevent one from telling the truth and detailing the circumstances that would lead to the conviction of his associates of murder, can be recognized by those in authority and charged with the responsibility of maintaining the discipline of the Army.

As to future exculpation, should it occur, he concludes:

It is possible that evidence may be adduced in future which will tend to exculpate entirely some of the men now discharged, both from participation in the crime and assistance in the conspiracy of silence to prevent the detection of the offenders; and whenever such facts are shown in respect to anyone affected by the order, they will be brought to your attention, and, I understand, will render such persons eligible to reenlistment.

THE CONCLUSION OF JUDGE-ADVOCATE-GENERAL DAVIS.

Gen. George B. Davis, Judge-Advocate-General of the Army, was an enlisted soldier of the First Massachusetts Cavalry in the civil war, and rose to his present rank from honorable and dutiful service, and is the author of a standard book on our military laws. Distinguished as both soldier and scholar, he has gone over this case from the standpoint of one who has long made military law a study, and has had much experience in the consideration of cases.

This is his conclusion:

In the case under discussion it is an essential incident of a judicial investigation that those who are aware of the wrongful acts committed should testify, under oath, as to facts within their knowledge. To defeat such an inquiry, a considerable number of enlisted men have entered into a criminal combination, in the execution of which they decline to disclose facts which are known to them touching the very serious offenses against public order which were committed at Brownsville, Tex., in August last. In that view of the case, the question presented is, Are men who enter into such a combination rendering honest and faithful service within the meaning of their enlistment contracts? In other words, Can men admittedly so disregardful of public authority be trusted and relied upon when upon an occasion of public emergency they are called upon to support it?

THE CONCLUSION OF INSPECTOR-GENERAL GARLINGTON.

General Garlington, thirty years ago, was appointed to West Point from the State of Georgia. He was born in the State of South Carolina. His ancestors were from Virginia. His family is one that has been identified with all the wars of this country, from the war of freedom of '76 to the recent wars from which we have just emerged. Whatever of distinction or of honor has come to him in the Army of the United States has come through the channel of merit and from gallantry displayed upon the field of battle. He wears upon his breast, when he may, a medal of honor conferred upon him for gallantry in war with the Indians. He wears upon his person a scar of battle with the Indians. He has risen by gallantry, efficiency, and by gradations of rank, by modest devotion to duty. There is nothing in his career or character or service or what he has done in this case to give just ground for any animadversion or criticism whatsoever. What he did he did as an officer in the usual way—as an officer. He declared his conviction as an honest man must and should, and he stands upon what he said, in the character, unsullied, of soldier and gentleman, unimpugnable and unimpugned.

What Inspector-General Garlington did let his superior, Secretary Taft, say (record, p. 304):

The facts as stated appear from the careful investigation and report of Major Blocksom, of the Inspector-General's corps of the Army, supplemented by affidavits and oral examinations of many witnesses, conducted by a citizen's committee at the invitation of Major Penrose, and

by the report of Major Penrose. Major Blocksom began his investigation three days after the occurrence.

Since the occurrence every effort has been made by the commissioned officers and, by competent military inspectors sent for the purpose, through cross-examination of each member of the company who was present in the fort that night, to find some clue by which the enlisted men who committed this crime could be detected, and not the slightest evidence tending to establish the identity of a single man has been forthcoming. All the enlisted men of the battalion were advised that if evidence was not forthcoming leading to the identification of those who planned and committed these murders and attempted murders it would become necessary to discharge all the men present at Fort Brown that night without honor, and to bar them from reenlistment in the Army or service in the Navy or in the civil service.

Inspector-General Garlington then examined every man who came within the operation of the proposed order and was entirely unable to elicit a single circumstance leading to the identification of the murderers. He became convinced that there was a conspiracy of silence in the battalion to protect the criminals, and while he conceded that there might be a number of men in the battalion innocent both of the crime and of suppression of evidence, he deemed it necessary in the interest and for the good of the service to recommend the issuing of the order which by authority he had told the men would be made and enforced unless evidence pointing to the criminals was forthcoming. This Department concurred in General Garlington's recommendation, and the President then directed the discharge of certain-named members of the battalion, which included all the enlisted men of the battalion who were present at Fort Brown on the night in question, without honor, and forever debarred them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government. The order of discharge has been duly executed. A full copy of the proceedings and evidence is hereto appended.

General Garlington's conclusion was as follows:

CONCLUSION.

I recommend that orders be issued as soon as practicable discharging, without honor, every man in Companies B, C, and D of the Twenty-fifth Infantry, serving at Fort Brown, Tex., on the night of August 13, 1906, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government. In making this recommendation I recognize the fact that a number of men who have no direct knowledge as to the identity of the men of the Twenty-fifth Infantry who actually fired the shots on the night of the 13th of August, 1906, will incur this extreme penalty.

It has been established, by careful investigation, beyond reasonable doubt that the firing into the houses of the citizens of Brownsville, while the inhabitants thereof were pursuing their peaceful vocation or sleeping, and by which one citizen was killed and the chief of police so seriously wounded that he lost an arm, was done by enlisted men of the Twenty-fifth Infantry belonging to the battalion stationed at Fort Brown. After due opportunity and notice, the enlisted men of the Twenty-fifth Infantry have failed to tell all that it is reasonable to believe they know concerning the shooting. If they had done so, if they had been willing to relate all the circumstances—instances preliminary to the trouble—it is extremely probable that a clew sufficiently definite to lead to results would have been disclosed. They appear to stand together in a determination to resist the detection of the guilty; therefore they should stand together when the penalty falls.

A forceful lesson should be given to the Army at large, and especially to the noncommissioned officers, that their duty does not cease upon the drill ground, with the calling of the company rolls, making check inspections, and other duty of formal character, but that their responsibilities of office accompany them everywhere and at all times; that it is their duty to become thoroughly acquainted with the individual members of their respective units; to know their characteristics; to be able at all times to gauge their temper, in order to discover the beginning of discontent or of mutinous intentions, and to anticipate any organized act of disorder; that they must notify their officers at once of any such conditions. Moreover, the people of the United States, wherever they live, must feel assured that the men wearing the uniform of the Army are their protectors, and not midnight assassins or riotous disturbers of the peace of the community in which they may be stationed.

No absolutely accurate verification of the rifles and men of the battalion was made on the night of the 13th of August in time to account for all the rifles or all the men at the beginning of the firing or immediately upon its conclusion. This failure is explained as follows: The commanding officer and his associates, when the alarm was sounded and they heard the firing, assumed that it came from the city of Brownsville; and that the guns were in the hands of civilians; in other words, that the garrison was being fired into from the outside by civilians. It does not appear to have occurred to any of them that certain enlisted men of the Twenty-fifth Infantry had possession of their arms, and were committing the crime of firing into the houses and upon the citizens of Brownsville, until the mayor of the city came into the garrison and informed the commanding officer, Major Penrose, that one man had been killed and another wounded by his soldiers.

CONCLUSION OF MAJ. A. P. BLOCKSOM.

Maj. A. P. Blocksom, of Ohio, inspector-general of the Department of Texas, investigated the matter on the ground and regards it as "a preconcerted raid." (Record, p. 63.)

He says:

From the evidence obtainable I believe the first shots were fired between B Company barracks and the wall separating post from town. A number were fired into the air for the purpose of creating an alarm. The soldiers, 9 to 15, possibly more, then jumped the wall and started through town. There is no reliable evidence to support the claim that the first shots came from town, and no bullet marks were found on barracks. From their direction, etc., I am sure three shots through Mr. Yturria's house came from a point near the center of B Company's upper back porch. A Mexican boy sleeping on the floor of the Yturria porch said they were among the first fired.

Mr. Randall lives over the telegraph office opposite post gate. A bullet went through his sitting room; it came from a point near the wall opposite southwestern end of C Company barracks. Some of the first shots fired also came from the vicinity of D Company barracks. The line of barracks of D, B, and C companies runs northeast to southwest. The wall between post and town is parallel to and about 75 feet northwest of line of barracks. An alley through town, perpendicular to wall, beginning at a point nearly opposite space between B and D Company barracks, was the line of operations (about three blocks in length).

The raiders first struck Cowan's house (at end of first block). There were two women and five children in it. It is a miracle some of them were not shot. The raiders could not help knowing they had not yet gone to bed. About ten shots were fired, nearly all going through house at a height of 4½ feet or less above floor. One shot put out the lamp sitting on a table. Mrs. Cowan has been on the verge of hysterics ever since. It is said the Cowan children had made fun of "the nigger soldiers;" but I could not pin down the reports. There must be some truth in them.

As to the lieutenant of police, he says:

The lieutenant of police, Dominguez, heard the firing and rode toward it, accompanied by two policemen. Near corner of Miller Hotel (end of second block) the two policemen turned back, but Dominguez kept on, and the raiders started firing upon him. He said there were about fifteen colored soldiers in the party. He was mounted on a white horse and went half a block after reaching corner of hotel, when his horse fell dead, shot through the body several times. The raiders were probably at the corner and continued firing on the fleeing man until horse fell. Dominguez was shot in right arm (afterwards amputated below the elbow). He did not even draw his revolver from holster. A number of shots were also fired at the other two policemen. Dominguez, many years on the police force, is universally respected. The raiders fired seven or eight times into the Miller Hotel, including several shots at a guest sitting by a window. After shooting Dominguez they divided. One party proceeded along the alley.

Frank Natus, bartender in Tillman's saloon (about two-thirds the way down third block), heard them coming and started to close the back door, but was shot and probably instantly killed about 20 feet from door. A Mexican in the saloon, Preciado by name, was slightly wounded in the hand by a bullet which passed through his coat. Natus had never had any trouble with the soldiers, as far as known. Five or six shots were fired through that back door. This party tried to get into the back door of another saloon, but it was closed.

The other party went half a block to the right, then turned to the left and fired five or six shots into Mr. Starck's house (second from corner on street parallel to alley), evidently mistaking it for Tate's (which is third). Bullet marks in Starck's house are higher than in Cowan's. Mrs. Starck said two shots went through mosquito bar over bed in which she and two children were sleeping. These were the last attacks, and raiders then probably ran back. Bullet marks were found on several other houses in vicinity of those already mentioned.

None of the individual raiders was recognized. Streets are poorly lighted, and it was a dark night. Those who saw them were busy trying to keep out of sight themselves. The soldiers were comparative strangers in town, having arrived only two weeks before. That the raiders were soldiers of the Twenty-fifth Infantry can not be doubted. The evidence of many witnesses of all classes is conclusive. Shattered bullets, shells, and clips found are merely corroborative.

Major Blockson made a supplemental report, in which he said:

With regard to the charge of prejudice, I am willing to let my reports, letters, and telegrams answer the accusation.

I investigated the Brownsville affair because ordered to do so in my capacity as assistant inspector-general of the Southwestern Division, not because I desired such an unpleasant duty.

I did not rely upon the evidence taken before the citizens' committee at Brownsville. It was natural for that committee to be prejudiced. It was, however, composed of the best people in town, and I was informed that the majority originally were northern men.

I relied primarily upon my own investigation of the witnesses to the shooting and its attendant circumstances.

I interrogated about fifty witnesses—men, women, and children—who either personally saw the soldiers do the shooting, or heard their voices, or were witnesses to some other important fact relating to the crime.

I had long conversations with other persons—women and children, lawyers, judges, merchants, policemen, old officers—both Union and Confederate—Federal, State, and county officials, saloon men, and laborers, etc.

I did not hear a single person express a doubt on the subject; all either knew or were convinced from universal report that the raid was made by soldiers of the battalion of Fort Brown.

Noting the bulk of the evidence as to particular circumstances, he says:

On page 5 [188] of the report of the Constitution League, etc., with regard to empty shells and clips, I have already stated I regarded them as corroborative merely. On the same page it is said: "The garments described correspond with the khaki trousers or blue shirts almost universally worn in the vicinity." I have already referred to this subject in answer to Mr. Gilchrist Stewart's letter. The rangers (only one or two in town on the night of the 13th of August) *do* look something more like soldiers than do the Mexican police, but neither could be mistaken for them. There were a few other persons in town who wore perhaps a cast-off soldier's garment or hat.

Is it contended that either rangers or police, or both, committed the crime?

On page 8 [190] same report: "Every man at the roll calls of the three companies were present or accounted for within five or (at the maximum) eight minutes of the first alarm; and this alarm was coincident with the first firing."

This is the most important statement of fact in the whole report. It is untrue, as shown from sworn testimony of officers, as well as men, in my reply to Mr. Stewart's letter.

And he adds:

"But, as I have previously said, I never believed the first roll calls were accurate. Officers and first sergeants thought the post was attacked by town people, and it is absurd to suppose they thought of roll calls first and defense afterwards."

The opposite view of this matter presupposes too much, Mr. President. Then he has something to say in regard to the affair of Mrs. Evans.

Page 16 [193] with regard to Mrs. Evans. I investigated this affair at the house to which Mr. and Mrs. Evans had moved after the assault—more than a mile from the garrison. Mrs. Evans was absolutely positive as to the fact of her assailant being a tall, colored soldier. I interviewed her husband also and he told me of her fright, etc., when he saw her, almost immediately after the occurrence.

Mr. and Mrs. Evans are unimpeachably respectable.

With regard to evidence that firing "seems to have come from the road in front of Company B's headquarters." The positive evidence which I found from long and careful investigation of three witnesses, Mr. Randall, Mr. Martinez, and Mr. McDonald (the first two living in the telegraph office, very near which the firing began), together with that of a boy (Teofilo) who slept on the porch of the Yturria House, and that of Mrs. Cowan, her servant and children, offsets the evidence from men in garrison, who were farther away. Much of the latter evidence is negative and indefinite (see sworn evidence, also, in Colonel Lovering's report).

I talked often with Judge Welch, quoted on page 24 [198]. He was convinced the crime was committed by colored soldiers of the garrison (as can be proved by several officials with whom he was associated). But he was a most fair and just man and recognized the fact that there was no evidence against individual criminals. I explained why in my report. It is unfortunate he was assassinated the day before the November election.

He finally observes:

With regard to the call to arms * * * it did not occur until several minutes after first shots were fired, and then by the order of the sergeant of the guard.

Now, here is his conclusion of this matter, from going to the scene of action, from talking to everybody, looking the whole ground over:

I believe he sounded it to create confusion, to get out and place arms in the hands of all men so that the raiders would not be discovered on their return. Not a shot struck anything or anybody in the post; how different was it in town.

CONCLUSION OF MAJOR PENROSE.

Maj. C. W. Penrose, of the Twenty-fifth Infantry, was in command of the three companies. He says in his report from Fort Brown, Tex., August 15. (Record, p. 31):

Were it not for the damaging evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime, but with this fact so painfully before me I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand. I have the affidavits from three noncommissioned officers who were in charge of quarters on the day and night, and they swear positively the rifles were verified and the racks locked after drill (practice march of Companies B and D, drill of Company C), and the old guard returned to the quarters; that they never left the quarters, and that the keys to the locks of the racks were never out of their possession, and that the racks were not opened until call to arms sounded, and were then opened by them.

From testimony gathered by the Citizens' Committee and given to me by Doctor Combe, I believe from seven to ten men were implicated in this matter. Some one of them must have had a key to the gun rack, and after checkroll call was taken—for all were reported present at 11 p. m. roll call—they slipped out of quarters, did the shooting, returned while the companies were forming, and at some time during the early hours of the morning cleaned their rifles. This is made possible from the fact that the shooting all occurred within two short blocks of the barracks.

GEN. A. B. NETTLETON'S CONCLUSIONS.

Gen. A. B. Nettleton won his spurs in the Army of the Potomac in the civil war. He has been an Assistant Secretary of the Treasury, and has been identified with the Republican party through his lifetime. He has been in no relation either to the people of the South or to the soldiers in this case that might possibly divert his mind from a calm and considerate judgment as to its nature. There annexed to the President's message is a letter written by that gentleman, on November 27, to the President. He has often spent his time in Brownsville and, as I understand, is now there. In terms of indignation he describes the situation, and here is what he says:

As a citizen and resident of Illinois, as an antislavery advocate when that phrase had a meaning, and as a life-long Republican who served in the Union Army throughout the civil war, I shall at least not be suspected of prejudice against men of color as such. I feel sure that only carefully disseminated misinformation as to the facts can account for the present gross misapprehension on the part of some persons and journals at the North.

Business interests bring me frequently to Brownsville, where I have found a particularly placid and well-ordered community. Arriving here immediately after the midnight attack upon this city by a part of the colored garrison of Fort Brown, I have improved my abundant opportunity for gathering, personally and privately, on the spot and at first hand, and for carefully sifting all material facts bearing upon the deplorable event. Without rehearsing details, I wish to assure you that an absolutely unprejudiced investigation, continued after all local excitement had subsided, confirms in every particular the conclusions reached by the two Army officers sent here by your Department, upon which the President has acted, as well as the clear and temperate statement sent out immediately after the tragedy by Chairman William Kelly, of the Brownsville citizens' committee. Captain Kelly is a veteran officer of the Union Army, president of the First National Bank here, and a citizen of the highest character, who could have no motive for magnifying the gravity of the occurrence. His associates on this committee and in its investigations included leading State, Federal, county, and municipal officials, all of whom were present in Brownsville on the night of the outrage and throughout the subsequent events. The committee's membership also embraced the most prominent private citizens of all vocations, including many of northern birth and antecedents. The committee's report is doubtless on your table or in your files. It constitutes the authorized, dignified, and sufficient utterance of this community, and it probably embodies the most conclusive and damning indictment ever found against soldiers of any race wearing the uniform and wielding the weapons of a civilized government.

Next to the window where I am now writing is a cottage home where a children's party had just broken up before the house was riddled with at least twenty-three United States bullets, fired by United States troops, from United States Springfield rifles, at close range, necessarily with the purpose of killing or maiming the inmates, including the parents and children, who were still up in the well-lighted house and whose escape from death, under the circumstances, was astonishing. On another street I daily look upon the fresh bullet scars where a volley from similar Government rifles was fired into the side and windows of the Miller Hotel, occupied at the time by sleeping or frightened guests from abroad, who could not possibly have given any offense to the assailants. Any day the Brownsville lieutenant of police, Dominguez, again on duty from hospital, may be seen carrying an empty sleeve because he got in the way of Federal soldiers from the adjacent garrison when they were shooting up the town. And not far away is the fresh grave of an unoffending citizen of this place, a boy in years, who was wantonly shot down while unarmed and attempting to escape the astonishing rain of bullets.

The well-attested evidence, controverted by none, is that the colored troops were treated here in Brownsville with the same consideration with which colored soldiers of similar bearing are treated in garrison towns of Northern States; that, on the other hand, the street conduct of some of them was often aggressively and causelessly insolent toward both white men and women; that one attempted assault upon a white woman was made by a negro soldier in uniform; that there was no known provocation for the murderous raid by the negro soldiers, unless it can be called a provocation that the drinkers among them were provided with separate bars in certain saloons, and that on two occasions individual insolence was resented by individual citizens, both of whom happen to have been Republican Federal officials; that there was no "riot" and no "street row," as many newspapers persist in calling the raid, but there was simply a cold-blooded conspiracy of the most cowardly possible sort to terrorize the entire community and kill or injure men, women, and children in their homes and beds or on the streets, and this at an hour of the night when concerted or effective resistance or defense was out of the question, and when detection by identification of the uniformed criminals outside of the garrison was well-nigh impossible. No defense being practicable, none was made. So far as I can learn, not a shot was fired by citizens at the attacking soldiers or at the fort. The soldiers were the aggressors from start to finish. They met with no resistance during their assault and had things their own way.

To one who knows the facts as I learn them here, and who therefore appreciates the enormity of the prearranged cooperative crime, the present attempt to make martyrs of any portion of the discharged men would be appalling if it were not grotesque. If the persons who actually did the firing could have been identified and tried, they would doubtless have suffered what they deserve—the penalty of a shameful death. Every soldier who possesses incriminating knowledge of the facts has, by refusing to testify, made himself legally as well as morally an accessory after the fact to the crime of murder. It equally follows, as it seems to me, that every member of the battalion who, however innocent personally both of actual participation and of actual guilty knowledge, has chosen to stand as a silent or outspoken champion of his suspected comrades, is himself morally implicated, and unfit to wear the uniform of an American soldier. He has shown himself an unsafe person to be employed as a defender of the public welfare and of the nation's honor. Inasmuch as, so far as known, not one member of the disgraced battalion has thus far seen fit to act the part of an honorable citizen and soldier by at least manifesting a willingness to aid the Government to fix the primary responsibility where it belongs, the entire membership of the three companies rightfully share a common ignominy. Besides, all the circumstances of the case leave very little doubt in my mind that a very large proportion of the command are in possession of knowledge which, if revealed, would lead to the prompt detection of the men who did the actual firing.

Without presuming to pass judgment upon any part of the conduct of the white commissioned officers who were in charge of the Brownsville garrison, which conduct is doubtless receiving the attention of your Department, I have been greatly surprised by several facts relating to the discipline maintained at the post. For example, at the outset it seemed amazing to me that neither the commanding officer, the officer of the day, nor the officer of the guard should have known anything of the bloody event. My amazement was increased when I learned that the officer of the day had, earlier in the evening, gone to his private quarters and not only removed his sword, but had undressed, gone to bed, and was sound asleep throughout the entire occurrence.

I believe no course other than the moderate and lawful one which he has pursued was or is open to the President unless all semblance of decent discipline in our Army is to be ended, and unless every American community, North and South alike, is to be given cause to dread the proximity of a negro garrison as it would that of an encampment of paid, armed, and uniformed assassins. "It is not a sectional matter. I find here little, if any, animosity toward colored troops as such. White soldiers guilty of like conduct would be dreaded and detested quite as much as black ones, and in Boston as well as in Brownsville."

These are wise words.

I sympathize with the colored people in their upward struggle in America against fearful odds. I believe the most damaging service that can be rendered them as a race in this their period of test and transition is that of championing or excusing the criminal element in their ranks, as some members of both races seem to be doing at the present time. Incidentally, this sanguinary Brownsville episode seems to mark a sudden and inexplicable reversion to unprovoked primeval savagery by considerable numbers of trained, veteran negro soldiers, which suggests serious thoughts upon the whole racial problem.

But that is anotner matter, and the present duty for every citizen, North and South, white and black alike, as it appears to me, is to acquaint himself with the facts in this particular case, as officially ascertained, and then voice his emphatic approval of President Roosevelt's necessary and admirable course in the premises. I can imagine no conduct on the part of members of a military garrison which would surpass in atrocity the Brownsville crime of August 13, and but for the fact that ironclad conspiracy of silence on the part of the entire force of enlisted men has thus far rendered detection and real punishment impossible the present sweeping dismissal would not be required.

It goes without saying that such discharge from service is not punishment. As punishment it would be farcical in its leniency. It is at utmost a severance of relations between employer and employed—a determination of the Government's responsibility for the conduct of men who have shown that they can not be trusted. It is to the last degree deplorable that adequate penalty can not be inflicted at this time, but in the absence of such penalty the good name of every colored soldier remaining in the Army, and of the colored race in America, demands that they unite with all good citizens in placing these criminals and their sympathizing comrades in the pillory of public execration.

When a man of character and service like that of General Nettleton—near the scene of action, knowing the people and mingling with them—goes out of his way to come forward and bear his testimony to the people of this United States as to the nature of a case, it is testimony, even if not admissible in courts, that can not fail to convey moral conviction to any enlightened mind.

CONCLUSION OF WILLIAM KELLY, ESQ., AN EX-FEDERAL OFFICER.

William Kelly, president of the First National Bank of Brownsville, was chairman of the citizens' committee. He is Republican in politics and was an officer of the Union Army during the civil war. His son married the daughter of Governor Odell, of New York.

He says in a communication which appears in the papers accompanying the President's Message, page 240:

At a few minutes before 12 o'clock a shot was fired from the post, apparently a signal, for immediately thereafter a volley was fired, and a body of soldiers, from sixteen to twenty-five in number, jumped the garrison wall—a brick fence about 3 feet high—formed under a non-commissioned officer, whose commands were heard, rushed into town, and commenced firing indiscriminately into the houses of the citizens. Into the house where but a few moments before between forty and fifty innocent children were enjoying themselves, over twenty shots were fired, riddling furniture and smashing mirrors and tearing hangings.

Mrs. Cowen and her children took refuge underneath a bed, through the covering of which one bullet passed. The shots were fired point blank to kill—most of them at the height of a man above the floors. A little farther up the street the house of Mr. Fred Starck had eight shots in it; one passed through the bed of his sleeping children and within 2 feet of where they lay.

* * * * * * *

The citizens' committee, appointed at a mass meeting the morning after the outrages, made these demands in behalf of our outraged people: First. Remove all the negroes; next, follow the guilty ones, and spare no efforts to have them identified and punished as their crimes deserve.

Fort Brown has been garrisoned by negro troops before, and no trouble has arisen between them and the citizens of Brownsville. Generals Shafter, Merriam, Doubleday, Corbin, Clous, Gilmore, Wade, Hatch, and many others of high rank have commanded negro troops here. There is probably less race prejudice in this community than in any part of the South; but when it becomes a question between the peace, comfort, and safety of our mothers, wives, daughters, and sisters, and the presence of armed negroes among us the armed negro must go.

The citizens' committee was selected from our best citizens; its chairman is a post commander in the Grand Army of the Republic and a companion of the military order of the Loyal Legion of the United States; one of its members is a vice-commander of the Grand Army of the Republic; another is quartermaster of the local Grand Army post; the remainder of the membership is composed of three doctors, four lawyers, three bankers, three merchants, two landowners, and three large owners of city property.

The mayor of the city is a well-known ex-army officer, and to his quiet firmness is due the fact that grave results did not follow the outrage.

The personnel of the committee will give assurance that they will "nothing extenuate, nor set down aught in malice."

WILLIAM KELLY,
Chairman Citizens' Committee.

CONSUL GRIFFITH'S CONCLUSION.

From across the river in Matamoros came another voice, Consul Griffith is an officer of the United States at the town of Matamoros. He was near the ground when this transaction happened. One significant fact. The house of Mr. Cowen had twenty-two bullet marks upon it. There was shooting in the street near the garrison. When the shooting was over, neither the garrison wall nor the garrison anywhere bore the mark of a bullet; but one house had twenty-two bullet marks upon it. If that does not show which way the rifles were pointed, the doubting Thomas who would disbelieve it would not believe though one should rise from the dead.

I myself—

Says he—

counted twenty-two bullet holes, and how the lady and her five children, who crawled under the bed, escaped death is almost a miracle. Not a shot had been fired by any citizen into the garrison, nor was any riot going on, as has been repeatedly reported.

He gives his view of the whole situation, and as he is an officer of the present Administration in a foreign part, and there is no proof that he was born in any part of this country which comes under animadversion, I will not inquire further into his residence or his antecedents.

THE SAME MILITARY LAW IS FOR WHITE AND BLACK ALIKE.

If, Mr. President, this had been a white company, whether from Connecticut or from Virginia, whether from Massachusetts or Maine, whether from Dakota or Indiana, we would have had no public meetings on the subject, no sermons would have been preached, no churches would have been aroused and diverted from their religious devotions. It has happened to some of the soldiers of nearly every State in the Union in the many wars which we have fought and in the many situations and difficulties which they have had to encounter to come under animadversion or censure or blame and sometimes of disgrace and shame. It does not belong to any community in this country to raise angels alone, and while we may all feel sensitive, and justly so when those near to us are touched, while we may all be willing to help and defend, and properly should, we must bide our portion when it comes to us, turn ourselves against wrong, whoever commits it, and try to possess our souls in fortitude and patience, submissive and subservient to law.

Now, I do not wonder that our colored people have been sensitive. Some of them have been taught here or there that this was unjust to them. No such idea ever entered the mind of the President of the United States, nor of Secretary Taft, nor Judge-Advocate-General Davis, nor of Major Blocksom or Major Penrose, nor of General Garlington, nor of Major Kelly, nor of the consul at Matamoros, nor of General Nettleton, nor has entered mine. I would feel ashamed to occupy a seat upon the floor of the Senate if I would not defend an Indian, a Chinaman, a Japanese, or a colored man if proof were brought to my mind that he had been tyrannically or unjustly treated. If there are innocent men in this company who did not know of this matter, I hope their innocence will be proved. But this is just one of those cases in which, although grand juries sought to get at testimony, inspectors of the Army tried to get at testimony, department commanders tried to get at testimony, citizens' committees tried to get at testimony, but one single fact appears demonstrated as a fact, and that is that some of these soldiers, their identity in person unknown, had shot up the town of Brownsville. This was proved as was there attested by Secretary Taft in his summary of the testimony, and I will not read over to you the individual witnesses. The soldiers were seen to climb over the wall, which is near the houses of Martinez and Cowan, and after they shot up the street in front of that wall, twenty-two bullet marks were found upon one house. On another square or so up the street the horse of the chief of police was killed and he maimed, and a little beyond another person killed. All the res gestæ of the transaction has convinced every man who has ever gone upon the premises and examined them.

THE PRESIDENT DELIBERATE AND PATIENT.

The President of the United States was slow to reach his conclusion. He did not go off halfcocked. From the 13th of August to the 4th day of October he plodded along as best he could investigating the case by officers upon the ground, by officers sent there, and by hearing adminicles of testimony borne upon the four winds by different personages who communicated with him. After he had heard it all he could reach but one conclusion.

Now, Mr. President, in that conclusion it may be, ex necessitate rei, not from the design of any man—even the will might be unwilling thereto—that some innocent soldier will suffer. We are told in the Good Book that the sun shines and the rains fall on the just and on the unjust. When calamities come the innocent are apt to suffer with the guilty. But this is also true, and especially about a soldier and a corps: You can not make a good soldier unless you make him feel that the honor of his corps is his honor. He must be ready at any and all times to speak up for the company and the regiment to which he belongs and be made to realize at all times that when he puts his uniform on and bears the insignia of his soldiership in that company and regiment he is its representative and spokesman.

SCORES OF WITNESSES.

Now, Mr. President, when the President of the United States says—and it is attributed to him, though I have not found the words except in an order given under his direction—that scores of witnesses bore out his conclusion in this case, I can not appreciate that that remark can be belittled, for if he did say so, he acted within the margin of the testimony laid before him and not beyond it. Major Blocksom says he examined about fifty witnesses, as I have shown, and the result of the testimony of these and other witnesses was laid before the President. When a military officer of the United States, in the discharge of his duty under his oath of office, reports a condition and the basis of that condition, and the whole matter is laid before the President of the United States, and upon his responsibility as an intelligent and law-abiding man, even though he may not have heard with his own ear and seen with his own eyes the witnesses who gave the observations which were reported to him, he, in his Executive character, does not sit like a court upon a bench to hear only technical testimony governed by rigid rules in litigated cases. Any kind of testimony that brings moral conviction may be the basis of his action, as it may be the basis of the action of a Senator here in giving his assent to a law.

THE FACTS OF THE CASE.

It will appear, however, in this case that the President of the United States did not rely alone upon those moral evidences which were brought to his attention, but upon official reports made to him by proper military officers.

So, Mr. President, if it comes to pass that it is definitely ascertained by judicious men, by men of all sections—by men from New York, Ohio, Illinois, New Hampshire, Michigan, Georgia, Massachusetts, and elsewhere—by men of all classes, by men of all points of observation that a certain number of a company or regiment have committed a great fault, it becomes the first duty of every one of those soldiers to go upon the trail, find out, expose the man who committed the fault, and see that the blemish upon their organization is removed. If they do not do it, what have they done? Proved themselves unworthy of the uniform they wear. If they can not do it, what have they done? Simply placed themselves in the misfortune of incompetency and disability. What must the Army do? What must the country do? What must the Commander in Chief do? He can not change military law because a man here or there may suffer. He has to teach *all* the soldiers in the Army what the duty of a soldier is, and what the honor of a soldier is, and what the law of the land is. Moreover, as he should only keep in service soldiers in whom confidence can be placed, he must discharge the company when knowing that the guilty ones amongst them can not be identified.

The President of the United States has done that in the most mild and moderate form that it was in his power to do. Some say he should have had a court-martial. The people of Brownsville—and to their credit be it said—Judge Welsh of their criminal court had a grand jury to investigate this matter. It was believed that thirteen men participated in this fiendish transaction. When you come to say, Was A B one of them? nobody could identify A B, or C D, or E F, or G H, or I J, or K L, to the end of the alphabet. But while no man could spot the individual, many men could spot the soldiery, for they saw the soldiery when they jumped over the wall. They saw their forms in the night as they fired their rifles. They found twenty-two bullet holes at the end of the mouth of those rifles. They found the dead horse, the crippled man, and the corpse of a citizen, and the cartridge shells, and they know of the terrorism and the murder and the bloodshed that ran riot in that town.

We are up against this unfortunate condition in the complex affairs of human life. The men who were innocent must take their portion and bide their time. I have, somehow, faith that there is an angel that watches over the innocent that somewhere at some time will entertain him unawares. I do not fear that, if there be innocent men, somewhere at some time the evidence will come forth that will acquit them.

But, Mr. President, as all this matter was confined within the circle of the companies, as yet it has been impossible to identify individually the criminals, though the group that holds them has been identified. So, then, Mr. President, let the investigation proceed. Get all the evidence you can. Go down to Brownsville again to get it, but do not let us impugn the President, who has executed the military law, which exacts discipline. Do not let us challenge the Articles of War, which the Congress enacted and which Congress after Congress has recognized and which have been in existence for a hundred years. Do not let the people of this country—North, South, East, or West—feel that they are, in any city or any vicinage, at the mercy of any mob.

MOB LAW IS NO MAN'S LAW.

Mob law is no man's law. It should be no country's law.

When the mob attacked the trains of the United States and the post-office arrangements of the United States in the city of Chicago, in Cleveland's Administration, the Democracy of the Senate did not believe that they were standing for autocratic government when they approved the President of the United States in sending armed men there to protect it; nor did the people condemn either the Senate or the House, which unanimously indorsed him. I had the honor to offer the approving resolution in the Senate which was unanimously indorsed; and I beg to state, Mr. President, that the people of my section, the people who are represented here from all over the South, stand for law and for order and for the Constitution and for the recognized officials of this Government to be supported and sustained wherever they act within the purview of their power.

Do not tell me, sir, that this is friendship for autocracy. It is simply friendship for government. It is simply respect for law, and when men who proclaim these doctrines are pointed to as having a tendency to join those who are for centralization and consolidation and for piling up autocratic powers, I repudiate the suggestion. Let me point them to the voice of Hugh S. Legare, of South Carolina, of sixty years ago, one of the advisers of the then President. Let me refer again to the voice of the venerable jurist from Maine, Nathan Clifford, and say that in those voices you have the law and the prophets of the Democratic creed of this land; the American creed which in this matter the President stands for.

EMPLOYERS' LIABILITY BILL.

During the delivery of Mr. DANIEL's speech,

The VICE-PRESIDENT. The Senator from Virginia will suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. GALLINGER. Mr. President, I had intended to offer an amendment to the pending bill, the unfinished business, and to make a few observations concerning it, which would not occupy more than a few minutes. But as the Senator from Virginia has the floor, I will defer that until after the Senator from Virginia concludes, if the Senator from Wisconsin will ask to have the unfinished business temporarily laid aside.

Mr. LA FOLLETTE. I ask that the unfinished business may be laid aside until the Senator from Virginia concludes.

Mr. WARREN. I ask leave to present two amendments to the bill which the Senator now asks may be laid aside, in order that they may be printed. I have in mind what the Senator from New Hampshire also has in mind, to make some observations when the time comes. I shall be glad if the amendments may be printed.

The VICE-PRESIDENT. The amendments will be printed and lie on the table. The Senator from Wisconsin asks unanimous consent that the unfinished business be laid aside until the conclusion of the remarks of the Senator from Virginia. Without objection, it is so ordered. The Senator from Virginia will proceed.

Mr. DANIEL. I thank both the Senator from New Hampshire and the Senator from Wisconsin for their courtesy.

After the conclusion of Mr. DANIEL's speech,

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. GALLINGER. Mr. President, let the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The unfinished business will be laid before the Senate.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. Certainly.

Mr. FORAKER. I only wanted to inquire whether any other Senator desires to speak to the resolution this afternoon. If not, I will ask that it may go over until to-morrow, as it did yesterday until to-day—that is, to be taken up after the routine morning business.

Mr. CULBERSON. Before that order is adopted I simply desire to suggest that I understand the Senator from New Hampshire [Mr. GALLINGER] desires to have the unfinished business now taken up.

Mr. GALLINGER. That is my purpose, I will say to the Senator.

Mr. CULBERSON. I have no objection, of course, to that, and I would be very glad to accommodate the Senator, but if he did not want to go on now there might be observations to be made on the pending resolution.

Mr. GALLINGER. I will venture to suggest that it is not an accommodation. The bill is the regular order.

Mr. CULBERSON. The Senator probably misunderstood me. I did not mean in the best sense of the term that it was an accommodation, but that it would be my pleasure to hear the Senator.

Mr. GALLINGER. And it is my pleasure, I will say to the Senator, to make any arrangement that will facilitate the consideration of the matter which has just been under discussion.

The VICE-PRESIDENT. The Senator from Ohio asks that the resolution respecting the Brownsville matter may go over until to-morrow, to be brought up after the conclusion of the routine morning business. Is there objection? The Chair hears none, and it is so ordered.

Mr. GALLINGER. Mr. President, the bill under consideration——

Mr. McCUMBER. Mr. President, I was not listening, and I do not understand about the unanimous-consent agreement. Let it be stated again.

The VICE-PRESIDENT. The unanimous-consent agreement was that the resolution regarding the Brownsville matter shall go over until to-morrow morning, to be laid before the Senate at the conclusion of the routine morning business.

Mr. McCUMBER. I object to that, simply because three or four times we have made arrangements——

The VICE-PRESIDENT. Will the Senator from North Dakota suspend until the Senate is in order?

Mr. McCUMBER. With the understanding that the resolution simply goes over and that I may proceed in accordance with the notice which has been given, I withdraw the objection.

Mr. FORAKER. I will say to the Senator from North Dakota that when the resolution comes up I will yield to him to address the Senate under his notice.

EMPLOYERS' LIABILITY BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. GALLINGER. Mr. President, an examination of the bill under consideration reveals the fact that it was introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] and amended by the committee by striking out the entire text of the bill and substituting other language; and that during its consideration twenty-five amendments were offered to the bill, which are now pending, eight of those amendments having been offered by the Senator from Wisconsin himself.

I state this fact, Mr. President, for the reason that on yesterday the Senator from Wisconsin [Mr. LA FOLLETTE] came to my desk and inquired if I desired to further debate the bill. I said to him that I had an amendment which I proposed to offer, to which I would address myself very briefly. An afternoon paper of to-day, in speaking of this bill, has a headline which reads, "Plot Bill's Death," and then it goes on to state—

> The friends of the bill are not certain just what will be the tactics of the opposition. It is expected, however, efforts will be made to amend the bill and, perhaps, to weaken it by this indirect method of attack. Senator GALLINGER of New Hampshire has already advised Senator LA FOLLETTE that he has one or more amendments to propose.

Mr. President, I have been here a good many years, and I never before heard it intimated that it was not entirely proper for any Senator to offer an amendment to any bill that was under consideration, nor have I ever before heard it suggested that such action could properly be construed into an effort to defeat a bill. As I have just suggested, the Senator from Wisconsin has himself offered eight amendments to the bill, which amendments are now pending.

Now, Mr. President, the amendment that I propose to offer to the bill is as follows, and I will ask the Secretary to read it.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. Add as a new section the following:

> SEC. 5. That nothing in this act shall be construed to prohibit or in any way interfere with the employment, with their consent, of men whose hours of labor are affected herein, upon runs, single or turn, which, in the reasonable judgment of the officers of the respective railroads and of the men so employed, can be completed, in the ordinary course of the business of the carrier, within sixteen hours.

Mr. GALLINGER. Mr. President, before saying a word in advocacy of this amendment I desire to put in the RECORD the action of several divisions of the organization known as the Brotherhood of Locomotive Engineers, which have been sent to me protesting against the passage of the pending bill. I will not take the time to read them, but ask that they may be inserted in the RECORD.

The VICE-PRESIDENT. The letters will be inserted without reading, if there be no objection.

The matter referred to is as follows:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
PORT JERVIS DIVISION, No. 54,
Port Jervis, N. Y., September 13, 1906.

Mr. JOHN WONDERLY.

DEAR SIR AND BROTHER: At a regular meeting of Division No. 54, September 11, 1906, the letter you sent to Brother Kelley, in regard to certain measures which was to be presented to the legislature in regard to passing laws for the safety of employees and the traveling public, was read and, after talking the matter over, the vote was taken, and Division No. 54 voted as being opposed to such becoming a law, as our men considered it would be against the best interests of our men, and I was instructed to notify you of the above action.

C. CASKY, *First Assistant Engineer.*

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
GALION DIVISION, No. 16,
Galion, Ohio, September 19, 1906.

Mr. JOHN WONDERLY, *Huntington, Ind.*

DEAR SIR AND BROTHER: At a regular meeting, held in Galion, September 18, 1906, it was resolved that division is bitterly opposed to the bill limiting the hours of service of employees on railroads, which is now pending in Congress.

Yours, fraternally,
JOHN J. DAZE,
F. A. E., Galion, Ohio.

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
LAKE SUBDIVISION, No. 302,
Chicago, Ill., October 2, 1906.

Resolution passed by Division 302:

"That we are not in favor of Interstate Commerce Commission regulating the hours of labor for engineers, as it would in many cases be a hardship on engineers to get within a few miles of home sometimes and have to stop for rest."

[SEAL.]
GEO. BODLEY,
First Assistant Engineer, Division 302.

DUNMORE, PA., *September 24, 1906.*

Mr. JOHN WONDERLY,
Chairman General Committee of Adjustment, Erie System.

DEAR SIR AND BROTHER: Believing that the proposed new law limiting the time that an engineer may remain on duty to a certain number of hours would work great hardship on us and seriously interfere with the business of the railroads: Therefore, be it

Resolved, That we, the members of Division 403, Brotherhood of Locomotive Engineers, are opposed to the passage of any law limiting the hours that an engineer may remain on duty.

Fraternally, yours,

[SEAL.]
A. E. FINCH,
Chief Engineer.
C. E. COLLINS,
First Assistant Engineer.

HUNTINGTON, IND., *September 30, 1906.*

At regular meeting of this division, held September 30, a motion was made and carried that this division does not approve of the enactment of a law as outlined in circular presented to this division.

Respectfully,

[SEAL.]
WM. MCCLURE,
First Assistant Engineer.

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
HUDSON DIVISION, No. 135,
Jersey City, N. J., September 20, 1906.

Mr. JOHN WONDERLY.

DEAR SIR AND BROTHER: Your letter in reference to correction of proposed schedule and the proposed bill at Washington was read at our last regular meeting. The members present were not in favor of such a bill becoming a law, but owing to the small number present action was deferred until next meeting, when it is likely that a resolution protesting against the passage of such a bill will be adopted. I received the ballots O. K. and have distributed them among the members, and about two-thirds of them have been returned. With best wishes to you,

I am, yours, fraternally,
JNO. L. VAN ORDEN.

Mr. LODGE. Will the Senator tell me, before he goes on, at what point he proposes his amendment?

Mr. GALLINGER. As a new section.

I will also ask consent to insert in the RECORD copies of two letters and a series of resolutions. The first letter is from W. C. Gurney, general chairman Order Railway Conductors, Delaware and Hudson system, and the resolutions were adopted by the same organization and signed by their chief officers. These are copies of letters that were sent to Hon. W. P. HEPBURN, of the House of Representatives, chairman of the Committee on Interstate and Foreign Commerce, and which, I think, have not been put in print before.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

The matter referred to is as follows:

18 MUNSELL STREET, BINGHAMTON, N. Y.,
December 22, 1906.

Hon. W. P. HEPBURN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

SIR: Referring to my letter of even date inclosing resolution adopted by the conductors of the Delaware and Hudson system running out of Whitehall, beg to say that I have been over the entire system and have talked with practically every conductor employed on the system and find that they are unanimously opposed to any legislation bearing on the hours of service of employees in train service, as they very much prefer to continue to arrange the hours of service directly with the management of the railroad.

I inclose herewith a copy of our agreement with the management of this company, and would especially call your attention to rules No. 30 and No. 42, which were proposed by the conductors and trainmen and agreed to by the management. In going over our system to ascertain the sentiment of the conductors in regard to the proposed bill I have come in contact with a large number of employees in the train service of other railroads in this territory and found that the men had not been consulted in regard to the proposed bill and knew nothing of it, and when their attention was called to it were very much opposed to it. They did not favor any legislation on the subject, as they preferred to settle that matter direct with the management through their schedules. Any legislation which will make it necessary for the employees in the train service to spend their rest time away from home instead of at home and with their families is a serious one, and should be very earnestly considered before it is passed. It affects the railroad men in the Middle and Eastern States, and they should be given an opportunity to be heard in the matter. The bill has been handled in such a manner that they have had no knowledge of it and no opportunity to pass on it, and I pray that you may have action on the bill postponed until all the men affected may have an opportunity to enter their protest against it.

Yours, truly,
W. C. GURNEY,
General Chairman Order Railway Conductors,
Delaware and Hudson System.

18 MUNSELL STREET, BINGHAMTON, N. Y.,
December, 1906.

Hon. W. P. HEPBURN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

SIR: I beg to acknowledge receipt of your favor acknowledging receipt of the resolution expressing the desire of the members of the Order of Railway Conductors in relation to the sixteen-hour bill now pending before the House of Representatives.

I note you say Mr. Fuller was before the committee and urged the passage of this bill. For your information I would say that Mr. Fuller has not consulted us in regard to the matter. He has not even advised us that such a bill was pending before Congress, and we but very recently learned that such a bill was being considered. I am informed that other orders of railway employees in this sectioin have been ignored in a similar manner.

The proposed bill would work the greatest hardship to employees in the train service in this section of the country, and I think Mr. Fuller should have given us an opportunity to express our views in regard to it.

Most respectfully, yours, W. C. GURNEY,
General Chairman Order Railway Conductors,
Delaware and Hudson System.

Whereas there are now pending in the Congress of the United States measures intended to take away from the men employed in the train service of interstate railways the right to dispose of their services under conditions and upon terms satisfactory to themselves; and

Whereas the nature of the railway business imposes conditions little understood by the general public, among them the fluctuations in train movement from week to week, month to month, and season to season, which create corresponding variations in the quantity of train service required and consequently in the demand for the labor of trainmen; and

Whereas the efficient handling of the public business intrusted to interstate railway carriers requires the arrangement of the runs of train crews so that in many cases the distances covered can not always be traversed, when conditions are at all adverse, within sixteen hours, and this is especially true of what are known as "turn" runs, which, however, are universally preferred by train crews because they permit the layovers to be spent at their homes, with increased comfort and reduced expense; and

Whereas the restriction of the hours of labor, by imposing a statutory maximum of sixteen hours, with exceptions only in case of casualties occurring after the runs begin, would require the railways to keep upon their pay rolls a greatly increased number of men to handle the traffic at the period of its greatest volume, but many of whom would be idle much of the time during most of the year, and would thus greatly reduce the average annual earnings of all classes of trainmen; and

Whereas the railway trainmen of the United States are of full age, possessed of sound minds, equipped with an intelligent comprehension of their own interests and of the business in which they are engaged, and are therefore fully able to look after themselves in their dealings with their employers: Now, therefore, be it

Resolved, That we, the members of Division 45 of the Order of Railway Conductors, condemn any legislative proposal for the restriction of the number of hours during which railway trainmen shall be permitted to dispose of their labor, and that we especially protest against the passage of the bill known as S. 5133, introduced by Senator LA FOLLETTE, or any similar measure; and

Be it further resolved, That W. C. Gurney be, and he is hereby, directed to transmit these resolutions to the Senators and Members of Congress from the State of New York, to the chairman of the Committee on Education and Labor of the United States Senate, and to the Speaker and the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives.

[SEAL.] F. W. MILLER,
Chief Conductor Division 45, O. R. C.
R. O. HUMPHREY,
Secretary and Treasurer Division 45, O. R. C.

Mr. GALLINGER. Mr. President, I have no disposition to defeat this bill if it can be put in proper shape. I have a disposition to perfect it as far as it is in my power to accomplish that result. I take it for granted that the bill is to pass in some form or other, and I prefer that it shall pass in proper form rather than in an improper form.

The amendment I have offered simply contemplates that it shall apply on certain short runs, and I will cite three or four of them as an illustration. For instance, between Boston, Mass., and Concord, N. H., the latter city being my home, ordinarily the men can make a run to Concord and return to Boston within the sixteen hours, but under some circumstances a slight delay may occur, and it is impossible for them to reach Boston in exactly sixteen hours. If this bill is enacted without a provision such as I have proposed, the men would have to lay off at Concord, 75 miles from their homes, a new crew would have to be recruited to send with the train to Boston, or else the train itself would have to remain in Concord for eight or ten hours for these men to have the rest that is contemplated by the provisions of the bill. What is true of that run is likewise true of the run from Boston to East Deerfield, Mass., and from East Deerfield to Rotterdam or Mechanicsville, N. Y., and there are many other similar instances that might be cited. Any one of the round trips that I have called attention to can ordinarily be made in sixteen hours, but if a slight delay occurs, the men, under the provisions of the bill as it now stands, will haye to lay off at the first terminal instead of working a brief time longer and then returning to their homes and taking a day off there with their families.

A protest has come to me from some of these men saying that this would be a great hardship to them; that they prefer to work a short time over the sixteen hours and to return to their homes and then to have the day off at their homes, enjoying the companionship of their families.

As I said a moment ago, if they are denied this privilege, a new crew will have to be looked up to make the return trip, necessitating great delay, or else the train wil' b'ave to remain there until these men have had their rest.

Mr. President, I know that in some instances the men desire to make these runs as round trips, even though at times a little more than sixteen hours may be required. That is a matter of personal knowledge on my part. I know also that some railroads in their agreements with their men provide that they shall not be required to work more than sixteen hours consecutively, and that they shall be given ten hours' uninterrupted rest before being called upon to resume their work; but in contingencies the men gladly give and are expected to give a little more additional time before taking their rest.

All that my amendment contemplates is to permit the railroad companies, with the full consent of their employees, to allow trifling additional time on a run where ordinarily sixteen hours is a sufficient time in which to make the run. That is all there is to the amendment, and it seems to me that it is a wise and judicious provision.

I have offered several other amendments to the bill which are in print and which Senators can examine for themselves. I shall hope that those amendments may be agreed to. The Senator from Ohio [Mr. FORAKER], the Senator from Mississippi [Mr. MCLAURIN], and the Senator from Wisconsin [Mr. LA FOLLETTE] have also offered amendments which, as a rule, are wise provisions and, if agreed to, will greatly improve the bill.

I have no disposition to delay the consideration of this bill. I have had no disposition to unduly delay it at any time, but I have felt that it is a very far-reaching measure and ought to receive the most careful consideration of the Senate. If it is to pass this body, it surely ought to be amended in many particulars; and if not so amended, it ought not to pass. It seems to me that we are in duty bound to take notfce of the fact that we do not want a rule so exacting, so inelastic that it will work to the disadvantage of the very men whom we are attempting to legislate for. If we can come to an agreement to put into the bill an amendment such as I have to-day suggested, that will at least relieve the men in certain cases of what they deem to be a hardship, and it seems to me that we ought all to be agreed that that is a wise thing to do.

This is all, Mr. President, that I care to say to-day on the subject.

Mr. WARREN. Mr. President, along the same lines that the Senator from New Hampshire [Mr. GALLINGER] has addressed the Senate, I wish to say a few words. It is sometimes a good plan to hear from the people and to add their judgment and thought to our own judgment upon any given question.

This bill has been much discussed in the newspapers. Railroad people generally know that such a bill is before the Senate and the day set aside upon which to have a vote.

Up to this time I have not heard from a single person—railroad owner or railroad employee—one word favorable to the bill. I have been receiving hundreds of letters about it. I have between 100 and 200 letters and telegrams here now on my desk from employees of western railroads, every one of them protesting against the bill in its form as before us.

Of course it is difficult for anyone to understand now what may be the outcome of the numerous amendments offered both by the mover of the bill and by others on the floor. The two amendments which I offered earlier in the day are to provide for the same contingency as the one just offered by the Senator from New Hampshire, with a further provision that some trips may be made as round trips where there is a short interval for rest or sleep between the outgoing and return part of the trip.

The Senator from New Hampshire has quoted the run from Boston to Concord, N. H.

Now, we will take, for an example, my home in Cheyenne, Wyo.: There is one run, which is 110 miles, to Sidney, Nebr. Another run is 106 miles, from Cheyenne to Denver. Another is 56 miles, from Cheyenne to Laramie, over the mountain. While the runs have been changed a little from time to time in the last thirty-five years, yet nearly all of the time it has been considered and is now considered, by both those who are in charge of the road and the trainmen themselves, the best policy to make runs out and back with a short interval of rest in the middle of the run and a long layover at home. The reason for an arrangement of this kind is obvious. The men living in Denver, Cheyenne, Laramie, and Sidney all have equal privileges. All have long lay overs at home with but very short lay overs at the other end. Thus the best service is secured and the employees made most prosperous and happy.

The man owns his home—the railroad men in that country nearly all own their homes—and is at home most of his resting hours with his wife and children, instead of at some boarding house away from all that he holds nearest and dearest. If the trainmen can run out seven to nine hours, have a rest of three to six hours, come back home in seven or eight hours, and then have from twenty-four to thirty-six hours at home, they are kept in better condition, physically and mentally; they are in better condition as railroad men to be exact and correct in the performance of their duties; their expenses are kept within some reasonable limit; the temptation to spend time in saloons and places outside their homes is lessened; the road is better served; the public is better served, and the men themselves are far better cared for than if it were provided that every rest shall be at least for ten hours, whether at home or away, for if you enforce a longer lay over away from home the inevitable result is to shorten his stay at his home. For instance, a man lives in Denver; he runs to Cheyenne and arrives at 11.30 at night, if on time; he goes out in the morning, say, at 6 o'clock; that is but six and one-half hours. In those six and a half hours, from 11.30 until 6 o'clock, he gets more rest than many a Senator of this body gets here in Washington between the time he goes to bed and the time he must get up in the morning and attend to the duties that surround him, and in which he is enlisted for the benefit of his constituents.

Now, the man arriving at Denver, his home, has all of one night and half of one day and all of another. Unless the bill is in some way amended to take care of men like that—men who have been railroading for ten, fifteen, twenty, and even thirty years, and have families and homes at similar places—unless these men can be considered, unless such runs can be considered and permitted, we had better not legislate at all.

I do not wish to take the time of the Senate, but I ask permission to insert in the RECORD certain letters. I have one here written by the chairman of the general protective board of Brotherhood of Locomotive Firemen and Engineers. He makes a very good statement of the case, and I ask that it may be spread upon the record, so that we may have it before us prior to the time we vote upon this measure.

The VICE-PRESIDENT. The letter will be printed in the RECORD without reading.

The letter is as follows:

GENERAL PROTECTIVE BOARD,
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEERS,
UNION PACIFIC SYSTEM,
Cheyenne, Wyo., December 31, 1906.

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.

MY DEAR SIR: Referring to my telegram, dated at Omaha, December 29, reading as follows:

"The General Protective Board of Brotherhood of Locomotive Firemen, Union Pacific Railroad, desires that you consider this a formal protest against the passage of so-called 'sixteen-hour law,' the purpose of which is to limit the hours of service of railway employees. Letter of explanation follows."

I desire to give you briefly some of our reasons for protesting against the passage of this bill. If it becomes a law, it will unquestionably decrease the earnings of all railway employees engaged in train service, as the companies will shorten their passenger and freight districts, in order to enable them to get trains and crews over the road within the sixteen-hour limit, and as a matter of protection will increase the tonnage of trains in order to offset the expenditures incident to shortening of districts and the operation thereof. A greater number of men will have to be employed so the railroad companies will be in a position to comply with the law, as it necessarily will cause men to lay over at terminals greatly in excess of the ten hours' lay-over clause provided in the bill, and for this reason therefore it will require more men, and they can not possibly make fair average mileage and earn fair monthly wages, as they are paid on a mileage basis.

Trainmen's living expenses away from home will be increased about 33⅓ per cent over the present system on account of their being required to be away from home terminals so much longer. The railroad companies will pool engines and cabooses, which has been tried heretofore and resulted very unsatisfactorily. Trainmen away from home terminals live in and prepare a great many of their meals in their cabooses. Pooling the engines and cabooses will prevent this being done.

A large percentage of railroad employees in train service own their own homes, representing the savings of a lifetime. In this western country a great many of the terminals are what might be termed "railroad towns," and are supported almost exclusively by employees of railroad companies. If terminals are changed, such towns would be abandoned and the loss to employees would be enormous, practically meaning the financial ruin of many of them. It would also deprive the children of employees of educational advantages which they now enjoy, as it would be years before similar facilities would be available at the new terminals.

It is now impossible to man western railroads with experienced men. The passage of this bill would require the company to largely increase their force, which could only be done by employing new and inexperienced men, thereby creating greater risk and hazard of accident than the overworking of men could possibly cause. It would also make the positions of railroad employees in train service less inviting, and a great many of our old men would seek other avocations, thus increasing the number of new men in the service. The experienced railroad men alone realize that a great number of accidents to-day are caused by the "student" or inexperienced man, and they only can appreciate the care and vigilance which must be exercised in watching the movements and actions of new men in connection with the operation and safety of life and property intrusted to their care. If the public realized as does the experienced railroad man, the element of danger that exists in introducing new men into the service, it would be very reluctant in giving support to this measure.

The compulsory ten hours' rest clause in the bill will compel men to tie up at times for rest at points where there are no accommodations, and at the end of ten hours they will be in worse physical condition than if they had continued to the end of their run.

Passenger and freight runs on the western railroads are adjusted so that under normal conditions the men make their runs within the usual hours constituting a day's labor. Excessive number of hours on duty is the exception, not the rule.

The apparent object of this bill is to materially reduce the number of accidents, the number of hours on duty, and the tonnage of trains, in order to get them over the road at a higher average rate of speed. So far as the accident feature is concerned, there has never been an accident on the Union Pacific Railroad to our knowledge caused by employees being on duty an excessive number of hours. Regarding the reduction of the average number of hours on duty and a reduction in the tonnage of trains, it will have the opposite effect, for, as stated above, the company in order to protect itself and offset its increased expenses made necessary by shortening the districts will increase the tonnage, and instead of having over 80 per cent of its trains averaging less than twelve hours over the district, as is the case on the Union Pacific to-day, and has been for some months, the greater percentage of the trains will average closer to the sixteen-hour limit on account of the increased tonnage.

Yours, truly, C. V. MCLAUGHLIN.

Mr. WARREN. I have here three very short letters of the general character of several hundred which I have received, and I ask that these three may be read at the desk.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

LARAMIE, WYO., *December 28, 1906.*

Hon. FRANCIS E. WARREN,
United States Senator, Washington, D. C.

DEAR SIR: After consulting several friends in regard to the matter, I write you with reference to the La Follette sixteen-hour bill, which I understand soon comes to a vote in Congress. I hope you will do what you can to defeat the measure, for it will certainly result in great loss to railroad employees. It would mean new terminals for our runs, the moving of our homes, possibly a decrease in salary, and we trust you will represent us by voting against it.

Yours, very truly, J. J. STOREY, *Conductor.*

CHEYENNE, WYO., *January 2, 1907.*

Hon. F. E. WARREN,
United States Senator, Washington, D. C.

DEAR SIR: I have been in the service of the railroad company a good many years, and I can remember of no time when we were not able to make satisfactory arrangements with the railroad officials as to the number of hours we should remain on duty at one time. If the bill is passed by Congress fixing the maximum limit of continuous service at sixteen hours, and attaching a heavy penalty for a violation of the same, it would work a great hardship on all train men and cause great difficulty to the officials of the roads in making out their schedules, etc.

I would ask that this question receive serious consideration before an arbitrary measure of this kind is passed.

Yours, respectfully, R. W. RICH, *Conductor.*

RAWLINS, WYO., *December 29, 1906.*

Hon. F. E. WARREN,
United States Senate, Washington, D. C.

DEAR SIR: In the matter of the La Follette bill, I understand that the question has been raised that a man on duty sixteen hours is no longer safe to handle a train intelligently and with safety for his and other trains. The question naturally arises as to whether a man would not handle a train in better shape, say in the seventeenth hour, if he knew that his run would end shortly, than he would in the first hour after his legal rest had expired, and after he had been forced to take such rest and lodging as the circumstances would permit. I believe that the average railroader would prefer the seventeenth hour, thereby ending their run, being to less expense and physically more comfortable.

Sincerely, yours, W. T. HUBORTT, *Engineer.*

Mr. WARREN. I believe I will venture to ask the reading of one more letter. It is a letter from perhaps the oldest conductor, in point of service, on the Union Pacific, certainly one of the oldest, a man who is at present city trustee and president of the council of the largest city in the State of Wyoming—its capital, Cheyenne.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

CHEYENNE, *January 1, 1907.*

Hon. FRANCIS E. WARREN.

MY DEAR SENATOR: I take this opportunity in expressing my condemnation of Senate bill 5133, to be introduced by Senator LA FOLLETTE, of Wisconsin. This bill, in my opinion, as well as those of my colaborers whose sentiment I voice with mine, is a blow to every railroad man's constitutional right, that right which every American holds dear. You know, my dear Senator, that for years the rail men, like your humble servant, has made Cheyenne his home. Everything he has saved he has also invested in his home. He has raised his family at his district terminal. He has taken a pride in educating his children in the public schools here, and now if this bill, which is to be introduced at an early date, passes, it will change all of our lay-over points to Green River, a town that has no schools of any consequence, also no places of amusements, no sewer, no water, and no sanitary conditions. You know, my dear sir, that as a railroad man that they know best what they want. Now, for instance, if at any time during all my years as conductor I asked the company for rest at either end they have always granted that rest when asked for, and, as you are well aware, no man running on any railroad would, if not fit, take any chances with his own life and the lives of his passengers; also including destruction of so much of the company's property, which he has intrusted in his care. "A railroad man is becoming, it

seems to me, a serf" through too much legislation. Now, my dear sir, from my own knowledge of accidents occurring, in almost every case it has never been caused by want of rest, but from want of experienced men. If you can at any time legislate to compel railroads from hiring the student element, which they now do, caused by the scarcity of men, it would do more to prevent accidents than anything else that I know of. With the Union Pacific the making of schedule is quite a hardship, caused by circumstances over which they have no control. They must make their schedule to conform to arrival of train of connecting railroads and can not equalize the lay over at terminals, as would be if not connecting with other lines. Every train out of Cheyenne to Green River give their men all the rest they require. I have the shortest lay over at Green River of any crew running out of here. I get six hours' rest there and forty-two at home, which is all we require. And in conclusion, my dear sir, will say that when it came to the knowledge of railroad men that such a bill was to be introduced it caused universal indignation, calling meetings of all classes of the operating departments, protesting against the passage of such a measure, and now, dear sir, it is the earnest wish of all of your railroad friends that you and Senator CLARK and Congressman MONDELL do all in your power to defeat this bill, and by so doing you will receive the just approbation of all concerned.

Very respectfully, yours,

ADAM J. SCHILLING.

Mr. WARREN. Mr. President, I am going to ask, without reading the letters on my desk, that the names of the writers may be included in the RECORD, though not the letters themselves, as all tend to one point. All are against the proposed measure.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming that the names of the writers of these letters may be printed in the RECORD? In the absence of objection, it will be so ordered.

The names referred to are as follows:

F. M. Armstrong, engineer, O. O. Fozgrand, B. F. Draper, H. Huddleston, W. O. Burns, John Doyle, conductor, William A. Mills, conductor, J. A. Wascher, J. F. Stevens, E. W. Williams, passenger conductor, T. E. J. Fagan, E. C. Paine, conductor, W. H. McCussick, conductor, G. C. Bowen, F. M. Taylor, freight conductor, W. C. Wolcott, B. Shirkey, J. E. Heath, conductor, E. Catlin, brakeman, Frank Simpson, Hugh J. Morgan, S. C. Morgan, C. B. Peterson, M. H. Hogeman, Guss Wallis, E. W. Bateman, brakeman, W. F. Freel, C. M. Graham, locomotive engineer, Allie Campbell, W. H. Lereck, F. K. Bostick, A. E. Buirge, E. E. Bowman, William Naughton, B. W. Thompson, Henry J. Morgan, W. H. Luckett, C. W. Brown, James Owens, Seth Sharpless, jr., Thomas B. Morris, conductor, E. Corthell, Angus Matheson, W. M. Keigley, C. J. Davis, W. L. Clark, Charles Ruggs, Barrington King, brakeman, F. E. Pattee, conductor, A. P. Higgins, conductor, William D. Whitley, H. J. Murphy, I. E. Carpenter, brakeman, Charles Stone, J. M. Jamison, A. V. Beardmore, William Powell, E. Gregory, Ole Olson, R. L. Blachley (two letters), H. H. Palmer, brakeman, J. E. Stewart, brakeman, D. T. Garrity, brakeman, H. B. Harris, conductor, C. G. Wolcott, D. S. Wolcott, passenger conductor, J. C. Rutter, brakeman, F. F. Davis, brakeman, R. White, brakeman, C. A. Welch, P. L. Van Cleave, conductor, W. P. Abbott, conductor, L. H. Wright, conductor, George Morgan, conductor, Lawson Fox, conductor, William Berry, conductor, W. H. Whitney, conductor, George B. Lear, conductor, E. T. Garrity, conductor, William Matheson, conductor, H. H. Mosteller, conductor, J. H. Rankin, conductor, Bert Shroy, fireman, A. M. Moore, fireman, H. G. Ryan, engineer, H. C. Hood, engineer, Henry Gross, fireman, J. C. Graham, engineer, Paul Banks, locomotive fireman, C. Christensen, engineer, C. A. Killen, brakeman, William Harlon, Fred Williamson, R. W. Rankin, Ralph O'Shea, brakeman, A. Shroeder, brakeman, W. A. Boseley, brakeman, G. W. Phillips, conductor, H. I. Raub, conductor, W. H. Hannum, conductor, R. Woodward, conductor, C. H. Isherwood, conductor, R. E. Henke, C. W. Brandt, fireman, J. J. Pavert, brakeman, Raymond Shearburn, brakeman, B. C. Dodds, fireman, John McGarry, fireman, R. Hagerty, engineer, Earl Brown, fireman, F. L. Owen, brakeman, E. J. Sullivan, William Storey, A. M. Seibert, J. T. Garrett, C. B. Cady, Robert G. Shingle, passenger conductor, J. N. Marks, conductor, F. S. Bevans, John Kelly, O. T. Sheldon, J. R. Sherlock, R. H. Johnstone, fireman, W. C. Winston, locomotive fireman, T. J. McKenna, brakeman, H. W. Williams, conductor, Michael Burke, brakeman, John Daugherty, engineer, W. F. Belk, brakeman, D. T. Nichols, Henry Miller, engineer, Thomas Joyce, conductor, W. H. Parker, conductor, H. W. Allen, W. L. Kimsey, brakeman, E. Kennedy, conductor, Bert Tipton, engineer, F. E. Kitselman, conductor, George S. Hobbs, Henry Lane, engineer, E. M. Conner, Adam J. Schilling, John M. Watson, Charles U. Blood, D. G. Clay, A. J. Sanford, G. W. Argue, F. W. Munn, R. R. Moore, and E. J. Kerrigan.

Mr. WARREN. I also have a letter from a railroad superintendent, one who commenced as a brakeman and is now general superintendent of the Union Pacific. He hits the nail on the head and with sledge-hammer blows. I sincerely commend his remarks to the attention of each and every Senator.

He says:

Hon. F. E. WARREN,
United States Senator, Washington, D. C.

MY DEAR SENATOR: * * *

A bill has been introduced in the United States Senate and will come up for vote January 10, 1907, making it a misdemeanor for any railroad official to *permit* "any employee in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, except when, by casualty occurring after such employee has started on his trip, he is prevented from reaching his terminal; or to permit any such employee to go on duty without having had at least ten hours for rest."

Every violation of this law subjects both the company and the individual official who permits any employee to work more than sixteen hours, or to resume work without taking for himself ten hours of rest, to a fine of $1,000.

It is made the duty of all United States attorneys to bring suits for these penalties, and the agents, attorneys, and detectives of the Interstate Commerce Commission are required to investigate for violations of the law.

This bill is the most pernicious measure yet proposed affecting railroad employees. It strikes at the very homes of hundreds of thousands of American citizens who have been guaranteed, under the Constitution, liberty and equality. * * *

Terminals can not possibly remain where they are now located should this bill compel the railroads to operate them differently than at present. Once a law, protests of the employees against such changes will avail nothing in the face of such drastic and enormous penalties. A letter written on this subject protesting against the proposed law will enlighten many who have not heretofore given the matter thought.

The bill is objectionable to the public, to the railroads, and the employees. It will affect the public through the business world. The currents of traffic often become clogged, and it requires extra effort to clear the stream. Should the railroad men depart from their strenuous methods and take up the easy-going, slow ways of older countries, the entire business community would, from necessity, slow up as well. It may be to-day they are required to move a stock rush which involves immense loss to the owners if not gotten to the market before a certain time—the closing down of winter, perhaps. Again, a certain fruit crop is to be harvested within a given time; the gleaners are working from sunup to sunset; the railroad men are expected and are willing to do their share. *A coal famine may be threatened; industries are about to shut down;* the lights of a city to go out; the railroad men are equal and willing to meet the emergency; and so on might be mentioned thousands of cases where extra effort is occasionally required for the public good. These calls for extraordinary effort are not the rule, but the exception. Those in every walk of life are called upon occasionally to render such effort to the public welfare. It is done at no abnormal risk. To have such opportunities brings out that which has given the United States its commercial supremacy.

The three great human avocations are production, manufacture, and transportation. Can we produce from the soil agricultural products more economically or scientifically than the peoples of older countries? There are few others with whom we compete that can not do better. Do we manufacture better articles than our fellow mechanics and artisans of our fatherlands? It is conceded that we do not. Do we transport more quickly and economically than those countries where labor is cheaper and more plentiful? It is universally admitted that we do. Then herein lies our commercial supremacy. Is it wise to throttle or extinguish the effort that gives to the business man the advantage? Such laws, if placed on the statute books, will as inevitably do so as the sun rises and sets. Our country is not yet ready to sacrifice the only advantage it has heretofore enjoyed to follow the will-o'-the-wisp—that to change our present method of operating railroads in this one particular will give us exemption from accidents. Few there are of experience who can be thus deceived. It must and will come in a different direction, but without this great injury to business methods. Business men are always impatient of delays and slow time, although they get the benefits thereby of economic operation in rates far below their competitors in foreign lands.

The proposition to restrict effort to surmount occasional congestions will fall directly on the business world and nowhere else, except upon the employees of the railroads, whom it is intended to convert into easy-going, leisurely, methodical plodders, penniless, much like those in similar vocations in other countries.

It will not, as alleged by its promoters, lessen the risk of accident. Railroad men will concede—and it can not be disputed—that an engineer or conductor is more apt to go to sleep after twelve hours' sleep, followed by twelve to eighteen hours of idleness just before going on duty, than if held on duty sixteen hours. It would be more sensible to legislate to compel him to lay down and sleep ten hours immediately prior to going on duty under these circumstances.

There are times in seafaring life that crews must work the ship extraordinary shifts; history does not record serious results, nor would a law be proposed to prevent. On the contrary, such human effort has been lauded in song and story. Ships have been brought through storms and emergencies, the lives of its passengers and the property of its owners saved, by such brave, commendable, extraordinary human endeavor to render at times heroic service.

If a general were compelled by law to always confine his army to certain hours of duty, strategy would vanish and the victory go, by change, to the slothful or the mediocre. Such interference would paralyze human endeavor and extinguish the stimulus of emulation.

Is it not true of the statesman that he works with superhuman effort to rise above the common level? If he shall make a place in history, he can not govern his work by set hours; there is not sufficient time as it now is.

The business man who rises above the ordinary does so by extraordinary effort, be it physical or mental. Many fall by the wayside, unequal to the task; suicide, insanity, or other dire results frequently befall the weaker or unfortunate. Shall we have a law restricting them to certain hours of effort?

The mechanic who desires to rise above the common level well knows that his ear must be oblivious to the shop whistle.

In an emergency the successful ranchman must risk his life and those of his employees to rescue his property from storm or danger. Shall we have a law prohibiting this? And so on, in every important walk of life those who do things at some personal inconvenience and risk are the heroes of the business and social life. When such effort is deprecated or prohibited the survival of the fittest ceases to become the law of nature, and a government advocating such policies is surely on the decline. As all nations have declined and will decline to the end of history in all probability, can it be that we have reached the apex, and the croakers against present methods are about to prevail and send us down the decline thus early in our history? I think not; but it behooves all interested in the continued prosperity of this country to refuse to listen to the mistaken ideas of misguided reformers. They can do great harm unintentionally, but there is thereafter no recourse. Change the habits of this nation along certain lines and they will remain changed for all time to come. The great majority are willing to slow up and take things easy; the incentive to strong personal effort on the part of the masses is not deep-rooted.

The work of railroad train employees is not physically trying or "brain-straining," as many who are not conversant therewith contend. On all excessive runs there are opportunities for relaxation from responsibility, and absolutely no excuse for neglect of duty.

The proposed law will not lessen the risk of accident for other reasons. Those now on record, caused by employees who have been on duty over sixteen hours, are infinitesimal as compared with the great number of accidents from other causes and the enormous number of train movements—only four in the entire United States each year that might be directly charged to overwork. The records of the Union Pacific disclose not one that can be attributed to this cause.

The law will certainly increase the liability of accident, as it is ab-

solutely sure to bring into the service a larger proportion of new and inexperienced men, from whence the greatest source of accidents now come, as is well known to practical railroad men and can be demonstrated by statistics of the railroads, which will also show that at least 50 per cent of the old and tried, thoroughly experienced men have clear records, and from them no risk of accident is to be expected. Another 25 per cent are on the records for carelessness and minor infractions of the rules. The discipline is almost wholly confined to the remaining 25 per cent, which consists of the floating element, which is to a great extent more or less irresponsible and inexperienced. It is generally conceded that it costs a railroad about $3,000 to "make" an engineer out of one of its firemen, and perhaps nearly as much to "make" a conductor. The "student"—the new man in service—is a source of anxiety and trouble to all who have anything to do with his education. The mistakes he may unwittingly make are apt to bring injury not only to himself, but upon the balance of the crew. How anxiously the engineer lying on a siding watches the green head brakeman as he wanders toward a switch over which a limited train is due to pass. By a simple twist of the wrist the novice can hurl a hundred souls into eternity. The master mechanic knows full well that the newly promoted engineer will do something that will reflect on his judgment in promoting him. How anxiously he watches each trip, asking the trainmaster or assistant superintendent how it was accomplished. Even the new experienced men employed from other roads are the bane of a freight district; they do not know the grades, get in the way of more important trains, misuse the air, and must be watched by all of the older men to prevent serious accidents from occurring through their negligence, ignorance, and, frequently, inefficiency and indifference. They are the easy-going ne'er-do-wells, the floating population of the railroad forces, from which the ranks will be greatly increased when this bill becomes a law—and worse, the older men will soon cease to do the extra work required to keep them out of trouble; it will become too great a burden of responsibility.

Under the provisions of this bill the positions in train and engine service will be made much less attractive to good, reliable men and drive from the service the more desirable material, which is now valuable in its own capabilities, as well as through its influence on the weaker element, through the abrogation of the existing schedules which guarantee to the train and engine men a reasonable monthly salary. Under the proposed law it will be necessary to greatly increase the number of engine and train crews to insure the stipulated lay-overs at each end of the respective freight runs. This, in time, will compel the pooling of both engines and cabooses, as railroads can not be expected to hold their equipment at each end of the road idle over one-half of the time it is available. The engines and cabooses will be manned with different men each trip. What conductor does not want his own crew, and how seriously he contemplates taking out a strange man even for one trip? Enginemen are familiar with the trouble caused by green firemen or even one who does not know the eccentricities of the enginemen—just how he works the engine, where he shuts off, and a thousand other necessary moves that must be made in unison or without consulting each other and which constitute good railroading. Baseball clubs, football teams, and boating crews, and all those things which require the best human effort and the practical elimination of the possibility of mistakes are trained continually and always together. To take one man from such teams weakens and frequently defeats them. It may be said that it will be unnecessary to break up the established methods and that crews will remain intact. Do not be deceived; the inevitable will be, first in first out, for engineer, conductor, brakeman, and fireman. They will assemble to take out trains, strangers to each other's methods. Chaotic conditions will follow, which are always in turn followed by accident. Exemption from accident is brought about by a corps of well-trained, intelligent, loyal, sober, industrious, and thrifty set of men. That such an organization may be thrown out of its equilibrium through occasional rushes of business and the taking into the service of inexperienced men is well known in railroad circles and consequently feared by the rank and file as well as by the officials in charge.

Conductors, enginemen, brakemen, as well as train dispatchers and district engine foremen are aware that, owing to the irregularities of freight service it is, at present, almost impossible to use the men so as to keep all of them in the service a sufficient number of times during the month to enable all to earn the minimum salary. Crews, from necessity, at times remain at one end of their runs as much as twenty-four to forty-eight hours, waiting for trains. To make up such losses, the crews at other times will run without the long lay overs, doubling back from the terminal at which they do not reside, and in this way balance up only a reasonable monthly pay check. Passenger enginemen and train crews on nearly every railroad in the United States "double back" on their runs, and have always done so. They desire to spend a reasonable part of their life with their families at home, to assist in the education and government of their children, to better curtail their expenses in order that a "rainy day" may be provided against. If they are required to spend three-fourths of their time away from home instead of one-third, they will not be apt to thank their representatives, nor will it secure one iota of additional safety to compel them to take this additional burden. On the contrary it will have a very pronounced effect in the opposite direction. It has been for many years the aim and purpose of all the railroads in this country to inculcate in their employees the highest possible standard of moral rectitude and compliance with good rules of health. They have been encouraged along these lines to become home builders, appreciating that the home insures more efficient and stable forces. We have always found that when train and engine men were compelled to take long lay overs away from home the temptations to which they were exposed under such circumstances always lead to bad results and is the cause of a great deal of trouble to the men as well as the railroads. When a crew has been on the road six or eight hours, in running over their division one way and has had time to obtain a short rest it is always their desire to return home as soon as possible. This ambition has been referred to by the advocates of this measure as in some way reprehensible, even criminal, or at least they would make it so by this law. As a matter of fact it is highly commendable and indicates a true American citizen—the individual who is the strength of the nation. Any tendency to deprecate the home adds to the army of tramps and hobos of whom we now have and are making entirely too many. Then why destroy more homes—rather encourage those who appreciate the true source of strength of this nation—even though it may be unconsciously? They should, in turn, be appreciated by the nation, which is fully aware of their worth. The proposed law will militate against the continuation of the present practice. This we consider as one of the most important reasons why such a law should not pass.

On nearly all railroads, by reason of the encouragement to home building, the men congregate and have their homes at the division terminals and at the most desirable end of their run. These towns, no matter how small, are usually provided with school, church, and social advantages; while the town at the other end of the run is apt to be of less importance in this respect and to have a tendency to cater to the baser elements in the employees. Such towns usually have numerous saloons, gambling houses, and dens of vice, into which every effort is made to lure the men. They would probably not think of visiting such places in their home town, but might be influenced to do so at the other end, where they are apt to think such practices can be indulged in surreptitiously. The rest is easy. Even if they are strong enough to resist the temptations of idleness away from home influences, the added expense of living under these conditions, paying room rent and board, discourages frugality and precludes the possibility of their ever accumulating a competence, let alone sufficient to rear and educate their children as they are entitled to do for yet a time in America, "the land of the free and the home of the brave." The avocation is hard enough and, with the expense incidental, none too remunerative.

It is simply preposterous, although the argument has been strongly used to influence the men in favor of the bill, that its adoption will cut the trains or lessen the tonnage. Railroads can not use passenger engines on their freight trains and run over the road on fast time to avoid the penalties of the law. If the men will stop for a moment and consider what it means to cut off even 100 net tons from each freight train run in the United States, they will dismiss any such idea. This 100 tons pays all the dividend; it is the profit that induces investments in railroad securities, and without it money would seek other channels; the railroads would, to some extent, become impoverished; needing money they would dispense with the many conveniences, in many cases luxuries, that are offered to the men at present. So long as possible, the managers would avoid such contingencies and endeavor to keep up the profits. To accomplish this the terminals would be cut to more nearly 100 miles; the men could have ample lay over at each end and no more at one end than the other. Taking the engines and cabooses in turn, as they arrived, the tonnage could be greatly increased; the wages of the individual would go down. * * * The men are, therefore, more interested in letting present conditions remain as they are. Whatever they lose in wages, time away from home, or inconvenience, is irretrievably lost, as an appeal to the Government will avail nothing; it moves too slowly.

These matters can and are being adjusted between the railroads and the men and much better and more intelligently than can be done by outsiders.

Yours, truly, W. L. PARK.

I also submit a letter signed by train dispatchers of the Oregon Short Line Railroad, as follows:

OREGON SHORT LINE RAILROAD COMPANY,
OFFICE OF CHIEF DISPATCHER,
Kemmerer, Wyo., December 28, 1906.

Hon. F. E. WARREN, Hon. C. D. CLARK,
Hon. F. T. DUBOIS, Hon. W. D. HEYBURN,
Senators,
Hon. F. W. MONDELL, Hon. B. L. FRENCH,
Representatives,
Washington, D. C.

GENTLEMEN: We desire to respectfully but firmly protest against the enactment of what is known as the proposed "sixteen-hour law," which has for its purpose "To limit the hours of service of railroad employees," particularly that part which reads: "Every violation of this law subjects both the company and the individual official who permits any employee to work more than sixteen hours, or to resume work without taking for himself ten hours of rest, to a fine of $1,000."

There are occasionally conditions and circumstances under which it would be impossible for a train dispatcher to prevent an operator or a crew from being on duty over sixteen hours, nor could an explanation be made, for the reason that the circumstances leading up to such an event might be caused in what would be an inexplicable way to the ordinary juror not having, perhaps, anything to do with the identical train in question. If the train dispatchers of the United States are subjected to such an enormous and drastic fine, it would be impossible for them to pay it; the other alternative would be the Federal prison.

We are not yet ready to wear a convict's stripes, and consider a proposition to make thousands of loyal, intelligent, and true American citizens subject to such a penalty is a step beyond anything that has ever been attempted in the history of this country, or any other country for that matter.

Those who propose such a measure do not represent the rank and file of railroad men, and we desire to emphatically repudiate any such claim they might have made. It is possible they have surreptitiously, or in some manner, obtained an indorsement from some of the railroad employees, holding out to them inducements which are not in accordance with the conditions or possibilities of railroading. We hear the train and engine men on every hand denouncing this measure. We trust that you will give it your earnest opposition.

Respectfully, yours,

J. P. FOLGER,
Chief Dispatcher.
C. J. HUSTED,
C. N. COREY,
E. G. MERRITT,
Dispatchers.

Also a letter from a superintendent of the Burlington Route, writing from Sheridan, Wyo.:

CHICAGO, BURLINGTON AND QUINCY RAILWAY COMPANY,
Sheridan, Wyo., January 4, 1907.

Hon. F. E. WARREN,
United States Senator, Washington, D. C.

DEAR SIR: I take the liberty of writing you at this time to ask you to consider the impractical points of the La Follette sixteen-hour bill, which is to be presented before Congress and the Senate in January.

As a practical railroad man of twenty years' experience, I am impressed with the impracticability of this bill, if it were made a law, without grave damage to the general public, as well as employees.

The entire lack of exceptions in certain cases, such as of stock trains, time freight, emigrant, etc., is one of the grave objections to it.

From the standpoint of the men, in a set of resolutions which will be forwarded to you from this division, and which expression is unanimous on the part of our train and engine men, the bill would work a great hardship on them.

From the standpoint of an operating officer of this railroad, I am

prepared to say that it would be an impossibility to comply with this bill as it was presented, without any exceptions or modifications, and operate a railroad in any respect to the satisfaction of the public.

As far as this division of this railroad is concerned the most strenuous effort is being made in every way possible to prevent any excessively long trips on the part of the men. I have a report of every train on this division before me for yesterday, showing that out of twenty-seven trains the longest trip on the division was one of seventeen hours and five minutes, and they run down as low as five and one-half and six hours. A great improvement has been made in this respect in the last six months. Local runs have been cut in two, so as to prevent excessively long trips. Tonnage has been reduced and every possible means used to prevent our having any excessively long trips of any kind, either on freight or passengers.

I will close by asking that in justice to the operating officers and to the train and engine men that this bill be not allowed to pass nor receive your approval in its present form.

Yours truly,

F. E. KENNEDY.

I have letters similar to the one from Superintendent Kennedy from L. B. Lyman, train master, and from Supt. E. P. Bracken, of Sheridan, Wyo.

I submit also a letter written by J. W. Maxwell, assistant general manager, to James Hagerman, general counsel of the Missouri, Kansas and Texas Railway Company, as follows:

MISSOURI, KANSAS AND TEXAS RAILWAY COMPANY,
OFFICE OF ASSISTANT GENERAL MANAGER,
St. Louis, Mo., December 13, 1906.

JAMES HAGERMAN, Esq.,
General Counsel, St. Louis.

DEAR SIR: I have read the testimony which was submitted to the Committee on Interstate Commerce in the last Congress, in which it is shown that the proposed law is sought almost exclusively by the four leading labor organizations representing railway employees in train and engine service. Mr. Fuller, representing those organizations, testifies that the purpose of the bill is to protect the lives and limbs of the traveling public, as well as the employees of the railway company; also that it will promote the movement of freight, which, it is claimed, is being delayed through keeping the trainmen on duty long hours in order to move a larger amount of tonnage per train.

In reply to questions, Mr. Fuller testifies that men are kept on duty long hours because of divisions being longer than they formerly were, which, he states, was brought about by a desire on the part of the railways to save the time necessary to change crews, which, if true, is an argument against the passage of this bill, for the reason that if it becomes a law, it will result in a rearrangement of divisions, creating at least 33 per cent more divisions and terminals than are at present necessary. For example, our St. Louis division (St. Louis to Franklin Junction), 182 miles in length, will have to be made into two divisions. The men on this division usually make the trip eastbound in from twelve to fifteen hours, but are often seventeen and eighteen hours on the westbound trip. Therefore it can not be operated within the proposed law. It is safe to say there is not a man in train service on that division who is in favor of shortening the division, as they do not consider the hours burdensome, and they are enabled to make far better wages than they could if the division were cut in two.

Mr. Fuller's testimony shows that this law is not desired by the railroad men individually, but is asked for by the organizations representing the men. The reason for this is plain. Train and engine men are paid by the mile, and where one man now earns from 150 to 200 miles per day it will require two men under the proposed law, thereby doubling the number of men and increasing the number of members in the organizations proportionately.

Notwithstanding Mr. Fuller's desire to protect the lives and limbs of the traveling public, he states that it is not the intention of the bill to delay a passenger train on which a crew, through accident or other cause, has been on duty sixteen hours until another crew can be secured to take their places, or until they have had the required ten hours' rest. Thus it will be seen the only protection offered the traveling public is to be taken away. In like manner, the facilities for the prompt movement of freight are to be curtailed by the establishment of a greater number of division terminals, each of which requires from thirty-five minutes to one and one-half hours to get a train through.

The proposed law would increase the cost of operating railroads through largely increasing the number of terminal yards, roundhouses, etc., to be maintained and operated, as well as the expense of getting men to outlying points to relieve men who had been on duty the maximum time because of an accident or some other unforeseen circumstance.

The employees will not in any way be benefited by the law, for the reason that nearly all roads now have a rule permitting train and engine men to take eight hours' rest after sixteen hours' service. On the contrary, the men will be deprived of a considerable portion of their earning capacity through being unable to earn only 100 miles per day, when they now earn from 100 to 200. They will also be placed under greater expense, because of being required to spend a much greater part of their time away from their homes. If the present bill becomes a law, it will frequently happen that a train or engine crew, composed of five or six men, will get within 20 or 30 miles of home when the sixteen hours are up, and they will be compelled to give up their train at the first side track and get ten hours' rest before they can be permitted to proceed, notwithstanding every member of the crew would feel and know that he was perfectly able to take the train into its terminal. They would thus be put to the additional expense of securing lodging and meals at an unusual place, and after their ten hours' rest had been secured they might have to wait from four to six hours for a train to take them into the terminal, where they could again resume service, thereby causing them to miss their turnout, resulting in a further loss of wages.

There are many things to be said against the passage of this bill, and since there is apparently no one to be benefited by it, beyond increasing the membership of certain labor organizations, it should be defeated.

If the real purpose sought in this bill is to prevent railway companies from forcing their train and engine men to work when they are in an unsafe condition, I suggest the following substitute:

"Any train or engine man who has been on duty sixteen hours shall have the right to call for ten hours' rest, and when such employee calls for rest it shall be unlawful for any railway company to require him to remain on duty or again resume service until he shall have had ten hours' rest."

This would simply make what is now the rule the law, and would afford all the protection needed, since no member of a crew would be deprived of rest whenever, in his judgment, he needed it. It would at the same time overcome the hardship and inconvenience resulting from a literal interpretation of the proposed law, which, it is claimed, seeks only the protection this would afford.

Truly yours,

J. W. MAXWELL.

And, finally, I submit the following letter of introduction handed to me to-day by Mr. S. C. Mecomber, which is signed by the chairman of the general committee, Order of Railway Conductors, Union Pacific Railroad Company, Mr. W. A. Jameson:

UNION PACIFIC RAILROAD, ORDER RAILWAY CONDUCTORS,
GENERAL COMMITTEE OF ADJUSTMENT,
Laramie, Wyo., January 1, 1907.

Hon. FRANCIS E. WARREN,
United States Senator, Washington, D. C.

DEAR SIR: This will introduce to you Mr. S. C. Mecomber, a member of our organization, the Order of Railway Conductors, who is chairman of the State legislative committee of the organization for the State of Nebraska. He is in Washington to appear and register a protest before the committee who have in charge the La Follette sixteen-hour bill for railroad men. We are the men in front of the gun in this instance. We deem it detrimental to our interests. *We have contracts with the different railroads throughout the western country that gives us the right to demand and get eight or more hours' rest after sixteen hours' service.* As to the claim that many accidents occur from overwork of trainmen, it is farfetched and not a fact. In thirty years' experience in train service I know of but one case where an accident occurred on account of excessive hours on duty. An arbitrary law, with a severe penalty, such as the contemplated bill, is to tie up for rest at any point on the road, where there are no accommodations to get anything to eat and no place to sleep. It would be a pretty hard proposition to make the men believe that it is just to make them lie down in an old caboose, on a hard cushion, and toss around for eight or ten hours when by working an hour or so longer they could be at home and have the comforts that men in other walks of life are permitted to enjoy. Men tied up under those conditions are in worse shape for service than they were when tied up.

This is but one of the hardships that will be forced upon the men by an arbitrary sixteen-hour law. It will also reduce our monthly wage, which at best is not over remunerative.

We desire to spend a reasonable part of our life at home with our families, to assist in the education and training of our children.

We do not think the trainmen in service throughout the United States will thank their representatives for passing such a law after it becomes operative and they realize the hardships that it entails.

Mr. Mecomber can explain more fully to you and recite instances of actual experience, and no doubt you will readily see why we, as trainmen, desire to see this bill defeated.

We think the practical men who are employed by the operating departments of the different railroads, in conference with their employees, are better fitted to arrange this matter among themselves.

I would deem it a personal favor if you will give him what assistance you can while he is in Washington, as he is unacquainted there. We have no particular standing before Congress, and can only work through our friends, and as you have always been our friend your constituents in train service will appreciate your efforts in our behalf. I am,

Yours, very truly,

W. A. JAMESON,
Chairman General Committee, Order Railway Conductors, Union Pacific Railroad.

All these letters, while directed to the defeat of the measure, are, in my mind, so directed because of the lack of flexibility of the bill. That the general proposition of affording plenty of rest at proper intervals to trainmen, and the general proposition of restricting the continuous hours of service within a proper limit, are both right, can not be questioned. In my judgment these men who are protesting would readily support a bill, as I would and as other Senators would, if the bill should be so framed that such a law could be enacted as would provide for all these contingencies; provide for out and return runs with short stop-overs at one end and long stop-overs at the other, and leave it so trainmen and superintendents might have some "elbow room" in the running of trains. Unless we can thus provide, let us pass no bill.

Mr. McCUMBER. Mr. President, when this bill was under discussion during the last session and went over until this session I determined to ascertain, as nearly as I could, first, the necessity for such a law in the section of the country which I represent in particular, and also the feelings and desires of both employers and employees on the railways serving that section of the country. I found very little interest in the bill one way or the other, possibly for the reason that I found no runs requiring sixteen hours, and I knew of and found no runs that would require less than ten hours' rest. So the only question, so far as it affects the section of the country from which I come, is the question that crystallizes around this word "casualty."

Let me give a little illustration that will make that clear. We will take the run from St. Paul across the State of Minnesota to, say, the nearest point in my State. We will say that a train is scheduled to leave St. Paul at 10 o'clock in the forenoon and to arrive at Fargo at 8 o'clock in the evening. That gives but a ten-hour run. It is scheduled to leave the next morning from Fargo, we will say, at 8 o'clock and to arrive at St. Paul that evening at 6 o'clock. So there is but a ten-hour run in either instance, and more than twelve hours' rest in either

instance. The train leaving St. Paul is very often under contract to carry the mail from some connecting point from Chicago and the East, and the train necessarily must lie at the depot, sometimes an hour and sometimes two or three hours if there is a delay upon some of the eastern trains in getting mail from Chicago to St. Paul, so that they may conform to their contract. There may be an hour or two hours' delay, therefore, before the train starts out.

Again, the train is supposed to take other mail, we will say from Winnipeg, in Manitoba, to some point of connection about the central part of the State of Minnesota. This train may be delayed an hour or two on account of waiting for the delay of the Winnipeg train. So the two delays working together may prevent this train getting into Fargo until, we will say, 10 o'clock at night. It will then have to leave a little earlier the next morning; or suppose it be 12 o'clock at night, it would leave at 8 o'clock the next morning. That would give but eight hours' rest. Under this bill it would be criminal for the same crew which is scheduled to go back on this train to take the train back to St. Paul, although it had had eight hours' rest, unless they could show that these delays were some kind of a casualty. That is a term, of course, that would have to be construed, probably as often as any case would come up under the law. They might be delayed because the train was overloaded, which would not be a casualty; they might be delayed on account of insufficient coal or because the train was not properly handled, which would also not come under the designation of a casualty. In order to meet any of those incidents that are arising almost daily, it would be necessary to keep this crew another twenty-four or twenty-six hours doing nothing and to keep an idle crew at that point for the purpose of supplying the deficiency. It seems to me that that part of the bill is unjust. It seems to me that the hours might be limited to even six hours, especially as the average rest is from twelve to fourteen hours. I understand that the average run is less than nine hours. Taking both of the transcontinental roads that go through our section, less than nine hours a day is an average run for each conductor. That would give plenty of rest.

If it should so happen that without this broader term of the happening of a "casualty" a train would be delayed, certainly we ought not to make it a criminal offense if the crew were required to remain over a little more than sixteen hours from the time that they had had rest or that they could go out again upon a less number of hours' rest than the ten hours which the bill now provides. I hope, Mr. President, that we shall so amend the bill that it will have sufficient elasticity to meet occasions of this kind.

Then, again, we have the other case of what is practically a round trip in the same day. One train may run as far as from St. Paul to Brainerd and then back the same day. They wait at Brainerd, we will say, however, to make connection with another train from the West, which, instead of going to St. Paul, may go on to Duluth. If that train is delayed, although they may have had hours at the depot waiting for the connecting train, it will necessitate their waiting until the passengers can be transferred; and it would be no casualty, on the part, at least, of the trainmen, who are compelled to wait until the arrival of the connecting train.

Again, it is often necessary to make connections at St. Paul and Minneapolis with the Chicago and other eastern trains. It seems to me to be almost ridiculous where there is a contract to carry the mail and to receive the mail each morning, even though they may have to wait a few minutes or a few hours to do so, to make the trainmen or the company operating the connecting line responsible for any malfeasance or any casualty upon the connecting train.

It seems to me also, Mr. President, that that may properly be made a subject of amendment. When it is, I can see no serious objection to the bill, although, as I say, in our section of the country I do not think it will have any effect one way or the other, as I know of no sixteen-hour run and I know of no instance in which the rest is not more than ten hours.

Mr. BRANDEGEE. Mr. President, the Senator from North Dakota [Mr. McCUMBER] has stated that the average run of conductors is about nine hours in his section of the country. Can the Senator tell us what is the average run of the engineers and firemen?

Mr. McCUMBER. I understand the average run of a train crew is nine hours. That is what I intended to say was my information. I have not myself examined carefully to see whether or not it is true.

Mr. PATTERSON. Mr. President, I have no recollection of being in the Senate when this bill was up for discussion, and my attention had not been called to its particular phraseology until it was called up as the unfinished business by the Senator from New Hampshire [Mr. GALLINGER]. I should infer that the principal thing to be attained by the bill is not so much the comfort or health or the convenience of the employee—of course that necessarily enters into it—but the principal end to be attained is the safety of the traveling public. Hardly a serious accident occurs but that the length of time that the conductor or the engineer or some employee engaged in running the train is introduced as a factor accounting for the accident. We have read a great deal of the wearied engineer and the worn-out conductor, and that those officials, being in a state of physical collapse or weariness, were unable to give that quality of care and attention to the running of the train that the safety of the traveling public required.

So far as I have had any expression from the employees affected by the bill, I should regard it as an unpopular one, engineers and conductors and trainmen, as a general proposition, being quite willing to protect themselves by such contracts as they are able to make with the employing company. I would not seek the enactment of a measure of this kind, having in mind the welfare of the employees alone, unless there was apparent some earnest desire expressed by such employees to have the burdens of their employment lessened.

But quite independently of the burdens that may be placed upon the employee is the safety and the welfare of the traveling public. If it is true that the wearied engineer and the wearied conductor and the wearied brakeman are not capable of giving such care as may be classed as the highest degree of care to the traveling public to protect the lives and the limbs and the bodies of the traveling public, then a law should be enacted for the sake of the traveling public that will prevent trains carrying passengers from being handled by those who are not able to give the degree of care the safety of the passengers requires. If that were the object of the bill, if the bill would attain that object, then I should be heartily in favor of it.

But I will turn to the Senator from Wisconsin [Mr. LA FOLLETTE], who has the bill in charge, and ask him, from the language of the bill, whether he believes the end sought, either for the welfare of the employee or the safety of the traveling public, is secured by this bill? As I read the bill, Mr. President, those who are engaged in the running of trains, although they may have been in service for fifteen consecutive hours, if they go out of service for an hour may, without violating the terms of this bill, take charge of trains and run for sixteen more consecutive hours. For example, in the second paragraph of the amendment—and, indeed, the bill as before the Senate is an amendment by way of substitution, an entirely new measure being substituted for the measure that was originally introduced—occurs the following language:

> That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train in which such commerce is hauled, or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected, to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip he is prevented from reaching his terminal; or to require or permit any such employee to go on duty without having had at least ten hours for rest.

The meaning of that language is perfectly plain. The railway company engaged in interstate commerce shall not permit or require any person engaged in handling a train to remain on duty for more than sixteen consecutive hours, and, having been on duty for that length of time, he shall not be permitted to resume his duty until he has had ten hours for rest. But, as I suggested when I first rose, suppose the employee has been engaged in fifteen, fourteen, thirteen, or twelve hours' consecutive service. Though he rests but an hour, though there is an interval of but an hour or two hours', more or less, time between the ending of his consecutive service and the recommencement of service, he may resume the service and there will be no violation of this proposed act. Therefore, I take it, that the bill should be amended by the Senator who has given special attention to it so that the evil sought to be reached will be reached.

I can readily understand how railway companies and their employees might enter into contracts by which the main purposes of this bill would be avoided without any criminal liability of any kind or character—such contracts as would permit the overworking of employees and the engagement of employees in the carrying of the traveling public when, by reason of long-continued service, they would be altogether unfit for the responsibility that the passenger traffic imposes upon those in charge of trains.

So far as the objection made by the Senator from New Hampshire [Mr. GALLINGER] is concerned, I doubt if it is amply provided against in the bill. I can hardly imagine any cause for a delay in a trip one way, or a round trip, that would not be covered by the term "casualty." So that if a train starts out upon

a round trip that would under the schedule be completed in twelve or thirteen or fourteen hours, if, for almost any cause, it was delayed beyond sixteen hours there would be no necessity for the employees abandoning the train and a new crew being put in their places, for it is only in the event of a casualty interfering to prevent the completion of the run within the sixteen hours that the crew may not continue on their train until the run is finished.

When you turn to the meaning of the word "casualty," you find one of the meanings is:

That which occurs by chance; chance—

Any chance seems to be a casualty.

Third, under the subdivision "Law"—

Inevitable accident—

Of course, an accident is a casualty—

An event not to be foreseen or guarded against.

And, then, under the Scottish law, a "rent depending on the happening of contingent events" was called a casualty. But that is now obsolete. The synonyms are "accident" and "hazard."

So that if there was a contract between a railway company and the Government for the carrying of mail that was to be delivered to the receiving company on an incoming train and the train should be behind the schedule, I have not any question but that would be a casualty; it would be a hazard; it would be something that the transporting company that was to receive the mail could not have foreseen. If the locomotive should run out of coal, or if water should not be accessible, or if a rail should be misplaced, or a freight train or any other kind of a train run off the track, I am inclined to think that that mishap would come under the term "casualty."

So that the framer of the amendment evidently attempted to provide against the contingencies that are suggested by the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Wyoming [Mr. WARREN]. Perhaps a broader term might be used, but a fair construction, it seems to me, would prevent the companies being compelled to change train crews, under the term that is used in the bill, whatever might be the cause of delay.

But, Mr. President, I am principally concerned about the main section of the bill. It seems to me that it does not guard against the main object to be attained by the bill—the protection of the lives and the limbs of the traveling public, for, as I suggested, when the welfare of the employees is alone to be considered we *may safely* await an expression of their desire that will be pretty clear and well understood, the modern railway employees, the men who run the trains, the engineers, the conductors, and the brakemen, being pretty well able, through their organizations, to protect their own comfort and their own welfare by the contracts they make with the companies.

I have accomplished my purpose in calling the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] to the objections that I find, not in the object to be attained by the bill, but in the language that is used for the purpose of attaining the object. I feel that it is wholly inadequate, and that it ought to be amended.

Mr. BRANDEGEE. Mr. President, I should like to ask the Senator from Colorado if the proposed amendment of the Senator from Mississippi [Mr. MCLAURIN], at the bottom of page 5, does not accomplish the purpose that he desires to see accomplished? The amendment reads as follows:

Any such employee who shall have been on duty ten successive hours shall not be required or permitted to go on duty without having had at least eight hours' rest.

Mr. PATTERSON. Is that at the bottom of page 5?

Mr. BRANDEGEE. In the print that I have it is at the bottom of page 5.

Mr. PATTERSON. I have not got the same print as the Senator from Connecticut, so I can not answer him.

Mr. HEYBURN. Mr. President, I desire, first, to present a protest from certain railroad employees and train dispatchers, and ask that it be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho? The Chair hears none. The protest will be printed in the RECORD.

The protest referred to is as follows:

OREGON SHORT LINE RAILROAD COMPANY,
OFFICE OF CHIEF DISPATCHER,
Pocatello, Idaho, December 22, 1906.

Hon. FRED T. DUBOIS, Hon. W. B. HEYBURN,
Senators.
Hon. BURTON L. FRENCH,
Representative, Washington, D. C.

GENTLEMEN: We desire to respectfully but firmly protest against the enactment of what is known as the proposed "sixteen-hour law," which has for its purpose "to limit the hours of service of railroad employees," particularly that part which reads: "Every violation of this law subjects both the company and the individual official who permits any employee to work more than sixteen hours, or to resume work without taking for himself ten hours of rest, to a fine of $1,000."

There are occasionally conditions and circumstances under which it would be impossible for a train dispatcher to prevent an operator or a crew from being on duty over sixteen hours, nor could an explanation be made for the reason that the circumstances leading up to such an event might be caused in what would be an inexplicable way to the ordinary juror, not having perhaps anything to do with the identical train in question. If the train dispatchers of the United States are subjected to such an enormous and drastic fine, it would be impossible for them to pay it. The other alternative would be the Federal prison.

We are not yet ready to wear a convict's stripes, and consider a proposition to make thousands of loyal, intelligent, and true American citizens subject to such a penalty is a step beyond anything that has ever been attempted in the history of this country, or any other country for that matter.

Those who propose such a measure do not represent the rank and file of railroad men, and we desire to emphatically repudiate any such claim they might have made. It is possible they have surreptitiously or in some such manner obtained an indorsement from some of the railroad employees, holding out to them inducements which are not in accordance with the conditions or possibilities of railroading. We hear the train and engine men on every hand denouncing this measure. We trust that you will give it your earnest opposition.

Respectfully, yours,

C. A. Shultz, dispatcher; J. E. Agee, dispatcher; F. Rogers, dispatcher; J. W. Phillips, dispatcher; J. D. Royle, dispatcher; J. H. Castle, dispatcher; A. Igo, chief dispatcher; J. H. Shores, dispatcher; H. B. Magill, dispatcher; D. E. Davis, dispatcher; F. M. Clarke, chief dispatcher.

Mr. HEYBURN. I desire to offer the amendment which I send to the desk to the amendment printed on page 7, lines 9 and 10.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, lines 9 and 10 of the amendment, it is proposed to strike out "in any State or Territory of the United States or the District of Columbia."

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. HEYBURN. I will state the purpose of my amendment. It seems to me the amendment proposes something that Congress may not do—that is to say, impose a duty upon a State court or tribunal—and the words are not necessary for the purpose of providing a complete remedy, inasmuch as with those words stricken out it will read:

The Commission may also order depositions taken before any tribunal qualified by law to take the same.

The amendment reads:

The Commission may also order depositions taken before any officer in any State or Territory of the United States or the District of Columbia.

I desire to offer another amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. In lines 19 and 20, page 7, it is proposed to amend the amendment by striking out the words "either a State or United States court" and substituting the words "a court of competent jurisdiction."

Mr. HEYBURN. The objection is the same in character. Congress can not confer jurisdiction on a State court in an instance of this kind. The State court, if it is held to be a court of competent jurisdiction, may deal with it, but Congress can not compel it to deal with it.

The VICE-PRESIDENT. The proposed amendment will lie on the table.

Mr. HEYBURN. I desire to make a suggestion with reference to the provision of the bill found on page 5, practically the same as that found on page 4, to which the Senator from North Dakota has addressed his remarks. A lay over at the point of a wreck, miles distant from any settlement, would not afford the crew of the train an opportunity to rest. It could not possibly result in any benefit to them in the way of reequipping them for further service, and there should be such elasticity in this measure as would permit those men to pursue their duties, being reenforced to the extent of the ability of the railroad company. But to say that a crew of railroad men shall remain in idleness at the point of a disaster which may not have occurred within the scope of the exception of this bill—and I can imagine many of them that would not be within that exception of "casualty"—to say they must lie there in idleness and practically afford no assistance to relieve against the damage or delay would certainly be of no benefit to the railroad or the men and would tend nothing to accomplish the purpose sought to be accomplished by this bill.

The word "casualty," as it has been presented by the Senator from Colorado, would seem to be broad enough to cover almost any kind of delay, but the text of the bill limits it to casualty occurring after such employee has started on his trip.

The cause of delay may have existed for a considerable time before the train started out on its trip. There is an amendment proposed to cure that, which says, "or by unknown casualty occurring before he started on his trip." There may be a casualty that is known to exist, and the trainmen may start out for the purpose of relieving against the damage, expecting to be able to accomplish their work and return within the time limited by the proposed act, and instead of being able to do so, they may be detained there hours or days, as the case may be. So, as I say, in that provision the bill is not elastic enough. Otherwise you would find yourself with a dead crew on hand, where they had started out with full knowledge that there had been a landslide or a train ditched, or any one of the many casualties which might occur, with the expectation of being able to overcome it within a few hours, and, as I have suggested, be held there for many hours, and the sixteen hours might expire.

Does there attach to these workmen on the train the liability under which they may be fined a thousand dollars because they have underestimated the time in which a wreck may be removed, a bridge rebuilt, or any other obstacle removed? I suggest that that provision is not elastic enough to protect these men against being answerable under a law by fine and imprisonment.

I have not been present on any former occasion when this bill was under consideration. I find many amendments here. If we could anticipate just what amendments would be adopted before the bill is finally submitted to the Senate for a vote, we might better understand what might remain, if anything, to be supplied. But as I interpret the unanimous-consent agreement which runs with this bill, the measure will not be open for debate at that time; the amendments will come up in their order, under the rule of the Senate, and be voted upon; and unless the bill is printed after the disposition of these amendments, it will be difficult matter indeed to determine just what ought to be in the bill and what should not be in it.

The VICE-PRESIDENT. What is the further pleasure of the Senate?

Mr. LA FOLLETTE. Unless some other Senator desires to offer some observations upon the pending bill at this time, I will ask that it be laid aside temporarily.

Mr. BACON. I should like to ask the Senator from Wisconsin a question. I desire to know of the Senator whether he understands from the provisions of the pending bill that it is to apply to employees only on trains engaged in interstate commerce or whether he thinks it applies or is intended to apply to trains on all railroads engaged in interstate commerce. The Senator will see the distinction.

Mr. LA FOLLETTE. I did not draw this bill or the substitute reported from the committee, and I am not able, for the moment, to turn to the language which defines——

Mr. BACON. While the Senator is looking for the particular part of the bill which he thinks gives expression to the requirement, which will be one way or the other, I wish to call attention to the importance of that distinction. If the bill is limited to employees employed upon trains which are actually, at the time of the running, engaged in interstate commerce, it is a bill of comparatively narrow limitations. But if it is intended and if its provisions will permit it to be construed to mean that it applies to the employees of all railroads engaged in interstate commerce, regardless of whether the particular train upon which these employees may at that time be employed may or may not be engaged in interstate commerce, it is a bill of extremely wide scope; and I use the term "extremely wide scope" probably without expressing the degree of that scope, although the word "extremely" is a very large one. I might say, Mr. President, that it embraces every railroad in the United States and every train in the United States, for this reason:

A railroad may be engaged in interstate commerce, although limited in its extent entirely within the borders of a State. A railroad which accepts a consignment and issues a through bill of lading, not only over its own road, but over a connecting road to a point in another State, is engaged in interstate commerce; and a railroad which accepts from a connecting road, coming from another State, a consignment over its own line of goods originating in the other State and brought on a through bill of lading over each of those two railroads is engaged in interstate commerce. There is possibly not a single road in the United States, however short it may be, unless it be one entirely isolated and not connected with any other railroad—and I presume there is scarcely such a road in the country——

Mr. PATTERSON. Mr. President——

Mr. BACON. Pardon me until I finish the sentence. There is scarcely a railroad in the United States, if one, upon which such consignments are not made or received. In other words, there is scarcely a single railroad in the United States, if one, which does not accept consignments which are to go beyond its own limits, its own termini, and extend over other railroads into other States. And, on the other hand, there is scarcely a road which does not receive consignments coming from other States and destined to points on its own line. Therefore, if the terms of this bill are sufficiently broad and comprehensive to make it apply to employees on all railroads engaged in interstate commerce, the terms of the bill may as well be expressed by saying "all railroads in the United States," without stating that they shall be engaged in interstate commerce. That is the practical effect.

Mr. LA FOLLETTE rose.

Mr. BACON. I promised to yield to the Senator from Colorado.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. Certainly.

Mr. PATTERSON. I think the construction which has been placed upon the language "common carrier engaged in interstate or foreign commerce" has been in the broad sense which has been suggested by the Senator from Georgia.

Mr. BACON. Is that the language here?

Mr. PATTERSON. Yes, sir.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce, etc.

In the application of the safety-appliance law I think the decisions of the courts have been that railroads, though local in their organization and local so far as their termini are concerned, if they are engaged in the transportation of interstate commerce, are amenable to the provisions of the safety-appliance act. I know it is but a very short time ago that there was a suit in the United States court in Denver, in which the Denver and Rio Grande Railroad Company was fined for not having equipped its locomotives with the appliances that the law provides for. And yet the Denver and Rio Grande, so far as its termini are concerned, is strictly a local road, although it is a part of what may be termed the Gould transcontinental system.

Mr. MALLORY. Will the Senator from Georgia permit me to interrupt him for a moment?

Mr. BACON. Certainly.

Mr. MALLORY. The act providing for safety appliances prescribes that the vehicles employed by the road shall be engaged in interstate commerce.

Mr. BACON. Yes.

Mr. MALLORY. And a court in Kentucky recently—the United States circuit court—I think, makes that distinction very clear. It seems that the first part of the pending bill is designed to meet the opinion of Judge Evans in that case.

Mr. PATTERSON. To continue about the construction of language of this character, although I am not familiar with the precise language used in the safety-appliance act, there was a suit against another road at the same time, a little road whose line was confined within one county. That road, through its management, had taken particular pains to receive no consignments of goods that were shipped from without the State. In that particular case the United States circuit court held that the road was not amenable to the provisions of the safety-appliance law because it was not engaged in interstate commerce.

But as I recall the decision, it was that where roads were engaged in receiving goods and cars to be transported under contract from without the State on the cars of the company or over the line of the company, it came within the provisions of the safety-appliance law, and therefore, for noncompliance with the law as to certain of the locomotives of the Denver and Rio Grande Railroad, the company was declared to have violated the law and was required to pay a fine.

Mr. BACON. I am very much obliged to the learned Senator from Colorado for the suggestions which he has made, and also to the Senator from Florida, equally learned, for the information he gives us as to the precise language of the former act of Congress relative to appliances.

This is certainly a most serious matter, and we are very near to the time when we will be called upon to vote on this bill without further opportunity for its examination or discussion relative thereto. It would be very difficult to conceive of a bill more far-reaching in its effect than this will be if the construction can be put upon it to which it now appears it is legitimately open. I think we ought to give it very careful consideration. It ought to be examined with the most minute particularity.

I desire to say that personally, Mr. President, I am in favor

of such regulations as will protect the public against dangers which arise from the employment of the officers and other employees of the company for a length of time which renders them incompetent to properly handle trains and protect the public; and also that I am in favor of such regulations as will protect the employees from undue burdens in the way of employment beyond the physical and mental powers of the men to sustain the continued strain and exertion. But, Mr. President, it is not always safe to be guided by a desire to accomplish an end, and I am afraid we are too frequently controlled by that desire. The end may be laudable, but the means may be improper and unsafe, and the evils which are mixed up with some remedies may sometimes be greater than the evils which it is sought to cure.

Now, just for a moment, let me call attention to the extent of this bill, if the language is open to the construction which I suggest; and I think it is a most important fact to be noted that on the eve of determining this most tremendous question Senators have not considered this particular phase of it. So far as I have been able to learn from the advocates of the bill, the question of the constitutionality of it, as well as the propriety of it, has largely been answered affirmatively upon the prior legislation with reference to safety appliances on trains, and yet a very slight inspection will show the very vast difference between the two. As stated by the Senator from Florida [Mr. MALLORY], in the safety appliances act it is limited to a control of cars engaged in interstate commerce. There is no effort in the safety appliance act to prescribe that all railroads engaged in interstate commerce shall thus equip all of their trains, because that would manifestly be beyond the power of Congress, but it is within the power of Congress to say that all engines and cars actually engaged in interstate commerce, regardless of what railroads they may belong to, shall be thus and so equipped.

Now, it might be said that upon the same reasoning a bill seeking to protect employees against undue length of continuous service would be constitutional if it limited it to employees on trains engaged in interstate commerce. But that is not what this bill does. This bill does not say it shall be unlawful for employees engaged in interstate commerce to be employed more than a certain length of time, but it says—I will read that portion of the bill—

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty, etc.

I see upon inspection (I had not examined the bill, and I was asking the author of the bill for information upon the subject) that it is limited to railroads within the Territories of the United States and the District of Columbia. Of course that is within the power of Congress.

Mr. KNOX. Look at the top of page 5.

Mr. BACON. The top of page 5? Possibly the Senator from Pennsylvania means page 4.

Mr. KNOX. Page 5.

Mr. BACON. It is page 4 in the copy I have.

That it shall be unlawful—

It may be that this is the provision which relates more particularly to roads in the States and not to those in the Territories of the United States or the District of Columbia. I have not had an opportunity to read it.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train in which such commerce is hauled or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected to remain on duty more than sixteen consecutive hours, except when, by casualty occurring after such employee has started on his trip, he is prevented from reaching his terminal; or to require or permit any such employee to go on duty without having had at least ten hours for rest.

I am not sure but that that language is sufficiently guarded. I would be very glad, however, to have the judgment of Senators who have given the matter more careful attention than I have. I am not sure whether that language would limit the requirement to employees upon trains actually engaged in interstate commerce, because it goes further and makes it apply to "any train by which such commerce is affected," which is language of a very general character.

I rose, Mr. President, more for the purpose of seeking information than for the purpose of submitting any remarks upon the character of the bill. I am inclined to think that the provision of the bill found on the fourth page of the copy I have in my hand is not open to the objections which the language found on page 3 of this bill would have suggested as being objectionable.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. Certainly.

Mr. KNOX. Does not that depend somewhat upon the construction to be placed upon the word "affected?"

Mr. BACON. Yes. That is the language which I suggest is possibly too broad.

Mr. SPOONER. What does it mean?

Mr. BACON. I do not know. That is the reason why I think it is too broad. I think we ought to know what language means when it is put into a bill. I will read that language again:

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train in which such commerce is hauled—

I doubt very much if that is a proper provision, because it would relate to a railroad entirely within a State over which there had been such a consignment as that which I have suggested, because, although the road may be entirely within a State, if it has accepted a consignment from another State on a through bill of lading, it is hauling a train carrying commerce subject to interstate-commerce law, and yet it would not itself be a railroad passing from one State to another and not within the design or spirit of the law.

As is suggested to me by the Senator from Colorado, the practical effect of it is to put it within the power of Congress by this legislation to require that every employee engaged in handling cars upon a railroad shall be subject to the provisions of this proposed law. This is not a bill upon which I have prepared myself to make any suggestions which I have thought would be of any special value, and it is not a bill which I am prepared to discuss in such a manner as one should discuss it who is in charge of a bill, or who has particularly undertaken to controvert or oppose any of its features. But upon a casual reading of the bill these are objections which strike me, and it seems to me the time has come when other matters should be laid aside and when this matter should be perfected as we are to vote upon it. There are other matters which are pressing—I know that—but none of them is in the position of this bill. There is none of them where we are face to face with the proposition that we have to vote on it at a certain time. That being the case, it seems to me this bill should now be given the precedence.

I want to ask the Senator from Wisconsin and others who are particularly interested in the bill whether it is their purpose, or whether they understand it to be the purpose of the bill, that practically the length of time when an employee shall be permitted to work continuously upon a railroad shall hereafter be under the control and regulation of the Federal Government, to the exclusion of the right of the States as to those roads limited entirely within their borders? That is the effect I think of this bill, even of the section which I have just read. Upon a casual reading of it I was inclined to think at first there was no material objection to it, but on a more careful reading of it I think practically the same objections exist as those which I thought at first existed, reading, as I did, the clauses with reference to the Territories and the District of Columbia.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I do.

Mr. LA FOLLETTE. It seems to me manifest that the language in line 7, page 5, is intended to be just as broad as that—that is, wherever the operation of trains within States affect directly the interstate commerce it is intended by the language of that section to bring the operation of those lines and the employment of the men on those lines within the control of the provisions of the act.

Mr. BACON. Even though the railroad may be entirely within a State?

Mr. LA FOLLETTE. Otherwise a train carrying interstate commerce, moving upon a line of road on which the same company operates a train engaged solely in State commerce, might be put at jeopardy by having the crew operating the train engaged in State commerce employed for fifty hours consecutively. The jeopardy to the interstate commerce and passengers traveling upon trains engaged in interstate commerce would be quite as great from collision with a crew that has been employed an excessive number of hours, even though it is operating a train engaged purely in State commerce. As I said before, I did not draft the bill, but I think it is manifest that it is the purpose of the language in line 7—"any train by which such commerce is affected"—to reach such cases as I have illustrated.

Mr. BACON. In other words, without elaboration, it means to affect every railroad in the United States, long or short, within a State or crossing from one State to another.

Mr. LA FOLLETTE. Where the operation of the trains upon the line would jeopardize the lives of people who were being conveyed by a train engaged in interstate traffic.

Mr. BACON. Mr. President, I presume none of us differ as to the desirability that there shall be protection as to the trains, whether they are trains upon railroads which are limited entirely to one State or trains upon railroads which pass from one State to another. But that does not necessarily carry with it the conclusion that the Federal Government should be given charge of the business of furnishing this desired protection. It is the desire of us all, without difference, that there shall be no murder committed, and that all who commit murder shall be punished. That does not in any manner make it proper that the Federal Government, because the end is desirable, shall overstep its legitimate power for the purpose of accomplishing it.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. KNOX. Recalling what the Senator from Georgia said about not having risen for the purpose of imparting information on this subject, but knowing that he always can, and having discussed these words and studied the question as to what trains this proposed act would apply to, I should like to call his attention, for his criticism or his answer, to the language on page 5, line 5, that the act is only intended to apply and by its terms only does apply to "the movement of any train in which such commerce is hauled." I should like to have the Senator, or some one else, tell me how you can haul commerce. Commerce is a system; it is a relation; it is not the goods which are the subject of commerce.

Mr. BEVERIDGE. It should read "articles of commerce."

Mr. KNOX. It seems to me that the bill in that respect is vitally defective. In other words, it does not describe any class of trains which exist or can exist.

Mr. BACON. That is very true.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I do.

Mr. BEVERIDGE. I was about to suggest to insert before the word "commerce" the words "articles of," which would meet the objection of the Senator from Pennsylvania, would it not?

Mr. KNOX. There is no question about its being susceptible of amendment. I am only calling attention to the necessity for amendment. I think the words suggested by the Senator from Indiana would be adequate.

Mr. BACON. I think the suggestion of the Senator from Pennsylvania and also the amendment suggested by the Senator from Indiana are both of them worthy of consideration, and certainly indicate the necessity that we should continue to examine this bill minutely.

But, Mr. President, outside of the particular defect which has just been suggested, we are brought face to face with this proposition, as construed by the Senator from Wisconsin in charge of the bill, and I think as correctly construed by him. This is practically a bill which undertakes by an act of Congress to regulate the hours of labor of every employee upon any train of every railroad in the United States, regardless of whether it is a railroad which crosses from one State to another or whether it is a railroad limited altogether within the borders of one State. Like the personal liability bill, which was passed at the last session of Congress, it is a tremendous stride, an almost immeasurable stride, in the direction of turning over to the Federal Government the management of all the internal affairs and business affairs and relations of people in the various States, not only with the people of other States but within their own borders.

I am not prepared to say that if the language of the bill were so changed that it would be limited to employees upon trains actually engaged in interstate commerce, so far as that may be construed in the passage of trains from one State to another, that I would not give it my support, because, believing in the general proposition that there should be a limitation of hours, of course the States themselves can not reach a case beyond their own borders, and a railroad which is located partly in one State and partly in another or which carries cars from one State into another State may be beyond the reach of a State to correct an evil of this kind, and it may be necessary that there should be Federal regulation. But there is no necessity for it—that is, I mean necessity so far as that it can not be otherwise accomplished—in the case of a railroad limited entirely within the borders of a State.

But however that may be, Mr. President, it is important that we should know what we are voting upon when we come to vote upon so wide-reaching a proposition as that which is contained in this bill. As I said, I am not now prepared to discuss it, but I thought it was a suggestion worthy being brought to the attention of the Senate. I am very glad to have the construction of the Senator from Wisconsin, because I am at least put in a position where I am better prepared to judge whether or not the bill is entitled to my support according to my view.

Mr. MALLORY. Mr. President, I understand the last print of the bill has been exhausted. I have been endeavoring to get a copy of it and have not succeeded. I ask unanimous consent that a reprint of the last print of the bill be ordered printed by to-morrow for the use of the Senate.

Mr. GALLINGER. I suggest to the Senator from Florida that in addition to the amendments which are printed in the bill now under consideration the amendments offered to-day be likewise included in the reprint.

The VICE-PRESIDENT. Is there objection to a reprint of the bill with the amendments?

Mr. MALLORY. It is just possible that there would be some confusion arising out of the incorporation of all the amendments that have been offered. The amendments will be printed anyhow, and I think if we could have the bill reprinted it would give us a very good idea of what are its main features.

Mr. GALLINGER. I will not insist upon my suggestion if the Senator prefers to have the bill reprinted precisely as it is.

The VICE-PRESIDENT. Is there objection to a reprint of the bill? The Chair hears none, and it is so ordered.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. Most assuredly.

Mr. DOLLIVER. I desire to offer, for the purpose of having it printed for the attention of the Senate, an amendment to the bill in the nature of a substitute for the bill and amendments. I will add that I am not sure that I will press this amendment, but I desire to have it printed and brought to the attention of the Senate.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. KEAN. I ask the Senator from Iowa if he will not also ask to have it printed in the RECORD.

Mr. DOLLIVER. Very well.

The VICE-PRESIDENT. Without objection, the proposed substitute will be printed in the RECORD.

Mr. DOLLIVER'S proposed amendment is as follows:

That on and after August 1, 1907, it shall be unlawful for any common carrier by railroad in any Territory of the United States, or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen consecutive hours, or to require or permit any such employee who has been in service sixteen consecutive hours to perform further service without having had at least ten hours for rest: *Provided*, That prior to August 1, 1907, the Interstate Commerce Commission may, after full hearing and for good cause, specify extraordinary circumstances or special cases under which any such common carrier by railroad and its officers and agents shall be exempted from the provisions of this section.

SEC. 2. That any such common carrier, or any of its officers or agents, violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of $1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act, and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

That to enable the Commission to execute and enforce the provisions of this act it shall have the power to employ such inspectors or other persons as may be necessary. To enforce the provisions of this act the Commission and its agents or employees thereunto duly authorized by order of said Commission shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers. The Commission may also order depositions taken before any officer in any State or Territory of the United States or the District of Columbia qualified by law to take the same.

Mr. GALLINGER. If the Senator from Montana will yield to me for a moment, a very illuminating editorial from the Commercial and Financial Chronicle, under date of December 29, 1906, on the subject that is under discussion, is in my hand, and I ask that it may be printed in the RECORD without being read.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GALLINGER. I hope Senators will read it.

The matter referred to is as follows:

The Commercial and Financial Chronicle, December 28, 1906.

HOURS OF LABOR OF RAILWAY TRAINMEN.

On January 10 next the United States Senate, under a unanimous-consent agreement made at the first session of the present Congress, will proceed to vote upon a bill to fix by statute the maximum hours of labor of railway trainmen and the minimum duration of their intervals of rest, first voting upon all the pending amendments. The bill in question (S. 5133) was introduced by Senator LA FOLLETTE and prohibits all tours of duty exceeding sixteen hours, except in cases of accidents occurring after their trains have left the initial point, and to require a rest interval of at least ten hours between each period of service. The penalty for violation of the statute which is proposed is a fine of $1,000, to be paid by the employer; there is no penalty running against the employee, even should the violation be the result of his fraudulent concealment of material facts concerning the length of time he has actually been on duty.

The proposed enactment seeks to deal with conditions with which railway managers have struggled for generations, and which are never more difficult than when the pressure of traffic demanding movement taxes, as it is now taxing, every resource at the command of the carriers. There are, notoriously, certain industries in which the regulation of the hours of labor according to the standards which seem to the majority to be ideal is impossible. As long as men go down to the sea in ships they must submit to the arduous toil, often prolonged through periods of excessive and exhaustive duration. The farmer, in the harvest season at least, can not, without suffering losses to which he is unwilling to submit, limit his labor to a number of hours which would suit his city brother in the building trades.

In a measurable degree the railway industry is controlled by similar conditions. Traffic appears for movement, especially in the regions where production is specialized along a few lines, and particularly where those lines are agricultural, in irregular volume. Yet when it seeks movement it must be moved promptly, or loss and suffering are pretty certain to ensue. This fact is well illustrated by the present clamor for the movement of coal in the Northwest and by the complaint which has hitherto been heard when the railways were temporarily unable to handle without delay the tonnage offered for transportation. The problem of the railway manager is to provide men, motive power, rolling stock, tracks, and terminals enough for the maximum volume of traffic at any time seeking shipment. How shall he meet this problem if he may not be permitted, at any time, to utilize every locomotive, car, track, yard, and terminal facility to its utmost capacity in the performance of the services for which all of these facilities exist? And in order to do so, may it not become necessary at times, and under the stress of emergencies growing out of extraordinary pressure for the movement of commodities, to lengthen for a short time the hours of labor of the men who make up the human and most essential factor in the prompt, safe, and rapid movement of traffic? No one wishes to impose excessive hours of duty upon railway trainmen. Certainly no railway manager wants to require the continuance of exhausting labor beyond the point of perfect safety to the persons and property employed in the service of the public, as well as those carried. But within the reasonable limits thus fixed it ought to be lawful for the carriers to contract freely with their employees and to receive such service as the latter are willing to render.

The way the men themselves look at the matter was well stated before the Industrial Commission by the present Commissioner of Immigration, Mr. F. P. Sargent, who was then Grand Master of the Brotherhood of Locomotive Firemen. Mr. Sargent said:

"You can not put railroad men in the transportation department upon the same basis upon which men work at trades, in factories, and shops. The handling of transportation is an entirely different matter. * * * Those are conditions that can not be controlled by any specified law or regulation. We believe that there is manifest on the part of the railways a disposition to be as fair and equitable in the establishment of hours of labor for train-service employees as is practicable with the business to handle. * * * It might be obviated to a certain extent by increasing the number of employees and increasing the machinery; but when the dull time comes there would be that army of idle men. The men in the train service do not want an overproduction; they do not want the railroads loaded down with a great army of men in order that they may have it easy the whole year round. They are willing to take it rougher and work a little harder in the busy season, and then when the dull season comes there is plenty of time to rest up and earn fair wages. The railroad employees have an understanding with the employers that there shall be no more men employed than is necessary to move the traffic with dispatch, and during the busy times they take advantage of it and earn big wages, and when the dull season comes, of course they earn an average wage."

Mr. E. E. Clark, now an Interstate Commerce Commissioner, but then the chief of the Order of Railway Conductors; Mr. P. M. Arthur, chief of the Brotherhood of Locomotive Engineers, and Mr. W. V. Powell, chief of the Order of Railroad Telegraphers, united with Mr. Sargent in opposing, in most comprehensive terms, any statutory restriction of freedom of contract in this particular between the trainmen and the railways. As the only possible support for the constitutionality of the proposed restriction rests upon the claim that it is in the interest of public safety, it is worth while to note that Commissioner Clark suggested that such a law would increase the danger of accidents by requiring the promotion of too many inexperienced men to places of unaccustomed responsibility.

What the present attitude of the more experienced railway employees toward this proposal is may be gathered from the fact that several numerous bodies of conductors have recently protested against the passage of the La Follette bill or any similar measure, saying that as "the railway trainmen of the United States are of full age, possessed of sound minds, equipped with an intelligent comprehension of their own interests and of the business in which they are engaged," they are "therefore fully able to look after themselves in their relations with their employers." In other words, these employees reject the idea of legislative restriction as an impairment of their liberties.

But, whatever is to be said of the proposed statute, from the point of view of the trainmen or the railways or of fundamental principles, it is certain that the present is no time for the enactment of such a law. The whole industrial organization of the country is conditioned upon the adequate performance of the functions for which railways exist, and everywhere the cry is for more cars, more terminals, more service. All railway facilities are strained to their utmost capacity, and yet the movement of traffic is too slow to satisfy the impatient demands of the country's prosperity. In seeking to satisfy these demands the railways are in the market for more men, more cars, more locomotives, and more rails. Yet, without discouraging delays, they can secure none of these. Qualified men are scarcer than ever before, they demand and get higher wages than ever, and yet the supply is inadequate. Cars, rails, and locomotives ordered now won't be promised for delivery earlier than 1908, and every new order advances the delivery date.

Yet the proposed restriction would place the railways where the only way to avoid freight blockades and traffic congestion of altogether unprecedented extent would be to secure multitudes of new men, vastly increased terminal facilities, augmented sidings and yard tracks, tens of thousands more of cars, and thousands more of locomotives. A year's delay would inevitably be required to meet even considerable fractions of these demands. Is Congress going to lay the heavy hand of the law upon the business of the country without permitting the reasonable delay necessary for adjustment to the new requirements? That is a modest query. It is the least that those intrusted with the supervision of the railway business can ask of the National Legislature.

EMPLOYMENT OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. BEVERIDGE. Mr. President, I wish to change the notice I gave for remarks on January 14 to January 21, on account of the necessary absence of the chairman of the committee, who will be here at the later date.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, January 9, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 8, 1907.

COLLECTORS OF CUSTOMS.

George A. Alba, of Florida, to be collector of customs for the district of St. Augustine, in the State of Florida, in place of Thomas B. George, whose term of service has expired by limitation.

Antoine J. Murat, of Florida, to be collector of customs for the district of Apalachicola, in the State of Florida, in place of Jesse F. Warren, resigned.

APPOINTMENT IN THE ARMY.

General officer.

Col. Edward S. Godfrey, Ninth Cavalry, to be brigadier-general, vice Bell, to be appointed major-general.

PROMOTIONS IN THE NAVY.

Lieut. Commander George W. McElroy, an additional number in grade, to be a commander in the Navy from the 7th day of January, 1906, with Lieut. Commander Roy C. Smith, promoted.

Frank H. Stibbens, a citizen of California, to be an assistant surgeon in the Navy from the 4th day of January, 1907, to fill a vacancy existing in that grade on that date.

Midshipman Roy F. Smith, United States Navy, to be an assistant civil engineer in the Navy from the 3d day of January, 1907, to fill a vacancy existing in that grade on that date.

Gunner Wilhelm H. F. Schluter to be a chief gunner in the Navy from the 1st day of August, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

ALABAMA.

Nelson C. Fuller to be postmaster at Centerville, in the county of Bibb and State of Alabama. Office became Presidential January 1, 1907.

Charles Hays, jr., to be postmaster at Eutaw, in the county of Greene and State of Alabama, in place of Charles Hays, jr. Incumbent's commission expires January 22, 1907.

ARIZONA.

Milton Bohall to be postmaster at Nogales, in the county of Santa Cruz and Territory of Arizona, in place of Milton Bohall. Incumbent's commission expires January 22, 1907.

ARKANSAS.

Eva V. Harrington to be postmaster at Earl, in the county of Crittenden and State of Arkansas. Office became Presidential January 1, 1907.

CALIFORNIA.

John L. Brown to be postmaster at Turlock, in the county of Stanislaus and State of California. Office became Presidential January 1, 1907.

Fred E. Cornell to be postmaster at Sunnyvale, in the county of Santa Clara and State of California. Office became Presidential January 1, 1907.

Grace E. Fuller to be postmaster at Anderson, in the county of Shasta and State of California. Office became Presidential January 1, 1907.

John M. Johnson to be postmaster at Wheatland, in the county of Yuba and State of California. Office became Presidential October 1, 1906.

Isaac Purcell to be postmaster at Morgan Hill, in the county of Santa Clara and State of California. Office became Presidential January 1, 1907.

Morton E. Simmons to be postmaster at Chino, in the county of San Bernardino and State of California. Office became Presidential October 1, 1906.

CONNECTICUT.

Asa E. S. Bush to be postmaster at Niantic, in the county of New London and State of Connecticut, in place of Asa E. S. Bush. Incumbent's commission expired December 15, 1906.

John McGinley to be postmaster at New London, in the county of New London and State of Connecticut, in place of John McGinley. Incumbent's commission expired December 15, 1906.

Wilbur W. Smith to be postmaster at Seymour, in the county of New Haven and State of Connecticut, in place of Wilbur W. Smith. Incumbent's commission expires February 28, 1907.

GEORGIA.

Halbert F. Brimberry to be postmaster at Albany, in the county of Dougherty and State of Georgia, in place of Halbert F. Brimberry. Incumbent's commission expired December 10, 1906.

John B. Crawford to be postmaster at Cairo, in the county of Grady and State of Georgia, in place of John B. Crawford. Incumbent's commission expires January 31, 1907.

Alamo B. Harp to be postmaster at Jackson, in the county of Butts and State of Georgia, in place of Alamo B. Harp. Incumbent's commission expires January 22, 1907.

Christopher E. Head to be postmaster at Tallapoosa, in the county of Haralson and State of Georgia, in place of Christopher E. Head. Incumbent's commission expired June 12, 1906.

Frank P. Mitchell to be postmaster at Americus, in the county of Sumter and State of Georgia, in place of Frank P. Mitchell. Incumbent's commission expired December 17, 1906.

IDAHO.

William D. Hardwick to be postmaster at Nezperce, in the county of Nez Perce and State of Idaho, in place of William D. Hardwick. Incumbent's commission expires February 28, 1907.

ILLINOIS.

Robert C. Boehm to be postmaster at White Hall, in the county of Greene and State of Illinois, in place of Robert C. Boehm. Incumbent's commission expired December 10, 1906.

Fred R. Brill to be postmaster at Hampshire, in the county of Kane and State of Illinois, in place of Fred R. Brill. Incumbent's commission expires January 23, 1907.

Anson J. Buck to be postmaster at Carpentersville, in the county of Kane and State of Illinois. Office became Presidential October 1, 1906.

Rufus East to be postmaster at Coulterville, in the county of Randolph and State of Illinois. Office became Presidential January 1, 1907.

Carrie Hovda to be postmaster at Leland, in the county of La Salle and State of Illinois. Office became Presidential January 1, 1907.

Milton H. Spence to be postmaster at Elmwood, in the county of Peoria and State of Illinois, in place of Milton H. Spence. Incumbent's commission expires January 23, 1907.

Fred M. Stoddard to be postmaster at Ramsey, in the county of Fayette and State of Illinois. Office became Presidential January 1, 1907.

Adam Trapp to be postmaster at Hawthorne, in the county of Cook and State of Illinois. Office became Presidential October 1, 1906.

Arch L. Wade to be postmaster at Farina, in the county of Fayette and State of Illinois. Office became Presidential January 1, 1907.

Frank L. Wilkins to be postmaster at St. Anne, in the county of Kankakee and State of Illinois. Office became Presidential January 1, 1907.

INDIANA.

Z. C. McGary to be postmaster at Owensville, in the county of Gibson and State of Indiana, in place of F. W. Hall. Incumbent's commission expired December 20, 1906.

Robert W. Morris to be postmaster at New Albany, in the county of Floyd and State of Indiana, in place of Robert W. Morris. Incumbent's commission expires February 9, 1907.

Edward Patton to be postmaster at Veedersburg, in the county of Fountain and State of Indiana, in place of John W. Cronk, resigned.

Stanley S. Tull to be postmaster at Monon, in the county of White and State of Indiana, in place of Stanley S. Tull. Incumbent's commission expires February 18, 1907.

IOWA.

William R. Boyd to be postmaster at Cedar Rapids, in the county of Linn and State of Iowa, in place of William R. Boyd. Incumbent's commission expired January 7, 1907.

Merritt S. Brown to be postmaster at North English, in the county of Iowa and State of Iowa, in place of Merritt S. Brown. Incumbent's commission expires January 22, 1907.

George A. Danforth to be postmaster at Hamburg, in the county of Fremont and State of Iowa, in place of George A. Danforth. Incumbent's commission expired December 10, 1906.

Francis H. Farley to be postmaster at Sloan, in the county of Woodbury and State of Iowa, in place of Francis H. Farley. Incumbent's commission expired January 7, 1907.

Joseph W. Foster to be postmaster at Humboldt, in the county of Humboldt and State of Iowa, in place of Joseph W. Foster. Incumbent's commission expired January 7, 1907.

Alfred C. Harris to be postmaster at Eldora, in the county of Hardin and State of Iowa, in place of Alfred C. Harris. Incumbent's commission expired January 7, 1907.

Lewis B. Jenness to be postmaster at Danbury, in the county of Woodbury and State of Iowa. Office became Presidential January 1, 1907.

Emily L. Kerr to be postmaster at Victor, in the county of Iowa and State of Iowa. Office became Presidential January 1, 1907.

Edwin W. McCracken to be postmaster at Scranton, in the county of Greene and State of Iowa, in place of Edwin W. McCracken. Incumbent's commission expires February 19, 1907.

Robert S. McNutt to be postmaster at Muscatine, in the county of Muscatine and State of Iowa, in place of William D. Burk. Incumbent's commission expires February 4, 1907.

James F. Mentzer to be postmaster at Knoxville, in the county of Marion and State of Iowa, in place of James F. Mentzer. Incumbent's commission expired December 9, 1906.

William H. Needham to be postmaster at Sigourney, in the county of Keokuk and State of Iowa, in place of William H. Needham. Incumbent's commission expired January 7, 1907.

Charles S. Terwilliger to be postmaster at Garner, in the county of Hancock and State of Iowa, in place of Charles S. Terwilliger. Incumbent's commission expires January 14, 1907.

KANSAS.

George B. Crooker to be postmaster at Anthony, in the county of Harper and State of Kansas, in place of George B. Crooker. Incumbent's commission expired June 28, 1906.

Thomas W. Dare to be postmaster at Gardner, in the county of Johnson and State of Kansas. Office became Presidential January 1, 1907.

David K. Fretz to be postmaster at Canton, in the county of McPherson and State of Kansas. Office became Presidential October 1, 1906.

John M. McCammon to be postmaster at Esbon, in the county of Jewell and State of Kansas. Office became Presidential January 1, 1907.

Henry Nickles to be postmaster at Hope, in the county of Dickinson and State of Kansas. Office became Presidential January 1, 1907.

Jonah E. Nickols to be postmaster at Atwood, in the county of Rawlins and State of Kansas, in place of Jonah E. Nickols. Incumbent's commission expired December 15, 1906.

Joseph H. Woollen to be postmaster at Mankato, in the county of Jewell and State of Kansas, in place of Joseph H. Woollen. Incumbent's commission expires January 14, 1907.

LOUISIANA.

Frank E. Posey to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana, in place of Frank E. Posey. Incumbent's commission expired December 15, 1906.

MAINE.

Charles F. Hammond to be postmaster at Van Buren, in the county of Aroostook and State of Maine. Office became Presidential July 1, 1906.

MARYLAND.

Thomas R. Greene to be postmaster at Denton, in the county of Caroline and State of Maryland, in place of Thomas R. Greene. Incumbent's commission expires January 22, 1907.

Adolphus H. Harrington to be postmaster at Frederick, in the county of Frederick and State of Maryland, in place of Garrett S. De Grange. Incumbent's commission expired December 10, 1906.

John McFarland to be postmaster at Lonaconing, in the county of Allegany and State of Maryland, in place of John McFarland. Incumbent's commission expires January 22, 1907.

Morris L. Smith to be postmaster at Woodsboro, in the county of Frederick and State of Maryland. Office became Presidential January 1, 1907.

Robert R. Walker to be postmaster at Easton, in the county of Talbot and State of Maryland, in place of Joseph H. White. Incumbent's commission expires January 22, 1907.

MASSACHUSETTS.

Charles D. Brown to be postmaster at Gloucester, in the county of Essex and State of Massachusetts, in place of Charles D. Brown. Incumbent's commission expired January 6, 1907.

Charles E. Cook to be postmaster at Uxbridge, in the county of Worcester and State of Massachusetts, in place of Charles E. Cook. Incumbent's commission expired December 17, 1906.

Charles W. Lincoln to be postmaster at Holbrook, in the county of Norfolk and State of Massachusetts. Office became Presidential January 1, 1907.

Fred H. Torrey to be postmaster at Groton, in the county of Middlesex and State of Massachusetts, in place of Fred H. Torrey. Incumbent's commission expired December 9, 1906.

MICHIGAN.

Frank D. Ball to be postmaster at Crystal Falls, in the county of Iron and State of Michigan, in place of Frank D. Ball. Incumbent's commission expired December 20, 1906.

Lawson E. Becker to be postmaster at Fenton, in the county of Genesee and State of Michigan, in place of Lawson E. Becker. Incumbent's commission expired December 10, 1906.

James W. Dey to be postmaster at Springport, in the county of Jackson and State of Michigan. Office became Presidential October 1, 1906.

John Harwood to be postmaster at White Cloud, in the county of Newaygo and State of Michigan. Office became Presidential January 1, 1907.

E. Jefferson Hall to be postmaster at Marion, in the county of Osceola and State of Michigan. Office became Presidential January 1, 1907.

George W. Minchin to be postmaster at Evart, in the county of Osceola and State of Michigan, in place of George W. Minchin. Incumbent's commission expired March 19, 1906.

Philip P. Schnorbach to be postmaster at Muskegon, in the county of Muskegon and State of Michigan, in place of Horace L. Delano, deceased.

MINNESOTA.

John Chermak to be postmaster at Chatfield, in the county of Fillmore and State of Minnesota, in place of John Chermak. Incumbent's commission expires January 13, 1907.

Chester A. Coborn to be postmaster at Sauk Rapids, in the county of Benton and State of Minnesota. Office became Presidential January 1, 1907.

Anders Glimme to be postmaster at Kenyon, in the county of Goodhue and State of Minnesota, in place of Anders Glimme. Incumbent's commission expires January 23, 1907.

Samuel C. Johnson to be postmaster at Rush City, in the county of Chisago and State of Minnesota, in place of Samuel C. Johnson. Incumbent's commission expired February 5, 1906.

Ernest P. Le Masurier to be postmaster at Hallock, in the county of Kittson and State of Minnesota, in place of Ernest P. Le Masurier. Incumbent's commission expires January 13, 1907.

John Lohn to be postmaster at Fosston, in the county of Polk and State of Minnesota, in place of John Lohn. Incumbent's commission expires January 13, 1907.

Emma F. Marshall to be postmaster at Red Lake Falls, in the county of Red Lake and State of Minnesota, in place of Emma F. Marshall. Incumbent's commission expires January 13, 1907.

Severin Mattson to be postmaster at Braham, in the county of Isanti and State of Minnesota. Office became Presidential January 1, 1907.

Charles A. Pearson to be postmaster at Roseau, in the county of Roseau and State of Minnesota. Office became Presidential January 1, 1907.

William Peterson to be postmaster at Atwater, in the county of Kandiyohi and State of Minnesota, in place of William Peterson. Incumbent's commission expires January 13, 1907.

Frederick T. Schlegel to be postmaster at Arlington, in the county of Sibley and State of Minnesota. Office became Presidential January 1, 1907.

Benjamin A. Shaver to be postmaster at Kasson, in the county of Dodge and State of Minnesota, in place of Benjamin A. Shaver. Incumbent's commission expires January 13, 1907.

Olaves A. Wilson to be postmaster at McIntosh, in the county of Polk and State of Minnesota, in place of Olaves A. Wilson. Incumbent's commission expired December 15, 1906.

MISSISSIPPI.

Thaddeus C. Barrier to be postmaster at Philadelphia, in the county of Neshoba and State of Mississippi. Office became Presidential January 1, 1907.

John B. Collier to be postmaster at Leland, in the county of Washington and State of Mississippi, in place of John B. Collier. Incumbent's commission expires January 22, 1907.

Mellicent R. McInnis to be postmaster at Moss Point, in the county of Jackson and State of Mississippi, in place of Mellicent R. McInnis. Incumbent's commission expires January 19, 1907.

MISSOURI.

R. N. Hillard to be postmaster at Hayti, in the county of Pemiscot and State of Missouri. Office became Presidential January 1, 1907.

NEBRASKA.

James H. Logan to be postmaster at Ponca, in the county of Dixon and State of Nebraska, in place of James H. Logan. Incumbent's commission expires January 22, 1907.

NEW YORK.

George Anderson to be postmaster at Castleton, in the county of Renssalaer and State of New York, in place of George Anderson. Incumbent's commission expired January 7, 1907.

Andrew D. Annable to be postmaster at Otego, in the county of Otsego and State of New York. Office became Presidential January 1, 1907.

Clarence M. Bates to be postmaster at Cherry Valley in the county of Otsego and State of New York, in place of Clarence M. Bates. Incumbent's commission expired December 9, 1906.

Paul R. Clark to be postmaster at Auburn, in the county of Cayuga and State of New York, in place of Paul R. Clark. Incumbent's commission expired January 7, 1907.

David Doremus to be postmaster at Piermont, in the county of Rockland and State of New York. Office became Presidential October 1, 1906.

Mary L. McRoberts to be postmaster at Tompkinsville, in the county of Richmond and State of New York, in place of Mary L. McRoberts. Incumbent's commission expires January 22, 1907.

Amelia L. Tyler to be postmaster at Hurleyville, in the county of Sullivan and State of New York. Office became Presidential January 1, 1907.

J. Wesley Van Tassell to be postmaster at Hopewell Junction, in the county of Dutchess and State of New York. Office became Presidential January 1, 1907.

Sarah H. Young to be postmaster at Cornwall Landing, in the county of Orange and State of New York. Office became Presidential January 1, 1907.

NEW MEXICO.

Tennessee C. Hill to be postmaster at Dawson, in the county of Colfax and Territory of New Mexico. Office became Presidential January 1, 1907.

NORTH CAROLINA.

William J. Flowers to be postmaster at Mount Olive, in the county of Wayne and State of North Carolina, in place of William J. Flowers. Incumbent's commission expires January 19, 1907.

OHIO.

Charles C. Chappelear to be postmaster at Circleville, in the county of Pickaway and State of Ohio, in place of Charles C. Chappelear. Incumbent's commission expires January 19, 1907.

Edward P. Flynn to be postmaster at South Charleston, in the county of Clark and State of Ohio, in place of Edward P. Flynn. Incumbent's commission expires January 26, 1907.

Rolla A. Perry to be postmaster at Plain City, in the county of Madison and State of Ohio, in place of Rolla A. Perry. Incumbent's commission expires January 19, 1907.

Delmar M. Starkey to be postmaster at Freeport, in the county of Harrison and State of Ohio. Office became Presidential January 1, 1907.

OKLAHOMA.

John D. Warford to be postmaster at Erick, in the county of Greer and Territory of Oklahoma. Office became Presidential January 1, 1907.

OREGON.

Thomas L. Ambler to be postmaster at Mount Angel, in the county of Marion and State of Oregon, in place of Thomas L. Ambler. Incumbent's commission expires January 14, 1907.

Henry Proctor to be postmaster at Elgin, in the county of Union and State of Oregon, in place of Henry Proctor. Incumbent's commission expired January 7, 1907.

Finley E. Roberts to be postmaster at Springfield, in the county of Lane and State of Oregon. Office became Presidential October 1, 1906.

PENNSYLVANIA.

John N. Brosius to be postmaster at Middleburg, in the county of Snyder and State of Pennsylvania. Office became Presidential January 1, 1907.

Alfred W. Christy to be postmaster at Slippery Rock, in the county of Butler and State of Pennsylvania, in place of Alfred W. Christy. Incumbent's commission expires January 26, 1907.

John C. F. Miller to be postmaster at Rockwood, in the county of Somerset and State of Pennsylvania, in place of John C. F. Miller. Incumbent's commission expires January 26, 1907.

Jesse Oren to be postmaster at New Cumberland, in the county of Cumberland and State of Pennsylvania. Office became Presidential October 1, 1906.

Calvin B. Philips to be postmaster at Frackville, in the county of Schuylkill and State of Pennsylvania. Office became Presidential January 1, 1907.

RHODE ISLAND.

George E. Gardner to be postmaster at Wickford, in the county of Washington and State of Rhode Island, in place of George E. Gardner. Incumbent's commission expires January 26, 1907.

SOUTH CAROLINA.

James P. Bodie to be postmaster at Leesville, in the county of Lexington and State of South Carolina. Office became Presidential January 1, 1907.

Levi S. Bowers to be postmaster at Prosperity, in the county of Newberry and State of South Carolina. Office became Presidential January 1, 1907.

Benjamin H. Massey to be postmaster at Fort Mill, in the county of York and State of South Carolina. Office became Presidential October 1, 1906.

TENNESSEE.

William F. Millican to be postmaster at Rockwood, in the county of Roane and State of Tennessee, in place of William F. Millican. Incumbent's commission expires February 12, 1907.

Abraham L. Williams to be postmaster at Oliver Springs, in the county of Roane and State of Tennessee. Office became Presidential January 1, 1907.

TEXAS.

George W. Brown to be postmaster at Devine, in the county of Medina and State of Texas. Office became Presidential October 1, 1906.

Robert H. Walton to be postmaster at Walnut Springs, in the county of Bosque and State of Texas. Office became Presidential October 1, 1906.

George S. Ziegler to be postmaster at Eagle Lake, in the county of Colorado and State of Texas, in place of George S. Ziegler. Incumbent's commission expires January 20, 1907.

UTAH.

John A. Smith to be postmaster at Heber, in the county of Wasatch and State of Utah. Office became Presidential July 1, 1906.

VIRGINIA.

Charles A. McKinney to be postmaster at Cape Charles, in the county of Northampton and State of Virginia, in place of Charles A. McKinney. Incumbent's commission expires January 22, 1907.

Annie E. Martin to be postmaster at Waverly, in the county of Sussex and State of Virginia. Office became Presidential January 1, 1907.

Robert L. Poage to be postmaster at Wytheville, in the county of Wythe and State of Virginia, in place of Robert L. Poage. Incumbent's commission expires January 22, 1907.

WASHINGTON.

Thomas Bollman to be postmaster at Cashmere, in the county of Chelan and State of Washington. Office became Presidential January 1, 1907.

Theo Hall to be postmaster at Medical Lake, in the county of Spokane and State of Washington. Office became Presidential October 1, 1906.

Roderick R. Harding to be postmaster at Port Angeles, in the county of Clallam and State of Washington, in place of Roderick R. Harding. Incumbent's commission expired January 7, 1907.

WEST VIRGINIA.

Isaac M. Adams to be postmaster at Ravenswood, in the county of Jackson and State of West Virginia, in place of Isaac M. Adams. Incumbent's commission expired December 16, 1906.

Charles Edwards to be postmaster at Montgomery, in the county of Fayette and State of West Virginia, in place of Charles Edwards. Incumbent's commission expired January 5, 1907.

James N. Knox to be postmaster at Shinnston, in the county of Harrison and State of West Virginia. Office became Presidential October 1, 1906.

Benjamin R. Twyman to be postmaster at Cairo, in the county of Ritchie and State of West Virginia, in place of Benjamin R. Twyman. Incumbent's commission expired January 13, 1906.

WISCONSIN.

Morris F. Barteau to be postmaster at Appleton, in the county of Outagamie and State of Wisconsin, in place of Morris F. Barteau. Incumbent's commission expires January 23, 1907.

John W. Bell to be postmaster at Chetek, in the county of Barron and State of Wisconsin, in place of John W. Bell. Incumbent's commission expired January 7, 1907.

Charles P. Brechler to be postmaster at Fennimore, in the county of Grant and State of Wisconsin, in place of Charles P. Brechler. Incumbent's commission expires January 23, 1907.

Harry C. Hall to be postmaster at Iron River, in the county of Bayfield and State of Wisconsin, in place of Harry C. Hall. Incumbent's commission expires January 23, 1907.

Nicholas A. Lee to be postmaster at Colfax, in the county of Dunn and State of Wisconsin. Office became Presidential January 1, 1907.

Egbert Marks to be postmaster at Menomonie, in the county of Dunn and State of Wisconsin, in place of Egbert Marks. Incumbent's commission expired January 7, 1907.

George A. Packard to be postmaster at Bayfield, in the county of Bayfield and State of Wisconsin, in place of George A. Packard. Incumbent's commission expired December 20, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 8, 1907.

PROMOTION IN PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. John S. Boggess to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from December 5, 1906.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Preston Henry Uberroth to be a captain in the Revenue-Cutter Service of the United States, to rank as such from December 25, 1906.

Second Lieut. Henry Ulke, jr., to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from December 25, 1906.

Third Lieut. Ralph Waldo Dempwolf to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 1, 1906.

Third Lieut. Roger Chew Weightman to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from November 4, 1906.

UNITED STATES ATTORNEY.

John Embry, of Oklahoma, who was appointed during the last recess of the Senate, in the place of Horace Speed, removed, to be United States attorney for the Territory of Oklahoma.

MARSHAL.

William H. Mackey, jr., of Kansas, to be United States marshal for the district of Kansas.

POSTMASTERS.

INDIANA.

James P. Clark to be postmaster at Morocco, in the county of Newton and State of Indiana.

Laron E. Street to be postmaster at Brookston, in the county of White and State of Indiana.

IOWA.

Robert S. McNutt to be postmaster at Muscatine, in the county of Muscatine and State of Iowa.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 8, 1907.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE ASSIGNMENT.

The SPEAKER. The Chair asks unanimous consent for the appointment of the Delegate named on the Committee on Territories.

The Clerk read as follows:

Mr. WASKEY, Delegate from Alaska, a member of the Committee on Territories.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MEMORIAL ADDRESSES ON LATE SENATOR GORMAN.

Mr. TALBOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the desk.

The Clerk read as follows:

Ordered, That the session of Saturday, February 2, 1907, at 2 o'clock p. m., shall be set apart for memorial addresses on the life, character, and public services of Hon. ARTHUR P. GORMAN, late a United States Senator from the State of Maryland.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO SIT DURING SESSIONS OF THE HOUSE.

Mr. HEPBURN. Mr. Speaker, I am directed by the Committee on Interstate and Foreign Commerce to ask unanimous consent that that committee may be permitted to sit during the sessions of the House during this week.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 23551) making appropriation for the Army for the fiscal year ending June 30, 1908.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill.

Mr. HULL. Pending that, Mr. Speaker, I ask unanimous consent that general debate may run for six hours, one half of the time to be controlled by the gentleman from Virginia [Mr. HAY] and the other half by myself.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate may be closed at the end of six hours, to be equally divided between the majority and the minority, and to be controlled by the gentleman from Iowa, three hours, and by the gentleman from Virginia [Mr. HAY], three hours. Is there objection? [After a pause.] The Chair hears none.

The question was taken on the motion to go into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 23551, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908.

Mr. HULL. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman from Iowa whether it is his intention in any event to ask for the reading of the bill for amendment to-day?

Mr. HULL. Oh, no; we can not conclude the general debate to-day.

Mr. MANN. You could conclude it very easily if the time was exhausted.

Mr. HULL. I will say, Mr. Chairman, that, of course, whenever debate is exhausted and the House is in session I shall ask that we proceed under the five-minute rule.

Mr. MANN. Does the gentleman propose, then, to-day, if debate is exhausted, to proceed under the five-minute rule?

Mr. HULL. Unless the House indicates a desire to adjourn.

Mr. MANN. If the gentleman says that he will, I shall ask for the first reading of the bill. We have not been able to see the bill before to-day.

Mr. PAYNE. If debate should be concluded, we could read one paragraph, and then the gentleman could move to adjourn.

Mr. HULL. If the gentleman from Illinois desires to hear the bill read, I have no objection.

Mr. MANN. Neither the gentleman from Illinois nor any other gentleman in the House (except those in charge of the bill) has had any chance to see the bill until now. We have an opportunity to hear it now.

Mr. HULL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois object?

Mr. MANN. I object.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill at length.

Mr. HULL. Mr. Chairman, it was not originally my purpose to take any considerable time for debate on this bill, as I always prefer to discuss different items as they come up for consideration by the committee under the five-minute rule; but I do want to call attention briefly to a few items in the bill.

First, the total appropriation this year amounts to $73,339,039. The total appropriation for last year amounted to $70,626,003. In other words, there is an increase of a little over two and a half million dollars in spite of the utmost effort of the committee to keep the amount within the sum appropriated for the current fiscal year.

I suppose it is impossible for the Government to continue its arm of defense without, in the near future, showing a much larger increase than this. The Committee on Appropriations from year to year report in the fortifications bill large sums of money for the erection of coast fortifications and the emplacement of large coast-defense guns. There has already been expended, as I now remember, about $73,000,000 for this purpose, and it is proposed to continue the expenditures until in the neighborhood of $125,000,000 shall have been expended.

The Army as it stands to-day, in its artillery branch, is not sufficient to give one shift to the guns already emplaced. The pay of the artillery is not sufficient to enable the Government to secure enlistments in that branch of the service. In the cavalry and infantry and Field Artillery there is not the same difficulty that exists with the Coast Artillery. In the Coast Artillery the work is largely mechanical, and the man who enlists puts on his overalls, takes his oil can, and becomes a skilled mechanic. In the schools for the enlisted men of the Coast Artillery a man receives instruction in electricity and general mechanism, and the result is that when his one term of enlistment expires he can retire to private life and receive a large advance of wages on account of the education the Government has given him.

We have a bill now before the Military Committee, which I hope will be reported here in the near future, that will give to the noncommissioned officers, the electricians, and the skilled men of the artillery an advance in pay that will be sufficient to secure reenlistments, and a bill that will give an increased number of men, so that these expensive guns can be cared for in time of peace with a small force, but the organization to be such that it can be expanded to a larger force in time of war.

This Congress either should increase the artillery arm of the service and increase the pay of the skilled men of the Coast Artillery, or it should refuse from now on to appropriate one dollar for coast defense. It is utterly futile to erect expensive fortifications and let them decay without any use whatever, becoming utterly worthless when war shall come, because of the lack of care in time of peace.

Mr. MANN. Will the gentleman yield for a question?

Mr. HULL. Yes.

Mr. MANN. Will the gentleman tell us what the pay is now in the artillery, and also whether there is any proposition to increase it in this bill?

Mr. HULL. Not in this bill. The pay of the artillery, infantry, and cavalry are practically the same. I will say to the gentleman that in the Navy——

Mr. MANN. Is not the gentleman mistaken in saying that the pay of the artillery is the same as the pay of the infantry?

Mr. HULL. Substantially the same. They get increased pay for expert gunners in the artillery and they get increased pay for expert riflemen in the infantry.

Mr. MANN. I thought we had increased the pay of the artillery at one time.

Mr. HULL. Increased the number.

Mr. MANN. What is the pay now?

Mr. HULL. I should have to have the Army Register to give it in detail. I will look it up and give it to the gentleman. I think it runs about $34 a month for sergeants and less for other noncommissioned.

Mr. MANN. The gentleman was discussing that subject.

Mr. HULL. The pay is exactly the same for the three arms of the service. The gentleman probably knows that one reason the Navy can retain their skilled electricians is because their pay is fixed by the President, and it corresponds better with what is given in private life, although no one proposes to increase the pay to what they can make by serving large corporations.

Mr. ROBERTS. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Massachusetts?

Mr. HULL. I will.

Mr. ROBERTS. Did I understand the gentleman to say a moment ago that there are not enough men in the Coast Artillery to man the guns now in place?

Mr. HULL. I so stated.

Mr. ROBERTS. How many guns have you in place now?

Mr. HULL. The committee having charge of coast fortifications can tell better than I can.

Mr. ROBERTS. How many men are in the Coast Artillery?

Mr. HULL. The whole number authorized under the act of 1901 is a little over 18,000 men in Coast and Field Artillery. I think we have in the Coast Artillery and the Field Artillery actually about 14,000 men, although the Chief of Artillery this morning stated in committee that they were not quite 3,000 short.

Mr. ROBERTS. I would like to ask the gentleman a further question. Can not the Field Artillery man the Coast Artillery guns?

Mr. HULL. No; not unless you disband the Field Artillery. One is a mobile branch and the other stationary.

Mr. ROBERTS. Can the gentleman tell us how many men are necessary to man the guns of the Coast Artillery when all the guns are in place?

Mr. HULL. With a full equipment, at least forty-eight thousand.

Mr. ROBERTS. Is it not a fact that it will require fifty-odd thousand men to man all the guns?

Mr. HULL. I can not answer that question.

Mr. MANN. The Secretary of War says in his report that when the defenses are completed it will require 1,754 officers, 41,833 enlisted men, and that there are now available 514 officers and 14,153 enlisted men.

Mr. HULL. That includes both branches of the artillery.

Mr. MANN. No.

Mr. HULL. If they had it recruited to the full amount, there would be 18,000 men. The men now in Field Artillery are not available for Coast Artillery.

Mr. MANN. Those are the numbers now available.

Mr. HULL. But they are short of the number authorized by existing law.

Mr. ROBERTS. I would like to ask the gentleman a further question. With a full complement of men in the Coast Artillery, as stated by the gentleman from Illinois [Mr. MANN], what will be the annual charge for the pay and maintenance of these men, based upon the present rate of pay?

Mr. HULL. That would be a computation the gentleman could sit down and figure out with his pencil. It would cost substantially just as much more as we would increase the Army in proportion to what we now have. We have now 62,000 enlisted men, as I understand from the hearings we have recently had.

Mr. ROBERTS. What is the cost per man?

Mr. HULL. The appropriations for enlisted force, based on the present rate of payment—and that is not for the whole 62,000, for a part is for Hospital Corps—but for the enlisted men of the line of the Army now it costs $9,000,000 each year.

Mr. ROBERTS. And if we double that it will be nine millions more annually?

Mr. HULL. Yes; and with all the clothing and other allowances it would be a great deal more.

Mr. ROBERTS. Is it not a fact that with all the coast fortifications that we have, they are inadequate to defend the ports?

Mr. HULL. Mr. Chairman, I am not going into an expert opinion on the floor of the House upon such a question as that. The Government has entered upon a line of policy and is from year to year carrying it out. The men charged with this work are experts, and I assume are doing the work well. My opinion as to the value of the work is not valuable. I am inclined to doubt the great value of the opinion of the gentleman on this question, much as I respect his ability.

The Government has decided, under the lead of distinguished officers, to go into the fortification of all our seacoast places. The Government is carrying out that policy. Congress has adopted it. We are making appropriations from year to year to complete it; and whether we have done wisely or not is something that I ought not to be asked, and would not undertake to answer. I am not expert enough to answer. The gentleman lives on the coast and should know more about this than I. I live in the interior. As one of the Representatives of the interior of the country, having pride enough in my Government and its people, I have been willing to vote appropriations to make every foot of our seacoast absolutely safe from invasion, not because it could interfere with me or my people, but because it interferes with my country to have any foreign invader set foot upon our shores. If the experts have made a mistake——

Mr. ROBERTS. That is what I am getting at.

Mr. HULL. I can not answer it. But until we have better information, as long as the Committee on Appropriations submits each year under the rules additional sums to carry on this work, as one Member of the House I am in favor of it.

Mr. ROBERTS. Is it not a fact that the Department is recommending the replacing of some of the big 12-inch guns with guns of larger caliber because the 12-inch guns have not range enough to defend the places they are supposed to defend?

Mr. HULL. That would come before the Committee on Fortifications. The gentleman undoubtedly can get all that information when the bill continuing the fortifications of the country shall be before us. It does not come before the Military Committee at all.

Mr. ROBERTS. The reason I ask this is because the gentleman a moment ago, I understood, made the statement that if we did not go ahead with this fortification scheme, we had better stop where we are.

Mr. HULL. The gentleman did not understand me correctly.

Mr. ROBERTS. And I think we had better stop where we are and see what we have got in the way of coast defense and see if it is worth while spending the enormous sum he mentions.

Mr. HULL. Oh, how much time does the gentleman want? I will yield to him in a few minutes.

Mr. ROBERTS. I merely asked the gentleman a question.

Mr. HULL. Oh, no; the gentleman is making a speech, and a very good one. What I said was that unless we provided enough men to at least care for the guns in time of peace, it was foolish policy for the Government to continue to emplace guns and erect fortifications, abandoning them to the destruction of the weather, to the destruction of time, without proper care.

Mr. ROBERTS. The gentleman opens up a new line right there. I understand him to say that we ought to have enough men to take care of the guns in time of peace. Is it not a fact that these guns are very intricate machines, and that it takes a long time for men to learn how to manage them, to fire them; and to have the guns of any use whatever in time of war should not we have at least one shift for all the guns in place at one time, so that when war comes we would have men trained in the handling of the guns?

Mr. HULL. Mr. Chairman, the Chief of Artillery in his hearings this session states that with the concentration and organization now being worked out for the artillery that that is not necessary—to have a full shift for each gun—but to have within a radius of the concentration camps enough men to work the different guns at different times, and to have men so trained that in the event of necessity, if we have a large increase of the Army on account of war, to have enough trained men to put at the principal places with each gun and recruits to do the gun work that could be done with unskilled labor.

Mr. ROBERTS. That is on the theory that we know just where the enemy are going to attack us, is it not? They do not usually send word in advance where they are going to make their attack, do they?

Mr. HULL. The gentleman knows that we will never get in this country enough artillerymen to have all of them trained men, but it is exceedingly important for the Government to have such legislation as will keep a nucleus of trained men in this branch of the service.

Mr. ROBERTS. Now, I would like to ask the gentleman——

Mr. HULL. I will not yield any longer to the gentleman. I am tired of this. I decline to yield any further on this. It is not in good faith at all. I yield to the gentleman from New Jersey [Mr. WILEY].

Mr. WILEY of New Jersey. Mr. Chairman, I simply want to say that I understand the gentleman's impression is that an artilleryman has to be trained by months of service. During the civil war I happened to be for a portion of my service in the artillery. It took three months to turn out an artilleryman of any value, and this applied to the old muzzle-loading gun, because the civil war was fought with muzzle-loading guns. In this day of the breech-loading gun used at the present time, it takes much more time and a great deal more care to properly train an artilleryman. In fact, a man to be an artilleryman properly trained to use a breech-loading gun must nearly be a machinist and something of an electrician. He has to have such knowledge of electricity as will enable him to understand its application to a breechloader. Those factors all come in.

Mr. ROBERTS. Now, Mr. Chairman, perhaps the gentleman from New Jersey will answer the question I want to ask the gentleman from Iowa. Is it not a fact that these big modern 12, 14, and 16 inch guns are very intricate machines and deteriorate rapidly unless the best care is taken of them?

Mr. WILEY of New Jersey. That is true.

Mr. ROBERTS. And if these guns are left idle until wanted, they will not be in a condition for use. Is not that true?

Mr. WILEY of New Jersey. They will be in condition for use if the Government provides a sufficient number of men to care for them when idle.

Mr. ROBERTS. Is there a sufficient number now?

Mr. WILEY of New Jersey. There is not.

Mr. ROBERTS. I would like to ask the gentleman if he knows the fact, or, rather, if it is not the fact that the War Department have been obliged to withdraw men from the various forts where these big guns are emplaced and consolidate them in one or two forts in order to have enough men to train up in the handling of the guns?

Mr. WILEY of New Jersey. Well, I do not think the gentleman is quite correct in saying one or two ports. I believe the

gentleman's statement is correct that they have had to withdraw them.

Mr. ROBERTS. Is it not a fact there are five forts in this new scheme of fortification around the port of Boston; that the men have been withdrawn and consolidated in one or two forts and they have not men enough to man the guns there?

Mr. WILEY of New Jersey. I do not know as to that, but I want to say to the gentleman that a party of engineers, of which I was one, went down to Sandy Hook to see the fortification, and went in charge of General Murray, a personal friend of mine, whom I have known since he was first lieutenant, and he took some trouble to explain all this business to me which I am now explaining to the House, and he was strenuous on the point that the artillery force should be increased, and I sincerely hope that that phase of this bill will prevail, because if we do not do it we certainly will not have the men in case of an emergency.

Mr. HULL. Mr. Chairman, there is nothing in this bill increasing the enlisted force of the artillery. I am only explaining what might come, but I want a word further on this artillery business, and that is that only recently the Congress transferred from the Engineer Corps to the artillery the torpedo defense of the country, and that requires more men than would have been required for the artillery alone if it had been simply for the care of the guns, and it is certainly as important that the Government should have skilled men in the artillery service as it is in the torpedo service. The gentleman from Massachusetts seems to carry out the idea that coast defenses are not of any particular benefit to the country. I want to say, Mr. Chairman, that where cities are properly fortified with modern guns and modern defenses no battle ship can pass them.

Mr. WATSON. Is it not a fact that our friend from Massachusetts is more interested in the submarine proposition than in the coast-defense proposition?

Mr. HULL. I am unable to answer.

Mr. WATSON. And is he not attacking the inadequacy of the coast fortifications in order thereby indirectly to show the necessity for the submarine defense?

Mr. ROBERTS. Mr. Chairman——

Mr. HULL. I am unable to answer the question. I yielded to the gentleman a little while ago, and I would like to have the privilege of three minutes' consecutive talk. It is hard to go back and pick up a line when one's statement is so much broken up.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Massachusetts?

Mr. HULL. I will not yield until I get through with what I am saying.

The CHAIRMAN. The gentleman from Iowa declines to yield.

Mr. HULL. The question of fortifications, as I say, where a city is properly fortified, where it has modern guns emplaced, where it commands the entrance to the harbor, no vessel of war can pass them. They can destroy any fleet. The only way they can be taken is by landing an armed force and coming up from the rear. You had an illustration of that in the Japanese-Russian war. You had a splendid illustration of that at Port Arthur, where all the fleet of Japan could have made no impression on that place, never could have taken the fortress, never disturbed the land occupation except by coming from the rear by slow approaches and capturing the fortifications by a land force. And the torpedo played a wonderful part in that war, Mr. Chairman, by destroying vessels that would break through the outer lines before they could get near enough for their guns to do any damage on shore. So far as the submarine boat is concerned, that is an experiment yet. Let us hope that it will be another important arm of defense, but so far in no war has it demonstrated its usefulness. The mines have done so and the guns have done so, and the Coast Artillery now lay the mines.

The committee has submitted, under the "Pay of the line of the Army," the same proposition, practically, submitted at the last session of Congress in this proviso:

Provided, That when the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine: *Provided further*, That nothing in this provision shall affect the retired list.

The last proviso is additional to what was submitted before. The question was raised that unless the last proviso was inserted, when the office became vacant on the active list it would cease and determine altogether. We believed that at the last session of Congress a large majority of the Members of the House were in favor of abolishing the office of Lieutenant-General. It went out on a point of order, because there were still two distinguished officers who had served during the civil war and were slated for this office. This now takes care of every officer who served in the civil war who could ever hope or expect to be Lieutenant-General. The present officer, General MacArthur, holds it until, I think, 1909. It does not disturb his tenure, but when he shall be placed on the retired list it does provide that it shall not thereafter be filled, and I hope no point of order will be raised against it this time. It is subject to it, of course.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa [Mr. HULL] yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. HULL. Certainly.

Mr. GROSVENOR. I think the expression of opinion in the House on the question that was made last year, which involved putting an end to the office of Lieutenant-General even earlier than the provision of this bill, indicates that the House was very strongly in favor of suspending any further promotions to that rank. I thought that was a fair expression.

Mr. HULL. I think that was a fair expression of the House. We have inserted a provision of law in the bill as follows:

Provided further, That section 169 of the Revised Statutes of 1878 be amended to read as follows:

"SEC. 169. That each head of a Department or independent bureau or officer of the Army in command of any army headquarters or post or the office of the Chief of Staff is authorized to employ in his department or bureau, or in any branch or division thereof or at such army headquarters or post or in the office of the Chief of Staff, wheresoever located, such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees at such rates of compensation, respectively, as may be appropriated for by Congress from year to year."

The law as it has stood since the passage of the original section provided for departments. Under that provision there has every year been appropriations for clerks at divisions and departments and in the office of Chief of Staff. Originally, some thirty-five years ago, it was carried by an army-service detachment. I think when the Committee on Appropriations had both appropriation bills they decided it was too expensive, because it paid them practically the pay of clerks and gave them the privilege of retirement, and it was changed to a civil clerk list and has been carried as such ever since. Last year, on a point of order, the Chairman of the Committee of the Whole House decided it would not be in order to appropriate for these clerks at all. There was no question raised as to the absolute necessity of the clerks. There could not be any, because they had been carried for all these years on one bill or the other, so that the necessity for them had been recognized by every Congress, and it was impossible to carry on the business of the Government without them. To obviate that a bill was introduced changing the law to the form we have reported it in. It went to the Committee on the Judiciary, and the Committee on the Judiciary reported it back with the recommendation that it pass. The committee has incorporated it in this bill. In order to obviate all trouble, reporting, as we do, for the full pay of the clerks, we also incorporate this change of the law, so that hereafter there can be no question as to the right to pay these clerks employed by the Government. We put in another proviso here that changes the law in regard to rations. We provide that where an emergency ration is issued it will not, as the law now stands, be in lieu of the regular rations, but shall be in addition, and that is made necessary by this fact—that an emergency ration is not issued to be used the day it is issued.

It is to give them to troops away from the source of supply. If the law stands as it is, a soldier the day an emergency ration is issued will go without anything to eat. Therefore having the reservation in this, we provide they may issue the regular ration the same day they issue the emergency ration.

There is another provision here, for the sale of stores of the Army, that we were not willing to give as full authority as the Department asked. They claimed that on account of the Army in Cuba and the Philippines it frequently became necessary to sell stores which were not condemned. Under the law to-day stores can be condemned and sold, but this allows the sale of stores still good; but it would cost more to retain them and bring them back to this country and distribute them than to sell them and get what they could out of them. As originally submitted it applied to the whole country, but the committee has limited it to Cuba and the Philippine Islands alone. So that we think it can do no harm and, possibly, do great good.

There is one other amendment, or change of law, to which I desire to call the special attention of the House. That is in regard to the increased allowance for commutation of quarters. Under the law now every officer of the Army is allowed quarters where the Government has them, two rooms for a second lieutenant, two rooms for a first lieutenant; three rooms for a captain; four rooms for a major; four rooms for a lieutenant-colonel, and five rooms for a colonel, and six rooms for a brigadier-general; seven rooms for a major-general, and $100 per

month for a lieutenant-general. If an officer is stationed where there are no quarters owned by the Government he is allowed $12 a month in lieu of quarters for each room. In this provision here we have, beginning with a first lieutenant, given an increase of number of rooms allowed to each officer. It gives the first lieutenant one increase, making his three; a captain four, a major five, a lieutenant-colonel six, a colonel seven, and so on, eight and nine rooms; and in lieu of these rooms, if he is stationed in Washington, Chicago, or San Francisco, or any of the cities where the Government has no quarters, he gets $12 a room.

Mr. Chairman, I want to say that there is not a Member of the House who does not know that there is not any officer stationed in cities like New York, Chicago, San Francisco, Omaha, St. Louis, Washington who is not compelled to pay more for a house for himself and family to live in than this increase we have given. It is virtually an increase of $12 a month to an officer on detached service where rooms can not be furnished by the Government.

Mr. MANN. This is a virtual increase in the salary of certain officers?

Mr. HULL. No; hardly that, but the effect is the same.

Mr. MANN. That is what it amounts to.

Mr. HULL. Oh, no; it is not an increase in the salary, for this reason: Practically nine-tenths of the officers are furnished with quarters.

Mr. MANN. I said an increase in the salaries of certain officers.

Mr. HULL. It only applies to a few officers. An officer who is on detached service. An officer who is ordered to Washington has no right to question whether he will come or not. It is not an increase of salary, because he is compelled to come here, and he is compelled to rent some quarters for himself and family. The Government now says that a first lieutenant shall be given two rooms. As a general proposition, when a man has got to be first lieutenant he has been long enough in the Army to be married and have a family. It now gives the captain three, and the major four, and so on. Now, the first lieutenant can have three rooms, in lieu of which he can have $36.

Mr. MANN. Why do you make a distinction between the first and second lieutenants?

Mr. HULL. Because a second lieutenant has just graduated and very rarely is a married man at all, and he is given two rooms. When a man gets to be a first lieutenant he has likely been in the Army long enough to want to get married.

Mr. MANN. You make this proposed increase because of the increased cost there has been in rent?

Mr. HULL. There has been a large increase in rent.

Mr. MANN. And you recognize the increased cost of rent, but do not recognize the increased cost of anything else?

Mr. HULL. Of course there has been an increase in all living expenses, but we have not dealt here with any increase in salaries in the Army.

Mr. MANN. It seems to me that, as a rule, there has been less increase in rent than in anything else.

Mr. HULL. There has been a material increase in rents in Washington since I have been here. I do not know how it is elsewhere.

Mr. MANN. There has been no increase in rents since I have been here.

Mr. HULL. I think the gentleman is mistaken, because I rented a house here since the gentleman has been here and gave it up because of an advance in rent and rented another one.

Mr. MANN. That is possible. The gentleman probably desired to live in better quarters; but being content to live always in a modest house, I have paid the same rent for years.

Mr. HULL. I have always lived in a modest house. I want to say to the gentleman that I think the testimony everywhere is that there is an increase in the cost of providing rooms, and I want to say to the gentleman that, in my judgment, there never was as much commutation of quarters as should have been given in lieu of the quarters that are furnished by the Government.

Mr. MANN. Does not the gentleman, after all, think there is some question about the whole theory of furnishing commutation of quarters?

Mr. HULL. Oh, certainly not. It is a part of the contract. When an officer goes into the service he gets quarters. That has always been a part of his pay.

Mr. MANN. I understand that.

Mr. HULL. You take the theory——

Mr. MANN. I am talking about the theory. Why was it not made a part of the pay direct? We give the pay and then we give extra allowances and then we give commutation of quarters, and then we furnish wood at so much a cord——

Mr. HULL. One minute.

Mr. MANN. Then we do this thing and that thing.

Mr. HULL. It would not be fair to give every man of the Army this increase, because nine-tenths of them get it in quarters at posts in larger measure than this proposes to give it to them away from the posts; and you would then take them away from their commands and make them live in the city at an increased expense, and give them the same pay as you do at the posts where quarters are furnished them. The gentleman knows that would not be fair.

Mr. MANN. I notice they are mighty anxious, generally, to get from the posts into the cities.

Mr. HULL. Some are. A great many are not.

Mr. MANN. A great many who are not are not sent there. Those who want to get into the cities are sent there.

Mr. HULL. I know a great many officers who consider it a hardship to be compelled to serve in the cities, and who would prefer to be with their commands; but their preference is not considered. Of course, this provision is subject to a point of order, but I wanted to explain it now, thinking that it would so appeal to the fairness of every Member of the House that no man would raise a point of order against it. We have made some changes in the bill in regard to appropriations for barracks and quarters.

Mr. KAHN. I thought the gentleman was talking about quarters.

Mr. HULL. It is commutation of quarters that we have been talking about. Now, under the head of "Barracks and quarters" we are met with the embarrassment of two committees legislating for the same thing. The Appropriations Committee have always carried appropriations for what are called "Military posts." The Military Committee have carried appropriations for "Barracks and quarters," and yet the two are identical, there being no difference in them at all; but it gives a certain amount of indefiniteness as to the amount of money that Congress is going to appropriate.

We have this year a very large estimate for the artillery for coast-defense posts, asking of us $1,372,000 for the erection of buildings for the Coast Artillery, and asking in another place for $635,000 for military posts. Altogether there was over $2,000,000 for military posts, and for this one item of the artillery $635,000. The Chief of Artillery in his statement before the committee said that the entire amount that he wanted this year to complete all that he hoped for this year would be $1,400,000; and yet here in these two appropriations they ask us for the artillery alone over $2,000,000, not counting the Field Artillery at that. There seems to have been a large increase in the amount of appropriations proposed. The way the bills have always been passed they would estimate for a million and a half dollars for artillery, and a million and a half for all other posts, and if the amount was cut down, they could expend all that was given in any place, for there was nothing in the law to designate what proportion should be expended for any particular purpose. This year we have divided it; we believe that there is a large increase in the expenditure in this line that should be checked; whether right or wrong the House can determine.

We have spent since the Spanish war more than $50,000,000 in erecting buildings to house the Army. We started out, when Mr. Outhwaite was chairman of the committee, with the theory of abandoning the small posts on the frontier and establishing regimental posts as far as practicable, distributing them in the different States for two purposes—one to popularize the Army by bringing it in contact with the people and another to give to the children the benefit of better schools and maintenance of the Army at a less cost, as they claimed, for administration. The posts on the frontier required not only a long haul by rail for supplies, but frequently a long haul by wagon, so that it was expensive to maintain them. Congress started out on that plan, and we have established a large number of regimental posts. It is proposed now that they go in and establish brigade posts. The testimony before us was that we now have quarters enough to care for the Army, including all those that are in Cuba, but not including all those in the Philippine Islands. If it were necessary, or if it were probable that in a short time we would cease to keep our soldiers in the Philippine Islands, it might be necessary to continue larger appropriations for barracks and quarters, but no man believes that in the near future the United States Army will be moved out of the Philippine Islands. So that we have, outside of the Coast Artillery, completed the absolutely necessary housing for the care of the Army.

Last year the appropriations were a little over $3,000,000 for barracks and quarters, and our information at that time was that that would substantially complete this line of large appropriations and that hereafter it would be mostly for repairs. That was a large reduction on what we had been appropriating from year to year. This year they want about six millions and

a half from the Army bill and more than two millions from another committee. We have taken off three millions and separated it, so that we give two millions for barracks and quarters in the country generally, and we give $1,300,000 under another head, specifying that it is for Coast Artillery. We make separate provision, and we have added a proviso there that I think, by striking out the word "hereafter," is not subject to a point of order, because it is a limitation only. It is as follows:

Provided, That hereafter no part of the appropriations for barracks and quarters shall be expended at brigade posts unless by authority of Congress, and no part of this appropriation shall be expended at posts proposed to be abandoned.

We have been hearing for years a proposition to abandon a great many posts. If posts are going to be abandoned there is no sense in spending money on them; and we want the proper authorities to formulate some plan by which Congress can retain control of where the money goes, and that these posts that should be abandoned will be abandoned; and when it becomes necessary to establish a new line of policy, abandoning the regimental posts and going into brigade posts by which the Army can all be maintained at four or five places. If that is the better policy, the Committee on Military Affairs believe that Congress should have full information and full knowledge, so that it can maintain control. Otherwise, Mr. Chairman, there is no certainty what line of policy will be followed by the Administration more than four years at a time. Since I have been chairman of this committee we have had two or three changes of policy in this matter, and what guaranty have we after we go ahead and erect brigade posts, with the abandonment at least of two-thirds of the money expended for the last ten years, that the next Administration may not be of such a character that they would want to do something to show that they, too, were working for the good of the country and change the policy of the present Administration. But if Congress is to have jurisdiction, as it should have over every dollar of money that is expended for the public service, wherever a change is submitted, let it come here, and if it meets with the approval of the majority of Congress it will be adopted, and it can not be changed except by a majority of Congress. So I hope that this restriction will be held. I want to say frankly that the Secretary of War is opposed to it, and that he said to-day that he did not believe this restriction would accomplish what we desired, but I told him if it did not accomplish what we desired, it then would do no harm to anybody.

Mr. MANN. Where is the restriction?

Mr. HULL. It is on page 31 of the bill. There has been a change in many lines of policy brought about by changes of Administration—naturally so.

Mr. KEIFER rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Ohio?

Mr. HULL. Certainly.

Mr. KEIFER. I understood the gentleman to say that there was no appropriation specifically made in this bill for any quarters or barracks in the Philippine Islands.

Mr. HULL. Oh, yes; there is.

Mr. KEIFER. Specifically?

Mr. HULL. Oh, yes; in another provision. That is separate and always has been separate, but I said that heretofore the appropriation for the barracks and quarters did not differentiate the amount that was to be expended in the Coast Artillery and the interior posts of the country. But there is specific appropriations for the Philippine Islands, and I will say to the gentleman that while I think we have been going pretty rapidly on that, yet I was not willing to cut down one dollar that the Department said was necessary in order to properly care for our troops in the Philippine Islands, and we gave them all they asked for.

There is another proposition in this bill that I do not cordially indorse and yet the committee is for it, and that is for maneuvers every year. In my judgment, once in two years is often enough to have these general maneuvers. It costs directly about $2,000,000 a year, and may largely exceed that, counting all the expenses. I do not believe it benefits the militia as much as if the Government would appropriate and send a regiment of infantry, a squadron of cavalry, and two batteries of artillery to the State encampments, with a brigadier-general in command, to teach all that can be taught in time of peace of the methods of war. In that way all the militia would have the benefit from these maneuvers. In this way one regiment from each State has the benefit of the maneuvers. I think no nation has its regular army all in maneuvers every year. I think in Germany it is once in three years. Their army is so large that it takes three years to make the rounds. In France it is once in three years for the same reason. But we are proposing to have these maneuvers every year, when all of our regular troops can have the privilege of participating, but not all the militia. Congress in adopting this policy did so with a view of having the National Guard benefited, and only about one regiment from the State getting any benefit from it. I believe that in these maneuvers the best thing that can happen the Army, both the regular and the volunteer, is to march them to the different places, and when they are there keep them under tents and not in houses. I am not one of those that believe that a sham battle teaches much of war anyhow. The place is all agreed upon by the opposing generals, where they are to come together, and which is to try to get there first. Every man knows that he is not in a particle of danger, and so he goes into it with perfectly calm nerves, knowing that he may have to burn powder but will not hear the whizz of the bullets. In actual war one general may try to bring on an action at a certain place and the other general may be interested in having it at some other place, and they are liable to meet between the two places, neither of them getting exactly what he wants.

So I do not believe that prearranged maneuvers—sham battles—are worth much except for the exercise they give and for the training in rapid firing they may afford. I believe that when they do have them the Army should always live in tents and act the part of soldiers in time of war. I do not know that I care to take up the time of the House further. There are other provisions that will probably call up some discussion. I propose to take them up when we reach the bill under the five-minute rule, and I hope that we will have the attention of the gentleman from Illinois [Mr. MANN] when we are considering the bill under the five-minute rule, and that he will be glad to aid the committee in getting these reforms I have suggested incorporated in the bill.

Mr. ROBERTS. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. HULL. Yes.

Mr. ROBERTS. I understand the gentleman has concluded his remarks, so it will not interfere with the continuity of his argument if I ask him a question or two. If he feels like shedding a little light on the fortifications matter and will answer a question or two I will ask them; if he does not care to go into that any more I will not disturb him.

Mr. HULL. Mr. Chairman, the only part of the fortifications matter I have anything to do with whatever is to provide the line of the Army, the enlisted force of the artillery. If it is determined we do not want fortifications we do not need an increase of the artillery. If it is determined to carry out the fortifications and care even for those you have, you do need enlisted men, and that is all I have to do with it. To go into the other question which the gentleman is trying to exploit, which comes from another committee, I do not propose to be drawn into a fruitless discussion.

Mr. HAY. Mr. Chairman, I yield the gentleman from Texas [Mr. SLAYDEN] such time as he may desire.

Mr. SLAYDEN. Mr. Chairman, although I have had the privilege of serving in this House for ten years, I have not quite grown accustomed to the habit of speaking to one bill while another was being considered. But I have just had an illustrious example of how it may be done, and it has put me somewhat at my ease in that respect. For nearly half an hour we have had an active discussion of a bill for an increase of the Artillery Corps, a bill that is not before the House, and which, so far as I am informed, has not even been considered yet by the committee to which it was referred. With this example to guide me, I shall now, Mr. Chairman, beg the indulgence of the House while I talk upon a matter that I wish to state frankly is not here in the form of a bill.

Mr. Chairman, at the beginning of the present session I submitted a bill to amend the military laws so that after July 1, 1907, there would be no negro regiments in the Army of the United States.

For a long time I have looked upon it as a desirable military reform. Recent events of a startling and deplorable nature have convinced me that it is urgent. It can not be delayed, I apprehend, without risking a collision between white citizens and negro troops. There is reason to fear that occasional assassination and riot may be succeeded by disasters that will measure up to the standard of battle. Firmly believing that, as I did, I regarded it as a duty to try to prevent such a condition by amending the law. A series of violent outbreaks on the part of negro soldiers, culminating in a murderous assault on the unoffending citizens of Brownsville, decided me to offer the bill without further delay. The bill was not offered for buncombe. I proposed it because I am absolutely convinced that it is a measure of reform which must ultimately commend itself to the judgment of the American Congress. I very much regret to say, however, that there does not appear to be any immediate

prospect of success. Like many good legislative suggestions, it will probably have to die the death many times before the mind and conscience of a majority can be awakened. The lack of active sympathy for my measure among such of my Republican colleagues as I have spoken to about it makes me realize that I am not apt to have an opportunity to discuss the bill as pending before the House, and so, Mr. Chairman, I shall avail myself of this occasion to speak of it.

In the history of the negro troops of the United States one finds many chapters that tell of violent breaches of discipline, of riotous and mutinous conduct, of murder and race hostility. All these are to be found in the cold, formal, official reports filed in the Department of War. These reports are not written with any consideration of the great politico-social question on which they have an important bearing, but it takes no very alert student to find the race question running all through them. As a rule, official reports are lacking in vitality, but these, when they touch even remotely the great, hopeless, and insoluble question—and if any question about the affairs of men is hopeless and insoluble this is—that confronts a large section of the country, throb and vibrate with human interest.

In declaring their unfitness to be American soldiers I have in view only the circumstances of their service. I do not impeach their physical courage. That is a virtue that belongs to nearly all men, and if there is any difference between savage and civilized man in this respect it possibly lies with the savage, who is undeterred from rash ventures by thought of the consequences.

But courage is only one of the qualities required in a good soldier. There should be between him and the people whose uniform he wears perfect sympathy and a common aspiration. This sympathy, this aspiration, does not exist between the blacks and whites, and in the very nature of things can never exist. It is prevented by basic and unalterable differences.

This may be denied by some gentlemen who have only theoretical knowledge of the negro or who have at odd moments studied in a casual and superficial manner the occasional specimens that have been brought to their attention; but it is true as gospel, as all men know who have studied the question at close range. Sympathy of the sort that welds people into a homogeneous political and social mass never has existed and never will exist between negroes and Caucasians. It is not only contrary to nature, but so contradictory of human experience that it is folly to expect and crime to build upon it. The incompatibility of races of a pronounced physical dissimilarity has been recognized and pointed out by many writers and travelers. Froude, in his fascinating book, The English in the West Indies, speaks of it. That distinguished gentleman, whose clear mind and high character all Americans admire and who will soon become the British Ambassador to this Government, Mr. James Bryce, speaks of the negroes in this country as "really a different nation dwelling beside or among, but not intermingled with, the white nation." As a philosopher and a statesman, and from a plane far above partisanship, he discusses the relations between the colored and the white races, or, as he terms them, the "advanced and the backward races of mankind."

Speaking at the University at Oxford, in 1902, about the natural hostility between the races of men who are physically dissimilar, he said:

> Nothing really arrests intermarriage except physical repulsion, and physical repulsion exists only where there is a marked difference in physical aspect, and especially in color.

In the same lecture Mr. Bryce directed the attention of his audience to the fact that the feeling of repulsion existed between all dissimilar races and was more or less intense as the difference in color was more or less pronounced. There undoubtedly exists a marked race antipathy between the white and the Asiatic races, though less intense than that between the Caucasian and the negroid types.

Charles Francis Adams, of Massachusetts, than whom, I take it, the negroes never had a better friend, who has made a careful study of the race question, who has even gone to Africa for first-hand information, says "the race prejudice seems insurmountable."

It is not my duty, nor is this the time or place, to explain, justify, or condemn the feeling. I merely assert as a fact that mutual race antipathy does exist, that its existence has been recognized by students of the question who have considered it on a plane far above partisan politics, and that it is folly to ignore it in our legislation. If we persist in the folly, we will surely end in disaster.

This deep-seated and ineradicable race hostility, which grows daily more acute, is not peculiar to the United States. Although dormant when apart, it is unfailingly developed everywhere by contact and competition. It has written tragic chapters into the history of Asia, Africa, and Europe. The Moors were as unwelcome to the people of the Spanish Peninsula as the Chinese and Japanese are to our fellow-citizens on the Pacific coast, and it will not do to dismiss the Pacific coast race question by saying that the objection to Asiatic immigration in California is only from the hoodlum element. It runs through all classes of society.

It was my privilege to visit the city of San Francisco in company with a distinguished citizen of that city, then and now a Member of this House. With him I visited the Chinese quarter in that great and unfortunate city. Under his intelligent direction I was shown how the Chinese question impinged upon every phase of the life of the citizens of the city of San Francisco. He indicated to me in an unmistakable way the physical dangers from contact, the danger from disease, the opportunities for and tendency to crime, the increase of all sorts of social and sanitary conditions which are to be avoided if possible, all due to the Asiatic congestion. Furthermore, he showed me by examples the disastrous competition of the Asiatics with the citizens of San Francisco and California, his constituents. He convinced me that if this Congress did its duty to the people of the American Union who reside upon the Pacific coast it would forever make it impossible that those competitors in great numbers should be permitted to come in from Asiatic countries. Therefore, Mr. Chairman, I think I risk nothing in saying that what I assert about this race question will be confirmed by every citizen of California.

The race prejudice which exists on the Pacific coast is only another form of the race question which is presented to us in the South and is not confined to the hoodlum element of the city of San Francisco, as many theoretical students of the question residing in the eastern part of the United States have held. It sometimes happens that the man who is slowest to think is quickest to act, and I have no doubt, Mr. Chairman, that the violence which occasionally occurs in handling that question in the city of San Francisco has been as much in the thoughts of the higher as in the lower classes of society.

Mr. KAHN. Will the gentleman yield for a moment?

Mr. SLAYDEN. With pleasure.

Mr. KAHN. In that very connection I desire to call the gentleman's attention to the report that was spoken of in the newspapers, which was presented in the British Parliament some months ago, with reference to the condition of the coolies in the South African gold fields. The people of California have always maintained that the oriental has vices which contaminate the white race, and the report which was presented in the British Parliament showed that the coolies in South Africa were so vicious in morals and indulged in vices so abhorrent to our civilization that the report was proclaimed to be absolutely unprintable. That shows conclusively that the people of California, who are thrown in direct contact with these Asiatics, are not in error in their estimate of the morality of the oriental. [Applause.]

Mr. SLAYDEN. Mr. Chairman, I will say to my friend from California [Mr. KAHN] that my information is as he has stated, that that report was not printed because it would not do to print; but I will also say to him that while I sympathize with him, and while I mean as a Member of Congress, so long as I may have the honor of being a Member of this body, to help him solve that question properly, I am not altogether sorry that he has an acute phase of it presented for his consideration and that of his fellow-citizens out there on the Pacific. [Applause on the Democratic side.]

Being greatly distressed at home by what Mr. Adams, of Massachusetts, calls "the insoluble question," my sympathy goes out to the white people of California who have a similar but lesser trouble.

Admitting the existence of hostility between dissimilar races who, because of circumstances that this generation can not influence, occupy the same territory and live under the same political institutions, is it not unwise to arm the backward and less responsible people and station them in the neighborhood of the others? I think so, and upon that belief my bill was predicated.

Let us now see what facts bearing on this question the records of the Department of War will disclose.

FORT MEADE INCIDENT.

The Twenty-fifth Infantry, three companies of which were recently dismissed the service by Executive order, has a particularly vicious record. There seems to be in the minds of some Members of this House a good deal of confusion on that point. No companies, as companies, were discharged. Men were discharged out of three companies, and it so happens that most of the men out of three companies were discharged. The units

established by law, the company and the regiment, were not disturbed.

To resume:

While stationed at Fort Meade, Dak., in the summer, 1885, Corporal Hallon of that regiment murdered a citizen. The people of the community lynched the murderer. It is worth noting that even as far north as Dakota an outraged public does not always, as it certainly should, await the slow formalities of the law to punish the crime of assassination. About three weeks after the lynching of the murderer fifteen or twenty negro soldiers raided and "shot up" the town of Sturgis, which is only a mile and a half from the post, at about 1 o'clock in the morning. They fired into dwellings and business houses and killed one man. According to the testimony taken by the coroner, the raiding, shooting, and killing was done in a thorough military manner. The murderers marched as an organized body and responded with fatal accuracy to the commands "ready, load, fire, etc."

There are two points in the official account of the Sturgis raid which are particularly well worth consideration. A gentleman who was present immediately wrote an interesting account of it to the President. I will quote one paragraph of his letter:

I happened to be at the fort last Saturday night when this last wholesale shooting took place. I was standing in front of General Sturgis's quarters talking with him. We were about going into the house when Lieutenant Sickles approached with a sergeant, and told the general that he had seen some fifteen or twenty colored soldiers going toward Sturgis with their guns. General Sturgis immediately ordered Lieutenant Sickles to take a detachment of his men and go at once and bring them back. A few minutes afterwards another lieutenant came to the house and said he heard firing from the direction of Sturgis, but he thought it was at the "Half-Way House."

Perhaps I should have stated, Mr. Chairman, that Fort Meade, where the troops were stationed, is a mile and a half from Sturgis.

The general then ordered him to take another detachment and arrest the soldiers.

It is well worth while keeping in mind the fact that all this was prior to the commitment of any crime beyond the slight breach of discipline in going out of barracks without orders. It was in anticipation of what really happened that the general acted. The letter, written on the spot at once, goes on to say:

In about a half hour afterwards a horseman came riding up in great haste and informed the general that the soldiers had fired into Abe Hill's house and killed an inoffensive cowboy who was standing there, and that they had also fired volleys into one or two other houses. General Sturgis then ordered that Captain Ord should make a check roll call, examine the arms, and bring in such as had the appearance of being recently fired. This was done. But the fellows had scampered back by short cuts over the hills and had gotten into their bunks before the roll call, which disclosed the absence of only three, who, I think, were satisfactorily accounted for.

Again I ask that it be observed, Mr. Chairman, that the general commanding and other officers were advised of this raid before any harm was done; that immediate and active steps were taken to prevent mischief; yet, and notwithstanding, fifteen or twenty soldiers did travel 1½ miles to the town of Sturgis, raid it in military form, fire their guns in a military way, kill a citizen, and travel the same distance back to the post and escape identification. And yet there are eminent gentlemen who say that it was impossible for men out of the three companies at Brownsville to go two squares and back without detection when the officers were not forewarned. The other point that particularly merits attention is the fact that no negro who had knowledge of the identity of the raiders and murderers would tell what he knew. Moreover, I may say to gentlemen on the other side of the aisle, the conspiracy of silence is a habit in the Twenty-fifth Infantry and a well-known characteristic of the race.

AT WINNEMUCCA.

Winnemucca, Nev., is the next scene of a criminal outbreak by this regiment. In June, 1899, while on the way to the Philippines, a train load of the men of the Twenty-fifth was halted at Winnemucca for supper. As soon as the station was reached the officers went to the hotel for supper, and the men, who were under no restraint whatever, according to the judge-advocate, Major Groesbeck, scattered through the town. They invaded a saloon in large numbers and soon became boisterous and took possession of the bar. They seized and took away the liquors and shot and wounded the barkeeper. All efforts to identify the perpetrators of the outrage were futile. No negro would tell, and so the guilty, aided again by the conspiracy of silence, escaped detection and punishment.

THE SAN CARLOS AFFAIR.

In October, 1899, at the San Carlos Indian Agency, Ariz., twelve or fifteen men of the company of the Twenty-fifth Infantry then stationed there made a murderous attack upon four peaceful Indians, beating them to insensibility with clubs. In this instance four of the would-be murderers turned states evidence, and I presume the others were punished. General Merriam, who commanded the department at the time, advised the removal of the negro soldiers and expressed the opinion that "white men would likely make less trouble."

I regret, Mr. Chairman, that General Merriam failed to say why white men would be apt to make less trouble, but that he did say so and that he must have had an excellent military reason for it is beyond all doubt. I commend his suggestion to the Members of this House and ask them to consider why the recommendation made by the commanding officer at the time that the guard was sent to replace those who had been mutinous, boisterous, and murderous should be for white men.

AT EL PASO.

Apparently when the War Department has been in doubt as to where negro troops are to be stationed they are sent to Texas, and so, after the murderous assault on the Indians made it necessary to remove them from the San Carlos Agency, Company C, of the Twenty-fifth Infantry, was sent to El Paso. I dare say there was no other place they could be sent without meeting with a protest, for no place, North or South, seems to want them. As bearing on this point, I ask attention to a letter written to Senator CULBERSON on the 4th day of June, two months and nine days before the trouble at Brownsville, in which Secretary Taft said:

The fact is that a certain amount of race prejudice between white and black seems to have become almost universal throughout the country, and no matter where colored troops are sent there are always some who make objections to their coming.

Mr. Chairman, I would that I had the privilege of taking this House into my confidence and telling them some stories about the stationing of these colored troops which I have received from such sources and from gentlemen whose identity I can not reveal. Suffice it to say, however, that the most vehement protest against the stationing of these colored troops in the vicinity of the communities represented by the spokesmen in protest have been received from the North, and very far North at that—a large part of it.

However, they were sent to El Paso in 1899 and took station at Fort Bliss. They arrived at El Paso about the middle of November, 1899, and in just three months their deviltry began. A number of men out of Company A "took rifles from the arms racks and went to the city jail of El Paso, where two soldiers were held for trial by the city authorities on charge of drunk and disorderly, fired into the city jail, killing one policeman on duty there." I quote this from the language of Captain Loughborough, who reported the affair to the Adjutant-General of the Department of Texas. The well-attested facts in this case are these: On the night of February 16 Corporal Dyson, of Company A, Twenty-fifth Infantry, was arrested for being drunk and disorderly and confined in the city lockup. Sergt. John Kipper and two privates went to the jail and endeavored to secure Dyson's release by offering to give a bond for his appearance, but was informed that the only officer who had authority to release Dyson had gone home and would not return until morning.

Kipper and the others then went away, but returned to the jail at 5 o'clock in the morning with guns and axes and undertook to release their comrade by force. In the resulting mêlée Policeman Newton Stewart was killed, as was one of the soldiers. Eight Army rifles, it developed, had been taken from the gun racks, and six of them were ultimately recovered. The guilty men were arrested, with the exception of one who deserted and ran away from the country. One noncommissioned officer, Corporal Powell, confessed. It is a pleasure to say that to Captain Loughborough, a zealous and capable officer, is very largely due the credit of securing the evidence which convicted the murderers. Sergeant Kipper, one of the noncommissioned officers in whom some people place so much confidence, was tried and convicted, and, on appeal, the conviction was affirmed. The report of Gen. Cyrus A. Roberts, then lieutenant-colonel of the Thirteenth Infantry, and acting adjutant-general, Department of Texas, who examined into the circumstances, is an interesting review of the situation and of the incidents leading up to the crime. While he does not say in the same direct, blunt way that Major Blocksom did when he reported on the Brownsville affair that "the causes of the disturbance are racial," it means the same thing.

To some extent I am trying to follow these reports on the misdeeds of the Twenty-fifth Infantry in chronological order, and the next on the list is the occurrence at Fort Niobrara, Nebr. I shall not weary the House with a repetition of the details.

Mr. STEPHENS of Texas. If my colleague will permit me, I desire to state that at the time of the incident at El Paso it

was a part of the district I then represented, and I am well acquainted with the circumstances that occurred there. This man who was killed was an ex-soldier of the Spanish war. His name was Stewart. He was the only support of his father and mother, who were very old and poor and were dependent upon him. He was at the time of the incident a jail guard. When these parties were arrested and put in jail, this young man was on guard and was killed. I tried to get them a house built, and endeavored to secure a pension for these old people, but failed, as the bill was turned down by the committee, and I am unable to state their condition at the present time; but it certainly was horrible.

Mr. SLAYDEN. I think that the committee, under the circumstances, might have departed from its rule and granted a pension to these unfortunate people, who had been deprived of their support by soldiers of the country.

Suffice it to say that it has been described by C. H. Cornell, chairman of the Republican Congressional committee of the Sixth Nebraska district, as a "wanton and cold-blooded murder," committed by soldiers of the Twenty-fifth Infantry with Krag-Jörgensen guns. In commenting a few days ago on the outbreak at Brownsville, Mr. Cornell says of the Niobrara incident:

> Although the murdered one was of their own color and without character, the act was no less a crime than the like one which followed it in Brownsville, and only emphasizes the necessity of some form of salutary punishment. While the soldiers might justify silence in the latter case on account of fear lest a fair trial could not be had in Texas, no such excuse could prevail here, since the murdered one was not a citizen of this community, but a woman of their own race in whom no one would have any special interest, and the trial could have been purely on its merits without prejudice against the prisoners. Yet those who possessed the necessary information were as silent in the former as in the latter instance.

I want to assure Mr. Cornell that there was no more need for the conspiracy of silence at Brownsville, Tex., than at Valentine, Nebr. He should not forget that Sergeant Kipper, who murdered an officer of the city of El Paso, had a fair trial and was convicted on the testimony of his fellow-criminals.

For a few minutes, Mr. Chairman, I will leave the history of the Twenty-fifth Infantry—that regiment which so richly deserves the title of "Bloody Twenty-fifth"—and ask your attention to the conduct of other colored organizations in the Army.

AT SUGGS, WYO.

In June, 1892, Suggs, Wyo., was the scene of disorders, and some of the men of the Ninth Cavalry (colored) were the evildoers. Maj. C. S. Ilsley, of the Ninth Cavalry, said that the trouble was due to quarrels about lewd women, but he says there was a bitter feeling between the citizens of Suggs and the troopers on account of the color of the soldiers.

Twenty of the troopers, armed with carbines and revolvers, raided the town and fired "volley after volley," according to Major Guilfoyle, into the houses of the citizens. Major Guilfoyle says, in his report to the camp adjutant, that "the feeling against the troops has been and is very bitter, being perhaps intensified by race prejudice." The soldiers acted in military concert in this as in other cases.

AT HUNTSVILLE, ALA.

The members of the Tenth Cavalry (colored), at Huntsville, Ala., in October, 1898, made an attack on the provost guard in an effort to release one of their comrades who was under arrest for the use of vile and abusive language. Maj. E. D. Thomas said of it:

> This unprovoked assault and mutinous interference with the provost guard caused the shedding of innocent blood, bad feeling between organizations, and endangered the lives of peaceable citizens, terrorized the community in the vicinity of the railroad depot, and scandalized and disgraced the military service, which calls for the severest condemnation.

He also said:

> It is impossible for me to give the names of the ringleaders. This could not be ascertained by any known means. The people connected with the colored organization throughout this investigation have studiously avoided stating or giving names of principal instigators of the riot, in my opinion trying to shield the organization from censure and endeavoring to shift the responsibility and blame for this disgraceful affray on other and innocent parties.

Here it will be observed, Mr. Chairman, as elsewhere, there was a conspiracy of silence on the part of the black troops.

THE AFFAIR AT FORT CONCHO.

In 1881 men from the Sixteenth Infantry and Tenth Cavalry, stationed at Fort Concho, in Texas, numbering about 150, raided and "shot up" the town of San Angelo, a mile or two distant. General Grierson, who commanded at the post, said that he had reason to believe that three noncommissioned officers and two privates were the leading spirits.

This again helps to destroy faith in the suggestion that the noncommissioned officers of these negro regiments can be relied on to keep their men in order and restrain them from the perpetration of crime. Residents of the city of San Angelo have lately written me that hundreds of shots were fired into buildings occupied by citizens of both sexes and all ages. Fortunately only one person was wounded. These negro soldiers arrested the sheriff of the county and demanded that a prisoner held by him on the charge of murder be turned over to them, manifestly with the idea of lynching him.

They defied and held in contempt the civil authorities.

AT SAN ANTONIO.

On the 9th of April, 1867, as the records of the War Department will show, Company E, of the Ninth United States Cavalry, colored, while stationed at San Antonio, Tex., was guilty of mutiny. The first sergeant at the head of his company attacked and killed Lieutenant Griffin and seriously wounded Lieutenants Heyl and Smith.

KEY WEST INCIDENT.

However, the Twenty-fifth Infantry has been conspicuous, even among the negro troops, for its persistent career of crime and mutiny. In 1898, while on the way to Cuba, the regiment was delayed a few days in Key West. What they did there to maintain their record of insurrection and contempt for law is told in the following language by the sheriff of Monroe County. Please observe that the statement is sworn to. I have a letter from an attorney of Key West, who was then police judge, which confirms the statement of the sheriff and which also says that a drunken soldier, whom he was arresting, fired his pistol at the officer.

STATE OF FLORIDA, *Monroe County:*

Before the undersigned authority personally appeared Frank W. Knight, who, being duly sworn, says: That I was sheriff of Monroe County, Fla., in May, 1898, and that the Twenty-fifth United States Infantry (colored) was at that time in the city of Key West awaiting orders for Cuba. That on the 20th day of April, anno Domini 1898, at about 10 p. m. of the same day, one Henry A. Williams (colored) and one of the men belonging to the Twenty-fifth United States Infantry was brought to jail by the city police, charged with an assault with intent to kill; that at about 1 a. m. next morning at least thirty or forty of the soldiers belonging to said Twenty-fifth United States Infantry, armed with their guns, came to the jail and surrounded the jail, and came to the door of said jail and demanded the said Williams, saying that if he was not delivered to them they would break the jail down. I being overpowered and no arms to defend myself and the rest of the prisoners in jail and fearing trouble might come to all in jail, thought it best to deliver said prisoner to them, intending to report the matter to the commanding officer at the barracks the next morning. Deponent further says that another reason why he delivered the prisoner over to them was because he had other prisoners in jail charged with murder, and he feared that if he did not turn over this man they would carry their threats into execution, and he would then lose those who he had confined for murder. That the conduct of these men was boisterous, and they were crying out all the time that if I did not turn this man over they would riddle me with bullets and that there would not be a brick left in the building.

Sworn to and subscribed before me this the 27th day of December, A. D. 1906.

F. W. KNIGHT,
Sheriff Monroe County, Fla.

L. W. BETHEL,
Notary Public, State of Florida at Large.

BROWNSVILLE.

And now, Mr. Chairman, I shall say a few words about the latest outbreak of negro soldiers—that of Brownsville on the night of the 13th of August, 1906.

The main facts in this case are too well known to require restatement. I merely want to comment on some of the pleas put forward for the defense. The theory advanced by some eminent gentlemen about the murder of Frank Natus and the wounding of Policeman Dominguez is so preposterous that citizens of Brownsville, when advised that it would be made, refused to believe it. The Secretary of War well says:

> The suggestion that a body of men sharing the hostility of the people of the town should dress themselves in the cast-off clothing of the colored soldiers; should visit the army target range some 15 or 20 miles from the post for the purpose of obtaining used cartridge shells and clips, and then go through the town firing from 100 to 150 shots into houses where women and children were likely to be killed; should actually kill one man and attack the police of the town and nearly kill its lieutenant, and should then sprinkle the cartridge shells and clips on the streets of the town, all merely for the purpose of making a case of murder and riot against the colored troops and of thus securing their removal in the interest of the townspeople whose lives had been thus taken or endangered, is so grotesque in its improbability and absurdity as hardly to call for discussion or comment.

In reply to those gentlemen who say that the soldiers could not have left their barracks, made the raid through the streets of Brownsville, fired into the Miller Hotel and other buildings, killed Frank Natus and wounded Dominguez, and then have returned to the post in the time claimed and without detection, I direct their attention to what men of the same regiment did at Sturgis, in Dakota. In that case they went 1½ miles from Fort Meade to the town of Sturgis, "shot up" the town, and killed one man, and got back to their post without being identified. Thus, it will be observed, they must have traveled approximately 3 miles.

At Brownsville the post is separated from the town by only a stone wall, and the entire raid did not cover over 750 yards. At Fort Meade the commanding officer and his subordinates were advised of the raid as soon as it was undertaken, and General Sturgis, in the language of an eyewitness, "immediately ordered Lieutenant Sickles to take a detachment of his men and go at once and bring them—the raiders—back."

At Brownsville the commanding officer, Major Penrose, knew nothing of the raid until it was over, and refused to believe that his men were in it until convinced by evidence of their guilt.

General Sturgis, commanding at Fort Meade, at once ordered Captain Ord to make a check roll call, examine the arms and bring in all that had the appearance of being recently fired. Major Penrose, I believe, did order a roll call, but the arms were not inspected until the next morning, and when inspected were, of course, found to be bright and clean. To pull a small piece of cloth through a gun barrel is the work of a second, and so far as evidence in this case goes the inspection might as well have been delayed a week.

THE MOTIVE.

I fancy very few crimes are committed without the criminal having some reason for his acts—either revenge or gain. In this case it is not difficult to find the causes—at least some of the minor causes. In his telegram of the 20th to the Military Secretary, Major Blocksom mentions what he thinks are the causes. The first he names is racial hostility. Then he mentions the fact that the soldiers were made to drink at separate bars, and personal encounters between soldiers and citizens as other reasons. He might have stopped with the first reason given, for it embraces the second and is the explanation of the others. The soldiers had been advised that the people of Brownsville did not want them there, and they arrived in an ugly mood. I have letters stating that on the way down they asked the conductor of the Brownsville train if there were white women in the town whose favor they might expect. They were insolent in their bearing with citizens and particularly rude toward women.

Fortunately for the citizens of Brownsville, whose politics might be thought by some gentlemen to have caused the trouble, in the only two occasions on which soldiers were personally assaulted the rows were with Federal officeholders who are Republicans.

Fred Tate, inspector of customs, in his report to the collector, says that a negro soldier pushed and elbowed his way through a crowd of ladies, one of whom was Mrs. Tate, and jostled and rubbed against them in a rude manner. This act of deliberate rudeness provoked the anger of Mr. Tate, who did what most men under the circumstances would have done, and what was perfectly proper for him to do, in knocking the soldier down.

Mounted Inspector Baker, another Republican Federal office holder, tried to prevent a quarrel between two drunken soldiers and a ferryman and to stop a torrent of foul abuse pouring out of the mouths of the soldiers, and in doing so, to use his own language, "pushed one of them forward." The soldier was too drunk to keep his balance on the sidewalk and stepped off into a mudhole. Baker adds, "As the negro walked off he said, 'We will see about this to-morrow.'"

Two soldiers did hunt Baker the next day and, as he believes, for the purpose of making a row, but finding him prepared and evidently willing, they became discreet and left without doing any harm.

On the 12th of August, just twenty-four hours before the assault on the town, Mrs. Evans, a highly respectable woman and wife of a worthy citizen, was seized by the hair and thrown violently to the ground by a soldier in uniform.

These incidents accentuated the feeling of hostility between the soldiers and citizens—a hostility which always and most significantly runs along race lines. They show a state of mind which leads up to and explains the actual assault on the town, and, in my opinion, they clearly show the unwisdom of putting negro soldiers in a station near communities of white people.

It seems too absurd, Mr. Chairman, that at this late day we should be asking who did the shooting. I fail to see how there is room for honest doubt. If the soldiers had been white and the circumstances the same, if the same mass of clear, strong evidence against them had been submitted, and if the President had dismissed them from the service in the same manner, there not only would have been no doubt as to who were the murderers, but the action of the President would have been almost unanimously approved. But, then, the whites are not a valuable political asset handled in bulk, which explains many things.

Does any sane man believe the stupid suggestion that the white citizens of Brownsville, because of their hostility toward black soldiers, fired into their own houses and killed one of their own people, at the same time endangering the lives of their women and children? Such a theory is an insult to the intelligence of the country and seeks to put the people of Brownsville below the beasts of the field. Even the dumb brutes love their young and will protect them. Shots were deliberately fired into a house which only a few minutes before had been the scene of a children's party and which still had a number of occupants. By the merest chance no one was killed, for the shots took effect only 4½ feet above the floor. Surely sectional and political prejudice has gone the limit in this cruel suggestion.

If it is seriously urged, Mr. Chairman, that the people of Brownsville did this shooting, I most solemnly protest against the reflection on their marksmanship. I do not believe that you could find any community in the United States, even that least accustomed to the use of arms, who could not hit the barracks buildings at Fort Brown, at which the people of this Texas town are said to have fired. I know there is no such community in the State of Texas. Had the people of Brownsville been armed with these rifles and doing the shooting on that awful August night the list of casualties would have been longer and the dead and wounded would not all have come from one side. [Applause.]

A few days ago I read in the Washington Herald a statement made by a retired officer of the British army who, although he spoke guardedly, as becomes a visitor to the country, did not conceal his surprise at the fact that black soldiers are kept in our Army for service in times of peace. He said that Great Britain, even under the stress of war and in the face of repeated disasters, did not employ them against the Boers in South Africa. He assigned as a reason for the British policy the admitted prejudice, mutually entertained, of the races. I mention this, Mr. Chairman, to show that the people of the United States are not peculiar in this respect. I say the people of the United States, instead of the people of the South, because of comparatively recent events which show that this prejudice does not stop at Mason and Dixon's line. Lynchings are a disgrace, I admit, and they should be made impossible by the enactment of such intelligent laws and by such prompt and rigid enforcement of them that no man's thoughts would ever turn in that direction for the punishment of crime. But they are not peculiar to the South. They are only more frequent there because of multiplied instances of crime of a frightful sort. Even Springfield, Ohio, if the press and that entertaining essayist, Ray Stannard Baker, tell the truth, has on occasions resorted to lynching. And strangely enough the mob spirit was largely directed by race prejudice. The lynching of a negro criminal at Springfield in March, 1904, was followed by a very carnival of crime directed at the black inhabitants of that city. Not only was there evidence of prejudice against the particular criminals, but it seemed to have been directed against the whole negro race. They were hunted out of their homes and their property destroyed by fire. Mr. Baker describes the situation in this way:

> The public was apathetic. No one seemed to care; only a nigger had been hanged.

Danville, Ill., was also the scene of a manifestation of race prejudice, which the writer says is growing with the growth of the negro population. It would not be difficult to multiply these illustrations of the fact that the race prejudice which exists in the South, and which we admit, is also to be found in the North, but usually denied. The newspapers give us overwhelming evidence of it every day.

As I have already said, I fear that we have not yet reached the stage where we will legislate on this matter intelligently and for conditions as we find them. But we will reach it by and by.

After a few incidents like those at Fort Meade, San Carlos, El Paso, and Brownsville Congress will be really aroused to a discharge of its duty in this matter. Repeat the Brownsville affair with a change of locus—let it occur in Michigan, New York, or Illinois—and a new light will be seen. Until then we will be as patient as possible, having faith that finally the sympathy of the whole country will be given to that section which has been so tried in the school of disaster, a section which stands face to face with the perplexities and dangers of the most difficult question any people on earth were ever called on to meet and solve. When all the States comprehend this question, which now they barely apprehend, they will help us of the South to make it certain that the homes of white men in a white man's country will be protected by white men only. [Loud applause.]

Mr. HAY. I yield one hour to the gentleman from Indiana [Mr. ZENOR].

Mr. ZENOR. Mr. Chairman, on the 28th day of April, 1904, by virtue of an act of Congress there was appointed a commission, composed of five Members of the House of Representatives and five members of the Senate, since known as the Merchant Marine Commission, whose duty it was made to inquire into and make investigation of the conditions affecting the American merchant marine, the cause of its decay, and the best means to promote its growth and restoration, and to make report to the Congress of the result of such inquiry, together with such suggestions and recommendations by bill or otherwise as might in its judgment seem best calculated to accomplish the objects contemplated. Pursuant to this authority, the members of the Commission met, organized, and entered upon the discharge of their duties. It proceeded at once to hold meetings, grant hearings, and take testimony at various points throughout the country. It held its first meeting and public session at New York in the early spring of that year, closing at Washington in December, 1904. At each of these meetings public hearings were had and every interest is supposed to have had opportunity to fully present its views.

The testimony taken by this Commission is very extensive and covers many pages of printed matter embraced in the published reports of its proceedings. As a result of its work and labor we have now pending before the Congress and the country Senate bill 529, reported from the Senate Committee on Commerce by Senator GALLINGER. It passed the Senate February 14, 1906, and is now pending before the Committee on Merchant Marine and Fisheries of this House. This bill, though comparatively short, containing only ten sections, embodies provisions which, in my judgment, proposes to establish a scheme that is vicious, undemocratic, and plutocratic. It proposes a policy at variance with fundamental principles and the theory and teachings of the founders of our Government. From the earliest colonial times down to the very inception of our Government it was the policy of Great Britain, not only with her American colonies, but her other dependencies, to keep them in subjection and under tribute; and the most effective means by which she accomplished this was her system of trade and navigation laws. One of the maxims of England was, "Give us control of the trade and transportation of the seas" and we will rule the world.

The idea of commerce as a means of national wealth and independence was most thoroughly understood and developed as part of the policy of that country. It was the one subject to which she had given exhaustive study, and her statesmen were ever preoccupied with the question how best to promote and secure it. Naturally, the colonists, at that time confined to a comparatively small area of our country along the Atlantic seaboard, and mainly to the pursuit of agriculture as their principal means of securing a living, turned their early attention to the sea and to the more lucrative occupation of trade and commerce. They early began to embark in ventures upon the high seas, not only as a means of transporting their own surplus products to the markets of the mother country, but to such other foreign ports and markets as would afford them the best returns.

England, with that sagacity, foresight, and jealous concern with which she has ever regarded rival interests and competition, immediately resorted to measures of repression. She enacted laws forbidding her colonies to manufacture, to carry cargoes to other than British markets, and in such small craft or sloops as to be unprofitable. She thus exploited and preyed upon the American colonies and rendered them helpless and dependent. She not only did this to maintain and perpetuate her own predominance upon the ocean, but she employed Tory merchants, agents, and factors and stationed them in the colonies to control and direct their cargoes of freight shipped to British markets on board of British vessels.

This harsh and grinding process was carried to such an extent by Great Britain with her American colonies that finally the export freight rates on such articles as tobacco, lumber, and other bulky merchandise equaled from one-third to one-half of the value of the goods and the import rates to from 15 to 30 and 40 per cent of their cost. It was clear that this state of things could not always continue, and demonstrated that if the colonies should ever become independent, free, and prosperous as a people they would be compelled to sever their relations with the mother country. With the revolution came the independence of the people of the colonies and the establishment of an independent government. Under the form of government existing at the time of the adoption of the Constitution each State possessed the sovereign power to exercise many functions of government that they subsequently surrendered up when the Constitution was adopted, and among these powers were included the right to regulate commerce with foreign nations and between the several States. Up to this time each State for itself adopted such measures of protection to its trade and commerce as its wisdom and judgment suggested was best suited to its needs and situation. Experience under this system soon revealed its imperfection and weakness, and clearly demonstrated the incapacity of the several States to cope with the powers of other governments to make and enforce their laws. It further resulted in creating a different system of regulation in the several States and in many instances of irreconcilable conflicts.

To meet this situation the Confederate Congress asked the several States to surrender over to the General Government the power to enact and enforce regulations of commerce, in the interests and for the protection of the shipping of all the States against impositions and arbitrary exactions of foreign nations. This authority was declined by the States, and each of them continued to act for themselves, and enacted discriminating duties, both of tonnage and of tariff in their efforts to protect their shipping. As stated, in the course of a short time there was a multiplicity of "navigation laws," all designed to protect against foreign shipping, but acting as well against the vessels of the several States, thus showing the necessity of concentrating the power of regulating commerce not only with "foreign nations," but as well among the several States in some department of the Federal Government. This attempt of the several States by the enactment of separate navigation laws to protect their own vessels and commerce, an interest common to all the States, was not only wholly inadequate to the purpose, but furnished the most conclusive illustration of the need of a national law upon the subject. Hence the protection of our commerce and shipping became a problem of vital concern in the movement to form a more "perfect union," which followed the founding of the Federal Government.

Up to this time, it will be observed, in tracing the history of legislation upon the subject of the regulation of shipping and commerce, either by England with her colonies or by the States for themselves, it embraced a series of enactments defining the terms, conditions, and circumstances under which the vessels of a foreign country might enter and clear port. These laws consisted of provisions imposing prohibitions and discriminating tariff and tonnage duties. This was the system of regulation in vogue prior to and at the time the Constitution was formulated and adopted and at the time it was proposed to incorporate into that instrument the only provision that is claimed to confer upon Congress the power to regulate commerce, namely, clause 3 of section 8 of Article I of the Constitution. To understand more clearly what was meant by the framers of the Constitution by the insertion of this clause it is both edifying and instructive to revert to the discussion of the eminent statesman who participated in the debates of the Constitutional Convention, and especially of this particular clause and section as it was first proposed and finally adopted. In the plan of the Constitution reported to the convention by the committee appointed therefor August 6, 1787, section 2 of Article VII—the second of "enumerated powers" to be granted to Congress—provided for the "regulation of commerce with foreign nations and between the States." This meant the taking over of the method of the States as to foreign nations, no other course appearing practicable. South Carolina and Georgia desiring for a time the continuance of African migration, their delegates urged that without this stipulation their States would not adopt the Constitution. The Convention was unprepared to adopt the idea, and the matter was referred to a special committee of eleven. General Pinckney contending for the passage of "navigation laws," by a two-thirds vote of each House this, too, was referred to the same committee, Livingston, of New York, chairman. He reported in favor of African migration until A. D. 1800.

In the convention the figure was made 1808. When the report was again taken up Mr. Pinckney moved to postpone it in favor of his proposition—a two-thirds vote on navigation bills. A debate ensued. Mr. Pinckney did not carry his State. Only four States voted to postpone; whereupon the report, which favored a majority vote, was agreed to nem. con.—none dissenting. Extracts from the debate show that General Pinckney said: "He conceived it was the true interest of the Southern States to have no regulation of commerce, and that the power of regulating commerce was a pure concession on their part," but, withal, he thought it proper that "no fetters should be imposed on the power of making regulations." Mr. Clymer, of Pennsylvania, declared: "The Northern and Middle States will be ruined if not enabled to defend themselves against foreign regulations." Mr. Sherman, of Connecticut, observed that "to require more than a majority to decide a question was always embarrassing, as had been experienced in certain cases in Congress." Mr. Gouverneur Morris, of New York, thought the object of the motion "highly injurious." "Preference to Amer-

ican ships will multiply them till they can carry the southern produce cheaper than it is now carried. A marine was essential to security, particularly of the Southern States, and can only be had by a navigation act encouraging American bottoms and seamen." Mr. Williamson, of North Carolina, favored making two-thirds instead of a majority requisite, "as more satisfactory to the southern people."

Mr. Spaight, of Virginia, contended that the "Southern States could at any time save themselves from oppression by building ships for their own use." Mr. Butler, of South Carolina, for good reasons, "would vote against the two-thirds proposition." Colonel Mason, of Virginia, thought, as the Southern States were in the minority of interest, "it would be fair to guard against hasty regulations." Mr. Wilson, of Pennsylvania, remarked: "If every peculiar interest was to be secured, unanimity ought to be required. The majority would be no more governed by interest than the minority." Mr. Madison, of Virginia, entered into a more elaborate exposition of the subject. He contended that:

The disadvantage of the Southern States from a navigation act lay chiefly in a temporary rise of the freight, attended, however, with an increase of southern as well as northern shipping, with the emigration of northern seamen and merchants to the Southern States, and with a removal of the existing injurious retaliations among the States on each other. The power of foreign nations to obstruct our retaliatory measures on them, by a corrupt influence, would also be less if a majority should be made competent, than if two-thirds of each House should be required. * * *

An abuse of the power would be qualified with all these good effects. But he thought an abuse was rendered improbable by the provision of two branches; by the independence of the Senate; by the negative of the President; by the interest of Connecticut and New Jersey, which were agricultural, not commercial, States; by the interior interest, which was also agricultural in the most commercial States; by the accession of Western States, which would be altogether agricultural. He added that the Southern States would derive an essential advantage in the general security afforded by the increase of our maritime strength. He stated the vulnerable situation of them all and of Virginia in particular. The increase of the coasting trade and seamen would be favorable to the Southern States by increasing the consumption of their produce. If the wealth of Eastern States should in a still greater proportion be augmented, that wealth would contribute the more to the public wants and be otherwise a national benefit.

Mr. Rutledge, of South Carolina, opposed the motion of his colleague. "It did not follow," said he, "from a grant of the power to regulate trade that it would be abused. At the worst a navigation act could bear hard a little while only on the Southern States. As we are laying the foundation for a great empire, we ought to take a permanent view of the subject and not look at the present moment only." He reminded the House of the necessity of securing the West India trade to this country. That was the great object, and a navigation act was necessary for obtaining it.

Mr. Chairman, these were in brief some of the views expressed by the statesmen and founders of the Constitution in the discussions preceding its final adoption. In view of these opinions held and expressed at the very time clause 3 of section 8 of the Constitution was incorporated therein, granting power to Congress to regulate commerce with foreign nations and among the several States, etc., by the mentors of our Government, there would seem to be no reasonable doubt of the meaning they meant to attach to this clause, and that they thereby intended to confer upon Congress the same powers theretofore exercised by the several States. Having arranged this grant, the several States were divested of all powers to thereafter lay or levy duties of tonnage or tariff for this same purpose. This power was surrendered and given up by the States, and taken over by the Federal Government, and the obligation and duty of shipping protection and the regulation of commerce was assumed by the national authority. The whole matter was arranged by the convention, and this action of the convention was afterwards ratified and approved by the States and the people, through the adoption of the Constitution. By this action of the States and people the States parted with this incidental prerogative of their power as separate States, and the United States, in virtue of the compact of union, assumed, promised, and undertook the performance of this duty.

Indeed, the Federal Constitution has been styled by some as a compact between the States by which it was ratified. But however this may be, there is no diversity of opinion that the confederation which the Union supplanted was a compact between the States of which it was composed. That each grant of power contained in the Constitution was pro tanto a compact, trust, and promise to be relied upon while that instrument remained unchanged in the manner pointed out and prescribed by its own provisions. If, then, we are right in our contention that the true intent and meaning of this clause of the Constitution, vesting Congress with the sole and exclusive power to regulate commerce, contemplates the exercise of such powers only and in such manner as were previously exercised by the several States, namely, by navigation laws, imposing discriminating tariff and tonnage duties, and prohibitions, the idea of subventions and gratuities could not have been and was not entertained as a constitutional scheme to carry out the object and purpose had in view by the framers of that instrument, and hence must necessarily be in violation of the Constitution. For years, indeed for more than thirty-nine years, after the policy of our Government was entered upon, by enacting wise and prudent legislation for ship protection by means of tariff and tonnage duties, all went well, and our merchant marine forged to the front and became a sea power and dominating factor in our carrying trade that astonished the whole world. James Madison, to whom history accords the honor of being the "father of the Constitution," being at the time an honored Member and distinguished leader of the House of Representatives, always clear as he was able, offered the first measure for ship encouragement and protection—*a heavy discriminating tonnage duty*, calculated to favor the upbuilding of *an American marine*.

The very first revenue act contained tariff discriminations in aid of tonnage duties, and thus a complete and perfect protective system was evolved in the course of time that illustrated in its beneficent results the wisdom of the work of the Constitutional Convention. This system, the system as understood by those whose statesmanship and foresight had done so much to create, to be the only one contemplated by the Constitution, had by the close of Washington's Administration raised the percentage of carriage in our own commerce from less than 25 per cent to over 90. Our rapid advance and marvelous strides in the development of our merchant marine and carrying trade under the operation of these successful navigation laws were a source of national pride and profound satisfaction to the whole country. All foreign and competing nations were vitally affected by this policy of ours in favor of American shipowners and American commerce, and foreign vessels and foreign tonnage rapidly disappeared from our ports. We continued to maintain our national supremacy and prestige upon the high seas while this policy was continued and as long as we adhered to this early and approved practice of the Government. Then, as now, in order to regain some portion of the lost trade she had sustained, Great Britain resorted to retaliatory measures and, with a view of forcing us to more liberal concessions, closed the ports of her colonial possessions to our ships and imposed other harsh and burdensome restrictions upon our commerce in her home ports. In return our Government closed all ports to vessels coming from ports or places not equally open to vessels of the United States. By this latter regulation Congress intended to compel or induce England to respect our commercial rights—that if they received our products they should allow our vessels to transport them.

But a little later on, and to meet conditions that had arisen in our commercial relations with some other countries, as well as Great Britain—and this was at the time, no doubt, done under the impression that it would operate in the interest of our trade and commerce—Congress was induced, through the urgent insistence of President John Quincy Adams, to enact the law of 1828. This law in a general way proposed a general policy of reciprocity to any country that would accept the principle of an open trade for vessels and cargoes from all parts of the world. It was a substantial offer to all nations to abolish ship protection, and was then and since regarded by many as a most unfortunate calamity to the American merchant marine. It is said that President Adams fondly cherished the idea that Great Britain would gladly accept the proposition, and he would go down in history as a masterly statesman. Great Britain did not at the time, however, accept the terms of this law. This was followed by the act of 1849, and still later by the act of 1886. Under these several acts some thirty other countries entered into reciprocal agreements with us, and from that unfortunate hour our commerce began to dwindle and decay. This change in policy and its consequential effects is shown by the following figures, viz:

1827, import carriage, 94.3; export carriage, 87.5; 1849, import carriage, 81.4; export carriage, 68.9.

Subsequent laws have been enacted which have still further embarrassed our merchant marine, such, for instance, as those forbidding registration to any vessel not American built. Our restrictive legislation unfavorable to the building up of our merchant fleets and the abolishment of our system of discriminating duties in our navigation laws for their protection

have substantially destroyed the merchant marine and closed the ports of the world to our flag. And now, after these years of decay and national humiliation, the party in power propose to abandon constitutional principles, solemn compacts, old and successful precedents and adopt as the only remedy for our shipping malady the un-American and undemocratic proposition of subsidy and graft set out in this Senate bill. The title of the bill, as is not infrequently the case with proposed measures of legislation that can not afford to sail under their true colors, is falsely labeled "An act to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce." Its authors and promoters are entitled to credit at least for their ingenuity in masking this scheme under an attractive and captivating title, but I imagine, sir, the misnomer is a disguise altogether too transparent and obvious to either mislead or deceive. The policy here proposed can not be justified or excused upon the ground, as has sometimes been stated and urged, that our maritime reciprocity conventions, heretofore entered into with various countries, prevent us from returning to the former system of discriminating tariff and tonnage duties, for our treaties contain provisions for terminating these, upon a year's notice by either party, even if any nation with whom we have such treaty stipulations—and we have none with Great Britain—was insisting upon us continuing such "reciprocity" system for its benefit.

But the truth is—and it is a well-known fact—that for years these reciprocal stipulations in our treaties, for the most part at least, have long since been abandoned or violated and set aside by the action of foreign powers, and the United States is the only party that has or does make any pretense to observe and respect them. No, sir; the only reason for wanting this bill passed, for wanting this vicious, selfish, paternal policy entered upon, is private greed, not the public good; selfish considerations, not the general welfare; reward to individual and corporate favorites, not to promote and develop our ships of commerce, cheapen freights, or otherwise benefit the great masses.

Mr. HINSHAW. Will the gentleman yield for an interruption?

Mr. ZENOR. Yes.

Mr. HINSHAW. Has the gentleman examined the treaties between this and other countries to know whether the proposition of discriminating tonnage duties would in any manner conflict with existing treaties?

Mr. ZENOR. I have examined them to some extent. I have not examined them exhaustively.

Mr. HINSHAW. What is the gentleman's opinion on that proposition?

Mr. ZENOR. There are some of the existing treaties which unquestionably forbid a return to discriminating duties, but the proposition is not that the treaties as they now stand would permit us to return to this policy of the Government, but that in each of the treaties we reserve the right to terminate it by giving notice of a certain length of time.

Mr. HINSHAW. Your proposition, then, would be to terminate the existing treaties so far as they would infringe the right to assess discriminating duties?

Mr. ZENOR. Precisely; and I contend further, Mr. Chairman, that under many of these treaties to-day, to which the gentleman has called my attention, because of the neglect and absolute violation of certain of their provisions in the legislation of some of those countries, the treaties are really set aside and abrogated.

The policy inaugurated by the suspension of our "navigation laws" was at best merely experimental. It was not intended by Congress to sacrifice our marine, reduce our carriage, or in any manner to impair our efficiency upon the seas, though grave apprehensions were felt by many at the time that this might follow the result of the experiment. It was even contended at the time by some that "free trade" would secure a larger share of the carrying trade, but if the policy should prove otherwise our treaty conventions could be terminated and we could retrace our steps and return to our former policy of protection under navigation laws and regulations, by giving the proper notice, after a satisfactory trial. Some of the European nations, thinking, perhaps, they had crippled their shipping interests by these commercial treaties and engagements entered into with the United States, sought to countervail the mistake by instituting bounty and subsidy systems in contravention of the spirit, if not the letter of these conventions, and it is now proposed by the proposed bill to imitate their vicious example and make the taxpayers of the United States put up the cash to rehabilitate the merchant marine and to support and maintain it out of the Government Treasury. Mr. Chairman, in addition to the fact that no warrant for such a course can be found in the Constitution, precedents, or traditions of our country and that we ought and should not seek to justify such a departure in our policy by the example of foreign countries, there is still the more important question of the propriety of selecting out and preferring as an especial object of the bounty of the Government "the shipping trade" to the exclusion of thousands of other equally worthy employments of our people, not one of which have any right whatever to share in such policy or call upon the Treasury for aid and assistance.

Such a bald proposition of class distinction and odious discrimination can not fail, it seems to me, sir, to carry with it its own rebuke and condemnation. The protection, and the only protection to our shipping industry, provided for in the Constitution is to be found in the clause authorizing Congress to regulate commerce, and nowhere else. It is not even pretended to exist under the power to lay duties for revenue. The two things are entirely different and involve the exercise of distinct powers. The people of the United States have the right to demand of the Congress, under the compact entered into, protection to our shipping. But this demand can be complied with only by the performance of its accepted duty, the honoring of its special agreement, the observance of the covenant to enact and enforce suitable and legitimate "navigation laws." This, and this only, is logical and proven by experience to be effectual. In the majority report of the Senate on this bill the report sets out quite a number of resolutions of various boards of trade, chambers of commerce, commercial clubs, and associations of different kinds, quoted as indorsing the passage of this or some substantially similar bill for the upbuilding of the American merchant marine. It will, however, be found upon examining these several resolutions that they are not unanimous in their support of this or any similar measure. They are not all for ship subsidy. For instance, resolutions of the Trans-Mississippi Commercial Congress, held in 1903, cited by the committee, representing twenty-one States and Territories west of the Mississippi, in expressing its sense of the national humiliation at the decadence of our over-sea American merchant marine and its hopes that Congress would enact such laws as would tend to build it up and restore it to its former prestige on the seas, contain no expression of indorsement of this bill. Of the same tenor and to the same effect are the resolutions of the American Cotton Manufacturers' Association, of May 11, 1905; the Board of Trade of the State of Maine, of September 22, 1905; the National Founders' Association, of November 15, 1905; the Trans-Mississippi Commercial Congress, at Portland, Oreg., on August 19, 1905, and others of the number cited, in none of which was there any indorsement of this bill or any other proposing to grant subsidies.

It is true, sir, that in most of these resolutions there is an indorsement of the Senate bill, but as is apparent from all these it was done as the only alternative to secure relief, in view of the conclusions reported by the majority of the Merchant Marine Commission. That Commission, having reported in favor of the plan proposed in this bill, it was accepted as a sort of ultimatum by the friends and advocates of our shipping interests and over-sea transportation. Confronted with this, the only remedy offered by the party in power, it is not at all amazing that some portion of these associated interests, recognizing the pressing importance and urgent need of an improvement in our merchant marine, should yield to a policy, though obnoxious and offensive to their own sense of justice, rather than be denied all hope of relief. Be this as it may, these declarations reflect but a very small per cent of the general sentiment of the country, and as a rule come from sources that will not feel the oppression of the system to the same extent as would be suffered by the great masses, while at the same time they hope to share its greater benefits.

The majority report very truthfully states that there is a national demand for more ships. This means, of course, in its broader sense that our commercial and industrial interests and growing trade throughout the country recognize the necessity of more American ships and cargo carriers to regain our proportion of the carrying trade in the commerce of the world, as well as to keep pace with the rapid expansion of our domestic and foreign commerce. This necessity is conclusively demonstrated by the universally admitted fact that we carry less than 10 per cent of our own export and import trade, while the balance, of over 90 per cent, is carried by foreign ships. All are agreed that this is a most deplorable and humiliating situation—a situation that is no less sincerely deplored by those who shall find themselves compelled to oppose the passage of this bill than by those of its most ardent advocates. The various objects sought to be accomplished, as specified in its title, meet the cordial and earnest approval, I doubt not, of every Member of this House, and would receive their unqualified support

if proposed to be accomplished in some legitimate and acceptable way, at least to the extent that such objects may be attainable by legislation. It is not a question of difference as to the desirability of accomplishing the objects expressed in the title to this bill, but a difference as to the methods to be employed in their attainment. This is the vital point of divergence in the views of those who favor and oppose this measure; and this difference is the difference between the effort now being made through the passage of this bill to donate to certain favored interests moneys levied and collected by the Government for public purposes under its power of taxation, and the Democratic and constitutional method of reviving and restoring in their full force and vigor our navigation laws—our once successful system of ship protection by discriminating tonnage duties and tariff differentials in favor of our merchant marine—under the inspiration of which our merchant ships and cargo bearers triumphed over all obstacles and for years held the primacy in the world's competition in our trans-Atlantic over-sea transportation and trade.

This latter system is the only one that comes within the undoubted power of Congress under the commerce clause of the Constitution, and the only one which Congress has ever attempted to establish and enforce. It is the authority under which Congress has extended to our lake and coastwise trade such effectual and complete protection and made it so marvelously prosperous and profitable. It is beyond all cavil the only method to control and regulate the indirect trade in the commerce of the seas, said to be the most profitable of all ocean traffic. Under this system Congress can prescribe the conditions and terms upon which foreign vessels shall enter and clear our ports; can prescribe the rates of tonnage duties to be paid by all foreign vessels and ships for the privilege and use of our ports and harbors, and may discriminate in the imposition of these rates between different countries as the exigencies of the situation or case may require. In the exercise of this power there is no limit to the discretion of Congress, and it may be employed and used to any extent deemed essential to afford adequate protection to foster, promote, and build up our shipping interests. In aid of the tonnage duties and the protection resulting therefrom, if found essential to accomplish the object, differential tariff duties may be granted in favor of all articles of import brought to our ports in American ships. This policy of discriminating tonnage and tariff duties was the policy pursued which resulted in bringing up our merchant marine to such a high state of efficiency in the past, and there exists no reason now why a return to this tried and tested policy would not again bring similar results. And the beauty about this method of relief, is, that it imposes no additional taxes upon the people and demands no largess from the Public Treasury.

But the signal failure of at least two previous efforts to pass ship-subsidy bills presented to Congress, though supported by the able and powerful advocacy of many of the most influential men in the Republican party, is a confession of the unpopularity of the whole scheme and has compelled the advocates of this species of governmental aid to adopt some method of legislation that would appear to offer some return and consideration to the Government for its generosity. With this idea prominently in view, the framers of this bill have performed a feat for which their names deserve to be canonized by those who believe in the religion of ship or other subsidies, and for which their friends and coworkers may justly thank them. Realizing that any measure that proposes to donate public money to private parties to enable them to conduct their private business is unwarranted by any grant of power that Congress possesses and involves a flagrant abuse of legislative functions, an inexcusable wrong to the taxpayers of the country, and if successful will establish a most vicious precedent for future class legislation, they have with apparently studied effort and commendable zeal sought to realize the advantage of disabusing the public mind of any impression that this bill is to aid any such scheme by eliminating from its title and throughout its text all mention of the word "subsidy," a term so well known and understood when used in connection with legislation of this kind, and the substitution therefor of the less familiar, if not more euphonious word "subvention." Mr. Chairman, it may be a question of speculation whether this change of phraseology employed by the architects of this reformed draft of bill owes its inspiration to the patriotic desire and sense of obligation to conform to the Presidential fad of "simplified spelling" or was really occasioned by their still greater sense of obligation and duty to respond to the distress call of the poor, famishing ship syndicates for public charity.

However this may be, it is nevertheless true that they have performed a most meritorious service in behalf of the special interests of shipowners and shipbuilders if they shall have succeeded in deluding the public mind into the belief that the gift of $5 a ton—provided in the second section of the bill for their benefit—is to make any adequate return to the Government or to the people and taxpayers of the country. I am aware, sir, that it is proposed by the provisions of the third section to impose certain obligations and duties upon the owner or owners of vessels for the performance of which they are required to enter into contracts in writing, with sureties, with the Secretary of Commerce and Labor before they will be entitled to the benefits of the provisions of the law. This, it is claimed, fully justifies the expenditure proposed to be made by way of this "subvention," and will furnish an equivalent to the Government.

Section 2 provides for the character of vessels engaged in our foreign trade or deep-sea fisheries that shall be entitled to receive the benefits of this act and prescribes the terms and conditions upon which such payments shall be made. It provides that after a certain date mentioned there shall be paid, out of the Public Treasury upon estimates to be made and submitted therefor, to the owner or owners of any steam vessel of over 1,000 gross tons, and of any sail vessel of over 200 tons, and any fishing vessel of over 20 gross tons hereafter built and registered in the United States or now duly registered by a citizen or citizens of the United States, including as such citizens any corporation created under the laws of the United States or any of the States thereof, engaged exclusively as a common carrier for the service of the public, subventions, namely, the sum of $5 per gross registered ton for each vessel engaged in the trade for a period of twelve months; the sum of $4 per ton for each vessel engaged in the trade for the period of nine months or over, but less than twelve months; the sum of $2.50 per ton for any vessel which, during any twelve months, has been engaged in trade for a period of six months or over, but less than nine months.

It will be observed in reading this section that it confines the benefit of its provisions exclusively to vessels engaged in our foreign trade and the deep-sea fisheries. It has no reference to our lake and coastwise trade nor to vessels engaged in trade between the United States and the Philippines, except a small per cent of the rates prescribed for our foreign trade, until the year 1909, when this shall terminate. As suggested, section 3 requires of each vessel before becoming entitled to share the benefits of the act to enter into agreements to perform certain conditions—six in all. These conditions are of such a nature and character as to make them of small, if any, consideration in determining the merits of the measure. The first requirement for national defense or for any public purpose, at any time, upon payment to the owner or owners of the fair cash value or fair rate of hire, a power the Government already possesses and in suitable emergencies has always exercised. Second. That the vessel shall carry, free of charge, the mails of the United States when the Postmaster-General shall require, a thing not likely to happen with a slow freight or cargo carrier when we now have many high-speed mail lines doing this service. Third. That until July 1, 1912, upon each departure of such vessel from the United States at least one-sixth, and after July 1, 1912, one-fourth, of the crew shall be citizens of the United States, or men who have declared their intention to become such; and of the navigating force on deck, excluding licensed officers, at least one-half shall be able-bodied seamen, who are thereby defined to be men who have had two years or more experience on deck at sea or on the Great Lakes.

Fourth. That vessels in the foreign trade shall be of a certain class and maintained at that, as shown by certain standards of certain associations. * * *

Fifth. That all ordinary repair or overhauling of vessels shall be made in the United States, except in cases where dry docks are necessary and no American dry dock of sufficient capacity shall be within a distance of 500 miles of the location of the ship when the repairs shall be needed.

Sixth. That a certain proportion of the crews of the vessel shall have been enrolled in the naval service after certain dates, namely, after July 1, 1908, one-eighth; after July 1, 1912, one-sixth; after July 1, 1917, one-fourth: *Provided*, * * *.

Section 4 has reference merely to the manner and length of time contracts shall be made, as set out in section 3. * * *

Section 5 provides for the authority of the Postmaster-General to make and enter into contracts, for not less than five and not more than ten years in duration, with citizens of the United States for carrying the mails on steamships hereafter built and registered in the United States or now registered, * * * between ports of the United States and ports on the routes and for the amounts prescribed in section 6 of this act. * * *

Section 6 provides that the Postmaster-General shall establish mail service, first, from a port of the Atlantic coast of the

United States to Brazil, on steamships of the United States of not less than 14 knots speed, for a monthly service, at a maximum compensation not exceeding $150,000 a year, or a fortnightly service at a maximum compensation not exceeding $300,000 a year.

Second. From a port on the Atlantic coast of the United States to Uruguay and Argentina, on steamships of the United States of not less than 14 knots speed, for a monthly service at a maximum compensation not exceeding $187,500 a year, or for a fortnightly service at a maximum compensation not exceeding $375,000 a year, and so on in the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh subdivisions of this section, each providing for the establishment of steamship mail service from United States ports on the Atlantic, Pacific, and Gulf coasts to various foreign countries with certain prescribed speed requirements and at a compensation not exceeding a certain maximum. This section proposes the establishment of ten new mail routes to South America, Central America, Cuba, Africa, and Asia, and other southern countries, and authorizes the Postmaster-General to make contracts with shipowners at a maximum expenditure of $2,912,000 annually as extra pay and compensation to the steamship owner or owners with which such contracts shall have been made for the mail service to be rendered by them under the terms of their contracts. This service is to be additional to that required of the vessels sharing in the subventions, under sections two and three of the bill, and the compensation to be paid in addition to that provided for the vessels mentioned and described in said sections. So that the total cost of the proposed scheme of this bill will be the bounties paid out on the gross tonnage of ships and vessels engaged, or to hereafter engage in our foreign trade and deep-sea fisheries, without reference to the amount of freight or cargo they carry, together with the sum estimated to be paid to the new steamship mail lines, plus the sums authorized to be paid to members of the naval reserve, authorized by the first section of the bill.

It is difficult to say just how many of our registered vessels are to-day engaged in our foreign trade, but, excluding steamers drawing subventions for carrying ocean mail, which are barred from the benefits of sections 2 and 3, the number of such vessels of all classes and dimensions that were employed in foreign commerce for more than six months during the calendar year ending December 31, 1904, was 152, as stated in the minority report on this bill, and of these they state fully one-half were sail vessels of comparatively small tonnage. Of the 56 steamships, of which there were 23 on the Atlantic and 33 on the Pacific, there is said to be scarcely one of the type which is sought to be developed by this bill. The eighth section of this bill is designed to exploit an additional source of profit and revenue for the shipping interests, under the guise and pretense of encouraging training and instruction of young boys and young men in seamanship or engineering in our foreign trade, and proposes to pay to any vessel of the United States that may have carried on any foreign voyage a boy or boys, a citizen or citizens of the United States under the age of 21 years, suitably trained during such voyage in seamanship or engineering, in the proportion of one for such vessel, and in addition one for each 1,000 tons of her net registered tonnage, an allowance equal to 80 per cent of the tonnage duties paid in respect of the entry in the United States of that vessel from that voyage, provided, etc., * * * that this shall cease after July 1, 1908, except as to any such boy who may be enrolled as seaman, third class, in the naval reserve or is an apprentice indentured in accordance with law.

Sir, this is but another of those skillful devices with which this whole bill is interwoven, to cloak under cover of some plausible pretense of public benefit an extortion from the public Treasury of additional pelf to the poverty-stricken beneficiaries of this bill. If any possible advantage can accrue to the Government in return for this valuable favor, it is so infinitesimal that it has escaped the detection of its critics and has not been pointed out by its friends. The ninth and tenth sections of the bill are merely formal provisions that do not in any substantial manner affect the merits of the questions, and hence are not important. It is estimated by the Commission that the total expenditures for the first year under the operation of this bill will be $1,283,250; second year, $3,517,000; third year, $5,282,000; fourth year, $5,882,000. The belief is further expressed by the Commission that at the end of five years the increased draft upon the Treasury will be confined to the increase of tonnage of the hard-working cargo ships, and that this increase will probably amount to 150,000 tons annually, and will on the average result in an annual increase of expenditure of about $500,000. This estimate, however, is purely speculative, and must, in the very nature of the case, be so in the absence of data to verify such calculations. But assuming that this is an approximately correct calculation, it would make the expenditure for the sixth year $6,382,000, and each year thereafter add the sum of $500,000 during the continuance of the law. This addition annually of 150,000 tons would only increase our merchant marine by from forty to fifty steamers or sail vessels according to the report, and assuming further, which assumption is not borne out by any facts or estimates contained in the report of either the committee or Commission, that under the practical operation of the bill it would add as many as forty to fifty vessels, aggregating a tonnage of as much as 150,000 for each year of its existence, this would only increase the tonnage of our merchant marine 1,500,000 in the period of the ten years to which the law is limited, and would prove wholly inefficient and inadequate to realize the hopes of its advocates. If our present merchant marine of 900,000 tons is only capable of carrying about 8 per cent of our present foreign trade, this addition of new tonnage of 1,500,000 would increase our carrying capacity to only about 21 per cent of our present volume of trade, and this is not very reassuring to the advocates of this bill, who profess to have confidence in its efficiency to again restore our supremacy in the carrying trade of our foreign commerce.

But it is further claimed that the mail subventions to the ten new regular lines would add from 200,000 to 300,000 tons of high-class steam tonnage to the Naval Reserve. Even admitting this to be true, it does not materially aid our friends who are pressing this bill, as I understand, in the interests of our cargo and freight carriers and to benefit our people in the advantages they are supposed to derive in the saving of freight rates and charges and the economies of increased shipping facilities for their over-sea commerce, and not from any pressing needs in our foreign mail facilities; and this additional tonnage of fast-mail steamers is less important and does not afford the same benefit to our commerce as do the steam and sail vessels, especially adapted to cargo and freight transportation. It may be, and doubtless would be, true, that these mail steamers would carry more or less cargo and would prove valuable adjuncts to our merchant marine, as well as aid to the Navy and Naval Reserve. But, conceding all that can be claimed for them and allowing that they would constitute an efficient part of our merchant marine, this additional tonnage of, say, 300,000 to the merchant tonnage would bring it up to 2,700,000 tons. This amount of tonnage would still be less by 14,269,000 tons than Great Britain possessed in 1904, and less than Germany now has by 693,000 tons, and would, according to the ratio of efficiency of our present merchant ships, have the capacity to carry only about 24 per cent of our foreign commerce. According to the estimate made, it requires about 112,516 tons of our American merchant marine to carry 1 per cent of our foreign over-sea trade, and the 2,700,000 tons, the highest point attainable under the provisions of this bill, according to the most extravagant estimate of its friends, would therefore have a carrying capacity of about $712,800,000 in value of our over-sea trade. If, therefore, the total product of tonnage created by this bill, added to our present 900,000 tons, will have a carrying capacity of only $712,800,000 in value of our trade—just 24 per cent of the total—then it is perfectly apparent that the statement made in the majority report—that this bill will enable the United States to carry under its own flag from 30 to 40 per cent—is not only a gross exaggeration of its potentiality, but wholly misleading and deceptive.

If, sir, this estimate is anything near a correct computation of the benefits to be received under the provisions of the bill as regards our increased carrying capacity of exports and imports, the vital feature of the measure, it falls far short of realizing the claims of its proponents and advocates. They claim, and with apparently much confidence assert, that with this bill enacted into law it would enable the United States to carry under its own flag, not 10 per cent as now, of its own imports and exports, but 30 or 40 per cent, earning for our own country, instead of $20,000,000, from $60,000,000 to $80,000,000 a year in freight and passenger receipts. And it is this phase of the argument that most strongly appeals to popular favor. If, then, it is capable of demonstration that this assurance can not be realized, and that these predictions in behalf of the measure are not well founded; if it is once made manifest that, however candid the arguments advanced, they stand unsupported and lack the confirmation of facts, reason, or precedents to sustain them, as we think we have shown they do, then I take it that the position of the friends of this bill is greatly weakened if not entirely destroyed. I know, sir, that it is suggested in the report of the majority of the committee that of the 900,000 tons of registered

shipping, of vessels classed as engaged in our over-sea voyages, there is not to exceed 500,000 tons, or a little over one-half of it regularly engaged in this service. That there is a large per cent of these old and unprofitable to operate, but if this be true, as it doubtless is, the same will in a large measure also be true with our proposed new additions thereto. As new vessels are built and placed in commission, old ones will become worn, disabled, and retired from active service. There will always be of any merchant marine that may be established a certain per cent of the vessels included in the estimated tonnage that is unseaworthy and useless to the trade. Hence for this, if for no other reason, it may be safely concluded that the earning capacity of our foreign shipping proposed to be created by this bill will fall short of expectations.

Then again, Mr. Chairman, when you come to analyze the situation and soberly reflect upon the theory of this bill, it fails utterly to satisfy the inquiring and thoughtful mind that it will be worth its cost to the Government. When we consider that Great Britain has a merchant marine of about 17,000,000 tons; Germany a merchant marine of about 3,500,000 tons; France over 1,500,000 tons, and Norway and Italy about the same, all engaged in active competition for their share of the world's trade upon the open seas; and when in addition to this we are told that England is now paying out large sums in aid of her marine service, and will continue to expend yearly about $6,000,000 in subventions for the encouragement of her imperial shipping and commerce; that France is annually expending about $8,000,000 for this same purpose; that Italy and Japan, with less than half our population and much greater disproportion in resources, are each expending from $3,000,000 to $4,000,000 annually for a like purpose, we can begin to appreciate how futile the attempt made by this bill to meet and overcome such competition and reduce in any material degree the rate of freight charges now prevailing. But the claim is made in behalf of this bill, through its advocates, that we should adopt a like policy of government subsidy with those of our foreign competitors in order to equalize or neutralize the advantages thus given them. This is founded upon an assumption that has no foundation in fact. This theory is based upon the unwarranted assumption that these, our foreign rivals, have been granting subsidies to their merchant ships and vessels. This is, however, untrue, and in every instance to which reference has been made, investigation will prove that what purports to be a "subvention" or relief granted by these foreign governments to their shipping interests, are not in reality subsidies at all, in the sense that this bill proposes, but were in every case granted and paid to certain vessels of approved patterns as compensation for some special service rendered the government; as for instance, to facilitate the carrying of mail or some other governmental service required to be rendered under special contract or agreement, just as we are to-day paying and have been paying for several years under the postal-aid law of 1891 to the 20-knot speed American line of steamers from New York to Plymouth, Cherbourg, and Southampton, for carrying our mail under contract at the rate of $757,000 annually; and as we are paying some others of our fast-line steamers engaged in the United States mail and other service.

This kind of Government aid, if it may be so designated, has never been regarded in the nature of a gratuity, but compensation for valuable services performed. And while in some cases it may be that the amount of compensation paid is so disproportionate to the amount and value of the service rendered that it might well be suspected that the formality of a pretended contract for this purpose was a mere disguise to mask a real subsidy, yet the ostensible object in view was compensation for a supposed adequate return to the Government. So it is with the alleged subsidies and subventions claimed to have been paid by these foreign governments to their shipping industries. And in this bill it is likewise proposed to pay an annual sum of $2,665,000 of mail subventions to new lines to be established under its provisions. How much more it may finally amount too, if the policy here proposed is once adopted, no one can venture to predict. But this bill proposes to go further than this. It proposes to enter upon an entirely new and untried experiment—to inaugurate a scheme of governmental aid to the business of one class of our citizens to the exclusion of all others, but at their expense—of granting a subsidy, pure and simple, to our shipowners and shipbuilders. It proposes to make, or authorize to be made, an appropriation out of the Public Treasury of the sum of at least $1,050,000 for the first year, $1,250,000 for the second year, $1,750,000 for the third year, $2,250,000 for the fourth year, and so on with this annual geometrical increase until it reaches the sum of $5,250,000 for the tenth year, at which point the beneficent and all-merciful authors of this bill have kindly set the limit.

These are some of the harsh and cruel exactions of the shipowners and shipbuilders of the United States from the American taxpayers for which they offer no return. "Oh," they say, "it will furnish the United States Navy a naval reserve of 10,000 well-trained and experienced men to enter that service in the event of war or public danger;" that a certain per cent of the officers and crew of each of the vessels sharing in this governmental generosity shall be enrolled as volunteers in the Naval Reserve, until it shall reach the maximum of 10,000, who shall be subject to certain instructions, rules, and regulations to be prescribed by the Secretary of the Navy, and to do service in the Navy when called upon by the Government; that these men and officers shall be enrolled for a period of four years and shall be citizens by birth or naturalization, and shall be paid a retainer for each year they are so enrolled as a gratuity out of the public treasury at the end of each year at from $110 to $24 each, according to the rating of capacity to perform such service. The total annual expenditure for this purpose as provided in the bill is estimated by the majority report, for the first year at $150,000; for the second year, $300,000; for the third year, $400,000; for the fourth year, $500,000, when it shall have reached the maximum, and from this on it shall remain a perpetual charge on the Government at the rate of one-half million annually.

Now, will some gentleman kindly answer what is proposed as a return for this enormous expenditure of the people's taxes? Nothing, except that in the remote contingency of war we might have this little army of paid and pampered recruits from all sections of the world enlisted and organized as a band of retainers through questionable if not purely mercenary motives in many cases, and without ever expecting or hoping to be called upon to perform the service contemplated. How many would respond to the call when made, if ever? Who can tell? No penalty or punishment is prescribed for failure. What general or admiral trained to his duties and conscious of his responsibilities would care to risk the fate of his army or ships in the hands of such volunteers? Sir, I apprehend he would prefer the ranks of his fighting force to come from the great body of patriotic citizens, men who when they volunteer in the service of their country to do so from lofty, patriotic motives, and with an appreciation of and courage to meet the dangers and perils of war. I believe, sir, that this would be a far better and more reliable resource on which to rely in such a national emergency than the heterogeneous organization proposed by this bill.

Again, what will be thought, what must be thought, by the taxpayers and great body of our people of the proposition of organizing and maintaining at the public expense, at a cost of one-half million dollars annually, this army of 10,000 men constituting a part of the crews and officers of our steamers and ships and ocean vessels, who are already engaged in employments in the service of the rich and powerful corporations, at far better wages than a large per cent of our laboring people are receiving in other fields of toil upon the mere ground that we might some time in the future—when, no one knows; no one can tell; perhaps never—have occasion to use them in the service of the Navy in a war that is not likely soon to happen. If I know anything of the temper of the American people, and of their sentiment upon this subject, I believe, sir, if given a chance to express themselves, they would respond to this demand by an overwhelming protest.

Not only so, Mr. Chairman, but, sir, this protest is already being made, and, strange to say, by the very men in whose interest they would have the country believe they, in large measure, propose this legislation. It is maintained that one of the reasons why our shipbuilders and shipowners should be granted this bounty is that they are compelled to pay higher wages to American seamen and wage-workers in the construction of our ships and their operation than European countries, and that this subsidy is therefore necessary to maintain this high rate of wages and equalize the difference between these high American rates and the low European cost of labor. They further attempt to convey the impression that our American seamen are favoring this bill. Let them speak for themselves. I have here, sir, a copy of the resolutions adopted by the International Seamen's Union at a meeting held in Boston, Mass., December 3 to 12, 1906, sent to me through the mail by its secretary and treasurer, one William H. Frazier, on January 2, 1907, and I have no doubt that other Members of this House have received similar copies. These resolutions are so pertinent, strong, and expressive of the views held by this large class of men engaged in and dependent upon their employment in this branch of the sea service, and speak with such intelligence, force, and knowl-

edge of the subject, that I think they deserve a permanent place in the records of this House and of the country, and I therefore propose to incorporate them as part of my remarks at this very point. They are as follows:

OFFICE OF SECRETARY-TREASURER,
INTERNATIONAL SEAMEN'S UNION OF AMERICA,
1½ LEWIS STREET, BOSTON, MASS.

Whereas the so-called "ship-subsidy bill" is still being vigorously pushed; and

Whereas we are informed that threats are applied to public men, and especially Members of Congress who refuse to indorse or assist in the passage of the same through the House of Representatives; and

Whereas some body calling itself the "Maritime Trades Council of New York and vicinity," probably "maritime" because there are no mariners in it, are either consciously or unconsciously misrepresenting the nature of the bill in communications sent to all local or national trades unions whose address they can obtain, including in the same blank forms or resolutions to be adopted, signed, sealed, and forwarded to Congressmen urging the passage of this measure: Therefore, be it

Resolved, By the eleventh annual convention of the International Seamen's Union of America, that we hereby warn all organizations of workingmen against these communications coming from this so-called "Maritime Trades Council" concerning such shipping bill; and we hereby declare the information sent out to be misleading to the reader in this, that it misrepresents both the shipping bill itself, the purpose for which it was drawn, and what it will accomplish if enacted; further

Resolved, That as seamen, representing seamen, and having given careful consideration to the bill, we protest against its enactment into law for the following reasons:

1. Section 1 provides for the establishment of a Naval Reserve into which seamen within a certain standard of health and age shall be admitted, and offers us a bonus, for which we never asked and against which we most emphatically protest. When this country needed men we always volunteered, and Congress has no right to assume that we will do otherwise in the future.

2. Subsection 6 of section 3 and section 7 provide: That the owners are not to receive the subsidy unless an increasingly large number of naval reserves be carried in their vessels. This makes industrial employment contingent upon enlistment in the Navy during the seaman's entire military age, and it is a more drastic form of conscription than is now practiced by any country.

3. Section 1 puts us absolutely under the authority of the Secretary of the Navy after this compulsory enlistment has been completed, to "receive such instructions and be subject to such regulations as the Secretary of the Navy may prescribe." To refuse would mean punishment for desertion under naval regulations.

4. The bonus shall only be paid on condition that we have served in some private vessel to the satisfaction of the owner thereof for six months or more during the previous twelve months. The bonus shall be paid "on certificate by the Commissioner of Navigation that such member has served satisfactorily for at least six months—on some merchant vessel of the United States." Since none but the owner or master of the vessel can give such certificate, the receipt of the bonus will depend upon the good will of the owner of the vessel. The employer therefore could, and, as we know him, we know that he would reduce the present all too-low wages by so much as the Government would be paying. To dispute his right to determine the rate of wages would be to fail in getting that certificate of good conduct necessary to get the bonus.

5. This bill makes the seaman's bread dependent, first, upon service in the Navy in both peace and war, second, being capable of obtaining and retaining the good will of his individual employer.

6. He can not, like an honest man, refuse to accept money which he has not earned; he must either so behave himself as to fail to get a certificate of good conduct, he must leave the calling or he must accept, no matter if what self-respect he may possess is thereby wounded or destroyed.

7. He must at all times be ready to go to war upon call of the President against anybody, in any cause, for anybody; he may not, like a citizen may, refuse to serve until the President shall, by the need of the country, deem it proper to call upon all men in the country's defense.

8. We protest against being used as a key to open the Treasury and as a pack mule to carry away the plunder. We are too ill paid and poor to live like other men; but we have yet, in spite of our status under the law and the pity with which we are considered, sufficient self-respect to appreciate the true value of the gift which this bill contemplates forcing upon us.

Sir, in view of this comment upon the provisions of this bill by the men who constitute the crews and operating force of our merchant marine, and from whose ranks it is proposed to recruit and enroll the contingent naval reserve, it would seem that much of the glare and glitter of its patriotic features, its patriotic pretensions, have vanished like Ben Adhem's vision. No, sir, I will not permit myself to believe that any ingenuous advocate of this proposed measure will further imperil its fate or prospect of success, if any it has, by any such folly as this. Nor do I imagine that he will persist in the equally absurd effort to justify the exceptional claims of our shipowners and shipbuilders and other kindred predatory millionaires upon the Public Treasury or taxpayers of the country. Sir, it will not do to insist upon or attempt to justify any such a theory as this until its sponsors are ready and willing to admit its equal application to the wheat grower, corn grower, and cotton planter. They, too, many of them, have become embarrassed and cramped. They, too, many of them, have been left in the race of competition with other more favored and fortunate competitors; this most worthy and deserving class of our citizens would doubtless appreciate the advantages of having the difference between the productive capacities of their worn and exhausted farms and plantations, and the expense of fertilizing stimulus, and the fresh and vigorous soils of the better improved and newer fields with which they are compelled to compete equalized through some governmental agency—by a subsidy or bounty—but if one or more of these should be moved by the hard lines into which they have fallen to ask the Government for a subsidy or bounty, a howl of indignant protest would first be heard from these guardian saints and patriotic defenders of the national honor and its Public Treasury.

The only reasons assigned by the majority why they think the policy proposed by this bill is preferable to the old historic policy of discriminating duties which this Government maintained from its beginning down to 1849, and even as late as 1886, with certain intervening changes and modifications, is, first, the difference in our mercantile conditions between the first half of the nineteenth century and our present conditions. Since then it is contended that under the liberal provisions of the laws of 1815, 1828, 1849, and 1886, offering reciprocity to the various foreign countries who were willing to accept the terms proposed in those laws, there have been made and entered into some thirty commercial treaties with foreign powers, by the terms of which discriminating tariff and tonnage duties are prohibited. It is admitted that this is not an insuperable objection and that these treaties may all be abrogated by one year's notice, etc. As already stated, most of these treaties are now obsolete by reason of the violation of their terms by foreign governments and other failures to observe them. But where this is not the case it is not pretended that any particular difficulty would likely be experienced in terminating them by notice, as provided by their terms. Secondly, it is insisted that if we returned to this policy of discriminating duties that other governments would retaliate by assessing against our vessels and exports discriminating duties, especially our agricultural and manufactured products.

An all-sufficient answer to this argument is that the principal European countries, who are our strongest rivals in the commerce upon the ocean and which own most of the merchant ships engaged in over-sea trade in competition with us, can not afford to invite a commercial war of this kind for the reason, among many others, that they are dependent upon us for much of their food products and other necessary supplies, and if they might by retaliatory measures have the power to cripple our merchant fleets, they would be deterred from this course by self-interest. It must be remembered that while many changes have taken place since the early part of the nineteenth century in our commercial conditions and relations, these changes have not been against, but in our favor; then we were a comparatively weak nation so far as our foreign trade was concerned, with a small and insignificant Navy, undeveloped national resources, and our industrial system yet in its infancy. We were then a debtor nation with the balance of trade against us. If with all these disadvantages against us we were then able to maintain our system of trade regulations and successfully protect our shipping interest against the old, strong, and well-established Governments of Great Britain, Germany, France, and other less powerful governments of Europe, and controlled at that time with our merchant marine as much as 94 per cent of our entire over-sea trade, it would seem now, standing as we do the acknowledged greatest power among the nations of the earth in the strength of our national resources, in our credit, the volume of our domestic and foreign commerce, and in the development of our manufacturing and industrial system, we need have, it seems to me, sir, but little fear of the claim urged that other nations might or would be able, by any system of retaliation to which they might resort, defeat that policy so successfully pursued in the earlier days of the Republic. I, for one, sir, refuse to believe this.

I for one refuse to give up my faith in the plan and policy devised by the wisdom of the fathers, under which our merchant marine achieved such remarkable success, at the bidding of the cohorts of modern graft and greed. But, say the advocates of this special interest, this old policy can not now be made effectual, because under the provisions of the Dingley tariff law the large per cent of our imports are on the free list, and unless a change is made and these articles are placed on the dutiable list our discriminating tariff duties could not be made effective; that from 45 to 47 per cent of our entire imports come in free of duty—that is, in value, and in bulk probably as much as 60 or 70 per cent. In other words, unless the free list is abolished, discriminating duties can not be applied to the encouragement of more than 40 per cent, or a little less than one-half, of our American shipping engaged in foreign trade. It is said that when the policy of tariff discriminations was so successfully applied for the encouragement of our foreign shipping nearly all imports were dutiable, and such a thing as a free list was scarcely known. And then they suggest that if the free list is abolished and these free articles are made dutiable it would so enhance the cost of living and of certain crude materials for our

manufacturing that the people would never submit to it. This character of argument is, to say the least, a little strange to come from these orthodox stand-patters and high priests of protection, but they can always be relied upon in emergencies, and this is one of them, and hence they employ an argument to support a ship-subsidy steal which they just as readily repudiate in the defense of a tariff robbery.

But what is consistency between friends, especially between friends of ship subsidy and high-tariff protection? This argument is invoked evidently but for one purpose and one purpose only, and that is to induce the belief, if possible, that if the policy for which the Democratic party stands—to encourage and again build up our American merchant marine by wholesome navigation laws and discriminating duties—it would require all articles now on the free list to be placed on the dutiable list, and thereby raise the price of living in order to make that policy effective. Democrats, however, are not so unfortunate as Republicans in this contest. They do not have to reverse their position on any question or ask for the imposition of any additional burdens on the people to secure the relief for which they contend. It is true, sir, that we have many articles of imports on the free list, and only wish there were more, if this brings to the people such a boon as our Republican friends now say it does. The shipowners and shipbuilders of this country have no right to expect, much less to demand, that they be given protection at the expense of the sacrifice of the whole earth.

It is said in the majority report that when the Merchant Marine Commission was first organized and started out upon its investigation of this subject that probably a majority of its members who had any positive views upon the subject were strongly in favor of another trial of the policy of discriminating duties, and believed that that course would be recommended to Congress. That from the very beginning of the inquiry powerful arguments for the discriminating-duty plan was advanced by the Maritime Association of the Port of New York and other prominent bodies interested in our foreign shipping, including many leading shipowners and shipbuilders, merchants, and manufacturers throughout the country. But when they came to investigate our trade conditions they found that the trade with South America and the Orient could not be gained for American ships unless the free list was abolished; that they discovered that about 82 per cent of our entire import trade from South and Central America was on the free list; that in our trade with China, Japan, India, and the Orient about 61 per cent of our imports were on the free list, and hence discriminating duties could not adequately encourage American shipping to engage more largely in the commerce of these countries unless we abolished the free list and made these imports dutiable.

In answer to this argument it may be replied that while it may be true, as suggested, that our free list now is much larger than it was when the policy of discriminating duties was so effectual, yet it is equally true that the volume of our trade with those countries has grown marvelously since then and the per cent of dutiable articles now will favorably compare with our total trade at that time, and this leaves us a fair margin in that trade against which this policy can be enforced. Besides it is conceded, or if not conceded it is a well-known fact that none of these countries are ship-owning and ship-operating countries, and that the great bulk of their commerce is being carried in foreign vessels and by foreign tonnage, principally owned and controlled by European countries, with whom the very large per cent of our foreign trade is had; and it is admitted that if like conditions existed between our country and the South and Central American countries and the Far East as prevail between this country and those of Europe, this objection would not be tenable, for it is stated in the Commission's report that not to exceed 28 per cent of our imports from Europe are on the free list, and not to exceed 17 per cent of those from Cuba.

"But," says the majority report, "having given careful and painstaking investigation to the subject, the majority of the Commission were induced to change their minds from discriminating duties to the scheme of 'subventions,' as provided in this Senate bill." And this, by the way, Mr. Chairman, was neither new nor novel, for it may be here recalled that the Republican party, to which, I am informed, the members joining in the majority report of the Commission belong, and with whose views and sentiments upon this subject they are in entire accord and sympathy, performed a like feat with great, if not equal, facility immediately after the campaign of 1896. Sir, the Republican party can no longer surprise the country or achieve new notoriety by this kind of acrobatic performance, and it would be a vain and thankless task for any of its adherents at this late day to attempt to redeem it from a fault, if such it be, that not only inheres in its warf and woof, but in which it glories, and for which it has become historic. At the St. Louis convention in 1896 the Republican party, the party now in control, and which has been in control since that time of every department of the Government, incorporated in its platform the following declaration upon this identical subject. It reads as follows:

> We favor restoring the American policy of discriminating duties for the upbuilding of our merchant marine and the protection of our shipping in the foreign carrying trade, so that American ships, the product of American labor employed in American shipyards, sailing under the Stars and Stripes, and manned, officered, and owned by Americans, may regain the carrying of our foreign commerce.

Now, Mr. Chairman, here is the record of the Republican party, and, I submit, a more emphatic, clear cut, and unequivocal declaration could not well be phrased in the English language, indorsing and pledging your party to what you here say is the "American policy," the policy that the Democratic party has always maintained and now maintains is the only proper, legitimate, and effective policy to rebuild and restore our merchant marine to its wonted prestige, power, and glory upon the seas.

But, Mr. Chairman, in addition to all this we have now reached the high-water mark of our history in our foreign and international trade. Our imports during the year just closed aggregated the stupendous sum of $1,226,562,446, and our exports the no less astonishing sum of $1,740,864,500, making the total aggregate of our foreign trade $2,970,426,946, an increase of $334,000,000 over that for the preceding year of 1905. Not only this, Mr. Chairman, but the annual report of the Secretary of Commerce and Labor for the year just passed—1906—shows that of this increase in our imports and exports it occurred chiefly in our trade with Europe, North America, and Asia. Here is what he says. I quote from his report at page 27:

> The increase in imports during the year occurred chiefly in trade with Europe, North America, and Asia, the increase in imports from Europe being ninety-three millions; from North America, eight millions; from Asia, eighteen millions, while imports from South America showed a decrease of ten millions, due mainly to a reduction in the quantity of coffee imported from Brazil. The exports to Europe increased one hundred and seventy-nine millions, due chiefly to an increase in the quantity of breadstuffs and provisions available for foreign markets—to North America forty-eight millions and to South America eighteen and one-fourth millions. The exports to Asia show a decrease of $23,000,000, occurring chiefly in trade with Japan and China. The exports to Japan during the year were thirteen millions less than those of 1905, and those to China ten millions less.

These figures, Mr. Chairman, confirm and more than vindicate the position taken by the opponents of this measure, namely, that the strongest argument advanced in its favor, to wit, that we can not safely return to the policy of protection by discriminating duties, is wholly unsupported by facts and is without justification in reason. But this is not all. To still further show the utter fallacy of the contention thus made, I call attention in this connection to the receipts of the Government for the fiscal year 1906 and the amount of revenue derived from our customs duties alone. The total amount of receipts from all sources is $594,454,121.67; total receipts from customs duties, $300,251,877.77, an increase of $38,453,020.86 from this same source over the previous year, with an estimated total revenue for the year 1907 of $607,243,037.41. An analysis of the items and sources of these receipts, as shown by the report of the Treasurer of the United States, shows that the burden of taxation falls about equally upon foreign imports and domestic products. When, therefore, we contrast this array of facts and figures shown from official sources with the statements made in support of the contention urged by the ship subsidy advocates it furnishes a complete refutation and demonstrates most conclusively the sophistry of their arguments and hopelessness of their cause.

Now, in conclusion, Mr. Chairman, let us concede all that is claimed by the honorable and learned gentlemen who made and submitted the majority report in favor of this bill, and all that is contended by those who are supporting this measure upon the point of the difference in our commercial conditions and the situation between the earlier days of the Republic and to-day, and contrast those conditions with reference to our merchant marine. It is said that at the close of Washington's Administration our merchant vessels carried 92 per cent of our entire over-sea trade. At that time our total registered tonnage was only 123,893, but a small per cent more of tonnage than is now required to carry 1 per cent of our present immense volume of foreign trade. Now we have more than 900,000 tons of registered shipping engaged in our foreign trade, and it has a capacity to carry less than 8 per cent of our trade. A most striking and interesting contrast, indeed, Mr. Chairman. Again, if we shall realize the full measure of the productive capacity of this bill, if it should ever become a law, and I sincerely trust it may not, we will then have, potentially at least, a merchant marine with a carrying capacity of not to exceed $712,800,000 in value of our foreign over-sea commerce, less than one-fourth of the whole, and in order that we might be able to carry even half of our imports and exports we would have

to have just double the amount of tonnage proposed by this bill, or an increase to at least 5,400,000 tons, and if we carried three-fourths we would have to have three times as much, or 8,100,000 tons, and if we carried all we would be required to have four times as much, or 10,800,000 tons.

Our foreign shipping at this time is carrying 92 per cent of our commerce—last year amounting to $2,970,426,954. A high authority of world-wide reputation as a statistician, M. G. Mulhall, estimates average sea freights at 8 per cent of the value of the goods. This makes our annual freight bill $237,638,156, of which sum we pay to foreign shipping the sum of $212,466,113. The proposed "subvention scheme" of this bill would not reduce this drain to any perceptible extent. When we carried this 92 per cent of our commerce, we could import far beyond our export mark with perfect safety. Now we can not. It requires over $500,000,000 annually to balance our commerce—in exports or cash. A change, say the friends of this scheme, has taken place since the first half of the nineteenth century in our commercial and trade conditions. Yes, indeed, sir; and if it were possible for the men who wrought and achieved in the beginning of the nineteenth century to view the dawn of the twentieth with all the marvelous changes and wonderful development in the means and methods of our production and transportation, our national industrial and manufacturing resources, their astonishment would defy expression. And not the least of the things that would challenge their surprise and excite their amazement would be the proposition of the Republican party to reverse and set aside a policy instituted by their wisdom and sanctioned by the experience and traditions of the Republic and to substitute therefor this modern Republican system of spoliation, graft, and greed.

Yes, sir; we are proud of our achievements in the past, but our national pride is still more exalted when we view and contrast our conditions as a nation in the early half of the nineteenth century with the phenomenal achievements of the intervening years of our history, with the sum total of our national wealth, strength, and power at the beginning of the twentieth century. Verily, indeed, we stand to-day upon the very verge of realizing the prophecy of Tennyson—

> For I dipt into the future, far as human eye could see,
> Saw the vision of the world and all the wonders that would be;
> Saw the heavens fill with commerce, argosies of magic sails,
> Pilots of the purple twilight, dropping down with costly bales.

But, sir, all this boasted wealth, strength, and power has not been the result of always wise, judicious, and patriotic laws. Indeed, quite the contrary has often been true, as, for instance, in the case of our merchant marine. If, therefore, we shall hope to meet the just expectations of the American people and realize their anticipations—always deeply concerned in all that involves the honor, integrity, and renown of their country, ready and willing at all times, with the sacrifice of life and treasure, if needs be, to protect, defend, and preserve its institutions—we must turn from the "dead sea fruit" of this bill, that would impose a burden of more than $25,000,000 annually upon the taxpayers of the nation and all this without hope of the fulfillment of its prophecy, to that historic policy of the early days of the Republic, so aply and eloquently described in the Republican platform of 1896 as the true "American policy"—the policy for which the Democratic party has ever stood and now stands—the policy which has justified its claims to the confidence of the country by its past record of achievements and accomplished results. [Loud applause.]

Mr. HAY. I yield twenty minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, ninety-two years ago to-day Andrew Jackson and his raw troops defeated, at New Orleans, and drove the English army, finally, I hope, from the jurisdiction of the United States. It is a coincidence that we are to-day engaged in the consideration of a bill "making appropriation for the support of the Army for the fiscal year ending June 30, 1908."

It is not my purpose now, Mr. Chairman, to speak of the patriotic deeds of Andrew Jackson, nor to elaborate the history of the great battle of New Orleans, but I have some pertinent and timely matter that I wish to read to the House. My main purpose to-day is to call the attention of this House to the fact that this is the ninety-second anniversary of that great event, and that the American Congress in 1815 passed a resolution of thanks to General Jackson and his troops and ordered a gold medal to be given him at the public expense.

I will ask the Clerk to read that resolution.

The Clerk read as follows:

Resolutions expressive of the thanks of Congress to Major-General Jackson and the troops under his command for their gallantry and good conduct in the defense of New Orleans.

Resolved, etc., That the thanks of Congress be, and they are hereby, given to Major-General Jackson, and, through him, to the officers and soldiers of the Regular Army, of the militia, and of the volunteers under his command, the greater proportion of which troops consisted of militia and volunteers suddenly collected together, for their uniform gallantry and good conduct conspicuously displayed against the enemy from the time of his landing before New Orleans until his final expulsion therefrom, and particularly for the valor, skill, and good conduct on the 8th of January last in repulsing, with great slaughter, a numerous British army, of chosen veteran troops, when attempting, by a bold and daring attack, to carry by storm the works hastily thrown up for the protection of New Orleans, and thereby obtaining a most signal victory over the enemy, with a disparity of loss on his part, unexampled in military annals.

Resolved, That the President of the United States be requested to cause to be struck a gold medal, with devices emblematical of this splendid achievement, and presented to Major-General Jackson as a testimony of the high sense entertained by Congress of his judicious and distinguished conduct on that memorable occasion.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major-General Jackson in such terms as he may deem best calculated to give effect to the objects thereof.

Approved February 27, 1815. (30th Cong., 3d sess., resolution 10.)

Mr. GAINES of Tennessee. Mr. Chairman, on January 21, 1815, General Jackson had "read at the head of each of the corps composing the line below New Orleans" an address, and amongst other things he spoke of this marvelous victory, which prompted the Congress to unanimously pass this resolution of thanks. General Jackson, in this address to his troops, in part said:

On the 8th of January the final effort was made. At the dawn of day the batteries opened and the columns advanced. Knowing that the *volunteers* from Tennessee and the militia from Kentucky were stationed on your left, it was there they directed their chief attack.

Reasoning always from false principles, they expected little opposition from men whose officers even were not in uniform, who were ignorant of the rules of dress, and who had never been *caned into discipline.* [Italics his.]

Fatal mistake! A fire incessantly kept up, directed with a calmness and unerring aim, strewed the field with the bravest officers and men of the column which slowly advanced according to the most approved rules of European tactics and was cut down by the untutored courage of American militia.

Unable to sustain this galling and unerring fire, some hundreds nearest the intrenchments called for quarter; the rest, retreating, were rallied at some distance, but only to make them a surer mark for the grape and canister shot of our artillery, which, without exaggeration, mowed down whole ranks at every discharge, and at length they precipitately retreated from the field.

Our right had only a short contest to sustain with a few rash men, who, fatally for themselves, forced their entrance into the unfinished redoubt on the river.

They were quickly dispossessed, and this glorious day terminated with a loss to the enemy of their commander in chief and one major-general killed, another major-general wounded, and the most experienced and bravest of their officers, *and more than 3,000 men killed, wounded, and missing, while our ranks, my friends, were thinned only by the loss of 7 of our brave companions killed and 6 disabled by wounds—wonderful interposition of heaven! Unexampled event in the history of war!*

Let us be grateful to the God of battles, who has directed the arrows of indignation against our invaders, while he covered with his protecting shield the brave defenders of their country.

After this unsuccessful and disastrous attempt, their spirits were broken, their force was destroyed, and their whole attention was employed in providing the means of escape. This they have effected; leaving their heavy artillery in our power, and many of their wounded to our clemency. The consequences of this short, but decisive, campaign are incalculably important. The pride of our arrogant enemy humbled, his forces broken, his leaders killed, his insolent hopes of our disunion frustrated, his expectation of rioting in our spoils and wasting our country changed into ignominious defeat, shameful flight, and a reluctant acknowledgment of the humanity and kindness of those whom he had doomed to all the horrors and humiliation of a conquered state.

I have before me, Mr. Chairman, the speeches delivered in the House in February, 1815, touching upon this resolution and upon this wonderful military feat of our forces. Mr. Troop, of Georgia, reported the resolution. He said:

That he congratulated the House on the return of peace; if the peace be honorable, he might be permitted to congratulate the House on the glorious termination of the war. He might be permitted to congratulate them on the glorious termination of the most glorious war ever waged by any people. To the glory of it General Jackson and his gallant army had contributed not a little. I can not, sir, perhaps language can not, do justice to the merits of General Jackson and the troops under his command, or to the sensibility of the House, I will therefore forbear to trouble the House with the usual prefatory remarks; it is a fit subject for the genius of Homer.

But there was a spectacle connected with this subject upon which the human mind would delight to dwell—upon which the human mind could not fail to dwell with peculiar pride and exultation. It was the yeomen of the country marching to the defense of the city of Orleans, leaving their wives and children and firesides at a moment's warning. On the one side, committing themselves to the bosom of the mother of rivers; on the other, taking the route of the trackless and savage wilderness for hundreds of miles. Meeting at the place of rendezvous; seeking, attacking, and beating the enemy in a pitched battle; repulsing three desperate assaults with great loss to him; killing, wounding, and capturing more than 4,000 of his force, and finally compelling him to fly precipitately the country he had boldly invaded. *The farmers of the country triumphantly victorious over the conquerors of the conquerors of Europe. "I came, I saw, I conquered," says the American husbandman, fresh from his plow.*

The proud veteran who triumphed in Spain and carried terror into the warlike population of France was humbled beneath the power of my arm. The God of Battles and of Righteousness took part with the defenders of their country, and the foe was scattered before us as chaff before the wind. It is, indeed, a fit subject for the genius of Homer, of Ossian, or Milton.

That militia should be beaten by militia is of natural and ordinary occurrence; that regular troops should be beaten by militia is not without example; the examples are as numerous, or more numerous, in our

own country than in any other; but that regular troops, the best disciplined and most veteran of Europe, should be beaten by undisciplined militia, with the disproportion of loss of a hundred to one, is, to use the language of the commanding general, almost incredible. The disparity of the loss, the equality of force, the difference in the character of the force, all combine to render the battle of the 8th of January at once the most brilliant and extraordinary of modern times. Nothing can account for it but the rare merits of the commanding general and the rare patriotism and military ardor of the troops under his command.

Glorious, sir, as are these events to the American arms, honorable as they are to the American character, they are not more glorious and honorable than are the immediate consequences full of usefulness to the country. If the war had continued the men of the country would have been inspired with a noble ardor and a generous emulation in defense of the country; they would have struck terror into the invader, and given confidence to the invaded. Europe has seen that to be formidable on the ocean we need but will it. Europe will see that to be invincible on land it is only necessary that we judiciously employ the means which God and nature have bountifully placed at our disposal. *The men of Europe, bred in camps, trained to war, with all the science and all the experience of modern war, are not a match for the men of America taken from the closet, the bar, the court-house, and the plow. If, sir, it be pardonable at any time to indulge the sentiments and feelings, it may be deemed pardonable on the present occasion.*

Mr. Robertson, a Member of Congress from Louisiana—and I dare say an ancester of the present Member from Louisiana of the same name, the Hon. SAM ROBERTSON—said:

Mr. Speaker, representing alone on this floor an interesting part of our country, saved by heroism unmatched from horrors which can not be described, I shall be excused for expressing my admiration of General Jackson, his great achievements, and the splendid battles which we now commemorate.

He then spoke of the fidelity of the Louisiana French to Jackson in this crisis. Many of them that came under the command of General Jackson were French or of French descent, and it was expected that they would not faithfully fight. Yet they not only did that, but this same Congress passed a resolution of thanks specially to the people of Louisiana for the great assistance they gave General Jackson on this occasion.

Mr. Robertson then continues in describing Jackson's army and his rough breastworks:

Hasty levies of half-armed, undisciplined militia from the interior of our vast continent, from the banks of the Tennessee, the Cumberland, and the Ohio, traversing wide and trackless regions, precipitate themselves to the scene of conflict, resolute to defend their distant brethren from the dangers with which they are menaced. There the hardy sons of the West, with the yeomanry of the adjacent territory and the invaded State, with a handful of regulars and a few armed vessels, constituted that force from which the tremendous armament of our enemy was to experience the most signal overthrow the world has ever witnessed. But Jackson was their leader, and though inexpert in scientific warfare they were animated by something more valuable than discipline, more irresistible than all the energy which mere machinery can display; they were animated by patriotism, by that holy enthusiasm which surmounts all difficulties and points the way to triumph. Happy if a parallel to their conduct may be found. It must be looked for in the achievements of those who, like themselves, fought for the liberties of their country. History records, to the consolation of freemen, that the Poles, unarmed and ignorant of tactics, beat the veteran troops of Frederick and Catharine in many pitched battles, never less than three times their numbers, but their leader was Kosciusko. In the early stages of the Revolution the peasantry of France, under Custine and Du Mourier, repulsed from their soil the disciplined thousands of the Duke of Brunswick; but it was not the Poles nor the Frenchmen; *it was love of country.* It was the cause.

He speaks of the 8th of January in these words:

On the 8th of January, a day destined to form an era in history, this army of invincibles, led on by gallant chiefs, advanced to the charge with firm step, according to methods most approved—trenches hastily thrown up, defended by what they considered a mob, a vagabond militia, promised an enterprise destitute alike of hazard and of honor. They were met by an incessant and murderous discharge of musketry and artillery; the whole line was a continuous sheet of fire; intrepidity stood appalled, their generals slain, the ditch filled, the field strewed with the dying and the dead; a miserable remnant of their thousands fled back to their intrenchments. The battle closed, a battle whose character, from the nature of the troops engaged and the disparity of loss, is the most wonderful, whose effects are as important, as any that was ever fought. *And now we are invited to the contemplation of a scene which reflects immortal honor on the inhabitants of New Orleans and, by contrast, eternal shame on the enemy.*

The dead were interred, the agonies of the dying assuaged, the wounded relieved; that property which was to have been given up to plunder was willingly yielded to their wants, and the very individuals, the marked victims of their licentiousness, vied with each other in extending to them every proof of tenderness and humanity.

Mr. Speaker, I am reminded in reading that paragraph of one of the things that made the troops under Jackson fight so. The enemy said victory meant "booty and beauty" to them. It meant not only plunder, but invasion of all that is sacred to you—wife and daughters—and yet so humane were the soldiers of Jackson—the Tennesseans, the Kentuckians, and the Mississippians—who fought that battle and the people of New Orleans that they cared for the wounded and they buried the dead, and Jackson secured before the battle ended a suspension of the fight in one place to attend to this humane duty. Mr. Chairman, just a few steps more in this great debate about this resolution and then I am done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended ten minutes.

The CHAIRMAN. The Chairman would state to the gentleman that the time is controlled by the gentleman from Iowa and the gentleman from Virginia.

Mr. HAY. I yield the gentleman ten minutes.

Mr. GAINES of Tennessee. Mr. Ingersoll, from the great State of Pennsylvania, on this occasion said:

Mr. Speaker, I regret that these resolutions require any amendment. I am persuaded, however, that their final passage will be unanimous. The House will excuse me, I hope, if I indulge myself in a few observations on this occasion. I speak impromptu, sir, without premeditation—I have found it impossible to think—I have been able only to feel these last three days. The unexpected, the grateful termination of the glorious struggle we have just concluded is calculated to excite emotions such as can be understood by those only who can feel them.

For the first time during this long, arduous, and trying session we can all feel alike—we are all of one mind—all hearts leap to the embraces of each other. Such a spectacle as that now exhibited by the Senate and House of Representatives of the United States of America was never presented to the world before.

While the Senate are ratifying a treaty of peace, the House of Representatives are voting heartfelt thanks to those noble patriots, those gallant citizen-soldiers who have crowned that peace with imperishable luster. The terms of the treaty are yet unknown to us. But the victory at New Orleans has rendered them glorious and honorable, be they what they may. They must be honorable under such a termination of the war.

Those commissioners who have afforded us such signal credentials of their firmness heretofore, can not possibly have swerved. The Government has not betrayed its trust. The nation now can not be discredited. It has done its duty and is above disgrace.

Within five and thirty years of our national existence we have achieved a second acknowledgment of our national sovereignty.

In the war of the Revolution we had allies in arms, reinforcements from abroad on our own soil, and the wishes of all Europe on our side.

But in this late conflict we stood single-handed. Not an auxiliary to support us, not a bosom in Europe that dared beat on our behalf, not one but what was constrained to stifle its hopes, if it entertained any in our favor. The treaty signed at Paris on the 30th of last May placed us in a situation of the utmost emergency.

Mr. Chairman, peace had been agreed to before the battle of New Orleans had been fought, but Jackson did not know it, nor did the English generals; otherwise this battle would not have been fought.

Mr. Chairman, I must be brief. I love to read after those old statesmen—the old patriots. It is well for us to quit reading a whole lot of modern trash and "go away back up the creek" and read the words of patriots who were unbought and unpurchasable, who would not sell their independence, their own thoughts, their own belief, their influence, or their power of speech for pelf or power. [Applause.] Hence I have read these resolutions and from those old speeches of 1815, which you seem to enjoy.

The victory of Jackson and his troops, to use a short expression, "set up" this country, and, as one of these speakers said, made it a "sovereign" in the eyes of the world. This, Jackson's victory, has compelled the world to respect American arms—the Stars and Stripes—as no other one military act has done.

Before this I should have said there was only one known soldier who deserted from Jackson's army. He went over and told the English where he thought the weak places in Jackson's forces were, and I find in a little red-backed book somebody sent me to-day, entitled "An Official and Full Detail of the Battle of New Orleans," by Maj. B. M. Davis, a footnote that states that as a fact, as follows:

This man was the *only* deserter from Jackson's army. He told Sir Edward where the *weakest* parts of the American lines were, having nothing but Tennessee and Kentucky militia to defend it. The principal column attacked *that* point. After the defeat they *railed* at the deserter and *hung* him.

No one can blame the British for that hanging. It is rather remarkable enough were left alive to make a good job of it.

I read now, Mr. Chairman, from a fellow-citizen from the city of Nashville, Col. Arthur S. Colyar, who has recently written a book entitled "The Life and Times of Andrew Jackson." This splendid old man—statesman, lawyer, patriot, and author—son of a Kings Mountain hero, still survives and will be out to-night, I dare say, at the Hermitage Club, Nashville, where the Ladies' Hermitage Association, which takes care of the "Hermitage," where Jackson lived and died, will celebrate the victory of New Orleans, as they do annually.

Indeed, he will not only be out to-night, but I dare say he will be out to-morrow, for he is still an active practitioner at the Nashville bar, though about 84 years of age. Here is what he says about this marvelous victory of Jackson:

The battle of the 8th of January is a mystery. It is difficult to believe the well-established facts.

That is what Jackson himself said when he reported only 6 killed on the 8th of January.

Colonel Colyar continues:

Historians have been slow to admit the facts as they are. In these chapters I am undertaking to account for this marvelous triumph by untrained militia over one of the best armies England ever sent into the field, and I trust my readers will not be impatient to have me

reach that memorable day in our history, because to know and be satisfied about the result of the 8th and the complete triumph of General Jackson, contending with more than double his number, and how it was done, the whole facts must be given, though it may seem tedious. No writer that I have found has satisfactorily accounted for this marvelous chapter in war. Jackson, by a generalship that has no counterpart, whipped this great battle before he got to it. If I take what may seem to be more time than is necessary in reaching the final struggle, let it be remembered that nothing like it is recorded in history.

Two thousand dead British and less than a dozen men lost on the American side is the wonder in war's record, the loss from the time of landing being more than 3,000.

Colonel Colyar then quotes at length from Jackson and New Orleans, by Walker, who graphically describes Jackson's troops between December 28, 1814, and the 1st of January, 1815, when the two armies were confronting each other on a level plain, as follows:

These wily frontiersmen, habituated to the Indian mode of warfare, never missed a chance of picking up a straggler or sentinel. Clad in their dusky, brown homespun, they would glide unperceived through the woods and, taking a cool view of the enemy's lines, would cover the first Briton who came within range of their long, small-bored rifles. Nor did they waste their ammunition. Whenever they drew a bead on any object it was certain to fall. The cool indifference with which they would perform the most daring acts would be amazing.

Mr. Chairman, those men fought with flintlock guns, with shotguns, and with the squirrel rifles, such as they could hurriedly gather together in Tennessee and Kentucky and Mississippi, and accomplished this wonderful victory over the pride of British troops.

How much, Mr. Chairman, since then the burden has increased upon the American people! We have been benefited by the fruits of that great victory as individuals and as a nation. We have millions and millions of money with which to buy and make the greatest, strongest, and most dangerous guns and men-of-war. How much greater now, in time of peace, is the responsibility on us to avoid war. Our ability is greater now to do so than ever before. Let us be actually at peace with all the world; speed the day by our example and by our teachings to at least a gradual removal of the causes of war—thus bar all its evils at a near day. Let us aid other countries that have been struggling so long at the mouth of the cannon and in front of the bloody bayonet for the same glorious principles and privileges which Jackson and his troops on the 8th day of January fought for, and that we, their children, are enjoying here to-day, but which we can aid others to get without bloodshed. [Applause.]

Mr. HULL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, the Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 2315. An act granting a pension to Miranda Birkhead;
H. R. 2978. An act granting a pension to Amanda M. Webb;
H. R. 4292. An act granting a pension to George W. Kelley;
H. R. 9107. An act granting a pension to James W. Russell;
H. R. 9465. An act granting a pension to Ella Q. Parrish;
H. R. 10814. An act granting a pension to Eugene A. Myers;
H. R. 11483. An act granting a pension to Maria Niles;
H. R. 12517. An act granting a pension to William Bays;
H. R. 14144. An act granting a pension to Allen M. Cameron;
H. R. 16342. An act granting a pension to Matilda Foster;
H. R. 16747. An act granting a pension to Sherman Jacobs;
H. R. 17481. An act granting a pension to Eliza F. Wadsworth;
H. R. 17918. An act granting a pension to Walter S. Harman;
H. R. 19483. An act granting a pension to Lydia A. Patnaude;
H. R. 1871. An act granting an increase of pension to Alonzo Cooper;
H. R. 2715. An act granting an increase of pension to Charles Martine;
H. R. 3338. An act granting an increase of pension to Lafayette Franks;
H. R. 4205. An act granting an increase of pension to Amanda W. Ritchie;
H. R. 4689. An act granting an increase of pension to James Reeder;
H. R. 4690. An act granting an increase of pension to Andrew J. Slinger;
H. R. 4707. An act granting an increase of pension to John H. Pitman;
H. R. 5728. An act granting an increase of pension to William Harvey;
H. R. 5846. An act granting an increase of pension to John M. Chandler;
H. R. 6956. An act granting an increase of pension to Henry L. Johnson;
H. R. 7580. An act granting an increase of pension to James W. Stewart;
H. R. 7719. An act granting an increase of pension to George Fetterman;
H. R. 8273. An act granting an increase of pension to John M. Pearson;
H. R. 8481. An act granting an increase of pension to Richard Callaghan;
H. R. 8712. An act granting an increase of pension to Josiah Hall;
H. R. 9262. An act granting an increase of pension to Thomas J. Farrar;
H. R. 9836. An act granting an increase of pension to Dier Collett;
H. R. 11142. An act granting an increase of pension to James McQuade;
H. R. 12128. An act granting an increase of pension to Dennis A. Litzinger;
H. R. 12190. An act granting an increase of pension to Milton R. Dungan;
H. R. 12339. An act granting an increase of pension to Charles T. Murray;
H. R. 12482. An act granting an increase of pension to Samuel B. McLean;
H. R. 12667. An act granting an increase of pension to Charles W. Weber;
H. R. 13057. An act granting an increase of pension to James S. Salsberry;
H. R. 14199. An act granting an increase of pension to John Ewing;
H. R. 14480. An act granting an increase of pension to Mary C. Moore;
H. R. 14537. An act granting an increase of pension to Robert B. Crawford;
H. R. 14680. An act granting an increase of pension to Sampson Parker;
H. R. 15619. An act granting an increase of pension to Samuel W. Atkinson;
H. R. 15620. An act granting an increase of pension to David D. Owens;
H. R. 15713. An act granting an increase of pension to William McCrea;
H. R. 16211. An act granting an increase of pension to John W. Montgomery;
H. R. 16397. An act granting an increase of pension to Allie Williams;
H. R. 16513. An act granting an increase of pension to Bridget M. Duffy;
H. R. 16741. An act granting an increase of pension to William J. Girvan;
H. R. 16748. An act granting an increase of pension to Lucius C. Fletcher;
H. R. 16856. An act granting an increase of pension to Joseph McBride;
H. R. 17051. An act granting an increase of pension to Mary A. Riley;
H. R. 17675. An act granting an increase of pension to Jonas M. Sees;
H. R. 17691. An act granting an increase of pension to George W. Henrie;
H. R. 17874. An act granting an increase of pension to Roseanna Hughes;
H. R. 18018. An act granting an increase of pension to David Evans;
H. R. 18045. An act granting an increase of pension to John M. Webb;
H. R. 18066. An act granting an increase of pension to Alexander M. Fergus;
H. R. 18113. An act granting an increase of pension to Louisa M. Sees;
H. R. 18193. An act granting an increase of pension to Walden Kelly;
H. R. 18214. An act granting an increase of pension to John Ingram;
H. R. 18227. An act granting an increase of pension to Catharine F. Fitzgerald;

H. R. 18343. An act granting an increase of pension to John N. Oliver;
H. R. 18363. An act granting an increase of pension to Rudolph Bentz;
H. R. 18403. An act granting an increase of pension to Mary Jane Ragan;
H. R. 18429. An act granting an increase of pension to David Mitchell;
H. R. 18493. An act granting an increase of pension to George H. Reeder;
H. R. 18705. An act granting an increase of pension to Thomas T. Page;
H. R. 18860. An act granting an increase of pension to Andrew J. Anderson;
H. R. 19080. An act granting an increase of pension to Frederick Fienop;
H. R. 19101. An act granting an increase of pension to Sarah C. A. Scott;
H. R. 19119. An act granting an increase of pension to Susan M. Osborn;
H. R. 19161. An act granting an increase of pension to Marcus D. Tenney;
H. R. 19162. An act granting an increase of pension to Charles Van Tine;
H. R. 19174. An act granting an increase of pension to Martha A. Billings;
H. R. 19215. An act granting an increase of pension to John Lingenfelder;
H. R. 19256. An act granting an increase of pension to Louisa J. Birthright;
H. R. 19293. An act granting an increase of pension to William Colvin;
H. R. 19298. An act granting an increase of pension to Job B. Crabtree;
H. R. 19300. An act granting an increase of pension to Phebe Easley;
H. R. 21408. An act to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906;
H. J. Res. 196. Joint resolution relating to the construction of a bridge at Fort Snelling, Minn.;
H. R. 21678. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana;
H. R. 19321. An act granting an increase of pension to Mary E. Turner;
H. R. 19318. An act granting an increase of pension to Mary E. Rivers;
H. R. 19319. An act granting an increase of pension to Elizabeth Spruell;
H. R. 19320. An act granting an increase of pension to Louise J. Pratt;
H. R. 19322. An act granting an increase of pension to Mary Isabella Rykard;
H. R. 19323. An act granting an increase of pension to Orlando L. Levy;
H. R. 19324. An act granting an increase of pension to Susan M. Long;
H. R. 19325. An act granting an increase of pension to George Oppel;
H. R. 19326. An act granting an increase of pension to Margaret R. Vandiver;
H. R. 19357. An act granting an increase of pension to Anna Lamar Walker;
H. R. 19359. An act granting an increase of pension to Levi Brader;
H. R. 19404. An act granting an increase of pension to Elias S. Falkenburg;
H. R. 19415. An act granting an increase of pension to Sarah Ann Reavis;
H. R. 19416. An act granting an increase of pension to Antonio Macello;
H. R. 19463. An act granting an increase of pension to Emma L. Patterson;
H. R. 19503. An act granting an increase of pension to David S. Jones;
H. R. 19504. An act granting an increase of pension to Margaret E. Walker;
H. R. 19511. An act granting an increase of pension to Alexander Dixson;
H. R. 19514. An act granting an increase of pension to James H. Stimpson;
H. R. 19529. An act granting an increase of pension to Nancy Elizabeth Hutcheson;
H. R. 19530. An act granting an increase of pension to Charles P. Gray;
H. R. 19534. An act granting an increase of pension to Noah Ressequie;
H. R. 19587. An act granting an increase of pension to Martha Ann Jones;
H. R. 19601. An act granting an increase of pension to John E. Kingsbury;
H. R. 19611. An act granting an increase of pension to Jacob Kinkerly;
H. R. 19626. An act granting an increase of pension to Samuel Campbell;
H. R. 19743. An act granting an increase of pension to W. P. McMichael;
H. R. 19744. An act granting an increase of pension to George Casper Homan Hummel, alias George C. Homan;
H. R. 19819. An act granting an increase of pension to Johanna Kearney;
H. R. 19889. An act granting an increase of pension to John M. Melson;
H. R. 19922. An act granting an increase of pension to Mary A. Sutherland;
H. R. 4554. An act to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnewski; and
H. R. 21200. An act to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Allegheny County, Pa.

WITHDRAWAL OF PAPERS.

By unanimous consent,
Mr. RAINEY was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of James T. Dodson, H. R. 3458, Forty-ninth Congress, no adverse report having been made thereon.
Mr. SMITH of Kentucky, to withdraw from the files of the House, without leaving copies, the papers in the case of the estate of Levi Fields, H. R. 702, Fifty-sixth Congress, no adverse report having been made thereon.
Mr. DOVENER, to withdraw from the files of the House, without leaving copies, the papers in the case of James A. Smith, H. R. 7864, Forty-eighth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to.
Accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:
A letter from the Secretary of the Treasury, submitting a statement as to the necessity of refunding certain securities held by the Treasury Department for the benefit of the South Carolina school fund—to the Committee on Ways and Means, and ordered to be printed.
A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of the Navy submitting an estimate of appropriation for water-system extension at naval station, Guantanamo, Cuba—to the Committee on Naval Affairs, and ordered to be printed.
A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for refund to G. H. La Fountaine & Co., of Plattsburg, N. Y.—to the Committee on Claims, and ordered to be printed.
A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of plans and estimates of cost of navigable waterway from Lockport, Ill., to St. Louis, Mo.—to the Committee on Rivers and Harbors, and ordered to be printed.
A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Newport Harbor, Rhode Island—to the Committee on Rivers and Harbors, and ordered to be printed.
A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a statement as to the employment of civil engineers in river and harbor works for the fiscal year ended June 30, 1906—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of Agriculture, submitting a statement of appointments, promotions, and changes in salaries paid from lump sums in his Department—to the Committee on Expenditures in the Department of Agriculture, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a draft of legislation for permitting a patent in fee simple to be issued to Kaw pa she no quah, or Esta Beaver, a Peoria allottee—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill of the following title was reported from committee, delivered to the Clerk, and referred to the Calendar therein named, as follows:

Mr. DAVEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 22338) to bridge Bayou Bartholomew, in Louisiana, reported the same with amendment, accompanied by a report (No. 6053); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23122) granting an increase of pension to Melissa D. Whitman, reported the same with amendment, accompanied by a report (No. 5886); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23133) granting an increase of pension to John Cowan, reported the same without amendment, accompanied by a report (No. 5887); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22932) granting an increase of pension to Bryngel Severson, reported the same with amendment, accompanied by a report (No. 5888); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22926) granting a pension to Louisa Bartlett, reported the same without amendment, accompanied by a report (No. 5889); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22858) granting an increase of pension to John A. Henry, reported the same with amendment, accompanied by a report (No. 5890); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22757) granting an increase of pension to Joshua E. Hyatt, reported the same with amendment, accompanied by a report (No. 5891); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22711) granting an increase of pension to Jacob Kures, reported the same with amendment, accompanied by a report (No. 5892); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22706) granting an increase of pension to William Smoker, reported the same without amendment, accompanied by a report (No. 5893); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22447) granting an increase of pension to Frank Schadler, reported the same with amendment, accompanied by a report (No. 5894); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22238) granting an increase of pension to James Stinson, reported the same with amendment, accompanied by a report (No. 5895); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21915) granting an increase of pension to John A. Smith, reported the same with amendment, accompanied by a report (No. 5896); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21648) granting an increase of pension to Michael Gaus, reported the same with amendment, accompanied by a report (No. 5897); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21603) granting an increase of pension to Calvin S. Mullins, reported the same with amendment, accompanied by a report (No. 5898); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21280) granting an increase of pension to Isaac Cain, reported the same with amendment, accompanied by a report (No. 5899); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21270) granting an increase of pension to Ellen Sullivan, reported the same with amendment, accompanied by a report (No. 5900); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20931) granting an increase of pension to John N. Shear, reported the same without amendment, accompanied by a report (No. 5901); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20733) granting an increase of pension to Oscar Andrews, reported the same with amendment, accompanied by a report (No. 5902); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20188) granting an increase of pension to John H. McCain, reported the same with amendment, accompanied by a report (No. 5903); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19832) granting an increase of pension to George W. Smith, reported the same with amendment, accompanied by a report (No. 5904); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Commitee on Invalid Pensions, to which was referred the bill of the House (H. R. 19401) granting an increase of pension to Campbell Cowan, reported the same with amendment, accompanied by a report (No. 5905); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18574) granting an increase of pension to Levi Miles, reported the same with amendment, accompanied by a report (No. 5906); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14995) granting an increase of pension to James H. Bell, reported the same without amendment, accompanied by a report (No. 5907); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4346) granting an increase of pension to T. H. B. Schooling, reported the same with amendment, accompanied by a report (No. 5908); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2175) granting an increase of pension to James W. Bliss, reported the same with amendment, accompanied by a report (No. 5909); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20730) granting an increase of pension to John Carpenter, reported the same without amendment, accompanied by a report (No. 5910); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21913) granting an increase of pension to Henry Pieper, reported the same with amendment, accompanied by a report (No. 5911); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22237) granting an increase of pension to Nathan Lawson, reported the same with amendment, accompanied by a report (No. 5912); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22445) granting an increase of pension to Adaline T. Fisher, reported the same with amendment, accompanied by a report (No. 5913); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22710) granting an increase of pension to Nelson Cornell, reported the same with amendment, accompanied by a report (No. 5914); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2826) granting an increase of pension to Samuel Prochel, reported the same with amendment, accompanied by a report (No. 5915); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 10) granting an increase of pension to Roswell Prescott, reported the same without amendment, accompanied by a report (No. 5916); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 123) granting an increase of pension to William M. Morgan, reported the same without amendment, accompanied by a report (No. 5917); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 480) granting an increase of pension to Silas A. Reynolds, reported the same without amendment, accompanied by a report (No. 5918); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 677) granting an increase of pension to Albert G. Peabody, jr., reported the same without amendment, accompanied by a report (No. 5919); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 679) granting an increase of pension to Thomas Kelly, reported the same without amendment, accompanied by a report (No. 5920); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 768) granting an increase of pension to William H. Rhoads, reported the same without amendment, accompanied by a report (No. 5921); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 771) granting an increase of pension to Samuel G. Kreidler, reported the same without amendment, accompanied by a report (No. 5922); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 774) granting an increase of pension to August Krueger, reported the same without amendment, accompanied by a report (No. 5923); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 831) granting an increase of pension to Isaac G. Clark, reported the same without amendment, accompanied by a report (No. 5924); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1257) granting an increase of pension to Patrick O'Day, reported the same without amendment, accompanied by a report (No. 5925); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1347) granting a pension to Martha W. Pollard, reported the same without amendment, accompanied by a report (No. 5926); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1493) granting an increase of pension to Cathrin Huff, reported the same without amendment, accompanied by a report (No. 5927); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1857) granting an increase of pension to William Vantilburgh, reported the same without amendment, accompanied by a report (No. 5928); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1891) granting an increase of pension to Charles F. M. Morgan, reported the same without amendment, accompanied by a report (No. 5929); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1941) granting an increase of pension to Elvira A. Kelly, reported the same without amendment, accompanied by a report (No. 5930); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2249) granting an increase of pension to George W. Smith, reported the same without amendment, accompanied by a report (No. 5931); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2541) granting an increase of pension to Thomas W. Murray, reported the same without amendment, accompanied by a report (No. 5932); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2563) granting a pension to Isaac Carter, reported the same without amendment, accompanied by a report (No. 5933); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2643) granting an increase of pension to James H. Thrasher, reported the same without amendment, accompanied by a report (No. 5934); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2669) granting an increase of pension to Winfield S. Ramsay, reported the same without amendment, accompanied by a report (No. 5935); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2734) granting an increase of pension to John R. Conyngham, reported the same without amendment, accompanied by a report (No. 5936); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2737) granting an increase of pension to Benjamin Hains, reported the same without amendment, accompanied by a report (No. 5937); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2749) granting an increase of pension to John H. Brooks, reported the same without amendment, accompanied by a report (No. 5938); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2794) granting an increase of pension to John H. Allison, reported the same without amendment, accompanied by a report (No. 5939); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3220) granting an increase of pension to Wilbur H. Clark, reported the same without amendment, accompanied by a report (No. 5940); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3221) granting an increase of pension to Robert Mills, reported the same without amendment, accompanied by a report (No. 5941); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3671) granting an increase of pension to Louis Castinette, reported the same without amendment, accompanied by a report (No. 5942); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3763) granting an increase of pension to Mary A. Baker, reported the same without amendment, accompanied by a report (No. 5943); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3767) granting an increase of pension to Samuel Turner, reported the same without amendment, accompanied by a report (No. 5944); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3931) granting an increase of pension to Fanny A. Pearsons, reported the same without amendment, accompanied by a report (No. 5945); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4032) granting an increase of pension to Solomon Craighton, reported the same without amendment, accompanied by a report (No. 5946); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pen-

sions, to which was referred the bill of the Senate (S. 4053) granting an increase of pension to William A. Smith, reported the same without amendment, accompanied by a report (No. 5947); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4127) granting an increase of pension to Samuel Paine, reported the same without amendment, accompanied by a report (No. 5948); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4406) granting an increase of pension to Susan N. Fowler, reported the same without amendment, accompanied by a report (No. 5949); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4771) granting an increase of pension to George R. Turner, reported the same without amendment, accompanied by a report (No. 5950); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4772) granting an increase of pension to Gertrude McNeil, reported the same without amendment, accompanied by a report (No. 5951); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4894) granting an increase of pension to Robert Ramsey, reported the same without amendment, accompanied by a report (No. 5952); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4979) granting an increase of pension to Don C. Smith, reported the same without amendment, accompanied by a report (No. 5953); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5067) granting an increase of pension to Martin Schultz, reported the same without amendment, accompanied by a report (No. 5954); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5073) granting an increase of pension to Daniel G. Smith, reported the same without amendment, accompanied by a report (No. 5955); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5156) granting an increase of pension to Granville F. North, reported the same without amendment, accompanied by a report (No. 5956); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5176) granting an increase of pension to Lewis C. Janes, reported the same without amendment, accompanied by a report (No. 5957); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5443) granting an increase of pension to James D. Merrill, reported the same without amendment, accompanied by a report (No. 5958); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5493) granting an increase of pension to Marcus Wood, reported the same without amendment, accompanied by a report (No. 5959); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5502) granting an increase of pension to John B. Coyle, reported the same without amendment, accompanied by a report (No. 5960); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5573) granting an increase of pension to Gustavus A. Thompson, reported the same without amendment, accompanied by a report (No. 5961); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5599) granting an increase of pension to Dennis Flaherty, reported the same without amendment, accompanied by a report (No. 5962); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5685) granting an increase of pension to James M. Jenkins, reported the same without amendment, accompanied by a report (No. 5963); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5725) granting an increase of pension to Alonzo S. Prather, reported the same without amendment, accompanied by a report (No. 5964); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5727) granting an increase of pension to Lucius Rumrill, reported the same without amendment, accompanied by a report (No. 5965); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5740) granting an increase of pension to Jared Ayer, reported the same without amendment, accompanied by a report (No. 5966); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5741) granting an increase of pension to Amelia M. Hawes, reported the same without amendment, accompanied by a report (No. 5967); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5771) granting a pension to Mary E. Thompson, reported the same without amendment, accompanied by a report (No. 5968); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5823) granting an increase of pension to Nelson Virgin, reported the same without amendment, accompanied by a report (No. 5969); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5826) granting an increase of pension to Isaac C. Phillips, reported the same without amendment, accompanied by a report (No. 5970); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5892) granting an increase of pension to Daniel W. Redfield, reported the same without amendment, accompanied by a report (No. 5971); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5963) granting an increase of pension to James Reed, reported the same without amendment, accompanied by a report (No. 5972); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5980) granting an increase of pension to Jacob Smith, reported the same without amendment, accompanied by a report (No. 5973); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6005) granting an increase of pension to John G. Bridaham, reported the same without amendment, accompanied by a report (No. 5974); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6008) granting an increase of pension to Joseph Lamont, reported the same without amendment, accompanied by a report (No. 5975); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6019) granting a pension to Harriet O'Donald, reported the same without amendment, accompanied by a report (No. 5976); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6035) granting an increase of pension to John Fox, reported the same without amendment, accompanied by a report (No. 5977); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6051) granting an increase of pension to Mary A. Duncan, reported the same without amendment, accompanied by a report (No. 5978); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6052) granting an increase of pension to William E. Redmond, reported the same without amendment, accompanied by a report (No. 5979); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the Senate (S. 6126) granting an increase of pension to James E. Speake, reported the same without amendment, accompanied by a report (No. 5980); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6131) granting an increase of pension to Frances A. Jepson, reported the same without amendment, accompanied by a report (No. 5981); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6163) granting an increase of pension to William H. Westcott, reported the same without amendment, accompanied by a report (No. 5982); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6186) granting an increase of pension to James L. Estlow, reported the same without amendment, accompanied by a report (No. 5983); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6203) granting an increase of pension to Francis W. Crommett, reported the same without amendment, accompanied by a report (No. 5984); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6232) granting an increase of pension to John L. Anthony, reported the same without amendment, accompanied by a report (No. 5985); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6238) granting an increase of pension to Hugh S. Strain, reported the same without amendment, accompanied by a report (No. 5986); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6239) granting an increase of pension to Kate M. Miner, reported the same without amendment, accompanied by a report (No. 5987); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6250) granting an increase of pension to Alice G. Clark, reported the same without amendment, accompanied by a report (No. 5988); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6267) granting an increase of pension to Denis A. Manning, reported the same without amendment, accompanied by a report (No. 5989); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6347) granting an increase of pension to Edward R. Cunningham, reported the same without amendment, accompanied by a report (No. 5990); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6353) granting an increase of pension to Dolores S. Foster, reported the same without amendment, accompanied by a report (No. 5991); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6429) granting an increase of pension to Mary L. Beardsley, reported the same without amendment, accompanied by a report (No. 5992); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6438) granting an increase of pension to Martha J. Haller, reported the same without amendment, accompanied by a report (No. 5993); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6466) granting an increase of pension to Samuel Moser, reported the same without amendment, accompanied by a report (No. 5994); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6485) granting an increase of pension to Samuel Cook, reported the same without amendment, accompanied by a report (No. 5995); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6506) granting an increase of pension to Henry Z. Bowman, reported the same without amendment, accompanied by a report (No. 5996); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6537) granting an increase of pension to William Eppinger, reported the same without amendment, accompanied by a report (No. 5997); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6560) granting an increase of pension to Reuben D. Dodge, reported the same without amendment, accompanied by a report (No. 5998); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6561) granting an increase of pension to George W. Blair, reported the same without amendment, accompanied by a report (No. 5999); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6568) granting an increase of pension to Wilbur F. Hodge, reported the same without amendment, accompanied by a report (No. 6000); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6569) granting an increase of pension to George Porter, reported the same without amendment, accompanied by a report (No. 6001); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6572) granting an increase of pension to Aaron L. Roberts, reported the same without amendment, accompanied by a report (No. 6002); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6574) granting an increase of pension to Maria H. Waggoner, reported the same without amendment, accompanied by a report (No. 6003); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6576) granting an increase of pension to Michael Meyers, reported the same without amendment, accompanied by a report (No. 6004); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6579) granting an increase of pension to Ezekiel Morrill, reported the same without amendment, accompanied by a report (No. 6005); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6580) granting an increase of pension to Ella B. Greene, reported the same without amendment, accompanied by a report (No. 6006); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6581) granting an increase of pension to Joseph W. Lowell, reported the same without amendment, accompanied by a report (No. 6007); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6583) granting an increase of pension to Abram P. Colby, reported the same without amendment, accompanied by a report (No. 6008); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6585) granting an increase of pension to Amos Ham, reported the same without amendment, accompanied by a report (No. 6009); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6586) granting an increase of pension to Wesley J. Ladd, reported the same without amendment, accompanied by a report (No. 6010); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6591) granting an increase of pension to Henry Campbell, reported the same without amendment, accompanied by a report (No. 6011); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6596) granting an increase of pension to Cyrus W. Cobb, reported the same without amendment, accompanied by a report (No. 6012); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6597) granting an increase of pension to Frank H. Read, reported the same without amendment, accompanied by a report (No. 6013); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6631) granting an increase of pension to George W. Hodgman, reported the same without amendment, accompanied by a report (No. 6014); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6632) granting an increase of pension to William Davis, reported the same without amendment, accompanied by a report (No. 6015); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6636) granting an increase of pension to Andrew J. Grover, reported the same without amendment, accompanied by a report (No. 6016); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6645) granting an increase of pension to Timothy C. Stilwell, reported the same without amendment, accompanied by a report (No. 6017); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6650) granting an increase of pension to John A. McGinty, reported the same without amendment, accompanied by a report (No. 6018); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6705) granting an increase of pension to Holmes Clayton, reported the same without amendment, accompanied by a report (No. 6019); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6707) granting an increase of pension to Stephen E. Lemon, reported the same without amendment, accompanied by a report (No. 6020); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6709) granting an increase of pension to Samuel Shawver, reported the same without amendment, accompanied by a report (No. 6021); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6712) granting an increase of pension to Orin Ingram, reported the same without amendment, accompanied by a report (No. 6022); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6714) granting an increase of pension to Joseph Bolshaw, reported the same without amendment, accompanied by a report (No. 6023); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6717) granting an increase of pension to Manasa T. Houser, reported the same without amendment, accompanied by a report (No. 6024); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6718) granting an increase of pension to Augustus L. Holbrook, reported the same without amendment, accompanied by a report (No. 6025); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6767) granting an increase of pension to John C. Brown, reported the same without amendment, accompanied by a report (No. 6026); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6814) granting a pension to Alice Bosworth, reported the same without amendment, accompanied by a report (No. 6027); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6819) granting an increase of pension to Nelson Bigalow, reported the same without amendment, accompanied by a report (No. 6028); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6821) granting an increase of pension to Jonathan M. Adams, reported the same without amendment, accompanied by a report (No. 6029); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6822) granting an increase of pension to Christopher Christopherson, reported the same without amendment, accompanied by a report (No. 6030); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6824) granting an increase of pension to Byron Canfield, reported the same without amendment, accompanied by a report (No. 6031); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6825) granting an increase of pension to Thomas M. Roberts, reported the same without amendment, accompanied by a report (No. 6032); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6826) granting an increase of pension to Jacob Turner, reported the same without amendment, accompanied by a report (No. 6033); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6829) granting an increase of pension to Thomas P. Cheney, reported the same without amendment, accompanied by a report (No. 6034); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6881) granting an increase of pension to Jefferson Bush, reported the same without amendment, accompanied by a report (No. 6035); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6882) granting an increase of pension to Elisha H. Stephens, reported the same without amendment, accompanied by a report (No. 6036); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6883) granting an increase of pension to Thomas W. White, reported the same without amendment, accompanied by a report (No. 6037); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6942) granting an increase of pension to William B. Dow, reported the same without amendment, accompanied by a report (No. 6038); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6997) granting an increase of pension to William Kennedy, reported the same without amendment, accompanied by a report (No. 6039); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7065) granting an increase of pension to Lovisa Donaldson, reported the same without amendment, accompanied by a report (No. 6040); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7077) granting an increase of pension to Mary E. Hattan, reported the same without amendment, accompanied by a report (No. 6041); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7160) granting an increase of pension to Kate Myers, reported the same without amendment, accompanied by a report (No. 6042); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1240) granting an increase of pension to Dana W. Hartshorn, reported the same without amendment, accompanied by a report (No. 6043); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4389) granting an increase of pension to Florence B. Plato, reported the same without amendment, accompanied by a report (No. 6044); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4909) granting an increase of pension to Louis Sidel, reported the same without amendment, accompanied by a report (No. 6045); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5693) granting an increase of pension to Margaret L. Houlihan, reported the same without amendment, accompanied by a report (No. 6046); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6505) granting an

increase of pension to Theodore M. Benton, reported the same without amendment, accompanied by a report (No. 6047); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6514) granting an increase of pension to Alfred A. Stocker, reported the same without amendment, accompanied by a report (No. 6048); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6558) granting an increase of pension to Samuel A. Pearce, reported the same without amendment, accompanied by a report (No. 6049); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6723) granting an increase of pension to Agusta P. Morgan, reported the same without amendment, accompanied by a report (No. 6050); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6885) granting an increase of pension to William H. Anderson, reported the same without amendment, accompanied by a report (No. 6051); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 4586) for the relief of Mrs. R. E. Miller, reported the same without amendment, accompanied by a report (No. 6052); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BANKHEAD: A bill (H. R. 23713) permitting the erection of a dam or dams across the Black Warrior River, Alabama, at Squaw shoals on said river—to the Committee on Rivers and Harbors.

By Mr. SHERMAN: A bill (H. R. 23714) for the erection of a monument to the memory of Lieut. Commander George Washington De Long and his comrades who lost their lives in the *Jeanette* Arctic expedition—to the Committee on the Library.

By Mr. McGUIRE: A bill (H. R. 23715) granting the rights of citizenship to Indians in Oklahoma and Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. DALZELL: A bill (H. R. 23716) to amend section 4919 of the Revised Statutes of the United States to provide additional protection for owners of patents of the United States, and for other purposes—to the Committee on Patents.

By Mr. OLCOTT: A bill (H. R. 23717) providing for the taxation of foreign insurance companies doing business in the United States—to the Committee on Ways and Means.

By Mr. CRUMPACKER: A bill (H. R. 23718) to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: A bill (H. R. 23719) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902—to the Committee on the Territories.

By Mr. LOVERING: A bill (H. R. 23720) to aid the Council City and Solomon River Railroad Company—to the Committee on the Territories.

By Mr. CHANEY: A bill (H. R. 23721) to appropriate $100,000 for the establishment of demonstration farms, for the investigation on farm practice, and the inauguration of systems of farm management throughout the United States—to the Committee on Agriculture.

By Mr. GRONNA: A bill (H. R. 23722) to amend an act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906—to the Committee on Ways and Means.

By Mr. BELL of Georgia: A bill (H. R. 23723) authorizing the erection of a post-office building at Buford, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23724) authorizing the erection of a post-office building at Commerce, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23725) authorizing the erection of a post-office building at Jefferson, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. SMALL: A bill (H. R. 23726) to authorize the Secretary of the Treasury to appoint a deputy collector of customs at Belhaven, N. C.—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Ohio: A bill (H. R. 23727) for the establishment of a light-house and fog-signal station at Carbarandum Point, in the vicinity of Split Rock, on the north shore of Lake Superior, Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 23728) for the resurvey of a portion of the east boundary of Wyoming—to the Committee on Appropriations.

By Mr. LEGARE: A resolution (H. Res. 679) increasing the compensation of the Deputy Sergeant-at-Arms of the House—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 23729) granting an increase of pension to John Vandegrift—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 23730) granting an increase of pension to Michael Banzhof—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 23731) granting an increase of pension to Isaac W. Corgill—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 23732) granting an increase of pension to Rosanna Kaogan—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 23733) granting an increase of pension to Gifford M. Bridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23734) granting an increase of pension to Matthew N. Chappell—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 23735) granting an increase of pension to Henry C. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23736) granting an increase of pension to William H. H. Stout—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23737) granting an increase of pension to John A. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23738) granting an increase of pension to Cyrus Bryant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23739) granting an increase of pension to Elizabeth Pillow—to the Committee on Pensions.

Also, a bill (H. R. 23740) granting an increase of pension to Benjamin C. Swan—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 23741) granting an increase of pension to William P. Youkey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23742) granting an increase of pension to John L. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23743) granting a pension to Eva Whittleberry—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 23744) granting an increase of pension to John O. Cravens—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 23745) granting an increase of pension to N. W. Davis—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 23746) granting an increase of pension to Perry Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23747) granting an increase of pension to Jesse M. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23748) granting an increase of pension to Emily J. Vanbeber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23749) granting an increase of pension to Nancy Lipps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23750) for the relief of J. B. Mason, Theo. G. Moren, D. R. Brock, and J. C. McKee, trustees of Laurel Seminary (now London Graded Common School No. 1), of London, Laurel County, Ky.—to the Committee on War Claims.

By Mr. ENGLEBRIGHT: A bill (H. R. 23751) granting an increase of pension to Charles D. Moody—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 23752) granting an increase of pension to Elijah Hallett—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 23753) granting an increase of pension to Chauncey Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23754) granting an increase of pension to William D. W. Miller—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 23755) granting an increase of pension to David Vickers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23756) granting an increase of pension to John C. Stalker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23757) granting an increase of pension to Gideon M. Combs—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23758) granting an increase of pension to Oliver Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23759) granting an increase of pension to Thomas Spanton—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 23760) granting an increase of pension to Thomas Todd—to the Committee on Pensions.

Also, a bill (H. R. 23761) granting an increase of pension to Philip B. Thompson—to the Committee on Pensions.

Also, a bill (H. R. 23762) granting an increase of pension to Adelaide Wagner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23763) granting an increase of pension to James Riley—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 23764) granting an increase of pension to Joseph C. Fisher—to the Committee on Invalid Pensions.

By Mr. GOEBEL: A bill (H. R. 23765) granting an increase of pension to John H. H. Babcock—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 23766) granting an increase of pension to Alonzo Harter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23767) granting an increase of pension to Edward G. Rockhold—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 23768) granting a pension to H. G. Shull—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 23769) granting an increase of pension to Beulah Thompson—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 23770) granting an increase of pension to Henry D. Combs—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 23771) for the relief of Edward Simmons—to the Committee on Claims.

By Mr. CLAUDE KITCHIN: A bill (H. R. 23772) granting an increase of pension to Temperance Davis—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 23773) granting an increase of pension to Samuel H. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23774) granting an increase of pension to James Kelley—to the Committee on Pensions.

Also, a bill (H. R. 23775) granting a pension to Norma J. Henderson—to the Committee on Pensions.

Also, a bill (H. R. 23776) removing charge of desertion from military record of James M. Smith—to the Committee on Military Affairs.

By Mr. FREDERICK LANDIS: A bill (H. R. 23777) granting an increase of pension to James Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23778) granting an increase of pension to Henry Clapper—to the Committee on Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 23779) granting a pension to Delia Wight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23780) granting a pension to Hattie L. Benedict—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23781) granting a pension to Honora Higgins—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 23782) for the relief of Theophilus D. Hoffman—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 23783) granting an increase of pension to George W. Buzzell—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 23784) for the relief of Rufus L. King—to the Committee on Claims.

By Mr. MEYER: A bill (H. R. 23785) for the relief of Antonio Hook, late seaman United States Navy—to the Committee on War Claims.

Also, a bill (H. R. 23786) for the relief of the heirs of the estate of Patrick Dooling, deceased—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 23787) to provide for the division of a penalty recovered under the alien contract-labor law—to the Committee on Claims.

By Mr. MOUSER: A bill (H. R. 23788) granting an increase of pension to Elza Cameron—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 23789) for the relief of the McCall-Dinning Company, of Baltimore City—to the Committee on Claims.

By Mr. OLMSTED: A bill (H. R. 23790) granting an increase of pension to George Hemminger—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 23791) granting an increase of pension to Calvin B. Fowlkes—to the Committee on Pensions.

By Mr. PRINCE: A bill (H. R. 23792) granting an increase of pension to Zenrial McCullock—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 23793) granting an increase of pension to William Nelson—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 23794) granting an increase of pension to John W. Suits—to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 23795) granting an increase of pension to Patrick McMahon—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 23796) granting an increase of pension to Jacob S. Snyder—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 23797) granting an increase of pension to James D. Tomson—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 23798) granting a pension to Thomas M. Davis—to the Committee on Pensions.

Also, a bill (H. R. 23799) granting a pension to Mary E. Alford—to the Committee on Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 23800) granting an increase of pension to Elijah Fentress—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 23801) granting an increase of pension to Steth M. Carter—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 23802) granting an increase of pension to Thomas J. Brown—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 23803) granting an increase of pension to David C. Jones—to the Committee on Pensions.

Also, a bill (H. R. 23804) granting an increase of pension to Phoebe E. Sparkman—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 23805) granting an increase of pension to Thomas Hamilton—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 23806) granting an increase of pension to William F. Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23807) granting an increase of pension to Robert K. Robinson—to the Committee on Invalid Pensions.

By Mr. TOWNE: A bill (H. R. 23808) granting an increase of pension to Henry Pond—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R 23809) granting a pension to James M. Thurston—to the Committee on Pensions.

Also, a bill (H. R. 23810) granting an increase of pension to Ira J. Everson—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 23811) granting an increase of pension to Theron Cross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23812) granting an increase of pension to Joseph Dewhurst—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 23813) granting an increase of pension to Edwin May—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 23814) granting a pension to Mary E. Hoffman—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 13875) granting a pension to Ada Richards—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22018) granting an increase of pension to

Charles Sells—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22625) granting an increase of pension to George Young—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22709) granting a pension to Martha E. Muhlenfeld—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22276) granting an increase of pension to Warren Sherwood—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of various commercial bodies of Philadelphia, for improvement of harbor of Philadelphia—to the Committee on Rivers and Harbors.

By Mr. ACHESON: Petition of Joint Executive Committee on Improvement of Harbor of Philadelphia, for a 35-foot channel in the Delaware—to the Committee on Rivers and Harbors.

By Mr. ALLEN of New Jersey: Petitions of various commercial bodies of Philadelphia, for deepening Delaware River at Philadelphia—to the Committee on Rivers and Harbors.

Also, petition of Mission Promoting Association, for remission of duty on lumber for rebuilding purposes in San Francisco—to the Committee on Ways and Means.

Also, petition of New Immigrants' Protective League, against certain obnoxious provisions of the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. BELL of Georgia: Papers to accompany House bill 9321, for establishing a mint at Dahlonega, Ga.—to the Committee on Coinage, Weights, and Measures.

By Mr. BENNET of New York: Petition of Harlem Reporter and Bronx Chronicle, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BIRDSALL: Petition of the Courier, Waterloo, Iowa; the Daily Times and Tribune, Waterloo, Iowa, the Telegraph-Herald, Dubuque, Iowa, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of veteran soldiers of the civil war, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. BROWNLOW: Petition of Hampton Council, No. 142, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Richmond Jones et al., prisoners of war in rebel prisons, for passage of pension bill introduced by Hon. JOHN DALZELL—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Good Will Council, No. 56, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. CAPRON: Petition of International Seamen's Union of America, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. CASSEL: Petition of Sylvania Council, No. 71, Daughters of Liberty, Marietta, Pa., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Pennsylvania: Petition of New York State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Sanford D. Payne—to the Committee on Invalid Pensions.

By Mr. DALZELL: Memorandum to accompany bill to amend section 4919, Revised Statutes of the United States—to the Committee on Patents.

By Mr. DAWSON: Petition of citizens of Clinton, Iowa, for special pension for Mrs. James Tompkins, an Army nurse—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Joint Executive Committee on Improvement of Harbor of Philadelphia, for 35-foot channel in Delaware River—to the Committee on Rivers and Harbors.

By Mr. ELLIS: Paper to accompany bill for relief of Charles Sells (referred previously to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of John Hurst and W. H. Linscott—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mrs. Celia Scott, widow of John G. Scott—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Benjamin Maple—to the Committee on Pensions.

By Mr. FOSTER of Indiana: Petition of Iron Molders' Union No. 51, Evansville, Ind., against employment of Asiatics within Canal Zone—to the Committee on Immigration and Naturalization.

Also, petition of Germania Maennerchor, against passage of Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. FOWLER: Petitions of citizens of Roselle Park, N. J., and citizens of Rahway, N. J., for the McCumber-Sperry-Tirrell bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Evening Times, Elizabeth, N. J., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Paper to accompany bill for relief of Charles F. Connery—to the Committee on Invalid Pensions.

Also, petition of Thomas F. Adkin, for the Crumpacker bill relative to post-office fraud orders (previously referred to Committee on the Post-Office and Post-Roads)—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Oliver Davis—to the Committee on Invalid Pensions.

Also, petition of A. J. Holmquist, for the Crumpacker bill (H. R. 16548) relative to postal fraud orders—to the Committee on the Judiciary.

Also, petition of F. E. Sterling, for the Garrett bill (H. R. 22476) relative to right to exchange of newspaper stock in trade (advertising) for railroad stock in trade (transportation)—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Thomas Spanton—to the Committee on Invalid Pensions.

By Mr. GARRETT: Paper to accompany House bill 21399, authorizing a survey of Forked Deer River, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. HINSHAW: Petition of Beatrice Commercial Club, for appropriation to enlarge post-office building at Beatrice, Nebr. (previously referred to Committee on the Post-Office and Post-Roads)—to the Committee on Public Buildings and Grounds.

By Mr. HOUSTON: Paper to accompany bill for relief of Edward Judkins (previously referred to Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. KENNEDY of Nebraska: Petition of General Protective Board of Brotherhood of Locomotive Firemen, Union Pacific Railway, against restriction of hours of labor on railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of Omaha Commercial Club and Grain Exchange, for an appropriation for improvement of the Mississippi River at or near Omaha—to the Committee on Rivers and Harbors.

By Mr. KENNEDY of Ohio: Petition of Cigar Makers' Union, Canton, Ohio, against employment of Asiatic coolies in Panama Zone—to the Committee on Foreign Affairs.

Also, petition of San Francisco Labor Council, against utterances of the President relative to the Japanese in said city—to the Committee on Labor.

Also, petition of The Telegram, Youngstown, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Youngstown, Ohio, for investigation of Kongo Free State—to the Committee on Foreign Affairs.

By Mr. LACEY: Petition of locomotive engineers and trainmen of the Chicago, Burlington and Quincy system railways, Ottumwa, against restriction of hours of employment on railways—to the Committee on Interstate and Foreign Commerce.

By Mr. LAWRENCE: Petition of Evening Telegram, Holyoke, Mass., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LEVER: Paper to accompany bill for relief of George Young (referred previously to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. LILLEY of Connecticut: Petition of New Haven Chamber of Commerce, for establishment of forest reserves—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Honora Higgins, Hattie L. Benedict, and Delia A. Wight—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of Joint Executive Committee on Improvement of Harbor of Philadelphia, for 35-foot channel in Delaware River—to the Committee on Rivers and Harbors.

By Mr. LIVINGSTON: Paper to accompany bill for relief of William D. Edwards—to the Committee on War Claims.

By Mr. McCALL: Paper to accompany bill for relief of Frank R. Chisholm—to the Committee on War Claims.

By Mr. MANN: Petition of Bankers' Club, Chicago, for legislation in harmony with enunciations of currency commission of American Bankers' Association, sitting at Washington—to the Committee on Banking and Currency.

Also, petition of Chicago Christian Endeavor Union, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Chicago Typographical Union, No. 16, favoring investigation of status of women and child workers of the United States by Secretary of Commerce and Labor—to the Committee on Labor.

Also, petition of Monmouth Commercial Club, favoring legislation for improvement of navigable streams in United States, especially upper Mississippi—to the Committee on Rivers and Harbors.

Also, petition of The University of Chicago Press, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MEYER: Paper to accompany bill for relief of Antonio Hook—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of heirs of Patrick Dooling—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: Petition of various commercial bodies of Philadelphia, for deepening of the Delaware River—to the Committee on Rivers and Harbors.

By Mr. MORRELL: Petition of Joint Executive Committee, for the improvement of the Delaware and Schuylkill rivers—to the Committee on Rivers and Harbors.

By Mr. PATTERSON of Tennessee: Petition of Union No. 4, A. S. M. W. I. A., of Memphis, Tenn., favoring merchant marine commission shipping bill passed by the Senate of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Joint Executive Committee on the Improvement of the Harbor of Philadelphia, for deepening Delaware River to 35 feet—to the Committee on Rivers and Harbors.

Also, petition of San Francisco Labor Council, against utterances of the President relative to Japanese in schools of said city—to the Committee on Foreign Affairs.

By Mr. PRINCE: Petition of Republican Register, Galesburg, Ill., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYBURN: Petition of various commercial bodies of Philadelphia, for appropriation to deepen the Delaware River at Philadelphia—to the Committee on Rivers and Harbors.

Also, petition of Numismatic and Antiquarian Society of Philadelphia, for removal of duty on works of art—to the Committee on Ways and Means.

By Mr. RYAN: Petition of International Seamen's Union of America, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of various commercial bodies of Philadelphia, for deepening the Delaware River—to the Committee on Rivers and Harbors.

By Mr. SCHNEEBELI: Petition of joint executive committee on improvement of harbor of Philadelphia, for deepening channel of the Delaware to 35 feet—to the Committee on Rivers and Harbors.

By Mr. SHEPPARD: Paper to accompany bill for relief of B. O. Mahaffey and J. A. Cleveland—to the Committee on Military Affairs.

Also, petitions of citizens of Valleant, Ind. T.; citizens of Brookston, Tex.; Hon. Lee Cruce; Hon. Sidney Suggs, et al.; Hon. W. H. Murray; Governor Johnson, et al.; citizens of Tishomingo, Ind. T.; citizens of Atoka, Ind. T., and citizens of Paris, Tex., for appropriation to improve upper Red River—to the Committee on Rivers and Harbors.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Edward J. Warner—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of Elijah Fentress, Emanuel Sandusky, and E. F. Hacker—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of James E. Arnold—to the Committee on Claims.

By Mr. STERLING: Petition of News-Herald, Lincoln, Nebr., Pentegraph Printing and Stationery Company, and Lincoln Courier, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WADSWORTH: Petition of Fred L. Baker, Nunda, N. Y., for amending post-office laws so as to admit paper of certain size as fourth-rate matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHBURN: Paper to accompany bill for relief of Edwin May—to the Committee on Invalid Pensions.

By Mr. WHARTON: Petition of Packing Trade Council, Chicago, for passage of bills H. R. 17562 and S. 5469, investigating social, moral, educational, and physical condition of women and child workers of the United States—to the Committee on Labor.

By Mr. WOOD of New Jersey: Petition of Daily True American, against tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *January 9, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ALLOTMENT OF INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting the draft of an item of proposed legislation for the purpose of permitting a patent in fee simple to be issued to Esta Beaver, Peoria allottee No. 62, for lands allotted to her in Indian Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

COMPILATION BY BUREAU OF INSULAR AFFAIRS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a compilation prepared by the Bureau of Insular Affairs consisting of all legislation enacted by the Fifty-eighth Congress from March 4, 1903, to March 3, 1905, pertaining to Alaska, Cuba, Guam, Philippine Islands, etc., together with all treaties and conventions entered into by the United States affecting any of this territory, and also all proclamations issued by the President concerning any of this territory, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT. The Chair lays before the Senate a telegram in the nature of a petition, which will be read.

The Secretary read the telegram, as follows:

SPOKANE, WASH., *January 8.*

President of United States Senate, Washington, D. C.:

Whereas the increased cost of living is a condition and not a theory; and

Whereas the present salary of our national representatives is inadequate to the dignity and needs of the office; and

Whereas there is no power but Congress that can raise Congressional salaries; and

Whereas scruples of delicacy prevent our representatives from voting more money into their own pockets: Therefore be it

Resolved by the Spokane Chamber of Commerce in annual meeting assembled: That we would favor a salary for our United States Senators and Congressmen, exclusive of traveling expenses, of $8,000 per annum, and would recommend and urge that that sum be fixed by act of Congress now in session.

Resolved, That these resolutions be transmitted by wire to the President of the Senate and Speaker of the House of Representatives, with request that they be read in open session of each House, and that through the press we request every commercial organization throughout the United States to take similar action.

SPOKANE CHAMBER OF COMMERCE,
By F. E. GOODALL, *President.*

Mr. GALLINGER. I move that the telegram be referred to the Committee on Appropriations.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HOPKINS presented memorials of sundry trainmen employed on the Pennsylvania lines in Chicago, Ill., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Chicago, Ill., praying that the Isthmian Canal Commission operate one-third of the Government shipping out of the Gulf ports, with New Orleans as the most practicable port; which was referred to the Committee on Interoceanic Canals.

He also presented petitions of sundry newspaper publishers of Clinton, Crystal Lake, Dwight, Harvard, Eureka, Pana, Morris, Pontiac, Grayville, Elgin, Monticello, Rockford, Newton, Duquoin, Bushnell, Greenville, Fairfield, Dahlgren, Flora, Reynolds, Mount Sterling, Nauvoo, Ashton, Marshall, and Morrison, all in the State of Illinois, praying for the enactment of legislation to permit newspapers to contract with railroads for transportation to be paid for in advertising at regular rates; which were referred to the Committee on Interstate Commerce.

Mr. STONE presented a petition of Louis A. Craig Camp, Army of the Philippines, of Kansas City, Mo., praying for the

enactment of legislation providing foreign campaign badges for all persons who served honorably in the United States Army, Navy, and Marine Corps in campaigns in foreign countries; which was referred to the Committee on Military Affairs.

He also presented a petition of the Dark Tobacco Planters' Protective Association of Kentucky, Tennessee, and Virginia, praying for the enactment of legislation to repeal the tax on leaf tobacco; which was referred to the Committee on Finance.

He also presented the petition of John E. Weber of the State of Missouri, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on Claims.

He also presented a petition of sundry citizens of Sedalia, Mo., praying for the ratification of certain treaties for the enlargement of the jurisdiction of The Hague tribunal, and also for the enactment of legislation providing for an increase in the efficiency of the Navy; which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Laredo, Slater, and Brookfield, all in the State of Missouri, praying for the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented memorials of sundry citizens of Kansas City and Stansberry, Mo., and of Omaha, Nebr., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented petitions of sundry citizens of Morley, Huntsville, St. Joseph, Thayer, Little Rock, Mount Vernon, Wentworth, Arcola, Hermann, Clinton, Mound City, Charleston, Green Ridge, Bakersfield, Bloomfield, Speed, Granby, and Elsberry, all in the State of Missouri, praying that an appropriation of $50,000,000 be made for river and harbor improvements in the United States, and particularly for the construction of a 14-foot waterway from the Lakes to the Gulf; which were referred to the Committee on Commerce.

Mr. OVERMAN presented a memorial of sundry citizens of the State of North Carolina, and a memorial of Local Division, Brotherhood of Locomotive Firemen, of Asheville, N. C., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. PILES presented a petition of sundry citizens of Shelton, Wash., praying for the enactment of legislation to regulate the transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of sundry citizens of Casselton, N. Dak., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. DU PONT presented a petition of sundry citizens of Marshallton, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HEMENWAY presented a petition of the Associated Charities of South Bend, Ind., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. SIMMONS presented a memorial of sundry citizens of Hickory, N. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Elizabeth City and Weldon, in the State of North Carolina, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PROCTOR presented a petition of Local Division No. 535, Brotherhood of Railway Trainmen, of St. Albans, Vt., praying for the passage of the so-called "sixteen-hour bill;" which was ordered to lie on the table.

He also presented memorials of sundry railway conductors, engineers, firemen, and brakemen of the Central Vermont Railway Company, of St. Albans, Vt., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. KNOX presented petitions of C. B. Sowash, chairman of the grievance committee of trainmen, Pennsylvania lines west of Pittsburg, Pa.; of O. Irwin, representing the conductors, and of sundry employees of the northwest and southwest systems of Pennsylvania Railroad lines west of Pittsburg, Pa., praying for a modification of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented petitions of Local Lodge No. 179, Brotherhood of Railroad Trainmen, of Pittsburg; of Local Lodge No. 94, Brotherhood of Railroad Trainmen, of Carbondale; of Local Lodge No. 703, Brotherhood of Railroad Trainmen, of Brownsville; of Local Lodge, Brotherhood of Railroad Trainmen, of Meadville; of Local Lodge No. 633, Brotherhood of Locomotive Firemen and Enginemen, of Pittsburg, all in the State of Pennsylvania, praying for the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 6810) to amend an act entitled "An act to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895," approved June 27, 1906, reported it without amendment.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 362) granting an increase of pension to James M. Bullard, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to which was referred the bill (S. 7295) granting an increase of pension to Gabriel Campbell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7428) granting an increase of pension to Helen C. Lettenmayer; and

A bill (S. 5586) granting an increase of pension to Albert F. Pepoon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6226) granting an increase of pension to Mary A. Mickler; and

A bill (S. 5699) granting an increase of pension to Adelaide D. Merritt.

GIFT OF SAILBOAT TO NAVAL ACADEMY.

Mr. HALE. I report back favorably from the Committee on Naval Affairs, without amendment, the bill (S. 7372) to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for the use of the midshipmen at the Naval Academy, and I submit a report thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Navy to accept as a gift, from a member of the family of the late Assistant Naval Constructor Joseph E. McDonald, a sailboat for the use of the midshipmen at the Naval Academy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE ON VENTILATION AND ACOUSTICS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HALE on the 8th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Select Committee on Ventilation and Acoustics be authorized to employ a messenger at $1,440 per annum, the same to be paid out of the contingent fund of the Senate.

JOANNA C. KELLEY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. RAYNER on the 8th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the contingent fund of the Senate, to Joanna C. Kelley, widow of T. A. Kelley, late a fireman in the employ of the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 7645) to grant an extension of certain letters patent to Will F. Hoyt, of Dowagiac, Mich.; which was read twice by its title, and referred to the Committee on Patents.

He also (by request) introduced a bill (S. 7646) providing for the establishment of a public park at Fort Thayer, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McENERY introduced a bill (S. 7647) for the relief of the estate of Joseph L. Richardson; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOPKINS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7648) granting an increase of pension to Joseph H. Suits;

A bill (S. 7649) granting an increase of pension to William Elias; and

A bill (S. 7650) granting an increase of pension to Charles Kort.

Mr. SUTHERLAND introduced a bill (S. 7651) granting rights of way and easements for the construction, use, maintenance, and operation of roads, highways, canals, ditches, reservoirs, telephone and telegraph lines, and lines for the transmission of electric light and power within and through forest reserves on the public lands of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. STONE introduced a bill (S. 7652) granting an increase of pension to Daniel F. Lee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 7653) for the relief of the Mille Lac band of Chippewa Indians of the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7654) granting an increase of pension to John Young;

A bill (S. 7655) granting an increase of pension to Francis G. Brown;

A bill (S. 7656) granting an increase of pension to Edwin R. Hill;

A bill (S. 7657) granting an increase of pension to Herman Grass; and

A bill (S. 7658) granting an increase of pension to Edward C. Gearey.

Mr. SIMMONS introduced a bill (S. 7659) to change the time of holding the United States district courts in the eastern district of North Carolina, and to provide for the appointment of a clerk of the courts at Washington, N. C.; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7660) granting a pension to Julia Elgie; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7661) for the relief of Mrs. A. M. Bacon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 7662) granting a pension to Victoria Ficker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 7663) to increase the efficiency of the personnel of the Revenue-Cutter Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 7664) to amend the code of law for the District of Columbia, and providing for the appointment of probation officers for adults; and

A bill (S. 7665) for the relief of John J. Sanborn.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7666) granting an increase of pension to True Sanborn, jr.;

A bill (S. 7667) granting a pension to Henry Lunn; and

A bill (S. 7668) granting an increase of pension to Henry H. Buzzell.

Mr. BULKELEY introduced a bill (S. 7669) to amend an act approved June 29, 1906, entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission;" which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. DU PONT introduced a bill (S. 7670) granting a pension to Sarah E. Lungren; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7671) granting an increase of pension to C. H. Alden;

A bill (S. 7672) granting an increase of pension to Elvina Adams; and

A bill (S. 7673) granting an increase of pension to William W. Jordan.

Mr. CLARK of Montana introduced a bill (S. 7674) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FRYE introduced a bill (S. 7675) to establish a fish-cultural station on the Kennebec River, in the State of Maine; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. KNOX introduced a bill (S. 7676) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. WARREN introduced a bill (S. 7677) to appoint Warren C. Beach a captain in the Army and place him on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

LEAVES OF ABSENCE FOR HOMESTEAD SETTLERS.

Mr. HANSBROUGH introduced a joint resolution (S. R. 81) authorizing temporary leaves of absence for homestead settlers; which was read the first time by its title.

Mr. HANSBROUGH. I ask for the present consideration of the joint resolution.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That homestead settlers upon the public domain, in those sections where climatic conditions and other causes of an unnatural nature exists resulting in personal hardship, are hereby granted a leave of absence from their land for a period of three months from the date of the approval of this resolution. All homesteaders seriously affected by such conditions or causes shall make application, supported by affidavit, setting forth the facts justifying the leave of absence applied for to the register and receiver of the land office of the district in which their land is situated, and settlers granted such leave shall forfeit no rights by reason of the absence allowed hereunder: *Provided*, That the period of such actual absence shall not be deducted from the full time of residence required by law.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment relative to the pay and allowances of professors of mathematics in the Navy, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment providing for an examination and survey of Pepperell Cove, Maine, intended to be proposed by him to the river and harbor appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. CLAPP submitted an amendment authorizing the issuance of sixty Springfield cadet rifles to the Indian school at Phoenix, Ariz., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WARREN submitted an amendment proposing that all lands allotted to Indians in severalty or reserved for their use in common, susceptible of irrigation, may be leased for a term not exceeding twenty-five years for cultivation under irrigation, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENTS TO RAILROAD EMPLOYEES BILL.

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which was ordered to lie on the table, and be printed.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which was ordered to lie on the table, and be printed.

SUNDAY OPENINGS OF POST-OFFICES.

Mr. BURKETT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to inform the Senate by what authority post-offices are required to be kept open on Sunday, together with the regulations of Sunday opening, as to the extent of the business that may be transacted, and also what the provisions are for clerical help, and whether postal clerks or carriers are required to work more than six days per week.

ISSUANCE OF LAND PATENTS.

Mr. CARTER submitted the following resolution, which was read:

Resolved, That under the homestead laws of the United States a duly qualified entryman furnishing competent evidence of full compliance with said laws and all rules and regulations promulgated by authority thereof is, in the absence of contest or of any charge or evidence of fraud or mistake, legally entitled to a patent for the land embraced in the entry as to which final proof has been so furnished, and no executive officer is authorized to forbid and prevent the issuance and delivery of such patent.

Mr. CARTER. Mr. President, at an early day I will ask the indulgence of the Senate for sufficient time to express certain views concerning an order issued by the Secretary of the Interior on the 18th day of last month prohibiting the issuance of patents under all laws of the United States, regardless of the conditions. I intend to make it plain, if I can, to the Senate that that order was illegal and unwarranted; that it was issued and is being executed in violation of law, and that the Land Office records show that the issuance of the order is wholly indefensible.

I ask that the resolution may lie on the table, and be printed.

The VICE-PRESIDENT. The resolution will lie on the table.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. PETTUS. I ask leave to call up House bill 21951, providing for the building of a bridge across a river in Alabama. It is a matter that requires some haste.

The VICE-PRESIDENT. There was a unanimous-consent agreement yesterday that the resolution respecting the Brownsville matter should be taken up at the conclusion of the morning business. The Senator from Alabama asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

Mr. FORAKER. If the Senator from Alabama will yield to me for a moment, I think we can avoid any conflict with the agreement made yesterday. I have just received a message from the Senator from South Carolina [Mr. TILLMAN], stating that he is unable to be here to-day. He thinks he will be here to-morrow, and asks that the Brownsville matter may go over until to-morrow morning. I ask that the agreement under which the resolution went over until this morning may be continued until to-morrow morning.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent that the consideration of the resolution respecting the Brownsville matter may be postponed from this morning until to-morrow morning after the routine business.

Mr. FORAKER. To come up then.

The VICE-PRESIDENT. To come up after the close of the routine morning business to-morrow. Is there objection? The Chair hears none, and it is so ordered.

TOMBIGBEE RIVER BRIDGE.

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (H. R. 21951) to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River, in the State of Alabama.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF PROVISIONS IN THE DISTRICT OF COLUMBIA.

Mr. McCUMBER. The Senator from New Hampshire [Mr. GALLINGER] asks that I shall yield to him, that he may have a very short bill considered, which I am pleased to do.

Mr. GALLINGER. I thank the Senator from North Dakota. I ask for the immediate consideration of the bill (S. 6578) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 10 of the act approved March 2, 1895, and the act amendatory thereof approved June 20, 1906, so as to read as follows:

SEC. 10. No person shall sell or offer for sale anywhere in the District of Columbia any provisions or produce or commodities of any kind for a weight or measure greater than the actual or true weight or measure thereof; and all provisions, produce, or commodities of any kind shall be weighed by scales, weights, or balances, or measured in measures duly tested and sealed by the sealer or an assistant sealer of weights and measures: *Provided*, That berries, when offered for sale in an original package or basket containing a standard measure, may be sold in said package or basket without the same having been first tested and sealed; but in no case shall said basket be refilled for use in the sale of berries or produce of any kind whatsoever: *And provided further*, That poultry and vegetables, usually sold by the head or bunch, may be offered for sale and sold in other manner than by weight or measure; but in all cases where the person intending to purchase shall so desire and request, poultry shall be weighed, as hereinbefore prescribed: *And provided further*, That scales reported not in use shall be sealed down, and said seal shall not be broken except by authority of the sealer of weights and measures.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SERVICE PENSION BILL.

Mr. McCUMBER. Mr. President, the resolution relating to the Brownsville affairs having gone over for the day, I presume that that will leave the time between this period and 2 o'clock in the afternoon for such discussion as Senators may desire to make of the bill which I ask to bring up this morning. I sincerely hope that Senators will give the matter their attention and that such as may desire will give the Senate the benefit of the expressions of their opinion upon each phase of the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 976) granting pensions to certain enlisted men, soldiers, and officers who served in the war of the rebellion, which was reported from the Committee on Pensions with an amendment.

Mr. McCUMBER. Mr. President, the subject of service pensions has been agitated more or less during the last ten or fifteen years, and it has demanded and received continuing and greater and ever greater consideration as the accumulating years have added to the distress and the destitution of a large number of the survivors of the great conflict.

There are few persons, Mr. President, who will not concede that at some period after the close of the civil war a general service pension bill should be enacted. Those who have given the subject more than casual consideration have contended that such a bill should have been enacted at least ten years ago. It may be barely possible that there may be those who consider that the time has not yet arrived for such character of legislation. The opinion of the Committee on Pensions, who expressed that opinion, as I remember, by a unanimous vote, is that the debt of gratitude which we owe to the survivors of the civil war ought not longer to be delayed.

This bill was reported to the Senate on the 2d day of April of last year. It has, therefore, been public property for more than nine months. It has been considered by the press generally throughout the States, and its provisions have been given considerable publicity; and I have yet to hear the first criticism from any source against any provisions of the bill. The only things that I have received in the shape of criticisms have been letters from private individuals whose cases fall without the provisions and benefits of the bill. I can only say to them that it seems to me we should not modify the bill to any great extent. We have followed the rules that have been followed in other legislation as to time in reference to pension acts, and if in the future it is proper to so modify a general service bill it can be done whenever the requirements become manifest.

Mr. President, I feel personally that there is a greater obligation for the payment of a general service pension to the survivors of the civil war than for the payment of a like pension to the survivors of any other war in the history of this nation or of any war which we will be liable to enter into. It not only required a different character of patriotism to furnish the material to carry on that war of more than four years, but it also required a different character and a more intense and fervent quality of patriotism to furnish the material to conduct such a war.

In the first place, Mr. President, the nation and the world can never overestimate the devotion of the armies of the Union

in the battles for the suppression of the rebellion and the struggle for the upholding of the Union cause and to make us and continue us as one undivided nation.

More than one hundred years prior to 1776 the American people had become practically a separate nation, almost independent of the British Empire. Without those instrumentalities of international communication—steam and electricity—which bring all nations into neighborly fellowship, there had grown up on this side of the Atlantic practically a separate nation, with little affiliation with the mother country, and when the soldiers of 1776 were summoned to war they were required to do battle, not against Americans, not against the men of adjoining colonies, but practically against a foreign invader. They were defending their own rights and their own homes against invasion, and every man understands that it requires less to fire the emotion of patriotism into a fervent defense of home and of our own land than it does to carry on aggressive warfare into the land of the enemy. Not so were the conditions in the war of 1861 to 1865. Many a nation whose armies have failed in an aggressive warfare against inferior foes has won glorious victories in the defense of home against overwhelming odds.

If, therefore, I admire and honor the heroes of 1776 in their struggle for independence, if I admire the impulses of our Army in attempting to release and in succeeding in releasing themselves from a monarchical form of government which threatened the rights which had been guaranteed to all English-speaking people, how much greater must be my admiration for the men of 1861 to 1865, who left their own homes, who went into the land of the enemy and followed the flag during those four long years of desperate warfare that its honor might not be lessened and that its glory might not be diminished.

Now, Mr. President, not only this, but the men of 1865 were called upon to do battle not against a foreign foe, but against men of their own blood, men of their own character, men of their own fighting qualities, men as brave and as well organized as themselves, men as heroic and as equally patriotic, according to their ideas of the patriotism of that day, as were the soldiers of the Union Army. And not only this, they knew, Mr. President, when they entered into the war that they were not to stand behind forts to repel invasion, but that they were to be the invaders themselves. They knew that they were to be the aggressors all along the line, and that this aggression meant increase and disproportionate dangers. They knew that they were to battle father against son in the border warfare and brother against brother. Even the old Commonwealth of Kentucky furnished about 90,000 soldiers, I believe, to each one of the great contending armies. They knew in addition to that, Mr. President, that the ancestors of the men of the South had fought side by side with their ancestors in the great struggle for independence; that men of the South had fought side by side with their grandfathers in the war of 1812, shoulder to shoulder with their grandfathers and fathers and elder brothers in the war with Mexico, and that their ashes commingled on many battle plains.

I repeat, Mr. President, that it required a greater devotion to principle to carry on that war, as against Americans of our own blood, than it ever required to carry on any other war on the face of the earth, and that call was met with a patriotism and a devotion unexcelled in all the world's long history.

Now, Mr. President, the debt of gratitude which any nation owes to its soldiers who constitute its armies in any conflict must necessarily be measured by the sacrifice that is endured and by the results of that conflict and the devotion of those engaged in it. When I compare those conditions with the conditions of any other war in which we have been engaged, I have a right to insist that the soldiers of the war of 1861 to 1865 should not only receive equal consideration, but greater consideration than the soldiers of any other war. Even in our enlightened policy and notwithstanding the claim that we have dealt more liberally with the soldiers of the civil war than with the soldiers of any other war, I desire to demonstrate very briefly that in very many respects we have not dealt with them as liberally as we have with the soldiers of other wars.

Mr. President, it must be remembered that the soldiers of the Philippines or the Spanish war received at the close of that war a compensation for wounds and disabilities incurred in service equal to that which the enlightened policy, the greater wealth, and the sounder judgment of the nation had accorded to the soldiers of the civil war thirty or forty years after the expiration of that war. It must be remembered also that the small amounts which were paid at the close of the civil war in the shape of pensions for injuries received at that time were a mere bagatelle as compared with the amounts which are paid to-day to the young men who have just come out of the Spanish or the Philippine wars.

And not only is this the case, Mr. President, but the small $13 a month which was paid to the soldiers who fought during all of those long years was paid in a currency which, when compared with the standard of money at that time, was not equal to more than 50 per cent of its face value, and at a time, in addition, when even the common necessaries of life were more excessive in cost than they have ever been in the history of the United States. The amount received by the soldier of the civil war as he came out of that war, disabled by reason of it, did not purchase one-tenth of the comforts that the amount that is received by the soldier of this later war coming out under similar disabilities.

The country now, Mr. President, is wealthy. The Treasury is bursting with its load of coin. Under these conditions extravagances of every character are creeping into our legislation, extravagances which well might be abandoned until we have performed our entire duty toward the survivors of that war which made it possible that we have a country of this wealth and which could indulge in those extravagances.

Mr. President, in order to show the disparagement between the character of pensions that were granted at the close of the war of 1861 to 1865 and the war with Spain, I wish to give very briefly what was received by each soldier at the close of each of those respective wars under like disabilities. This is well worthy the consideration of every Senator, and can not but impress him with the conviction that his duty is at the present time to at least place the soldiers of the war of 1861 to 1865 on an equal footing with the soldiers of the late war.

Let us take some of the specific disabilities. The soldier of the civil war at the close of that war received for the loss of both hands $25 per month. The soldier of the Philippine war receives $100 per month for the same disability.

The soldier of the civil war received at the close of that war for the loss of both feet $20 per month. The soldier of the Philippines receives for the same disability $100 per month.

The soldier of the war of the rebellion received for the loss of the sight of both eyes $20 per month. The soldier of the war with Spain receives $100 per month.

For the loss of sight of one eye, the other eye being affected, the soldier of the war of the rebellion received $25; of the war with Spain $72 per month.

For the loss of one hand and one foot the soldier of the war of the rebellion received $20 per month. The soldier of the war with Spain receives $60 a month.

For the loss of an arm at or above the elbow or a leg at or above the knee the soldier of the civil war received $15 per month; the soldier of the war with Spain $46 per month.

For the loss of a leg at the hip joint the soldier of the first war received $15, of the latter, $55 per month.

For total disability in one hand or one foot the soldier of the former war received $20, of the latter war, $60 per month.

For an incapacity requiring regular aid and attendance the soldier of the war of the rebellion received $25; the soldier of the recent war receives $72.

For total deafness the soldier of the war of the rebellion received $13; the soldier of the war in the Philippines received $40.

Mr. President, the men who received these comparatively small sums received no greater relief until within a very few years ago. So if we should pass this pension bill which I am now discussing, which grants but $12 per month at the age of 62, $15 at the age of 70, and $20 at the age of 75, it would not by any possibility equal the amount that would be received during the life of the soldiers of the Philippine war, assuming that they will live as long as those of the civil war. If, therefore, we should grant this partial justice, comparing the two wars and what each of the soldiers would receive, there would still be an injustice to the survivors of the great civil war. Justice demands, Mr. President, that we equalize this matter as nearly as possible.

The subject has been discussed here, and a great many of the newspapers have taken it up, of an increase of the salaries of the clerks in our Departments. It is stated that those clerks have salaries averaging about $100 per month, and it is purposed to increase those salaries 20 per cent, or $20 per month, for services amounting to about seven hours per day. It is inconceivable to me how anyone should favor the granting of that great allowance in the matter of a mere addition, while, at the same time, he would refuse to allow the same amount to the men who fought four years during the rebellion, who have reached the age of 75 years, and in all probability can not remain outside of their graves for more than four years longer. Twenty dollars per month, Mr. President, would not equalize even the amount that the soldier ought to have received during those four long years of strife; and if he then received but

about $4 in the then standard of money, he ought to receive for the balance of his life, if he should live from 75 to 79 years, at least an additional $20 per month.

Mr. President, some twelve or fifteen years ago we increased the pensions of those who served from six months to one year. We raised them to $12 per month, while the majority of the soldiers who fought in the open for four years are receiving less than $10 a month. I point out these incongruities and these inconsistencies that we may better know what justice ought to be meted out to the survivors.

Mr. President, the soldier of the Mexican war has been granted $12 per month for his sixty days' service. One-half of the soldiers of the rebellion of the same age have not yet received a pension of $10 per month, although the service was very much longer. Whenever we select one arm of the service, or the pensioners of one arm, considering the hardships they suffered and the struggles that were necessary to carry on that war and the miseries they endured, and allow them a pension which is disproportionate to what we allow other soldiers of other wars, or other arms of the same army, we are doing an injustice that can not but be keenly felt by everyone who has engaged in any one of those wars.

It is my hope, Mr. President, therefore, that we will do this slight act of justice to those of the civil war, who made it possible for us to have a nation that is capable of doing justice.

Mr. President, it has been suggested here, and suggested in other places, that this bill should be amended so as to give a flat rate of $12 per month to all who served in that war, irrespective of time. It seems to me that a glance at this will show its injustice. In the first place, the older soldiers are those of the longer service. The man who receives $20 per month because he has reached the age of 75 years is in nearly every instance a soldier who served during the entire four years. The short-service men were the younger men, who were too young to go into the Army at the beginning of the war, and went in at 15, 16, or 17 years of age toward its close. Therefore, considering the longer service of the older men, it is but just that they should receive the greater amount. In addition to this, Mr. President, as we all understand, their necessities become greater as they grow older.

We have taken 62 years as the basis for the pension of $12 per month. The only reason we have taken that is that there seems to have been a kind of precedent for it. It was the precedent in the case of the general pension law in favor of the survivors of the war with Mexico; it was the precedent established by Order No. 78, under which the conclusive presumption is that when a soldier has reached the age of 62 years he is totally incapacitated from performing manual labor.

Mr. President, I assume that the query will naturally arise as to what amount this bill, if enacted into law, will increase the present pension appropriation. About a year ago—on March 28, 1906—this bill was submitted to the Commissioner of Pensions, and a letter was received from him, from which I will simply quote rather than to insert the entire letter. It will show generally the amount estimated to be required if this bill be enacted into law. Of course we all understand that a year's difference in the age of the pensioner will make considerable difference in the result that will be obtained under this bill.

It appears that on March 28, 1906, from the estimate made from a previous year, that:

> The number of civil-war soldiers on the roll June 30, 1905, receiving less than $12 per month on that date, who will be between the ages of 62 and 70 years on June 30, 1906, is estimated at 148,000.
>
> Of this number 37,000 are receiving $6 per month; 66,600 are receiving $8 per month, and 44,400 are receiving $10 per month. The proposed bill grants them $12 per month, and the annual increase to these pensioners would be as follows, viz—

This is the important table—

37,000	would receive an increase of $72 per year, or	$2,664,000
66,600	would receive an increase of $48 per year, or	3,196,800
44,400	would receive an increase of $24 per year, or	1,065,600
148,000	Total	6,926,400

> Of the 230,000 civil-war soldiers pensioned at $12 per month, and the 21,000 who are pensioned at $14 per month, it is believed that about 53,000 are between 70 and 75 years of age, and therefore would take $15 under the bill. Of this number—

48,000	would receive an increase of $36 per year, or	$1,728,000
5,000	would receive an increase of $12 per year, or	60,000
53,000	Total	1,788,000

Then the Commissioner proceeds:

> Of the number of soldiers pensioned at rates between $12 and $20 per month, it is believed that 30,000 will be over 75 years of age on June 30, 1906. The increase to the roll caused by granting them $20 per month would be about $2,000,000 per year.

This would bring the whole matter up to about $10,714,000 per year.

But, Mr. President, as you will observe, the Commissioner of Pensions makes his prediction upon the assumption that all of these soldiers will immediately apply, and that their application will be immediately heard for the larger pension when they reach the respective ages covered by the bill. As a matter of fact, very many of them will probably not apply at all, and others will apply some time thereafter. It will not only take a year, but it will take years before all have applied. There are many—I believe 130,000, it is now estimated—in the unknown army who have never made any application. Considering a still further addition to this number, the Commissioner of Pensions has assumed that a great many of them will also make application under the bill. I believe, therefore, Mr. President, that it is safe to assume that within the next year there will not be an increase of more than about $6,000,000 to the cost of the pension roll.

Mr. President, I do not know that I desire to say anything further on this subject than to call attention to another feature of the pension laws and to another reason why this bill should be enacted. I desire to call attention to the period which had elapsed after each war before a service pension was provided for the soldiers of such war. Let us take the war of the Revolution. March 18, 1818, thirty-five years after the termination of the Revolution, was passed the first act of general pension legislation. Pensioners under this act must have been in indigent circumstances, in need of assistance. May 15, 1828, forty-five years after the close of that war, a general pension was granted to all who served to the end of the war; and June 7, 1832, forty-nine years after the war, the pension provisions were extended to all who served not less than six months. Considering that, in comparison with the war of 1812, we find that on February 14, 1871, fifty-six years after the close of the war, was the first general pension legislation for the survivors of that war. That act required sixty days' service. March 9, 1878, sixty-three years after the close of that war, this period was reduced to fourteen days.

As to the war with Mexico, on January 29, 1887, thirty-nine years after the close of the war, a pension act was passed which required sixty days' service, and applied to those who were 62 years of age or disabled or dependent. As to the Indian wars, the first pension legislation was passed July 27, 1892, fifty years after the close of the Black Hawk, Creek, Cherokee, and Seminole wars. That was the first law which applied to all who served not less than thirty days.

So, by a recapitulation, we will observe that the first general act pensioning soldiers of the Revolutionary war was but thirty-five years after the close of that war; and as to the war of 1812, it was fifty-six years afterwards, and the war with Mexico thirty-nine years thereafter. So, Mr. President, it may be observed that the first act in relation to the war of 1812 required only sixty days' service, the next only fourteen days' service; that the first act with reference to the war with Mexico required but sixty days' service, and the acts in reference to the Indian wars required but thirty days' service, while the only act of a general service character concerning the veterans of the war of the rebellion required ninety days' service. So it will be at once seen that, both in reference to the time elapsing after the close of the war and the length of service necessary to entitle a soldier to the benefits of the law, and in reference to the amount received, the soldiers of previous wars have in some respects been treated with greater consideration than those of the civil war.

This, Mr. President, it seems to me, ought to be rectified. It is not a matter of mere sentimentality. We owe a duty and are under a moral obligation to every survivor of the civil war. That obligation is to make as pleasant, as agreeable, and as comfortable as possible the declining days of those old soldiers. We can not fulfill that obligation by a mere love for the country which they saved or by a mere admiration of their deeds of valor. That obligation can only be fulfilled when we have done our complete duty to every one of those soldiers, not by the erection of monuments after they are dead, but by assisting them while they are on this side of the grave. I sincerely hope that this act of justice, so long delayed, will find supporters at the present session of Congress.

Mr. SCOTT. Mr. President, I do not know that it is worth while for me to enter into a discussion of this bill. If Senators care to know my views on this question, I think I can do no better than refer them to some remarks which I made on Tuesday, January 27, 1903, when I advocated a similar proposition presented in the form of a resolution.

I have long felt, Mr. President, that we are not doing justice to the soldiers who served in the war from 1861 to 1865. They are all growing old, and many of them are suffering from disease contracted in the service, although possibly at the time

they were in the service they had no hospital records upon which to base a claim for pension. I can cite the case of one soldier from my own State who served his full enlistment of three years and then served as a veteran for one year additional. He was engaged in thirty-one battles and skirmishes, but was fortunate enough never to have been wounded or to have been in the hospital; consequently he has no hospital record. At the advanced age of 69 he writes me that because of the arduous service and duty he performed during the war he finds himself unable to perform manual labor. He is possessed of a little house, with a quarter of an acre of ground, which, he says, is not sufficient for him to make a living for himself and "mother," meaning his wife. He wanted to know of me how I could get him a pension.

Mr. President, that is one of the many cases that come before those of us who are on the Pension Committee. I have been trying for at least five or six years to get passed through the Senate and through the House a bill that would give to these old soldiers at least a small pittance upon which they might live, if not in comfort, at any rate without being compelled to go hungry the balance of their few years.

There was no man called into the service of the United States in the dark days of 1861 who was not needed. There was no man called whose name, if he makes application for pension, does not have to appear upon the muster rolls, and he must show that he had an honorable discharge. We are too great, we are too rich a nation to turn the veterans aside and say, "Oh, well, we made you the promise to care for you in your old age, and your widows and your orphans, but that was forty-two or forty-three years ago." We can not afford to be unjust to the brave old defenders of the flag who fought in the civil war. We should care for them as we have cared for the Mexican war veterans.

In this connection I want to pay a tribute to my friends of the South who have, by State enactment and by taxation upon themselves, cared and are to-day caring better in proportion for the soldiers of the South who wore the gray than we are for the soldiers of the North who wore the blue. I admire my southern brethren and friends. I admire their States for enacting such laws to care for their veterans in their old age.

I do not believe that I could possibly say more in favor of this bill than I said in the speech to which I have referred. If any Senator cares to look over and ascertain my views and my reasons for supporting a bill of this kind at more length than in the few remarks that I have made this morning, I will ask him to send for a copy of the speech in which I endeavored at length to express my views upon a resolution similar to the bill which is now pending.

I do hope that it will be the pleasure of the Senate to pass this bill, and to relieve us from the great number of special bills that we are called upon every day to consider and very few of which are ever turned down. We report them favorably and the Senate passes them. Why not, as the Senator from North Dakota [Mr. McCUMBER] has very well said, give us this bill, which will establish exactly what the old soldiers may expect and what we intend to do for them?

Mr. President, we are abundantly able, with more gold in our Treasury than was ever within the vaults of any government on earth before. Our rapid growth and development and the splendor of our genius stand the wonder and study of mankind. Mr. President, the harvest is plentiful, and the laborers must by the laws of nature grow fewer each year. Over the span of forty-two years many of our comrades will have marched in triumph to that final victory. Let our gratitude cheer the hearts and our bounty brighten the pathway of the survivors.

Mr. WARNER. Mr. President, I do not intend to enter into a discussion of this question at this time. I note that this bill was reported to the Senate nine months ago the 2d of this month, and, if legislation is to be had, certainly at this Congress, the bill ought to be set down for a vote at an early day. I ask the Senator in charge of the bill if it is his purpose to ask that a vote may be had on this bill at an early day, so that we may do something more than to make speeches and declare our good intentions toward the old veterans?

Mr. McCUMBER. Replying to the Senator's question, I desire to state that it was my intention after the bill had been discussed this morning to ask that it be made the unfinished business after we dispose of the unfinished business now on the Calendar, and that then at a future time we fix a day certain on which a vote might be had.

Mr. GALLINGER. Mr. President, I have been interested in the remarks of the Senator from North Dakota [Mr. McCUMBER] and the Senator from West Virginia [Mr. SCOTT], and I confess in advance, in view of the fact that at a former time I was prominently connected with the Committee on Pensions, that I am reluctant even to rise for the purpose of discussing the measure. Yet there are some features of it that I think ought to be placed more directly before the Senate in advance of a vote on the bill.

The Senator from North Dakota gave correctly the time that elapsed before service-pension acts were passed in the wars that preceded the civil war. An examination of that record will show that there is no discrimination against the civil-war veterans up to the present time in that respect. Just forty years have elapsed since the close of the civil war.

Mr. SCOTT. Forty-two years.

Mr. GALLINGER. I beg the Senator's pardon; officially the war closed in 1866. If it closed in 1865, forty-one years have elapsed.

Following the Revolutionary war, the first bill was enacted thirty-five years after the war closed, but it was a very narrow bill. It granted a small pension, infinitely smaller than is proposed in this bill, and it was only to be paid to soldiers who were in indigent circumstances and in need of assistance. So that it was an exceedingly narrow bill. Afterwards a further enactment was made, and the original law was broadened to some extent, but no general pension was granted to survivors of that war until forty-five years after its close.

After the war of 1812 fifty-six years elapsed before any pension was granted, and that was a very small pension, as I remember, of $6 or $8 per month.

After the close of the war with Mexico we passed three acts. I want to call attention to those acts. The original pension act growing out of the Mexican war was passed January 29, 1887, thirty-nine years after the close of the war. That act simply provided that the survivors should be placed on the roll at the rate of $8 per month when they attained the age of 62 years.

Subsequently, April 23, 1900, that was amended so that it was provided that soldiers of that war who were in necessitous circumstances and wholly disabled for the performance of manual labor should receive $12 per month. March 3, 1903, it was again amended so as to grant all survivors of that war, every one of whom is a very old man and a very feeble man, $12 per month, and that is the law to-day. That is the way we have dealt with the soldiers of the war with Mexico. The soldiers of the Indian wars were granted, fifty years after the close of the war, a pension of $8 per month.

Mr. President, there is a special reason, which it is well enough to put into the RECORD, why we have not before the present time passed a service-pension bill for the survivors of the civil war, although the time elapsed averages just about the same as that which elapsed before we passed service-pension bills for survivors of the other wars.

Commissioner Evans, under date of March 8, 1902, in a communication addressed to me when a service (per diem) pension bill was under consideration at that time by the Committee on Pensions, suggested the reason. He says:

> With reference to the propriety of the legislation proposed by the bill, I have the honor to state that it has been my belief that a per diem service pension should have been granted in 1890 in lieu of that provided by the act of June 27, 1890, and that such an act would have been more equitable and just in many respects; but as more than $600,000,000 have now been paid out under the act of June 27, 1890, and as substantial relief is being daily afforded to hundreds of applicants under that act the propriety of additional legislation at this time extending the provisions of the pension laws, which are now exceedingly liberal, should be carefully considered.

Mr. McCUMBER. What is the date of that?

Mr. GALLINGER. It is dated March 8, 1902.

Mr. President, four years ago we had paid out under the act of June 27, 1890, $600,000,000, and it is safe to say that at the present time the amount reaches $800,000,000. That enormous sum was paid out under a bill that was to all intents and purposes a service pension bill. That is to say, the requirements were that a man should have served ninety days and that he should, to a lesser or greater extent, be incapacitated for the performance of manual labor. He was not required to prove that he had incurred any disability whatever in the service, but simply that he was incapacitated, partially or wholly, for the performance of manual labor; and the pensions allowed were six, eight, ten, and twelve dollars per month, according to the degree of disability. It is well to keep in mind that fact. I think it was an unfortunate piece of legislation. Had it not been enacted we would doubtless before now have had a service pension bill which would not have been restrictive in any particular so far as concerns granting pensions to survivors of the civil war.

Mr. President, it is absolutely impossible for us at this late day to legislate so as to grant equal and exact justice to every soldier. The Senator from North Dakota [Mr. McCUMBER] has

called attention to the discrepancy between the rates of pensions allowed to survivors of the civil war and those that are now being allowed to survivors of the war with Spain; and there is a very striking and palpable injustice, if it could be corrected. But I call the attention of the Senator from North Dakota to the fact that if the bill which he advocates shall be enacted a very large proportion of the increase that will be paid out of the $15,000,000 a year, as estimated by the Commissioner of Pensions, will go to the men who have been drawing pensions under the act of June 27, 1890, and not to the men who have secured pensions under the general law because of disability incurred in the service. An enormous percentage of it will go to the men who have been drawing pensions for sixteen years without having made even a pretense that they incurred any disability whatever as a result of Army service.

One year ago the First Deputy Commissioner of Pensions, in answer to a letter I sent him, gave his estimate of what it would cost to place all the surviving soldiers of the civil war on the pension rolls at $12 per month. That estimate, a year ago, was $15,383,190.84. I will say in passing that I have not a great deal of confidence in the accuracy of estimates. I think they are necessarily guesswork to some extent, but they are approximately correct. But what I want to say is that out of the $15,383,000 in that estimate $12,517,000 would go to the soldiers who are on the roll under the act of June 27,.1890, who incurred no disability whatever in the service, and only $2,865,000 to the men who had proved disability as the result of their Army service.

Precisely the same result will be reached if the bill now under consideration shall be enacted. An enormous percentage of the money will go to the men who are now on the pension rolls without having incurred disability, and a very small proportion of it will go to the men who did incur disability as a result of Army service and who are on the roll on account of that fact. I do not know that I am at war with that condition; I do not know that I want to interpose any serious objection to it; indeed, there is no remedy for it; and yet it is well enough for us to understand precisely what the result of this legislation is to be.

Mr. President, we have been extremely generous as a nation to our soldiers. Nobody doubts that. The men who served in the Army admit it, as did the Senator from West Virginia; and those of us, who for various reasons did not serve in the Army, know it to be a historical fact. We have dealt very generously with our soldiers of all the wars, but especially so with those who served in the civil war.

I wish to give a few statistics, and they are very brief. In all the wars in which we were engaged, 3,304,995 men gave service. Of these men 69 per cent served during the civil war and 31 per cent in the other wars, including the Revolutionary war, the war of 1812, the Mexican war, and the war with Spain. We have paid out in pensions $3,320,860,022.98, and this vast amount does not include what our Government, in its beneficence and generosity, has paid out for the maintenance of soldiers' homes and other expenditures that have greatly added to the comfort of the men who served the country so patriotically from 1861 to 1865. Of this amount, $3,320,000,000, 95 per cent, or $3,144,395,405.26, has been paid to the soldiers of the civil war. While the soldiers of the civil war represent 69 per cent of the men who were engaged in all our wars, they have received 95 per cent of the pension money that has been paid out by the Government, including all those wars. So we have not been parsimonious to these men. We have dealt with them with the utmost liberality, as I view it.

Mr. President, we have of recent years gone further in the matter of liberality than we have done at any previous time, and the soldiers of the civil war have been the beneficiaries. First, under an Executive order, which afterwards was crystallized into law, we made age a disability, and we have been granting pensions, first under that order and next under the law, to men who had reached certain ages without any reference to whether they had incurred any disabilities in the service or whether any special disabilities existed when they reached that age.

Now it is proposed that we shall differentiate as between those various classes and grant pensions at varying rates because of the matter of age. The present bill contemplates that we shall grant pensions at the rate of $12 per month to all soldiers of the age of 62 years, whether they incurred disabilities or not or whether they are sick or not; to all soldiers who have reached 70 years, $15 per month, and to all who have reached 75 years, $20 per month. It is that feature of the bill to which I am inclined to object. I am fully persuaded that if we at the present time go as far as we have ever heretofore gone in the matter of a service pension and grant a pension of $12 a month to all soldiers who served during the civil war, irrespective of age or physical or financial condition, we will be dealing with extreme generosity and, I think, in a more wise manner than is proposed in the bill under consideration.

I do not know how much that would cost at the present time. As I have before stated, the First Deputy Commissioner of Pensions, who is a very careful man and knows about the Pension Bureau, I think, quite as much as any other man connected with it, one year ago gave an estimate that it would cost over $15,000,000. The old soldiers are dying off very rapidly; we all know it will not be many years before there will be but a remnant of them left; and for that reason there is no man in public or private life who has a greater desire to do equal and exact justice to those men and to deal liberally with them than I have. But if it will cost, say, $12,000,000 a year for the next five or ten years, as it probably will, to increase these pensions to $12 per month, which is the highest rate ever given in a service-pension bill in the history of the Government, it seems to me we would be doing quite as much as we ought to be asked to do at the present time.

I wish to say to the Senator from North Dakota that while this body has always dealt generously with propositions of this kind when they have come before it, a bill does not end here, and I think he would be much more likely to secure what he has at heart—the relief of these worthy soldiers—if he amended his bill so as to make it a service-pension bill at $12 a month than he will if he keeps in it these different rates at different ages. If the Senator himself does not come to the conclusion that it is wise so to amend it, I may offer such an amendment and submit it to the consideration of the Senate before the bill is finally voted on.

Mr. President, I am not here in antagonism to this bill. I want that to be distinctly understood. Had it not been for the act of June 27, 1890, which granted pensions to every soldier who served ninety days, without regard to disability incurred in the service, under which almost a billion dollars has been paid out, I myself should have advocated a service-pension bill when I occupied the honorable position as chairman of the Committee on Pensions, which is now so well and ably filled by the Senator from North Dakota. But the fact that these men have been drawing this money all through these years, while the men who served faithfully and for a longer time than they, who incurred disabilities, who went on the pension roll because of those disabilities, are, many of them, getting only $6 a month at the present time, was and is an obstacle that I could not overcome; and the further fact that a proportion, I think as large as 80 per cent, of the increased pensions that will be paid out under the bill which is now under consideration, if it shall become a law, will go to these same men, makes me hesitate to regard it as a wise and discreet measure.

Mr. President, I wish to do all I can for the survivors of that great war; I want to go to the point of extreme generosity; but I feel that we may in our interest and zeal for them possibly go beyond what is equal justice as between different classes and as between them and the soldiers who have fought the other wars of our country.

Mr. McCUMBER. Mr. President, for my own part the fact that 70 or 80 per cent of the increased appropriations would go to those who are now drawing pensions under the 1890 act would not in the slightest degree influence me in still insisting that the bill ought to be passed. Who are these men who are drawing pensions under the act of 1890? For the most part they are men who had the hardihood not to go into the hospitals upon every little sickness, and, therefore, had no hospital record to make a basis for the claim that any disease was incurred during service.

Mr. President, it is so difficult to determine accurately that any of the ills of life with which the great army of survivors is suffering was of service origin, other than those that relate directly to wounds, that I have never had a great deal of faith in the service origin of most of the diseases. Although a soldier could not prove that his disability was of service origin, because he had no hospital record to fall back on, and therefore could not secure a pension, while another who possibly had a little hospital record to fall back upon did secure a pension, I believe the case of the former is equally meritorious and ought to be considered. The question with me that is more important than any other is whether he was a good and valiant soldier; whether he performed all of the duties that were required of him during those years of service. If he did, then he is entitled, in my opinion, to the benefit of a service-pension law. Every soldier who received wounds or who can establish the service origin of his disability will get his pension under another and different law.

Mr. President, it seems to me scarcely proper to take the

meager pension which is granted to soldiers of the Revolution as any basis whatever for what should be granted by the Government in its present condition. The Senator will remember that the per capita circulation of money in the country at that time was less than $4, while to-day it is about $33. He will remember also that the wealth of the country has increased not by the hundredfold, but by the thousandfold since that time. We are better able to-day to pay what this bill will require—far better able, a hundred times better able to pay it—than was the country able to pay the meager sum that was doled out to the soldiers of the Revolution. Our duty, I say, is somewhat commensurate with our ability to pay those soldiers, so that in their declining years they may at least have the comforts of life.

Mr. President, the Senate has already passed a bill granting to the soldiers of the war with Mexico $20 per month. The Senator from New Hampshire [Mr. GALLINGER] says they are old men, mostly above 75 years of age at the present time. The $20 a month that we propose to grant to soldiers under this bill will go only to men who are over 75 years of age. The amount is granted to the soldier of the Mexican war irrespective of his disability. Therefore the same amount should be granted to a soldier of the civil war of practically or nearly the same age, irrespective of his ability to prove that any derangement or ills of which he is suffering are of service origin. I have never, myself, had very much regard for any per diem pension. The man who served thirty days often saw more service and harder service than the man who served two years, and therefore it would be unequal and unjust to make per diem service the basis of any pension.

Mr. President, just taking this bill as the Senator has read it, we granted to the survivors of the war with Mexico, at the age of 62 years, the sum of $8 per month. We afterwards raised it to $12 per month. What objection, then, can the Senator have to granting to the men who served in the civil war, at the same age, 62 years, the sum of $12 per month? Twelve dollars per month now is not more than $8 per month was when we first granted to the soldiers of the war with Mexico their $8 per month.

Then, again, taking the next period of 70 years, the Senator understands, as we all understand, that senility advances more rapidly between 70 and 75 than it does between 62 and 70, and therefore the greater the reason for granting the extra amount of pension.

Mr. GALLINGER rose.

Mr. McCUMBER. Right here, before I yield to the Senator, I call his attention to the fact that we pass during a session three or four thousand special pension bills, generally granting pensions at about $30 per month. Most of those soldiers, who are in indigent circumstances, would to-day, under the same rules that we apply in private pension bills, receive probably $24 to $30 per month. Therefore, by a general bill we ought to reach them in such a manner that only those in the most indigent circumstances will hereafter apply for relief by special bill.

Again, I call the Senator's attention to the fact that probably if these men who are 75 years of age should receive $20 they would not apply for the other $10 per month by special bill. Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. Is the Senator from North Dakota through?

Mr. McCUMBER. I yield the floor.

Mr. GALLINGER. Mr. President, I rose to ask the Senator if I correctly understood him to interrogate me as to why I objected to granting a pension of $12 per month to soldiers of the civil war at the age of 62. I do not object to that at all, I will say to the Senator, and I must have been extremely unfortunate in the observations I made on that point if there can be any mistake as to my attitude.

Mr. McCUMBER. To be strictly correct, my query was not directed to the Senator to be answered, but was merely an inquiry as to what reason there was for denying the soldier of the civil war 62 years of age $12 per month when we granted practically the same to the soldier of the war with Mexico—only $8, of course, in the first instance—and I desired to call attention to the parallel along each of those ages.

Mr. GALLINGER. I have no objection, I will say to the Senator and to the Senate, to granting pensions to soldiers of the civil war 62 years of age at the rate of $12 per month, notwithstanding that rate was not granted to the soldiers of any other war, except the war with Mexico, and that only three years ago.

The Senator from West Virginia [Mr. SCOTT] and the Senator from North Dakota [Mr. MCCUMBER] both have laid stress on the fact that this bill will decrease the private pension bills. Mr. President, I am not going to enter into the realm of prophecy to-day, but I will venture a suggestion, that I do not claim is prophetic, that the bill will have no such effect. We will have the same grist of pension bills to grind that we have had during the past ten years particularly, and it will increase, in my judgment, from year to year. I have never interposed any objection to it, and I certainly shall not in the future.

Mr. President, I rose merely to move an amendment to the bill, which is purely one of verbiage. On page 3, lines 7 and 8, I move to strike out the words "Pension Office" and insert "Bureau of Pensions."

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from New Hampshire.

The SECRETARY. On page 3 of the bill, in the proposed amendment, strike out the words "Pension Office" and insert in lieu thereof the words "Bureau of Pensions."

Mr. McCUMBER. There is no objection to the amendment.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. GALLINGER. In line 11, on the same page, I move the same amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. In line 11, page 3, strike out "Pension Office" and insert "Bureau of Pensions."

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. GALLINGER. For the purpose of bringing the matter directly before the Senate—and I will say in advance that of course the will of the Senate after it has been expressed will be my will—I move to strike out in lines 3, 4, 5, and 6, on page 3, the words:

as follows: In case such person has reached the age of 62 years, $12 per month; 70 years, $15 per month; 75 years or over, $20 per month.

And substitute the words:

at the rate of $12 per month.

The VICE-PRESIDENT. The Secretary will state the proposed amendment to the amendment.

The SECRETARY. On page 3 of the proposed amendment strike out, in line 3, after the word "pension," the following words:

as follows: In case such person has reached the age of 62 years, $12 per month; 70 years, $15 per month; 75 years or over, $20 per month.

And insert in lieu the words:

at the rate of $12 per month.

Mr. McCUMBER obtained the floor.

Mr. GALLINGER. I do not ask that a vote shall be taken on the amendment to the amendment at the present time, if the bill is to go over.

Mr. McCUMBER. That is my understanding. It was the understanding that no vote would be taken upon this bill to-day, but that I would ask that it be made the unfinished business at some future time, whereby it might be taken up.

I ask unanimous consent that the bill be made the unfinished business after to-morrow; that is, the day after to-morrow. Of course it would not interfere with any appropriation bill, and I am sure that it will not be unduly pressed to take the place of anything else. I simply wish it so placed that we can call it up and have a vote on it in the near future.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the pending bill be made the unfinished business beginning on the 11th instant, not to interfere with appropriation bills. Is there objection to the request?

Mr. BURROWS. Mr. President, I am not entirely certain what the effect of such an agreement would be. If it is made the unfinished business from day after to-morrow, it might hold that place the balance of the session. I am not certain what the effect would be upon Senate resolution No. 142, which is a privileged matter, but I am inclined to think that an arrangement of that kind by unanimous consent would cut out the consideration of that resolution, which involves the right of a Senator to his seat. I shall therefore have to object, unless the Senator will except from his request Senate resolution 142.

Mr. McCUMBER. I should like to ask the Chair, for information, whether the result would be as is anticipated by the Senator from Michigan.

The VICE-PRESIDENT. It would be so, unless the Senate should by unanimous consent modify the agreement or by motion displace the unfinished business.

Mr. FRYE. Suppose the Senator from North Dakota simply asks that the bill be made the unfinished business on Friday next. Of course it can not take a great while to dispose of the bill. One morning ought to be sufficient.

Mr. McCUMBER. I will conform to the wish of the Senator from Michigan and will modify my request. I ask that the bill be made the unfinished business on Friday, at the close of the morning business.

Mr. GALLINGER. I will venture a further suggestion before the Chair puts the request. Some other bill by vote may be the unfinished business at that time. I think the Senator had better ask that it be taken up at the close of the routine morning business on Friday, and I am quite sure it will be disposed of.

Mr. McCUMBER. Very well, if the Senator thinks that it will be disposed of.

Mr. GALLINGER. I suggest to the Senator simply to make that request.

Mr. McCUMBER. Very well.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the pension bill be taken up for consideration immediately after the close of the routine morning business on Friday next. Is there objection? The Chair hears none, and it is so ordered.

SHOSHONE INDIAN RESERVATION LANDS.

Mr. CLARK of Wyoming. Is there anything before the Senate at the present moment?

The VICE-PRESIDENT. There is nothing before the Senate.

Mr. CLARK of Wyoming. I ask leave to report a bill from the Committee on Public Lands, and I request its immediate consideration. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 21202) fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same, to report it favorably without amendment, and I ask that the bill be put on its passage.

The Secretary read the bill; and there being no objection, it was considered as in Committee of the Whole. It provides that homestead entrymen on lands formerly embraced in the Wind River or Shoshone Indian Reservation, in Wyoming, which were opened to entry under the provisions of the act approved March 3, 1905, shall have six months after the date of filing upon their lands, or until May 15, 1907, to establish residence upon the lands entered by them.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCUS M. CURRIER.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 6587) granting an increase of pension to Marcus M. Currier.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Marcus M. Currier, late musician, Company G, Eighth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GABRIEL CAMPBELL.

Mr. GALLINGER. The bill (S. 7295) granting an increase of pension to Gabriel Campbell is one of great merit, in which the Senator from Michigan [Mr. BURROWS] takes an interest as well as myself. I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Gabriel Campbell, late captain Company E, Seventeenth Regiment Michigan Volunteer Infantry, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORSON B. JOHNSON.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (S. 7384) granting an increase of pension to Orson B. Johnson.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to strike out "Volunteer;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orson B. Johnson, late of Company C, Fourth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WALTER D. GREENE.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (S. 6828) granting an increase of pension to Walter D. Greene.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walter D. Greene, late first lieutenant Company E, Thirty-eighth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FANNIE L. PIKE.

Mr. BULKELEY. I ask unanimous consent for the consideration of the bill (S. 6137) granting an increase of pension to Fannie L. Pike.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie L. Pike, widow of Calvin Pike, late of Company C, Seventh Regiment Connecticut Volunteer Infantry, and second lieutenant Company E, Seventy-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENOCH BOLLES.

Mr. BULKELEY. I ask unanimous consent to call up the bill (S. 6145) granting an increase of pension to Enoch Bolles.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enoch Bolles, late of Company I, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELI M. SKINNER.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (S. 6656) granting an increase of pension to Eli M. Skinner.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Eighteenth," to insert "Second Battalion;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli M. Skinner, late of Company D, Second Battalion, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. HOLSEY.

Mr. KITTREDGE. I ask for the present consideration of the bill (S. 6823) granting an increase of pension to John H. Holsey.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Holsey, late of Companies H and C, Twenty-third Regiment Illinois Volunteer Infantry, and Com-

pany D, Twenty-second Regiment United States Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 5133.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. Mr. President, I do not know whether other Senators desire to discuss the unfinished business to-day or not. I have not been advised in respect to that. I have some matters which I desire to present in order that they may be printed in the RECORD, and Senators have an opportunity to examine them before the vote is taken upon the bill.

The measure is one, Mr. President, of very great importance, not only to the railroads and to the men employed in their service, but it is of vital importance to the public. Because of its importance to the public, I endeavored to secure its consideration and passage by the Senate at the last session. I realize, from such study as I have been able to make of this subject, that the hours of continuous service of the men in the employ of railroads is a matter which bears directly upon the quality and character of that service. Realizing that, I felt warranted in urging with some presistency the consideration of this measure.

I think, from such information as I have been able to gather, that the railway employees were among the first to urge the consideration and enactment of legislation of this character. At the last session I presented, during the consideration of this bill by the Senate, the petitions of organizations of railway employees representing, as I now remember, forty-three different States of the Union. I think perhaps I stated (I know, if I did not state it, I was cognizant of the fact) that there were some railway employees who have to do with the moving of trains who did not approve of this legislation. I thought at that time, and I still believe, that the number of railway employees opposed to this legislation is very limited.

Some of the railway employees have been persuaded that this bill if enacted into law would inflict hardship upon them. There is no just reason for this belief. I am confident that, excepting as they have been thus persuaded, those of the railway employees who oppose this legislation oppose it because they desire to make a large earning, month by month, without due regard to the quality of the service rendered to the public.

That this may be more clearly understood, let me say it is my understanding that, west of the Mississippi River particularly, the employees of railroads engaged in the moving of trains are paid upon the mileage basis. The number of miles those engaged directly in moving the trains make per month increases their monthly pay. In this, as in every other service, there are those who are overanxious, from one cause or another, to make a large earning for each month and who are not always considerate of the risks which they may take themselves and the risks which they may inflict upon the public, who are directly concerned in the safe, or the reasonably safe, movement of the trains.

I am not unmindful of the fact, Mr. President, that during the present session quite a number of protests against this legislation have been received by Senators from railway employees. Some have been presented to the Senate, some have not been presented to this body. I believe, sir, that the railway companies have exerted themselves to secure from the employees a disapproval of this legislation. I need not enlarge, sir, upon the readiness with which it is possible in that service to in some measure coerce the judgment and the action of those who are working for railroad companies.

The Senator from Wyoming [Mr. WARREN] presented some letters, which were printed in the RECORD of yesterday, making protest against this legislation. I have been advised by other Senators of the receipt, upon their part, of letters from railroad employees in their respective States urging opposition to this bill. I have here, sir, a communication from a member of one of the railway organizations of this country. I will not give the name of the writer of this letter nor will I locate the lodge or the order of which he is a member. I will submit the letter very cheerfully to the examination of any Senator on this floor who may desire to see it. This letter is addressed to Mr. Fuller, the legislative representative of the railway organizations of this country, who, I think, for some seven or eight years, has been in attendance upon the sessions of Congress. It is dated January 7, 1906. It was received but a few days ago, and since January 7, 1907. It reads as follows:

Mr. H. R. FULLER.

DEAR SIR AND BROTHER: The inclosed unsigned resolutions were handed to one of our members by Mr. E. T. Lamb, division superintendent of the Southern Railway, with a request that our division indorse the same. But we are not doing it with a rush. I am directed by my division to send the same to you to find out more particulars in reference to the same.

Will you kindly let us have this information at your earliest convenience, as would like to have it by our next meeting, Sunday, the 13th.

Yours, fraternally, ——— ———.

I think, Mr. President, that I will read into the RECORD the inclosed copy of resolutions which accompanied this letter, and which were received by Mr. Fuller, who placed the letter and the resolutions in my hands:

Whereas the nature of the railway business imposes conditions little understood by the general public, among them the fluctuations in train movement from week to week, month to month, and season to season, which create corresponding variations in the quality of train service required and consequently in the demand for the labor of trainmen; and

Whereas the efficient handling of the public business intrusted to interstate railway carriers requires the arrangement of the runs of train crews so that in many cases the distances covered can not always be traversed when conditions are at all adverse within sixteen hours, and this is especially true of what are known as "turn" runs, which, however, are universally preferred by train crews because they permit the layovers to be spent at their homes, with increased comfort and reduced expense; and

Whereas the restriction of the hours of labor by imposing a statutory maximum of sixteen hours, with exceptions only in case of casualties occurring after the run begins, would require the railways to keep upon their pay rolls a greatly increased number of men to handle the traffic at the period of its greatest volume, but many of whom would be idle much of the time during most of the year, and would thus greatly reduce the average annual earnings of all classes of trainmen: Now, therefore, be it

Resolved, That we, members of ———, condemn any legislative proposal for the restriction of the number of hours during which railway trainmen shall be permitted to dispose of their labor, and that we especially protest against the passage of the bill known as S. 5133, introduced by Senator LA FOLLETTE, or any similar measure; and

Be it further resolved, That these resolutions be forwarded to the Senators and Members of Congress from the State of ———, to the chairman of the Committee on Education and Labor of the United States Senate, and to the Speaker and the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives.

With two blank lines for signatures.

I am of the opinion, Mr. President, that Senators will readily understand, from the character of those resolutions and from their source, that in large part the opposition to this legislation, as presented by railway employees, is inspired, not to say commanded. That this set of resolutions is purposed to be used in more than one State is entirely apparent from its construction, and that the railroad companies of the country have been very busy moving upon their employees since the adjournment of last session need scarcely be stated. That railway employees of the country should be concerned for the adoption of a statute which would afford them some protection against excessive hours of labor being required of them seems to me reasonable and natural, and that without any solicitation upon my part, and so far as I know without solicitation upon the part of anyone, I was able to present to the Senate, at the last session, scores and scores of petitions, representing the great organizations of railway employees of this country, emanating from forty-three of the States of this Union, is quite conclusive to my mind, sir, that, left to themselves, the railway employees of this country would, excepting for such rare exceptions among their number, represented by those who are somewhat reckless with respect to the peril which they incur themselves in running beyond a reasonable limit of hours and who are overeager to increase their earnings—excepting as to these, I believe that the great body, the overwhelming majority of the railway employees of the country are at heart for this legislation. One need but examine the record of accidents, reported to the Interstate Commerce Commission by the railway companies of the country under the act adopted in 1901, to find ample cause for the railway employees of this country to favor the legislation proposed in the pending bill.

I have here a record of those cases reported by the railway companies of the country under the act of 1901 to the Interstate Commerce Commission. The accidents set forth in this record are limited to those in which the reports disclose that the hours of service of the railway employees engaged in or having to do with the movement of the trains extended over a period of more than fifteen hours. This table, as I have said, covers all cases of accident in which the railroads reported more than fifteen hours of continuous service from July 1, 1901, to and including the month of September, 1906.

In this table, which I shall ask to have incorporated in my remarks and printed in the RECORD, is stated the character of the accident, whether it was a collision or a derailment; whether individuals were killed or injured; the personal injuries; the damages; the cause of the accident; the hours of duty of those engaged in the movement of the trains or having to do with the movement of the trains, and the hours of rest which these men had immediately preceding the trip during which the accident occurred.

With respect to the statement of the cause of the accidents incorporated in this table, Mr. President, I desire to be clearly understood in saying that the language which assigns the cause is not the language of the compiler of the table, but is the language of the railroad company making the report. Therefore, I think no one will be inclined to question the accuracy of the statement of the cause; at least no one ought to assert that it is in any way prejudicial to the interests of the railway companies.

I shall not take the time of the Senate, sir, to go into this table very fully, but I will briefly run over the pages and call attention to a few of the cases reported in this table, because it seems to me they are pertinent to the consideration of the pending bill.

In one of the first or earlier cases reported in this table I find this entry: "Collision. Engineman asleep; hours on duty, 17; hours of rest preceding the service"—which was interrupted by this accident—"hours of rest, 2." That is, this engineer who fell asleep upon his engine had been seventeen hours on duty, and had gone on duty—had been called by the company to go out upon his engine—after having had only two hours to rest following the preceding service.

Another: "Collision. Train not under control" is stated as the cause of this collision. "The hours on duty, 42." No statement accompanies this report by the company showing that there had been any rest accorded to those in charge of that train immediately preceding their call to go upon this duty.

Another: "Collision. The engineman dozing; 17 hours on duty," and with only six hours' rest immediately preceding his call to this service.

Another, resulting in the killing of one man, the cause being stated as follows: "Signalman went back to flag; fell asleep; 20 hours on service." No previous hours of rest reported.

Another, resulting in collision: "Engineman asleep; twenty hours on service." He had had twenty hours of rest immediately preceding his service; but it needs no statement of mine, sir, to remind anybody seriously considering this subject that no man is physically capable of rendering any service to which responsibility is attached when he has been twenty hours in continuous service, I care not how long a rest he had preceding that service.

Another case, resulting in collision; cause reported by the railway company: "Flagman neglected to flag; hours on duty, nineteen." It is not very strange, Mr. President, that he neglected to flag.

Another, resulting in collision: "Engineman dozing; twenty hours on service." Twenty hours on duty, following twenty-four hours of rest.

Another, resulting in collision: "Engineman mistaking signals." This poor fellow had twenty-seven hours on duty, after nineteen hours of rest. It would have been strange, Mr. President, if he had been capable of understanding signals with twenty-seven hours of continuous service.

Another, resulting in collision: "Engineman going to sleep; fifteen hours on duty, with five hours of rest immediately preceding the call for that service."

Mr. President, I pause for a moment to say that while this bill limits the service to sixteen consecutive hours I would be glad indeed, sir, to see adopted a bill with a much shorter limitation. Whatever rest may be allotted to one preceding sixteen hours of continuous service it is hardly rational to expect from that man a full and complete command of all his powers; and, sir, if there be any service in which men engage where the concentration of all the faculties, where the greatest alertness of the mind, where the largest possible reserve of vitality are absolutely essential to the discharge of that service it is surely in this very important work of conducting the trains which carry the passengers of this country upon the railroads.

I cite another case from this record, following very closely upon the heels of the one last submitted, which resulted in collision in which there was loss of life and injury to persons: "Train orders overlooked." Twenty-two hours on service, with three hours of rest immediately preceding the call to duty on the part of the men engaged in running the train.

Another, where the cause is stated as follows: "Engineman falling asleep." Twenty hours on service, following twenty-one hours of rest.

Another, where the cause of the trouble is stated as follows: "Train standing on siding; trainman, sleeping, fell from the engine." Twenty-five hours on duty. Had twenty-four hours of rest preceding that call to duty.

Another, where the conductor went back upon the track to flag, sat down upon the end of a tie, went to sleep, and was struck; twenty hours on service, following nine hours of rest.

Another: "Trainman sent out to flag; fell asleep on track; struck by a passing train." Sixteen hours on duty; no hours of rest preceding this call to duty reported.

Another: "Brakeman sent out to protect train; sat down on end of tie, and went to sleep; struck." Seventeen hours on duty; no hours of rest reported.

Another: "Brakeman out flagging; went to sleep sitting on end of tie; hand lamp hidden from view; struck by relief train." Sixteen hours on duty; no hours of rest reported.

Another, resulting in collision, cause stated: "Engineman using poor judgment by stopping on a curve." Forty-three hours on duty; no rest reported previous to this call to service. It is not to be marveled at, Mr. President, that this man exercised what is termed by the company reporting this case as "poor judgment."

Mr. BEVERIDGE. What road is that?

Mr. LA FOLLETTE. Answering the question of the Senator from Indiana, I will say that this table, as prepared, does not, for manifest reasons, state the names of the companies. This information, under the law requiring the companies to report, is received by the Interstate Commerce Commission, and is in a measure in the nature of a confidential communication—that is, to this extent: That it is not to be used in such a way as to subject the company to litigation. If the table so prepared contained the statement of the names of the companies in this case, it might result in the violation of that statute. They are not here given. I will state, however, Mr. President, that I think I have a copy of the record here, which will verify each one of these statements, which I have in my possession temporarily and which I will show personally to any Senator who would care to see it.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. Certainly.

Mr. BEVERIDGE. I want to assure the Senator from Wisconsin that my inquiry from my seat was not because I had any doubt of the accuracy of these reports. The reason I asked the question in the particular example given was that I was shocked, as I am sure every Senator here was who heard it, that any road would be capable of keeping any man on duty forty-three hours without rest. I should be very glad, if it were possible, to have a road that would subject men to such inhuman treatment known to the American people.

Mr. LA FOLLETTE. It is but just, Mr. President, to say, in response to the statement of the Senator from Indiana, that some cases to which I will call attention, where I think the hours of service extended over as long a period of time as in this case which excites the indignation of the Senator from Indiana, are cases where the men are responsible, apparently, from the statement given here, so far as the initiative is concerned, for such extended hours of service. I say that, Mr. President, to emphasize the point to which I adverted briefly earlier in my remarks, that we can not always trust this matter to the pleasure of the railway employees themselves. Some of them are so anxious to extend their runs within the month and so desirous of adding to their earnings that they will take great risks themselves and inflict upon the public very great risks in so doing.

Following the case last reported is another, resulting in collision, where the cause stated by the company is as follows: "Engineman asleep and running by board." I take that to mean some signal that should have arrested him; but he had been twenty hours on duty, as shown by this statement.

Another, resulting in collision, stated as follows: "Engineman failing to have engine under control approaching protected water station." But he had been nineteen hours on duty.

Another, resulting in collision: "Engineman of one train asleep;" eighteen hours on duty; three hours of rest immediately preceding that call to duty. "Conductor and flagman of approaching train also asleep;" thirteen hours of duty, preceded by only seven hours of rest.

Another, resulting in collision, where the cause is stated by the railway company as follows: "Responsibility rests with engineman and conductor for running train at high speed in

block entered under caution signal." Thirty-four hours on duty; fourteen hours of rest preceding this call to service.

Another, resulting in collision: "Failure of engineman to obey order" is stated by the railway company as the cause; but this man had been twenty-four hours on duty with no rest reported preceding this call to service.

Another, resulting in collision; cause, as stated by company: "Train not under control; engineman and brakeman responsible." Nineteen hours on duty, with only eight hours of rest preceding.

Another, collision, the cause stated by the company as follows: "Failure of engineman to comply with rules requiring all extra trains to approach side tracks under control." Nineteen hours on duty; only ten hours of rest immediately preceding.

Another: "Brakeman struck by bridge and knocked off tender of engine; instantly killed." Twenty-one hours on duty.

Another: "Brakeman sent out to flag train sat down on end of tie and fell asleep." Twenty-three hours on duty; no rest reported.

Another: "Failure of engineman to stop train in time to avoid rear collision." Twenty-three hours on duty.

Another: "Failure to protect rear end of train by flag; conductor and engineman responsible." Thirty hours on duty; only eight hours of rest preceding this call to service.

Another, resulting in collision; cause stated by the company: "Engineman running train through yard not under control." But he had been twenty hours on duty.

Another: "Failure of conductor to properly protect his train." Twelve hours on duty. The conductor of the other train, as stated by the company, "failed to have engineman reduce speed." Twenty-two hours on duty.

Another: "Engineman going to sleep on duty and allowing train to approach a wreck at high speed." He had been fifteen hours on duty without any previous rest since his last preceding call, so far as reported by the company.

Another: "Engineman asleep; did not stop train in time." Twenty-two hours on duty.

Another, collision: "Both engineman and head brakeman asleep when passing switch." Nineteen hours on duty.

Another, resulting in collision: "Engineman on rear extra did not have train under control approaching end of double track." Twenty-four hours on duty.

Another, resulting in collision: "Engineman did not have his train under control approaching derail." Twenty hours on duty.

Another, resulting in collision: "Engineman falling asleep." Nineteen hours on duty, only five hours of rest immediately preceding.

Another, resulting in collision: "Engineman fell asleep approaching tunnel." Twenty hours on duty. No rest immediately preceding his call to duty is reported by the company.

Another, resulting in collision: "Train not properly protected; conductor, brakeman, and engineman at fault." Twenty-two hours on duty. Seventeen hours of rest preceding.

Another, resulting in collision; cause stated by the railroad company: "Engineman asleep; had made two straight double runs previous to this on account of shortage of men; record good." Forty-eight hours on duty. Only six hours of rest.

Another, collision; cause stated by the company: "Engineman dropping to sleep after he had been flagged; was on his fourth trip and had had but two hours' rest at end of each; was not required to make so many continuous trips, but desired to earn the additional wages." Forty-five hours of service.

It seems to me, Mr. President, that cases like that to which I have just called attention are a sufficient answer to the claim made by nearly every Senator who opposed this legislation at the last session, that this matter of the regulation of the hours of service was something that ought to be left to the parties directly interested, to wit, the railroad companies and the men; that they could settle and determine it best by contract, and that almost all the roads of the country had entered into contracts which provided ample protection to the public in this respect. Even where such contracts exist they are constantly violated, not only by the companies, but also by the men. In many instances the contracts provide that the men may overrun the limit fixed in the contract when they desire to do so, or, to state it differently, the limitation is not enforced excepting as the men invoke its protection.

It is hardly necessary to add, Mr. President, that the desire on the part of the railway employee to have a good standing with those who are immediately in authority over him, those who issue the calls for him to go on service and who have to do directly with his promotion, if he succeeds in securing promotion—it is hardly necessary for me to say that the desire on the part of these men to have good standing with and to secure a favorable report from those in authority who call them into service will inevitably force men, even against their will, against their better judgment, to comply with every call that is made. It would be rare indeed, I believe, to find cases where men have refused, whatever may be the contract with the company, to go into service no matter how exhausted and wearied they may have been by previous service.

I call the attention of the Senate to another case resulting in collision. The cause as stated by the company is as follows: "Freight train standing on track without protection; flagman in caboose asleep; conductor and flagman responsible." Twenty-two hours on duty, with twelve hours of rest preceding.

Another, collision; the cause assigned by the company: "Conductor and engineman of extra freight train disregarded orders." They had, however, been on duty for twenty-one hours. Preceding this call to duty they had a full period of rest. This only emphasizes the fact that whatever rest may be given these men prior to their call to duty the term of the hours of continuous service should be limited if they are to be protected or if the public is to be accorded any protection.

Another case reported is as follows: The cause of this injury was "watchman sitting on ends of ties asleep; struck by train." Twenty-one hours on duty without any previous report of hours of rest.

Another case, where the cause stated by the company is this: "Freight brakeman sent back to flag, sat down on rail and is supposed to have gone to sleep; struck and killed." Nineteen hours on duty.

Another, collision: "Failure of brakeman to have his train move into track carefully, so as to be prepared to stop promptly." Twenty hours of service; twenty hours on duty, with only three hours of rest immediately preceding this call to service.

Another case: "Failure of crew to flag and of engineman to keep lookout." Twenty-one hours of service.

Another, collision: "Extra train passed red Hall signal; flagman asleep in caboose." Twenty-one hours on duty.

Another case reported: "Yard trainman lying on main track asleep; struck and run over by passenger train." Twenty-two hours of duty; only five hours of rest immediately preceding this call to duty.

Another, collision: "Rear-end collision on account of engineman not keeping his train under proper control; did not handle air brake properly." But he had been nineteen hours on service without any rest preceding this call to service.

Another, where the switch tender is reported as "failing to close the switch." He had been eighteen hours on duty without any rest reported prior to this call to duty.

Another, where the cause of the collision is stated as follows: "Work extra on the time of extra train, which was running on schedule; conductor and engineman responsible." Twenty hours on duty; only six hours of rest preceding that call to duty.

Another, resulting in injury: "Fireman on freight train dropped off to sleep and fell, striking his head on deck of engine cab." Twenty-two hours on duty; no rest reported.

Another: "Brakeman sent out to flag discovered sitting on end of tie; struck and knocked off before train could be stopped." Nineteen hours on duty; no rest reported.

Another, where the case is stated as follows: "Freight brakeman sent back to flag fell asleep while sitting on rail; struck and killed by engine; fog prevailing." Twenty hours of service, with only seven hours of rest preceding. Possibly if the fog had not been prevailing the engineer who struck him might have seen him and stopped his engine, unless he, too, had been on service for the same length of time or longer.

The following, reported in this table, Mr. President, are cases which have occurred since the close of the last session of Congress.

Mr. OVERMAN. What period is covered by the cases the Senator has cited?

Mr. LA FOLLETTE. In answer I will say that the entire table from which I have read covers the time from July 1, 1901, down to and including the month of September, 1906. I will put it in the RECORD. It embraces only such cases reported where the hours of service were at least fifteen or more. Some twenty-one cases of accident have occurred, as here reported, since Congress adjourned. I have no doubt, Mr. President, and I do not believe anyone will have who examines these reports, that at least twenty of the twenty-one accidents would have been averted had the bill which is pending to-day been enacted at the last session of Congress and the hours of limitation upon service enforced.

From the remaining twenty-one cases I will quote only briefly. I call attention to one case where the cause reported is as follows: "Brakeman, while his train was on siding waiting for

passenger train to pass, sat down on main track and went to sleep; struck and killed by passenger train." He had been eighteen hours on service.

Another, resulting in collision; cause stated by the company as follows: "Engineman overlooked his order and ran by meeting point." Thirty-nine hours of service. Nine hours of rest reported immediately preceding this call to service.

Another, resulting in collision; cause stated by the company: "Chain broke on a crippled car in train; flagman left the rear end to inform conductor; in his absence rear end ran down grade, owing to insufficient number of brakes being set up; head end collided." Thirty-one hours in service; only two hours of rest preceding the call to duty.

Another, collision: "East-bound freight collided with rear end of extra east-bound freight, due to crew of extra not flagging"—twenty-two hours of service—"and crew of freight train following not exercising proper caution, knowing the extra to be ahead." But they had been on service nineteen hours.

Mr. President, I shall ask leave to have printed in the RECORD the entire table from which I have read.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and permission is granted.

The table is as follows:

Collisions.	Derailments.	Personal injuries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.
		Killed.	Injured.				
1	.....	.....	.....	$400	Train not under control entering yard and no lookout on head car.	22	6
1	.....	.....	.....	900	Carelessness of engineer in disregarding flag.	16	18
1	.....	.....	1	700	Freight train standing on main line without being protected by flag.	15	.....
1	.....	.....	.....	500	Train backed out of siding and struck another train, account of conductor neglecting his duties.	19	6
1	.....	.....	.....	500	One train running into rear of another train standing on main line not properly protected, as per rule.	16	12
1	.....	.....	.....	300	Engineman falling asleep.	18	.....
1	.....	.....	.....	700	Rear brakeman falling asleep and failing to flag other train.	17	.....
1	.....	.....	.....	728	Flagman failed to go back with danger signals to protect his train.	15	24
1	.....	.....	.....	500	Carelessness of conductors and enginemen in putting train in on siding.	18	12
1	.....	.....	.....	1,246	Negligence of enginemen in charge of double header not observing train on track.	15	.....
1	.....	.....	.....	2,300	Failure of rear brakeman to go back and properly protect train, and excessive speed.	18	3
.....	1	.....	.....	300	Brakeman unable to get switch properly adjusted.	16	9
.....	1	.....	1	760	Engineman falling asleep.	17	2 wks.
.....	1	3	2	13,803	Train getting beyond control on down grade.	16	31
.....	.....	.....	1	.....	Hot cinder in eye	19	.....
1	.....	.....	.....	1,500	Engineman not having his train under proper control.	21	12
1	.....	.....	.....	400	Engineman asleep	17	2
1	.....	3	7	5,000	Train getting beyond control while running at high speed.	25	.....
1	.....	.....	2	3,250	Failure to close main line switch.	18	9
1	.....	.....	.....	600	Train not under control..	42	.....
1	.....	.....	.....	800	Engineman dozing.....	17	6
1	.....	.....	1	287	Flagman not being back.	19	.....
1	.....	.....	.....	600	Engine, running for water, was backed by engineman into a train.	16	9 days.
1	.....	.....	.....	229	Failure of head brakeman to take stop signals from rear brakeman and transmit same to engineman.	15	.....
1	.....	.....	.....	1,000	Carelessness of trainmen, in neglecting to secure rear portion of train.	15	17
1	.....	.....	.....	3,900	Engineman lost his bearings on account of heavy fog.	17	.....
1	.....	.....	.....	200	Only 23 cars out of the 52 in train were working with air.	17	.....
1	.....	.....	2	100	Failure of conductor	15	8
1	.....	.....	.....	$2,300	Conductor's failure to observe rule regarding a superior train.	15	8
1	.....	.....	.....	300	Too high rate of speed and not under proper control.	15	.....
1	.....	.....	2	150	Failure of switchman and foreman of switch engine.	5 17	 48
1	.....	.....	.....	620	Engineman's failure to observe rule regarding superior train.	15	48
.....	.....	1	.....	.....	Signalman went back to flag; fell asleep.	20	.....
.....	.....	1	.....	.....	Struck on head by timber while coupling cars.	15	.....
1	.....	.....	.....	2,500	Flagman not back proper distance.	23	.....
1	.....	1	1	300	Failure of engineman to respect signals.	18	24
1	.....	.....	1	67	Freight train occupying main track on time of passenger train.	17	9
1	.....	.....	3	800	Failure of a head brakeman to deliver a train order to engineman.	18	24
1	.....	1	15	1,760	Flagman, sent ahead to set switch to side track, went to sleep.	15	7
1	.....	.....	.....	200	Engineman asleep	20	20
1	.....	.....	4	1,066	Error of train dispatcher and failure of conductor to have his train protected by flagman.	18	7
1	.....	.....	.....	2,200	Engineman dozing.....	15	26
1	.....	.....	.....	876	Failure to protect train as required by rules.	18	36
.....	1	.....	1	850	Soft track, due to heavy rains.	15	12
.....	1	.....	2	.....	Engine and caboose, backing up, struck cow.	15	6
1	.....	.....	.....	400	Flagman neglected to flag	19	.....
1	.....	.....	18	900	Brakeman leaving switch open.	15	28
1	.....	.....	.....	500	Engineman dozing.....	20	24
1	.....	.....	1	330	Failure of engineman to control train while running under a green block.	20	19
1	.....	.....	.....	300	Engineman mistaking signals.	27	19
.....	1	.....	.....	350	Failure of engineman to stop to avoid hand car on track.	24	12
1	.....	.....	.....	173	Failure of engineman to set air in time to stop.	15	12
1	.....	.....	.....	400	Train occupying main line unprotected.	17	24
1	.....	.....	.....	1,017	Failure of engineman....	19	18
1	.....	.....	.....	415	Engine without lights except classification signals.	18	.....
1	.....	.....	.....	200	Failure of engineman to protect himself while running within yard limits, as required by rule.	16	.....
1	.....	.....	.....	900	Engineman going to sleep.	15	5
1	.....	.....	3	1,500	Engineman not using proper precaution in approaching station, and improper flagging.	15	7
1	.....	.....	.....	600	Failure of engineman to see open switch.	15	.....
1	.....	.....	.....	900	Conductor and engineman claimed they made a mistake of five minutes in looking at their watches.	20	18
1	.....	1	2	5,270	Train order overlooked..	22	3
1	.....	.....	.....	240	Helping engine followed train too close.	22	.....
1	.....	.....	.....	1,615	Engineman not having his train under proper control in yard limits.	18	24
.....	1	.....	.....	247	Brakeman threw switch for main track instead of side track.	16	9
.....	1	.....	23	4,000	Front trucks of refrigerator car left track; cause unknown.	18	.....
1	.....	.....	.....	400	Conductor allowed cars to stand on spur without permission or protection.	21	.....
1	.....	.....	.....	173	Failure of brakeman to set brakes.	15	11
1	.....	.....	.....	200	Crew not keeping proper lookout.	22	.....
1	.....	.....	.....	1,321	Flagman failed to get out proper distance; high speed.	12	.....
1	.....	.....	.....	200	Engineman running at high rate of speed through yard.	23	28
1	.....	.....	.....	404	Engineman ran by switch; heavy fog.	17	.....

Collisions.	Derailments.	Personal injuries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.
		Killed.	Injured.				
1	.....	.....	.....	$600	Carelessness of engineman.	19	72
1	.....	.....	.....	633	Failure to display lights.	22	36
1	.....	.....	.....	6,000	Failure to notice that switch was not properly adjusted.	17	22
1	.....	.....	1	.....	Engine ran into side of train while pulling out of siding; fault of engineman.	26	17
1	.....	2	3	1,100	Engineman forgot his instructions to get an order to meet another train.	15	9
1	.....	.....	1	875	Failure of engineman and conductor.	20	10
1	.....	.....	.....	800	Engineman not having his train under control.	15	7
1	.....	.....	4	2,002	Train stopping in bad location and being improperly protected.	16	18
1	.....	.....	.....	400	Failure of engineman to run slower and exercise greater caution.	17	.....
1	.....	.....	.....	285	Engineman backing up without signal.	21	9
1	.....	.....	.....	200	Engineman overlooking location of cars.	16	.....
11	.....	.....	.....	340	Train standing on main line unprotected by flagman; weather very foggy.	12	15
1	.....	.....	.....	1,750	Brakeman failed to flag train.	22	24
1	.....	.....	.....	1,900	Engineman not having train under proper control.	15	17
1	.....	.....	.....	1,200	Enginemanfalling asleep.	20	21
1	.....	.....	.....	325	Failure of both enginemen and rear brakeman.	18	.....
1	.....	.....	1	800	Engineman failing to stop when flagged.	18	12
.....	.....	.....	1	.....	Brakeman while coupling had foot crushed.	17	35
.....	.....	1	.....	.....	Trainman sent out to flag; struck by train.	17	8
.....	.....	.....	1	.....	Car derailed; brakeman jumped off.	17	.....
.....	.....	.....	1	.....	Train standing on siding; trainman, sleeping, fell from engine.	25	24
.....	.....	.....	1	.....	Brakeman, sent out to flag, fell asleep on end of tie; struck by engine.	15	10
.....	.....	.....	1	.....	Flagman sent out to flag train; went to sleep on main track; struck by train.	15	10
.....	.....	.....	1	.....	Conductor went back upon track to flag; sat down upon end of a tie and went to sleep; struck.	20	9
.....	.....	1	.....	.....	Engineman lying on his stomach alongside track; struck by oil box on rear of engine tender.	15	.....
.....	.....	1	.....	.....	Brakeman, while making coupling, struck by apron-hinge of car.	15	16
.....	.....	1	.....	.....	Trainman sent out to flag; fell asleep on track; struck by passenger train.	16	.....
.....	.....	.....	1	.....	Brakeman sent out to protect train; sat down on end of tie and went to sleep; struck.	17	.....
.....	.....	.....	1	.....	Brakeman, out flagging, went to sleep sitting on end of tie; hand lamp hidden from view; struck by relief train.	16	.....
.....	.....	.....	1	.....	Brakeman running ahead to open switch, slipped and fell, striking left knee against end of a tie.	16	.....
.....	.....	1	.....	.....	Trainman lost his balance and fell to the track, engine passing over him.	17	27
.....	.....	.....	1	.....	Fireman's foot slipped, causing him to fall from engine and strike his head on rail.	25	10
.....	.....	.....	1	.....	Conductor on top of train performing duties; sudden stop caused to him fall.	19	22
.....	.....	.....	1	.....	Engineman taking engine into yard; struck his head against lumber projecting from flat cars on siding.	22	18
.....	.....	.....	1	.....	Fireman assisting to take down the side rods of engine; left foot mashed.	17	10
1	.....	.....	.....	$255	Engineman using poor judgment by stopping on a curve.	43	.....
1	.....	.....	.....	300	Engineman asleep and running by board.	20	24
.....	1	.....	.....	11,500	Failure of engineman to control train (freight) with air brakes; extremely cold weather.	17	.....
1	.....	.....	.....	200	Engineman not having engine under control.	15	37
1	.....	.....	.....	200	Failure of brakemen to control cars that were being shifted.	20	33
1	.....	.....	.....	704	Extra freight train heading into yard collided with cars standing on track; fault of engineman.	15	12
1	.....	.....	.....	300	Crossing obscured by steam and smoke; engineman also at fault.	16	12
1	.....	.....	1	500	Engineman failing to have train under control approaching a protected water station.	19	.....
1	.....	.....	2	350	Failure of crew to protect train.	10	17
1	.....	.....	2	709	Engineman of one train asleep.	18	.....
					Conductor and flagman of opposing train also asleep.	13	7
1	.....	.....	.....	230	Train getting from under control of engineman.	22	8
.....	1	.....	1	243	Couplers passing each other on account of depression in track 2¼ inches.	18	.....
1	.....	.....	.....	173	Engineman running train too fast within yard limits.	15	10
1	.....	.....	9	810	Failure of conductor to properly flag.	5	5
					Engineman and fireman.	33	13
1	.....	.....	.....	500	Responsibility rests with engineman and conductor for running train at high speed in block entered under caution signal.	34	14
1	.....	.....	.....	1,800	Engineman not having train under full control and disregarding yard limit boards.	15	.....
.....	1	.....	2	5,602	Train crew disregarding instructions to thoroughly inspect train before descending heavy grade; also rules as to the application of hand brakes in case of air failure.	15	21
.....	1	.....	.....	300	Engineman falling asleep on engine and failing to notice position of target.	27	48
1	.....	.....	1	1,320	Crew not observing order to protect against work train.	16	15
1	.....	.....	.....	357	Engineman not having his train under full control.	16	24
1	.....	.....	.....	1,321	Failure of engineman to obey order.	24	.....
1	.....	.....	3	290	Switch improperly set; conductor responsible.	18	24
1	.....	.....	.....	2,000	Rear brakeman at fault; not out sufficient distance to flag.	10	10
1	.....	.....	.....	360	Train parted; cause not determined; conductor and rear brakeman not in proper positions.	15	24
1	.....	.....	1	1,200	Crew asleep and failed to protect train.	16	15
1	.....	.....	.....	285	Engineman failed to see cars ahead of him; valve on engine leaking steam and obscuring vision.	20	12
1	.....	.....	.....	332	Train parted; cause not determined; conductor did not have his men properly stationed.	15	10
1	.....	.....	1	75	Failure of brakeman to properly protect his train by flag.	18	8
1	.....	.....	1	15	Failure of rear brakeman, conductor, and station agent.	17 14	22 10

Collisions.	Derailments.	Personal injuries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.
		Killed.	Injured.				
1	.....	.....	.....	$370	Engineman misjudging distance between train and engine, and backing into train too hard.	17	43
1	.....	.....	1	91	Train not under control; engineman and brakeman responsible.	19	8
1	.....	.....	.....	200	Conductor permitted cut-off cars to go into siding without engine attached to control them.	19	.....
1	.....	.....	.....	1,070	Failure of engineman to comply with rule requiring all extra trains to approach side tracks under control.	19	10
.....	1	.....	3	950	View obstructed by curve and darkness.	16	11
1	.....	.....	.....	1,500	Failure of flagman to go back far enough to protect rear end of his train.	17	13
1	.....	.....	5	1,200	Crew on local freight, endeavoring to make siding, failed to get all of train in.	15	.....
.....	.....	.....	1	.....	Fireman while hooking fire mashed index finger.	18	12
.....	.....	.....	.....	.....	Brakeman jumped off engine, badly crushing leg; amputated.	16	.....
.....	.....	.....	.....	.....	Fireman while hooking fire mashed right hand.	18	24
.....	.....	1	.....	.....	Brakeman struck by bridge and knocked off tender of engine; instantly killed.	21	20
.....	.....	.....	1	.....	Brakeman, carrying coil of wire from car, stumbled and fell, striking his head on rail.	17	.....
.....	.....	.....	1	.....	Fireman sitting at window of engine cab, with one hand holding hood outside; hood broke, causing him to fall off and strike head on a cattle guard.	15	(a)
.....	.....	.....	1	.....	Conductor, while making coupling, caught between platform and cars.	16	4
.....	.....	.....	1	.....	Brakeman sent out to flag train, sat down on end of tie and fell asleep.	23	.....
.....	.....	1	.....	.....	Brakeman, sent out to protect front of his train, struck and fatally injured; heavy fog.	20	14
.....	.....	1	.....	.....	Engineman, on way to telegraph office, stepped in front of train; struck and killed.	17	12
.....	.....	.....	1	.....	Conductor jumped from moving train; back severely wrenched.	16	8
.....	.....	1	.....	.....	Fireman, attempting to get off his engine, slipped on icy steps and fell to adjoining track; struck and fatally injured.	22	14
1	.....	.....	.....	500	Failure of engineman to stop train in time to avoid rear collision.	23	(b)
1	.....	.....	.....	325	Failure to protect rear end of train by flag; conductor and engineman responsible.	30	8
1	.....	.....	.....	825	Engineman running train through yard not under control.	20	12
1	.....	.....	.....	4,100	First extra passing switch into siding when second extra struck rear end; misunderstanding of engineman on second extra.	15	(b)
.....	1	2	.....	2,491	Train running at excessive speed; brakes failed to take hold.	15	(a)
1	.....	.....	1	650	Failure of conductor to set switch properly.	15	.....
.....	1	.....	.....	200	Conductor and flagman failing to give stop signal at the proper time.	17	20
1	.....	.....	.....	265	Failure of crew to protect rear of their train while backing.		10

a Ample. b Sufficient.

Collisions.	Derailments.	Personal injuries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.
		Killed.	Injured.				
1	.....	.....	1	$700	Train approaching station with cab windows closed and train not under control; engineman and brakeman at fault.	15	7
1	.....	.....	.....	1,400	Failure of conductor to properly protect his train.	12	14
					Conductor of other train failed to have engineman reduce speed.	22	10
1	.....	1	1	85	Engineman going to sleep on duty and allowing train to approach a wreck at high speed.	15	.....
1	.....	.....	.....	965	Engineman asleep; did not stop train in time.	22	24
1	.....	.....	.....	670	Both enginemen and head brakeman asleep when passing switch.	19	25
1	.....	.....	1	247	Train being pulled by a switch engine to station struck by another switch engine; responsibility not fixed.	15	10
1	.....	.....	.....	1,800	Engineman on rear extra did not have train under control approaching end of double track.	24	12
1	.....	.....	1	800	Engineman did not have his train under control approaching derail.	20	(b)
1	.....	1	2	1,800	Engineman carelessly let engine run out at end of switch and foul main track.	18	(a)
.....	1	.....	.....	2,200	Freight train left track, due to excessive speed.	19	11
1	.....	.....	.....	1,200	Engineman falling asleep.	19	5
1	.....	.....	.....	1,585	Failure of engineman to properly handle air.	15	19
1	.....	.....	.....	1,997	Enginemen could not see each other, on account of sharp curve in track, until very close together.	16	.....
1	.....	.....	.....	365	Failure of crew to observe rule relative to not passing order board.	7	(b)
					Crew of other train concerned.	18	.....
1	.....	.....	.....	665	Freight train standing on main track without flag protection: engineman and fireman at fault.	15	.....
1	.....	1	1	6,800	Crew on freight train attempted to make switch on too close time ahead of passenger train without proper protection.	18	(b)
1	.....	.....	1	75	Conductor of a work train not taking proper precautions to protect his train.	15	27
1	.....	.....	.....	345	Engineman fell asleep approaching tunnel.	20	.....
1	.....	.....	7	400	Train being moved without protecting rear end.	17	7
1	.....	.....	.....	200	Engineman devoting his time to slight lubricator repair, instead of keeping proper watch while running through yard.	15	12
1	.....	.....	.....	1,160	West-bound freight train collided with rear end of another westbound freight that had stopped for orders; engineman and flagman at fault.	15	12
1	.....	.....	1	53	Engine going to junction collided with yard engine.	15	3
1	.....	.....	.....	1,750	Flagman going to sleep on side of track and failing to flag train.	15	.....
1	.....	.....	.....	600	Train not properly protected; conductor, brakeman, and engineman at fault.	22	17
1	.....	.....	.....	890	Engineman asleep; had made two straight double runs previous to this on account of shortage of men; record good.	48	6
1	.....	.....	1	450	Drawbar pulling out of car, causing four cars and caboose to run back and collide with switch engine; conductor asleep.	15	2

a Full rest. b Sufficient.

Collisions.	Derailments.	Personal injuries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.
		Killed.	Injured.				
1	.....	.....	.....	$1,500	Engineman dropping to sleep after he had been flagged; was on his fourth trip and had had but two hours' rest at end of each; was not required to make so many continuous trips, but desired to earn the additional wages.	45	.....
1	.....	.....	.....	775	Flag not sent out to protect rear end of train; confusion of signals; engineman running too fast.	18	(a)
1	.....	.....	.....	250	Conductor failing to properly protect rear end of train with flag; on account of curve engineman of extra was unable to see train occupying main line in time to stop.	15	.....
1	.....	.....	.....	350	Engineman failed to respond to signals in coupling up train, letting the parts strike too hard.	25	10
1	.....	.....	.....	1,150	Freight train standing on track without protection; flagman in caboose asleep; conductor and flagman responsible.	22	12
1	.....	.....	.....	4,296	Flagman failing to go back the distance required by the rules; engineman running train at excessive speed.	17 16	12 12
1	.....	.....	.....	700	Engineman approaching station with train not under control.	16	20
1	.....	.....	1	600	Engineman approaching station at too high speed; fireman and head brakeman not keeping proper lookout.	16	.....
1	.....	.....	.....	700	Air hose bursted, setting the air and stopping the train; collided with by two engines following.	11 23	12 12
.....	1	1	2	1,000	Engineman running at too high rate of speed; brakes would not hold sufficiently to stop train.	18	.....
.....	1	.....	.....	400	Conductor and brakeman failing to notice hot box.	16 10	9 9
1	.....	.....	.....	165	Train not properly protected; engineman not keeping proper lookout while running.	24	16
1	.....	.....	.....	300	Failure of engineman and brakeman to closely observe crossing signal, which stood against them.	25	50
1	.....	.....	.....	250	Road engine pulling out of yard ran into side of switch train; engineman at fault.	15	12
1	.....	.....	.....	300	Freight train broke in two, the two parts colliding; engineman used bad judgment in making stop.	16	(b)
.....	1	.....	.....	2,500	Train running at too high speed on down grade; conductor and engineman at fault.	18	Full.
1	.....	.....	.....	1,500	Failure of engineman to stop when flagged.	16	(c)
1	.....	.....	1	1,000	Conductor and rear brakeman failed to see that rear end of train was properly protected by flag.	19	4
1	.....	.....	.....	300	Engineman at fault, intoxicated; dismissed.	15	48
1	.....	.....	.....	300	Engineman not having his train under control approaching station.	15	(c)
1	.....	.....	.....	1,635	Engineman and conductor violated rule in not observing 10-minute block on freight trains; followed preceding train too close.	15	23
1	.....	.....	.....	200	Engine backing down main line ran into rear of extra which had been left standing on track.	19	10
1	.....	.....	2	$2,550	Failure of conductor to protect rear end of his train.	15	16
1	.....	.....	.....	400	Rear brakeman failed to comply with rules; did not go out the required distance.	16	7
1	.....	.....	.....	300	Conductor and engineman of extra freight train disregarded orders.	21	Full.
1	.....	1	1	1,100	Engineman running train by signal at "danger."	18	25
.....	.....	.....	1	.....	While shaking grates engineman severely sprained back.	18	16
.....	.....	1	.....	.....	Brakeman on top of box car signaling; lantern went out, causing him to step off car; run over.	17	.....
.....	.....	.....	1	.....	Watchman sitting on ends of ties asleep; struck by train.	21	.....
.....	.....	.....	1	.....	Brakeman, walking over train toward engine, stumbled and fell off, wheels passing over right foot.	18	.....
.....	.....	.....	1	.....	Firemen lying down with feet against rail on main track; three toes run over by passing train.	16	7
.....	.....	1	.....	.....	Brakeman, sent out to flag, sat down on ends of ties and dozed off; struck by engine of freight train.	15	17
.....	.....	.....	1	.....	Trainman, standing at baggage-car door, slipped on a piece of ice on car floor, falling to the ground and breaking an arm.	63	(a)
.....	.....	.....	1	.....	Conductor slipped off step on pilot of engine, spraining muscles of his right forearm.	15	.....
.....	.....	.....	1	.....	Section foreman knocking angle bars off of rail, which flew back and struck his right leg, breaking it in two places.	19	13
.....	.....	1	.....	.....	Freight brakeman, sent back to flag, sat down on rail and is supposed to have gone to sleep; struck and killed.	19	12
.....	.....	.....	1	.....	Brakeman standing on rear platform of caboose; engineman set air emergency, throwing brakeman against iron rod on end window.	18	10
.....	.....	1	.....	.....	Laborer, left to watch a small landslide, went to sleep on track; struck by train and fatally injured.	16	13
1	.....	.....	.....	900	Flagman not out to protect rear of train; conductor and rear brakeman responsible.	17	8
1	.....	.....	.....	200	Conductor neglecting to set switch in proper position after placing train in siding.	16	12
1	.....	.....	.....	331	Train placing coal in chutes pushed car over end of chute; due to engineman not stopping at proper time.	17	.....
1	.....	.....	1	2,921	Flagman failed to obey conductor's instructions, and also to display his red lantern as required by the rules.	15	2
1	.....	.....	1	.....	Engineman falling asleep.	15	48
.....	1	.....	.....	200	Conductor overlooking derail.	15	4
.....	1	.....	1	.....	Derailment at crossing, due to snow and ice in flange; brakeman jumped from top of car, 14 feet, bruising left knee.	18	6
1	.....	.....	.....	198	Failure of brakeman to have his train move into track carefully, so as to be prepared to stop promptly.	20	3

a Long rest. b Several weeks. c Sufficient.

a Through coast train; length of time on duty does not indicate lack of rest.

Collisions.	Derailments.	Personal injuries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.
		Killed.	Injured.				
1	.....	5	5	$15,000	Train ran away and into rear end of another; due to failure to tie down train when engine was cut off for water.	15	33
1	.....	1	2	3,000	Failure of crew to flag and of engineman to keep lookout.	21	12
1	.....	.....	.....	500	Conductor failed to flag properly.	18	(a)
1	.....	.....	1	205	Conductor and brakeman failed to signal engineman to stop, in coupling, overlooking that there were three sections.	18	24
1	.....	.....	.....	732	Train parted and the two portions of train ran together; not discovered in time to use hand brakes.	18	16
1	.....	.....	3	1,466	Engine and part of train allowed to occupy main track on time of superior class train without proper protection; crew responsible.	16	8
1	.....	.....	.....	900	Extra train passed red Hall signal; flagman asleep in caboose.	21	12
1	.....	.....	8	3,600	Failure of conductor to properly protect rear end of his train.	16	12
1	.....	.....	.....	2,000	Engineman running by automatic signal at danger, and flagman failing to go back a sufficient distance.	15 16	24 24
1	.....	34	24	51,248	Operator asleep, allowing train to go by station where order had been given for it to stop; operator voluntarily working part of track of the regular night operator, who had gone off without permission.	16	12
1	.....	.....	.....	235	Failure of flagman to protect rear of train.	18	13
.....	1	.....	.....	1,700	Three cars derailed while passing over switch; cause not determined; trainmen not on proper lookout.	18	12
1	.....	.....	2	1,500	Improper flagging on part of crew.	17	8
1	.....	.....	.....	650	Engineman not having train under control entering station.	17	.....
.....	.....	1	.....	.....	Brakeman while out flagging sat down on track and fell asleep; run over by train.	16	9
.....	.....	.....	1	.....	Conductor coupling up snow plow and outfit car; point of plow caught his heel, breaking his ankle; carelessness	16	10
.....	.....	.....	1	.....	Brakeman climbing up side of box car while train was moving struck against spout on standpipe and was knocked to the ground; night.	16	30
.....	.....	1	.....	.....	Yard trainman lying on main track asleep; struck and run over by passenger train.	22	5
.....	.....	1	.....	.....	Brakeman while making a cut of cars caught his foot in spring rail frog; run over and instantly killed.	15	9
.....	.....	1	.....	.....	Brakeman, setting train off junction, fell from car, on account of slippery and icy ladders; run over and instantly killed.	21	19
1	.....	.....	2	200	Work extra pulling out on main line, with markers on caboose, but which engineman following was unable to see owing to the darkness; flagman attempted to flag with red lantern, which went out.	16	8

a Sufficient.

Collisions.	Derailments.	Personal injuries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.
		Killed.	Injured.				
1	.....	.....	1	$1,850	Rear-end collision of passenger and freight trains; engineman of former failed to run carefully and keep a sharp lookout.	3	.....
					Conductor of the freight did not go back a sufficient distance to properly protect his train.	20	.....
.....	1	1	4	2,187	Extra engine following preceding train at too high a rate of speed; engineman unable to see flagman on account of fog.	17	7
.....	1	.....	.....	950	Train struck rock slide in yard and derailed; accident unavoidable—		
					Engine crew	32	8
					Train crew	26	8
1	.....	.....	1	100	Switchman turned a draft of cars into a siding, which collided with an engine standing there.	16	11
1	.....	.....	.....	1,400	Rear-end collision on account of engineman not keeping his train under proper control; did not handle air brake properly.	19	(a)
.....	1	.....	.....	593	Journal under car breaking; brakeman and conductor responsible for not giving train proper attention.	24	8
1	.....	.....	1	813	Crew violating rules	23	8
1	.....	2	4	16,083	Failure of conductor and engineman to properly read and understand orders.	17	9
.....	1	.....	7	2,600	Switch tender failing to close switch.	18	.....
.....	1	.....	2	900	Brakeman leaving switch open.	23	10
1	.....	.....	.....	333	Brakeman taking block out from under car, which ran down into empty cars attached to engine.	20	13
1	.....	.....	.....	1,000	Rear-end collision on account of engine crew not keeping proper lookout for train ahead as notified to do by flagman.	15	12
1	.....	.....	.....	300	Engineman and switchman leaving cars without protection—		
					Engineman	25	10
					Switchman	12	12
1	.....	1	1	690	Work extra on the time of extra train, which was running on schedule; conductor and engineman responsible.	20	6
1	.....	.....	1	600	Engineman of southbound extra ran train past red signal, colliding with work train.	20	.....
					Conductor and fireman of work train also at fault for failing to properly protect their train.	4	.....
.....	.....	.....	1	.....	Fireman on freight train dropped off to sleep and fell, striking his head on deck of engine cab.	22	.....
.....	.....	.....	1	.....	Trainman unloading cars from car to platform stepped off edge of bridge and fell to ground.	15	.....
.....	.....	.....	1	.....	Brakeman sitting on tender of engine fell asleep and slipped off.	16	9
.....	.....	.....	1	.....	Brakeman sent out to flag discovered sitting on end of tie; struck and knocked off before train could be stopped.	19	.....
.....	.....	1	.....	.....	Brakeman put off to flag fell asleep on track; struck and killed by engine.	17	.....
.....	.....	.....	1	.....	Flagman sent back to flag fell asleep on track; engine of freight train ran over and mashed lower part of right leg.	16	(b)
.....	.....	1	.....	.....	Freight brakeman, sent back to flag, fell asleep while sitting on rail; struck and killed by engine; fog prevailing.	20	7

a No rest.

b Several days' rest.

Collisions.	Derailments.	Personal injuries. Killed.	Personal injuries. Injured.	Damage to cars.	Cause.	Hours on duty.	Hours of rest.
.....	.....	1	.....	.....	Brakeman between cars, coupled with links, to make a cut; cars from rear bumped in, fatally squeezing him.	16	12
.....	.....	1	.....	.....	Car repairer, crossing tracks in yard, stepped out of the way of one engine and in front of another; knocked down and run over; died same day.	22	(a)
.....	.....	.....	1	.....	Trainman sat down on track and went to sleep; struck by train.	15	.....
.....	.....	.....	1	.....	Trainman, while out flagging, sat down on track and fell asleep; struck by train.	16	.....
.....	.....	.....	1	.....	Trainman, out flagging, went to sleep; both legs run over by engine, necessitating amputation below the knees.	16	.....
.....	.....	1	.....	.....	Trainman, sent out to flag, sat down on side of track; struck and run over by passenger train.	16	15
.....	.....	1	.....	.....	Brakeman, while his train was on siding waiting for passenger train to pass, sat down on main track and went to sleep; struck and killed by passenger train.	18	.....
.....	.....	1	.....	.....	Trainman, sent back to flag, lay down in grass with head resting on track; seen and cautioned by road master five minutes before arrival of train which struck and killed him.	17	8
.....	.....	.....	1	.....	Trainman, sent back to flag, sat down on rail and went to sleep; caboose, backing to pick him up, struck and ran over him.	16	7
.....	.....	.....	1	.....	Trainman, sent out to flag, sat down on end of tie and went to sleep; struck by train.	18	12
1	.....	.....	.....	$7,880	Engineman overlooked his order and ran by meeting point.	39	9
.....	.....	.....	1	.....	Conductor helping to unload freight, when a barrel of merchandise fell from door of car and badly mashed his left foot.	16	8
1	.....	.....	1	1,086	Failure of brakeman to go back a sufficient distance to flag; conductor grossly negligent also in not properly protecting his train.	17	10
1	.....	.....	1	1,720	Second section left station too close on the time of the first section; engineman and conductor of second section did not have their train under full control, resulting in a rear-end collision.	17	10
.....	.....	1	.....	.....	Crew had stopped to take midnight lunch; fireman, left alone on engine, is supposed to have put cold water in on a hot boiler, which had been allowed to get too low, causing it to explode.	16	12
1	.....	.....	1	417	Chain broke on a crippled car in train; flagman left the rear end to inform conductor; in his absence rear end ran down grade, owing to insufficient number of brakes being set up; head end collided.	31	2
.....	.....	1	.....	.....	Extra freight waiting on siding; fireman got off engine and sat on main track; fell asleep and was struck and killed by a passenger train.	18	21
1	.....	2	.....	$4,900	Eastbound freight collided with rear end of extra eastbound freight, due to crew of extra not flagging, and crew of freight train following not exercising propercaution, knowing the extra to be ahead.	22 19	12 14
.....	.....	.....	1	.....	Southbound freight took siding for a northbound freight; fireman climbed down out of engine, sat on rail of main track, and fell asleep; was struck by engine of northbound train.	15	Ample
1	.....	.....	.....	1,600	Westbound freight ran into rear of extra westbound, owing to the negligence of conductor and flagman with extra in not going out to flag.	16	21
.....	1	.....	1	7,300	Failure of crew to set sufficient hand brakes on draft of cars, which had been placed on a siding, causing them to run down grade.	17	20
.....	1	.....	1	2,000	Through westbound freight train standing on side track; boiler of engine exploded, supposed to have been due to engineman allowing the water to get too low.	17	12
.....	.....	1	.....	.....	Extra train on siding waiting for passenger train to pass; brakeman lay down on track and fell asleep; struck and killed by passenger train.	34	10
1	.....	.....	3	.....	Passenger train ran in on siding and struck light engine; due to fireman leaving switch open.	18	12
1	.....	.....	1	500	Rear-end collision, on account of engineman on head engine being asleep.	23	.....
.....	1	.....	.....	4,994	Conductor and engineman allowed train to get beyond their control, and high rate of speed caused derailment.		
					Conductor on duty.....	23	14
					Engineman on duty.....	23	33

(a) Working in another man's place.

Mr. BACON. I do not want to interrupt the Senator from Wisconsin in his presentation, but before he takes his seat I should like to ask him a question or two about the practical operation of the bill.

Mr. LA FOLLETTE. I will answer the questions if I can.

Mr. BACON. Whenever the Senator is ready.

Mr. LA FOLLETTE. Proceed.

Mr. BACON. All that the Senator from Wisconsin has said to-day is to illustrate the importance of some measures—legislation, if you please—by which the employment of railroad operatives for an undue length of time may be controlled. I presume we all agree with him on that matter; that it is a great evil. We do not differ on that at all; and if we can reach it properly, without incurring or causing other evils, so far as we can do so legitimately in the exercise of our functions as Federal legislators, I presume we would all be in accord with him.

What I desire to know is as to the practical operation of the bill; as to the details of the bill; as to the difficulties which are presented by memorials offered here, by the letters which were read here yesterday, addressed to the Senator from Wyoming [Mr. WARREN] and others, and as to whether the provisions of this bill meet those difficulties. That was the cause of the suggestion which I made yesterday, that we should consider this bill during the remainder of the time which will be at our disposal before the arrival of the hour fixed for voting. For that reason I suggested certain difficulties to the Senator yesterday, and I have others in my mind to-day, not with a view of obstructing the bill, but with a view possibly of perfecting it in such a way as to remove those difficulties.

If the Senator has in mind the discussion of the details of the

bill, I will be more than happy to suspend any inquiry which I may desire to propound to him until I see whether he covers the ground. I therefore will not interrupt him further just now than to make the suggestion I have made——

Mr. BEVERIDGE. I wish the Senator from Georgia would talk louder. We are very much interested, and we can not hear the Senator.

Mr. BACON. I beg the Senator's pardon.

Mr. BEVERIDGE. I say I wish the Senator from Georgia would speak a little louder. We over here would like to hear him.

Mr. BACON. I do not desire to repeat what I have said unless the Senator from Indiana desires it.

Mr. BEVERIDGE. Not at all.

Mr. BACON. I had about concluded all that I intended to say. I was endeavoring to direct the attention of the Senator from Wisconsin to the fact that upon the matter which he has been presenting to the Senate to-day there is no material difference among Senators, so far as I know. We all recognize that there is a very great evil, but the presence of an evil does not necessarily make every remedy proposed for it the correct remedy.

This is a most important bill, a most far-reaching one; more far-reaching in its practical effect, so far as I am able to judge and determine, upon the railway business of the United States than any bill that has ever been before the Congress—much further than the rate bill, very much further than the employers' liability bill, very much further than the safety appliances bill, and in its effect, as I endeavored to suggest on yesterday and to which suggestion I have had no reply to the contrary, absolutely turning over to the matter of Federal legislation the question of the hours of employment upon every railroad, long or short, within the limits of the United States. It turns it over hereafter to Federal legislation and in consequence to Federal litigation in Federal courts. I need not say to anyone who hears me who is a lawyer that if it be true that we put it within the domain and province of Federal legislation and Federal litigation, it is no longer either within the province of State legislation or within the jurisdiction of State courts.

Therefore I say it is a question of the most stupendous magnitude, and I do not think I am going too far when I say that this bill has not been properly perfected. I will not say anything about the amount of consideration which has been given to it, because I know nothing about that; but taking the bill which is before us to-day, with its innumerable amendments sandwiched in in almost every sentence—verbal, technical, and substantial all of them in their nature—and how can any Senator doubt the fact that the bill before us is in an exceedingly immature and unperfected condition?

What I want to hear from the learned Senator from Wisconsin is not whether there is an evil. We all recognize that there is an evil. I want to hear whether or not this bill is correct in its details and whether the difficulties which have been suggested here by Senators upon the floor, both originating with themselves and called to their attention by communications from railroads and from railroad employees, are met by the provisions of the bill. Those are the questions which are important and about which we wish to hear.

I beg the Senator's pardon for so long an interruption.

Mr. LA FOLLETTE. Those may be the questions about which the Senator from Georgia wishes to hear, and it may not be agreeable to him to listen to any other discussion. I, however, will say——

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. BACON. Will the Senator pardon me for a moment?

Mr. LA FOLLETTE. In one moment.

I will say that during the four or five days at the last session, when the struggle was on for the consideration of this legislation and when finally it was taken up by the Senate for consideration, all the opposition expressed to it was as to the necessity of any legislation whatever upon this point. I think I do not go too far in saying that every Senator who spoke in opposition to it stated that there was no necessity at all for legislation on the subject; that it was a matter which might be left to contract and agreement between the employees and the railway companies.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. LA FOLLETTE. Certainly.

Mr. WARREN. Right along the line on which the Senator from Wisconsin is now talking, in answer to the Senator from Georgia [Mr. BACON], I wish to say that while every Senator, whether he is going to vote for or against the bill, recognizes the good that might come from a measure with proper privileges as well as proper restrictions, yet I think the main question is whether the bill as it is before us is a proper bill, and whether it has had proper consideration at the proper time and in the proper place. I should like to ask for information, as I do not know, whether while the bill was in the committee a hearing was accorded to all those who wished to be heard?

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. I do.

Mr. DOLLIVER. I will say that the bill was pending for a long time before the committee, and no hearing was called for and no hearing was had, except a statement by a representative of the railway brotherhood. But the absence of a hearing is due to the fact that nobody appeared to desire a hearing.

Mr. WARREN. I am glad the Senator from Iowa has the information, and I will address the question to him.

Mr. DOLLIVER. I will say further that the bill had very considerable consideration by the committee, being pending for a long time, and the awkward and somewhat difficult shape in which it appears in its printed form before us arises not from any trouble with the bill itself, but from the multiplicity of amendments which have since been offered and are printed in various types. If anybody will read the bill as reported he may have a good many objections to it, but they will not be objections based upon the notion that the bill has not been well considered and well stated.

Mr. WARREN. Now, Mr. President, I hope the Senator will inform me, if I have been misinformed. I have been informed even as late as to-day that application was made for a hearing, which was forgotten by the chairman of the committee, and when reminded of it after the bill was reported he acknowledged that it had been overlooked. Is that true, or is it not true?

Mr. DOLLIVER. I have no knowledge of any such circumstance. Applications have been made since the bill was reported, to be heard, and the committee going a good ways beyond its duty agreed that anybody who desired to appear before the committee, notwithstanding the report of the bill, would be heard by the committee; and arrangements were made to call a meeting of the committee for that purpose. Nobody has been denied a hearing, and no suggestions have come from any direction that have not been just as well stated on this floor as they would have been if made before the committee.

Mr. WARREN. I think with the information I had the inquiry is certainly pertinent, and it is to be greatly regretted that there were not hearings, whether they were asked for or not, because it is a question which affects great interests. It affects the interests and welfare of employees, and if, as in my case, we are called upon to vote upon this measure and can hear only upon one side criticism or condemnation, or rather no commendation except upon the general objects sought, but all criticism as to the terms on the part of employees—and I have yet to hear from the first employee in the United States favoring the bill—it would seem as if the bill ought to have further consideration somewhere, so that men who object to it could appear and state their objections.

Mr. DOLLIVER. Mr. President, this is a good place for the consideration of the bill. I know of no duty imposed upon the committees of the Senate to send out and bring people in and give them a hearing whether they seek it or not.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. LA FOLLETTE. Certainly.

Mr. PATTERSON. I wish to say to the Senator from Iowa that I have received a tremendous number of protests against this bill, about 110 different letters, with perhaps 200 signatures, and I have just received in the past five minutes the first and only request for the passage of the bill. It comes from Grand Junction, Colo. But I wanted to ask the Senator from Iowa, who, I believe, reported the bill or introduced the bill originally, whether it was offered by him as the result of requests from any considerable number of railway employees, or from others, or whether the necessity of some such legislation as this arose from the repeated instances that we have had of serious accidents occurring by reason of the long continuous service of the employees who had the wrecked trains in charge?

Mr. DOLLIVER. Mr. President, in reply to the question of the Senator from Colorado, I will say that the bill was not introduced by me, though my information is that it was prepared by those who are chosen by the railway brotherhoods to

guard the interests of the railway men of the United States. Those brotherhoods very properly have an official charged with the duty of urging upon Congress the legislation which meets the approbation of the men whom they represent.

This bill, as I understand it, was drawn by the official representatives of the railway brotherhoods of the United States. Of course that imposes no duty upon the Senate to adopt the exact bill which they introduce. I have no doubt myself that the necessity of such legislation has been pressed upon the attention of nearly everybody in the United States by the series of train disasters, involving both property and life, occurring all over the United States, many of them traceable to the overworking of employees, to the working of men during such intolerable hours of service as leaves them practically unable to discharge the business which is committed to their hands. For example——

Mr. LODGE. I wish to ask the Senator if he has noticed the statement of the engineer of the freight or equipment train which ran into the passenger train here at Terra Cotta, just outside of the city, causing that frightful disaster. If I remember the statement correctly, he had been on duty from half past nine on Friday morning until the time of the accident, with only two intervals.

Mr. LA FOLLETTE. I will say——

Mr. LODGE. I dare say that has been stated already.

Mr. LA FOLLETTE. It has not been stated, but I have the testimony which was given before the Interstate Commerce Commission and which I propose to submit in the course of time.

Mr. LODGE. From 9 o'clock on Friday morning, for a period of more than forty-eight hours, he had two periods of four hours each for sleep.

Mr. LA FOLLETTE. Yes, substantially.

Mr. BEVERIDGE. Yet the engineer is to blame.

Mr. LODGE. I think it shows that in the interest of the passengers of the country something ought to be done.

Mr. SPOONER. I think it is clear, notwithstanding, that he was not to blame.

Mr. BEVERIDGE. Notwithstanding the fact that he was not to blame and could not have helped it, nevertheless he has been blamed in all the newspapers of the country as having neglected his duty after having been in train service for forty-eight hours.

Mr. DOLLIVER. I will ask the Senator from Wisconsin whether I am trespassing on his time?

Mr. LA FOLLETTE. Not at all, because the sound of another voice, I think, increases the attention, and I am very glad indeed to be interrupted in this way.

Mr. DOLLIVER. In that case, Mr. President, I wish to submit an observation or two, if it will not disturb the Senator from Wisconsin.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. Certainly.

Mr. WARREN. May I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. DOLLIVER. Certainly.

Mr. WARREN. Before the Senator gets away from the subject of the representatives of the employees of the roads, it would seem as if there is quite a difference of opinion there. I inserted in the RECORD yesterday communications from the chairman of the general committee of conductors of the Union Pacific system, one of the largest railroad systems in the country.

Mr. DOLLIVER. It is very large.

Mr. WARREN. And also from the head of the Brotherhood of Locomotive Engineers and Firemen; also of brakemen. So it seems there are great leaders of trainmen, embracing conductors, engineers, firemen, and brakemen, who object to the bill.

Mr. DOLLIVER. Mr. President, the Brotherhood of Locomotive Engineers is a national organization, and these objections do not come from the national organization of railroad trainmen, but from organizations local in character, surrounded possibly by unusual circumstances. That leads me to say that everybody agrees that this bill contains a correct principle in seeking to prohibit a continuous train labor of more than sixteen hours without rest. It is not only of interest to the men, but it is of interest to the entire American people that that should be corrected.

Mr. WARREN. We grant that.

Mr. DOLLIVER. Now, that is granted. The reason that here and there local brotherhoods of trainmen oppose this bill arises from the fact that the bill in its present form appears to require a uniform treatment of situations that in various sections of the country are far from uniform.

Mr. WARREN. That is true.

Mr. DOLLIVER. If the Senator from Wyoming will read an amendment which I offered yesterday tentatively to this bill——

Mr. GALLINGER. As a substitute.

Mr. DOLLIVER. As a substitute for it, he will perceive that the objections made by these trainmen are probably fully met, because the substitute which I propose, while it preserves the prohibition against excessive hours, confides to the Interstate Commerce Commission the same sort of a discretion they have in the application of the safety-appliance laws which have heretofore been adopted, enabling them in special cases and under circumstances which they themselves will be the judge of, to make orders which will exempt the railways from obedience to the prohibitions of the law. I am not certain that that will suit anybody, but I believe it would be a very strange situation, with everybody in favor of the prohibition of excessive railway hours, if we here in the Senate should be embarrassed and bewildered by our inability to devise some straightforward and coherent method of doing that. Let the hours of labor be restricted as this bill provides, and in circumstances such as prevail with the Union Pacific Railway system, where there are branch lines in remote mountainous districts and in other sections of the country, let those peculiar circumstances be considered by the Interstate Commerce Commission, that where a reasonable showing is made these peculiar cases may be exempted from the operations of the proposed law. Now, has my honorable friend from Wyoming any objection to that?

Mr. WARREN. I wish to say that the amendment, as I have scanned it over hurriedly, is an improvement. The question is whether we are loading up the Interstate Commerce Commission with so much work with rate bills and train bills, etc., that men will be born and live their lives and serve their time and die before the many cases as they arise will be disposed of.

Mr. DOLLIVER. If my friend will observe the phraseology, it proposes that the law shall take effect at a period to be named in the future, and that before it takes effect the Interstate Commerce Commission shall consider such cases as are made by the trainmen at Cheyenne, and in other sections of the country, and if a proper case is made, where the interests of the public and the interests of the trainmen can be preserved, exceptions in such a case can be made.

Mr. BEVERIDGE. May I interrupt to ask the Senator a question?

Mr. DOLLIVER. Certainly.

Mr. BEVERIDGE. I desire to address my interrogatory to the Senator from Wyoming. The Senator said that the only question that remains is whether we are not so loading up the Interstate Commerce Commission that it could not consider all the questions before it——

Mr. WARREN. No; I beg the Senator's pardon, I did not say that that was the only question.

Mr. BEVERIDGE. That was one question.

Mr. WARREN. It is a question, surely.

Mr. BEVERIDGE. So that it could not consider the questions before it, and men would grow up, live, and die before the cases would ever be tried. Conceding that to be true, does the Senator think that would be any worse situation than to have a situation continue whereby men go on and get killed and wrecks occur, and the whole terrible condition which some legislation is needed to stop? Does he think even the suggestion, which he makes, if it were true, would be any worse than the situation as it is?

Mr. WARREN. I do not admit that we are driven to such an alternative as that. Possibly the Senator from Iowa is reaching in the right direction. The only question is, and I am only bringing it up as a question, whether that is the proper tribunal under the present circumstances, and whether it is as near to the facts and the men themselves as we may provide. I have nothing just at this time to offer to replace it, and therefore perhaps it is not becoming in me to question it, but I raise the inquiry for those who are giving it more attention than I have, whether that is the place in which to lodge the power.

Mr. BEVERIDGE. I think in answer to that the Senator might well take it for granted that if those who have this bill in charge, the Senator from Iowa [Mr. DOLLIVER] and the Senator from Wisconsin [Mr. LA FOLLETTE], had thought of anything better they would have presented it, and since it must be presumed that those who have studied it have presented the best that has yet occurred to them, and since the Senator from Wyoming confesses that he has nothing better whatever to offer, then it would seem to be logical that he should not further resist the passage of this measure.

Mr. WARREN. Because it seems the men, so well posted, who have had this matter under consideration so long, and from time to time have found something better than that which preceded it, I am in hopes that in the same direction they may go

still further. It is because I have a great deal of confidence in those who have this bill in charge that I am confident they can better it if given time and opportunity. I think no one on this floor would dispute the fact that what is aimed at is to bring the hours down to the proper limit of effort on the part of the men and to provide for sufficient sleep and rest between days of labor. That object itself is good. The only question is the manner of approaching it. I am hoping that with the many improvements already offered we may reach still further.

Mr. BEVERIDGE. Mr. President, with the permission of the Senator from Iowa, the obvious answer to that is that it is to be hoped that the laws of human intellect will still continue to work, and that we will be able to improve this proposed legislation after it becomes a law. But if, as the Senator suggests, this measure should lie over from time to time until an absolutely perfect law is evolved, since the human mind constantly improves the work that it produces, some years would no doubt elapse, but in the meantime the evil would go on; thirty, forty, and fifty hours' work would be required of men; Terra Cotta wrecks would occur, while men were gradually improving a measure upon which already months of serious time and thought and effort had been expended. Would it not be well to enact the best now that we have been able to evolve and then as experience proves where we can improve to improve it hereafter by amendments? I ask that question of the Senator.

Mr. WARREN. I am very glad to have the Senator from Indiana admit that there may be improvements in our work, that bills that may be introduced hereafter may be better than those being introduced and considered at present; but I trust the Senator from Indiana will remember that improvements may be still further presented here and now.

Mr. BEVERIDGE. I have already done that in the bills that it has been my good fortune and my duty to present and fight for upon this floor. I have taken that for granted. But I call the attention of the Senator to precisely where the logic of his questioning leads and leaves him, and that is that we shall never pass a bill so long as it is possible that in the future somebody may after a while suggest something better, and that his logic leads and leaves him at this point, that gentlemen having charge of the bill, having perfected the bill the best they could, and the Senator from Wyoming not having suggested anything better, it becomes our duty to pass the best that we have produced and then wait hereafter until experience shall show where we can still improve it. According to the logic of the Senator, he is as much committed to this measure as the Senator from Iowa or the Senator from Wisconsin.

Mr. WARREN. The Senator from Indiana is in error as to two matters. The first is, that I am opposing any bill or legislation leading in this direction.

Mr. BEVERIDGE. No; I say that the logic of the Senator leads him to support it.

Mr. WARREN. And the second, that I have not tried to improve it, which statement is made in view of the fact that I introduced two amendments yesterday, and thus I am trying to improve it.

Mr. BEVERIDGE. Are those two all the Senator can think of to improve the bill?

Mr. WARREN. With that challenge I will have to say that I have something besides those two amendments which I should be glad to have adopted, and I should be very glad to vote for the bill when they are all adopted.

Mr. GALLINGER. The Senator from Wyoming will remember that there are about thirty other amendments pending.

Mr. WARREN. More or less, and probably there will be still more offered.

Mr. BEVERIDGE. But we are talking about the amendments which the Senator from Wyoming has thought would make the bill as nearly perfect as his study could possibly make it. So, according to that, the Senator from Wyoming is certainly committed to the bill. I did not say he was against it. Upon the contrary, I say his logic leads him and leaves him in support of it.

Mr. DOLLIVER. Mr. President, the fact is that the situation is really very much simpler than our record here would seem to indicate. Everybody desires to put an end to unreasonable hours of labor in the railway service, partly for the sake of the railway workmen and still more for the safety of the American public. The bill contains a simple prohibition of that character, with an exception, namely, casualties occurring after the train had started upon its journey, sometimes requiring more than sixteen hours, on account of the accident, to reach the terminals.

Now, it appears that there are other exceptions which might well be made, exceptions arising sometimes out of the special situation of a railway line. I have had one or two of those brought to my attention. But more important than that, there are peculiar situations in the present arrangement of divisions and terminals upon some of our greatest railway systems which lead the men who are employed there to think that this law, greatly as they desire to be relieved of long runs, would be burdensome and objectionable from their standpoint. That is a matter which requires a very close investigation—an investigation that could not very well be given either in the committee or in the Senate—and I have thought it wise, in view of the fact that it requires a very careful investigation, to clothe the Interstate Commerce Commission with the power, before the law goes into effect, to find out these peculiar situations and to make an order exempting certain railways from the operation of the law, and exempting all railways from the operation of it under certain defined and stated circumstances. Now, that is all there is to it. If the Senate desires to pass a measure of this character, as I feel sure it does——

Mr. BACON. If the Senator will pardon me a moment, does he think——

Mr. SPOONER. Mr. President, I rise to a parliamentary inquiry.

Mr. LA FOLLETTE. I will yield, Mr. President.

The VICE-PRESIDENT. The senior Senator from Wisconsin rises to a point of order. He will state the point of order.

Mr. SPOONER. My colleague yields, and I have no point of order to make.

The VICE-PRESIDENT. The junior Senator from Wisconsin yielded, as the Chair understood, to the Senator from Iowa. Will the Senator from Iowa yield to the Senator from Georgia?

Mr. LA FOLLETTE. I did not yield the floor, Mr. President.

The VICE-PRESIDENT. The Senator did not yield the floor. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. BACON. I thought I was asking the courtesy of the Senator from Iowa. I find, however, that he has not the floor, and I will not interrupt him.

Mr. DOLLIVER. I will very gladly yield to the Senator from Georgia.

Mr. BACON. The floor is not within the disposition of the Senator from Iowa, and I will not interrupt him. The Senator will not misunderstand me. If he were speaking in his own time, I would ask the privilege of interrupting him.

Mr. PATTERSON. Mr. President——

Mr. DOLLIVER. I am certainly a little confused.

Mr. PATTERSON. The Senator from Iowa secured the floor to answer a question propounded by me.

Mr. DOLLIVER. I then negotiated with the Senator from Wisconsin, and found him not only willing but apparently eager to give the floor to me.

Mr. PATTERSON. But I was the Senator who yielded the floor to the Senator from Iowa to answer the question. He did not negotiate with the right person.

Mr. DOLLIVER. Mr. President, seeing the uncertainties of my tenure, I will take my seat.

Mr. LA FOLLETTE. Mr. President, I will yield the floor to the Senator from Iowa. I can resume it again.

The VICE-PRESIDENT. The Chair will recognize the Senator from Wisconsin [Mr. LA FOLLETTE] at the conclusion of the observations of the Senator from Iowa [Mr. DOLLIVER]. The Senator from Iowa.

Mr. DOLLIVER. Mr. President——

Mr. BACON. Mr. President, if the Senator from Wisconsin has yielded the floor to the Senator from Iowa, I will venture to ask the privilege of interrupting him.

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. DOLLIVER. Certainly.

Mr. BACON. I understood the Senator from Iowa to say that the object of his amendment was to give to the Interstate Commerce Commission the power to exempt certain railroads from the operation of this proposed law. Does the Senator from Iowa think we could pass a law which would apply to some railroads and not to others?

Mr. DOLLIVER. I was misunderstood, Mr. President. I think if the Senator will examine the amendment he will see that the exemption which the Interstate Commerce Commission is authorized to make is an exemption arising from peculiar circumstances and conditions.

Mr. BACON. I had noticed that was the language of the amendment proposed by the Senator from Iowa, but I was speaking of what has just fallen from the lips of the Senator. In speaking of that amendment he spoke of the design of it, and one of the particulars of that design was to give to the Interstate Commerce Commission the power to exempt certain

railroads from the operation of the proposed law. If the Senator did not mean to be so understood——

Mr. DOLLIVER. I was misunderstood, Mr. President.

Mr. BACON. Then, I will say nothing further on that point.

Mr. DOLLIVER. Mr. President, the proviso of the bill involves, I think, the same principle that is involved in the safety-appliance act, which is made applicable everywhere, with the understanding that the Interstate Commerce Commission may suspend or postpone the operation of the law under certain conditions found upon investigation.

Mr. BACON. Now, Mr. President, I should like to have the Senator from Iowa, if he will, permit me to have read in this connection a communication which has been addressed to my colleague [Mr. CLAY] and myself by certain railway employees, conductors and others, in order that I may ask the Senator from Iowa whether he understands that his amendment would cover such cases as are specified therein?

Mr. DOLLIVER. I shall be very glad to have read the paper to which the Senator refers.

Mr. BACON. I ask, with the permission of the Senator from Iowa, that the communication which I send to the desk may now be read. I will ask the attention of the Senator from Iowa to the particular case specified in the letter, with a view of seeing whether or not the amendment proposed by the Senator from Iowa would cover such a case; in other words, would give the right to the Interstate Commerce Commission to pass a rule or to make a regulation which would meet the difficulties suggested in that letter.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Hon. ALEXANDER S. CLAY, Hon. AUGUSTUS O. BACON,
United States Senators, Washington, D. C.

GENTLEMEN: It has come to our notice that there is now pending before Congress and the House of Representatives a bill known as H. R. bill 18671, or better known among us as the "sixteen-hour bill," which we think has some very objectionable features. We therefore recommend to the House of Representatives and Congress assembled that the arbitrary parts of said bill be modified. While a law of some kind is possible that might, as a rule, do away with long hours on duty, we do believe and know that there are circumstances that arise in the handling of traffic by railroads that, while strictly speaking, are unavoidable, yet would not come under the exceptions provided for in the bill as it now reads. There are numerous things that might happen to a train that is only a few miles from its terminal, and perhaps on the main line, that the time limit might expire before relief could be gotten to them. Then, again, the crew might be but a few miles from their home terminal and the time expire, while in a few minutes, perhaps, they could reach their home terminal, where they could get their rest at their home, where they should. We do not believe that you want to make a law that will compel a crew to lay up five or ten or fifteen minutes from their home terminal just because the sixteen hours were up, then when their rest was up run them into their home terminal and double them right out of it again.

Mr. BACON. The Secretary will pardon me just a moment. I am inclined to think that, so far as the cases already enumerated are concerned, the suggestion made by the Senator from Iowa would cover them; but I want to ask particular attention to that which follows, which I do not think would be covered by any power to make rules or regulations. I now ask that the Secretary resume the reading of the letter.

The VICE-PRESIDENT. The Secretary will continue the reading of the letter.

The Secretary resumed the reading, as follows:

Then the crew may have a hard run from their home terminal to their away-from-home terminal——

Mr. BACON. That means to the opposite terminal—from the home terminal to the opposite terminal.

The Secretary continued the reading, as follows:

Then a crew may have a hard run from their home terminal to their away-from-home terminal, which, under the bill as proposed, would compel them to have eight or ten hours off duty, as the case might be. This crew might stand for a good run home after five or six hours' rest, which would take them to their home terminal in five or six hours. The proposed law would work an undue hardship on the crew under such conditions. This would also work a hardship on the railroad company, but a much greater hardship on the men. We therefore request you to do all in your power to so amend this bill in favor of the railroads of this country so that unavoidable and unforeseen accidents be excepted, and in favor of the men that when an hour or two will get them to their home terminal be excepted, and, further, in favor of the men that when a few hours' rest at their away-from-home terminal will start them toward their home terminal that the men be allowed to use their own judgment as to whether they are able to go or not.

Mr. BACON. Mr. President, if the Senator from Iowa will pardon me, I want to call his attention, by way of practical illustration, to the difficulty suggested in the latter part of that communication. All railroad men have their homes at one or the other terminal, a place where their families are located, etc., where they are supposed to take their principal rest, and where their "lie-overs," as they are called, are permitted. Under the bill as it stands it is required that there should be ten hours of rest. As suggested in that communication, a railroad employee starting from his home and making, it may be, a hard run to the other terminal is very desirous to get back to his home and have his rest there; but he would be compelled under the bill to remain ten hours at the other terminal, and in that way have that much less rest at his home terminal.

The point I wanted to ask the attention of the Senator from Iowa to was this: Whether or not, under the power with which it is proposed by his amendment to invest the Interstate Commerce Commission to make certain rules and regulations, would it, in his judgment, go to the extent of permitting them to meet a case of that kind; to vary the law, and say that in such and such a case the employees need not remain ten hours at the far-away terminal, at the away-from-home terminal, as they call it, but that they may have a less period of rest there, in order that they may return to their homes and have their principal rest where they desire it, with their families?

Mr. DOLLIVER. Mr. President, I am inclined to think that the discretion conferred upon the Interstate Commerce Commission in the amendment which I suggested would enable the Commission to make regulations covering such a case; but I am not sure that they would do it, because that is a situation that goes to the very heart of the question of limiting the hours of labor, and I will admit that there are bodies of railway men in a good many places who look upon the limitation of the hours of their labor as liable to produce either a loss of time at their homes or, possibly, a loss of wages, a reduction in their monthly pay. Of course, an objection made by a workman upon grounds like these is entitled to very respectful and very careful consideration.

Mr. BACON. I grant that.

Mr. DOLLIVER. But it would be very easy to press a criticism of that kind to the point of making it entirely impracticable to put any limit at all upon the hours of railway labor, thereby taking away from the American people, the public at large, their right to have their lives and property guarded by these restrictions.

Mr. BACON. Mr. President, I do not wish the Senator to resign the floor for the present, but I want to say to him that I think he uses an incorrect term when he speaks of the suggestion as a criticism upon the bill, because the suggestion is not in the way of criticism, but in the line of an effort to perfect the bill, to relieve it from inperfections, and, if possible, to put it in such a shape as not only to serve the purpose which the Senator has in view, of protecting the traveling public, but, at the same time, of imposing as little hardship as possible both upon the railroads and their employees.

I venture to say that ninety-nine railroad employees out of a hundred, if brought before the Senator's committee, would say that in practical operation they would be in good condition upon the completion of a run to the away-from-home terminal after six or seven or eight hours at the outside of rest to start back on the run to their home terminal, and that it would be better for them, looking to the question of their physical recuperation, to say nothing of their comfort and domestic happiness, if they were permitted to take the larger part of their rest at their home terminal and not be required to take an undue proportion of it at the far-away terminal.

It is a very serious matter, Mr. President, to the men who have to be away from their homes most of the time that they should be required to stay a longer time at the far-away terminal than is necessary for recuperation. Eight hours will recuperate any man, and six hours will recuperate very many men, especially if upon the return to the home terminal they are to have fifteen or twenty hours, for a greater length of time for rest is always given to them at their home terminal. The period of rest is not equally divided between the home terminal and the far-away terminal.

Mr. DOLLIVER. And yet, Mr. President, the Senator from Georgia, I think, will admit that if the length of service is to be left practically to the convenience of the men and the purpose of this proposed law frustrated by anybody who thinks his comfort and his convenience would be promoted by such a course, it would go far toward destroying the value and vitality of such a statute.

Mr. BACON. Of course, that would be true if it would have the effect of destroying the statute, as suggested by the Senator; but the Senator seems to act upon the supposition that the Interstate Commerce Commission can be safely clothed with power to exercise a discretion as to the particulars in which these requirements should be followed. He says he thinks that this particular feature would be within the control of the Interstate Commerce Commission. If he thinks the Commission can be safely intrusted with it, I would suggest to the Senator that, if he will make the language so explicit as to remove any doubt upon that subject, we will not be in danger of having an agree-

ment between the employees and the railroads which would destroy the efficacy of the bill, but we will be simply relying upon the Interstate Commerce Commission to make such exceptions as to particular cases as will prevent undue hardships to railroad employees, and at the same time protect the particular vital interests he has in view.

Mr. DOLLIVER. Mr. President, the very reason that I felt constrained to offer the amendment was the difficulty in making a particular description of the circumstances which would warrant exemption from the operation of the law. In the proviso in the first section of the proposed substitute the language was made, as I thought, sufficiently broad to enable the Interstate Commerce Commission to prevent any hardship that ought to be prevented arising from the execution of the statute. I doubt the wisdom of making specific descriptions of any circumstances. If the Interstate Commerce Commission is given the discretion to make orders in the premises, I think it would be on the whole better to rely on them to take into consideration the case to which this memorial refers and all other cases involving exceptional circumstances.

Mr. BACON. I myself think that the Interstate Commerce Commission could, without any violence to the language or the proper construction of it, construe the provision found in the amendment proposed by the Senator from Iowa as covering this particular case. I will read the language:

Provided, That prior to August 1, 1907—

I think possibly that limitation ought to be removed—

the Interstate Commerce Commission may, after full hearing and for good cause, specify extraordinary circumstances or special cases under which any such common carrier by railroad and its officers and agents shall be exempted from the provisions of this section.

That is very broad, and I am inclined to believe would cover a case of this kind; but I think the Senator would probably do well to enlarge it, at least I should myself favor an enlargement of that limit of time. I think it would be better not to have a limit of time, because emergencies may arise and new conditions may develop after that time.

Mr. DOLLIVER. The Senator from Georgia will observe that, according to the first section of the proposed substitute, the act itself does not take effect until the 1st of August, 1907.

Mr. BACON. Yes.

Mr. DOLLIVER. Of course, that date could either be advanced or it could be made earlier.

Mr. BACON. If the Senator will pardon me, I think that provision, which is a very wise one in giving some elasticity to the bill, ought to be one which could be availed of whenever the necessities of the case require it. I do not see why the Interstate Commerce Commission should not be permitted, after a certain date, to meet an evil which unforeseen conditions might cause to be developed.

Mr. DOLLIVER. Well, Mr. President, I admit there is great force in what the Senator from Georgia says about that, and there will be no objection, I think, to an amendment in that respect.

Mr. BACON. I confess I would be very much more reconciled to the Senator's amendment if he would take out that limitation of time and put it within the power of the Interstate Commerce Commission to specify causes of exemption whenever, in their judgment, an emergency arose or there were developments or changes in conditions which made it necessary to prevent hardships.

Mr. BEVERIDGE. We could amend it in any event at the very next session if we saw fit.

Mr. HEYBURN. Mr. President, I rise for the purpose of making a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Idaho will state his parliamentary inquiry.

Mr. HEYBURN. I inquire whether it is in order now to move such an amendment of the unanimous-consent rule as will permit us to take up these amendments and vote upon them to-day, so that the bill can be reprinted as amended before we are compelled to vote on it to-morrow? I take it that what was done by unanimous consent can be changed by unanimous consent.

The VICE-PRESIDENT. Yes; it is within the province of the Senate to modify the unanimous-consent agreement by unanimous consent.

Mr. HEYBURN. Then I desire to ask unanimous consent——

Mr. LODGE. Oh, Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Yes.

Mr. LODGE. I do not think a unanimous-consent agreement ought to be modified in that way. We have no assurance that Senators who accepted the agreement and were present at the time it was entered into are here now at this moment. I have never known a unanimous-consent agreement modified in that way.

Mr. HEYBURN. I would say, Mr. President, that in the case of the pure-food bill the same motion was made, and I think I acceded to it.

Mr. BEVERIDGE. Request, not motion.

Mr. HEYBURN. Request, if you please.

Mr. GALLINGER. Mr. President, this is a very illuminating discussion we are having now, and I think it ought not to be interrupted by taking votes. I object to any modification of the agreement.

The VICE-PRESIDENT. Objection is made. The Senator from Wisconsin [Mr. LA FOLLETTE] is entitled to the floor.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. LA FOLLETTE. I do.

Mr. PATTERSON. I would not interrupt the Senator from Wisconsin were it not that I realize he is quite willing to allow any Senator to occupy the floor.

Mr. BEVERIDGE. I call the attention of the Senator to the fact that no Senator on this side can hear a word of his very interesting remarks.

Mr. PATTERSON. Mr. President, with the gracious consent of the Senator from Wisconsin [Mr. LA FOLLETTE], I want to suggest that this measure can hardly be classified under the head of a labor measure. The labor people of the world are struggling for an eight-hour day, while this is a measure that really provides for a sixteen-hour day. It is quite a commentary upon the railway service that a necessity exists to place a limitation upon the number of consecutive hours for which their employees may be compelled to labor.

I heartily concur in everything that has been said about the necessity for a measure of this kind, not so much for the benefit of the railway men, as for the traveling public. I can understand how men in many callings will be quite willing to work for a longer period than is profitable to their health and well-being on account of the additional earnings that lengthened employment will bring to them. Take the callings, Mr. President, that have secured recognition of the eight-hour day. Those who are engaged in them are willing to work for ten or eleven or twelve hours; but the eight-hour limitation is placed upon the day's work in order that they may get double pay for the extra time, or increased pay that may not amount to double the usual compensation. The limitation of the hours of work, except within special callings, is for the double purpose of affording the laborer an opportunity to maintain his health and vigor, and, at the same time and upon proper occasion, to increase his earnings.

I think the real necessity for this measure, or a similar measure that can be made effective, is for the protection of the traveling public. The many accidents that have occurred, resulting in deplorable loss of human life and the horrible maiming annually of thousands of people by reason of railway accidents, the result of the overworking of employees, constitute an appeal to Congress for legislation of this kind that should be heeded.

But I want to call the attention of the Senator from Iowa [Mr. DOLLIVER] to this feature of the substitute that he offered yesterday. There is nothing in it to prevent an employee being required to or voluntarily engaging in not only sixteen hours of consecutive labor, but practically thirty-one hours of consecutive labor. There must be some well-worded and carefully considered proviso to meet this objection that has not yet been thought of, or at least that has not yet been offered, in order that that fatal objection to this substitute and to the substitute that was reported to the Senate from the committee may be avoided. I have not been able to think out the precise phraseology that will be necessary to effectuate what the Senator from Iowa and other Senators desire to accomplish in a measure of this kind; but surely, Mr. President, when the first section of the substitute offered by the Senator from Iowa is considered, it must be perfectly plain that it does not meet the evil and in reality affords no remedy.

Let me read it for the consideration of the Senator from Iowa and other Senators:

That on and after August 1, 1907—

I am reading from the substitute of the Senator from Iowa, found on page 764 of to-day's RECORD—

That on and after August 1, 1907, it shall be unlawful for any common carrier by railroad in any Territory of the United States, or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen consecutive hours.

That is all that is necessary to read, because there is nothing in the section that follows that in anywise remedies the imper-

fection that the language which I have quoted discloses. It shall be unlawful to require or permit them to remain longer than sixteen consecutive hours.

Suppose, as I suggested yesterday, a man is in service for fifteen consecutive hours, and then there is an hour in which he is not in service. The consecutive labor has been broken and a new period of service may commence, which may last for sixteen hours without the common carrier making itself liable to the penalties of this measure. It seems to me that the defect is so apparent that the mere reading of the amendment and calling attention to the defect is a complete argument in support of the proposition I make. In addition, as suggested to me by the Senator from Wisconsin [Mr. SPOONER], this is language that would be strictly construed in any legal action.

The danger of voting upon this measure as it is, and without this particular feature of it being clearly before the Senate, is that a measure will be passed that will be wholly ineffectual in the purpose to be attained.

Mr. BEVERIDGE. Does the Senator make the same objection to the bill itself? This is a substitute.

Mr. PATTERSON. Oh, yes; indeed, the same objection extends to the bill as reported from the committee.

Mr. BEVERIDGE. It does if it contains the same language.

Mr. PATTERSON. It has precisely the same language, so far as that is concerned. I called the attention of the Senate to it yesterday.

Mr. BEVERIDGE. I was not here then.

Mr. PATTERSON. That was to the bill as reported from the committee. So far as the measure itself is concerned, if proper language can be used to effectuate it, Mr. President, I am heartily in favor of it; and I discover upon reading a number of protests that have been sent to me that the objections made by the railroad men to the measure rest largely upon a misapprehension of its force and effect.

Surely most of the objections that are made to the bill can be obviated by simple amendments, amendments I have no doubt the Senate will acquiesce in.

I realize, Mr. President, looking at it from a certain light, that it is a drastic measure, but from the experience and knowledge of every Senator it is a measure of a character that is rendered absolutely necessary, having any regard whatever to the safety of those who must use these great lines of transportation. And as the miles of railway multiply, as the volume of travel increases, as the number of trains are multiplied, and as inventions and appliances are brought into existence for the purpose of securing safety in travel, the necessity for a measure such as this becomes the more glaring, for while you may perfect machinery and invent mechanical appliances, while the block system may be put into operation and other mechanical systems be applied to secure safety in railway travel, both to the public and to the railway men, there is one thing which can not be improved upon, and that is the endurance of the men to whom the running of trains must be intrusted. No ingenuity of the human mind, no mechanical skill, will amend the constitution of man. They will not eliminate the necessities of human nature. Men can work only a certain number of hours and retain their faculties at their highest. Especially can they not work beyond a certain time in such exacting employment as that of running railway trains. Therefore I take it, since the mind of the country as a whole and of the people as individuals is directed toward securing greater safety to the traveling public, Congress should, without any hesitation, do its share toward bringing about the reform.

So far as the bill itself is concerned, it no more affects railroads within States than does the safety-appliance law. That law requires that every railroad engine and every railroad car, whether it belongs to a local road or not, which is used in interstate commerce, shall be equipped with certain appliances. It is not necessary that they shall be continually used in interstate commerce. If they are a part of the equipment of a railroad which receives commerce from without the State, and are not set apart especially for local trade and local use, and if all traffic from without the State is not eliminated from the use of such cars and locomotives, they come within the meaning of the safety-appliance act by reason of the commerce clause of the Constitution. This proposed act goes no further than does the safety-appliance act. It goes just that far, and it ought not to be limited or curtailed by any very narrow construction when the purpose is to effectuate the remedy that the country is demanding.

Mr. BEVERIDGE. May I make a suggestion to the Senator from Colorado?

Mr. PATTERSON. With pleasure.

Mr. BEVERIDGE. Not only that, but it does not go nearly so far as the law applying to signals upon vessels carrying interstate commerce or that do not carry interstate commerce. It does not go nearly so far as that. Not only is what the Senator from Colorado says entirely true, but the act to which I refer goes very much further.

Mr. PATTERSON. I have no doubt that the statement made by the Senator from Indiana is correct. I have not had occasion, however, to examine the enactments with respect to that character of commerce or transportation. But I have, from a careful examination of the safety-appliance act and of the language of the pending bill, come to the conclusion that if the safety-appliance act is not in contravention of the powers of Congress under the interstate-commerce clause of the Constitution, then the language of the proposed act is in no wise in conflict with it.

Mr. BACON. Will the Senator from Colorado permit me for a moment?

Mr. PATTERSON. Certainly.

Mr. BACON. Has the Senator examined the language of the safety-appliance act?

Mr. PATTERSON. Yes.

Mr. BACON. I wish to ask him whether he agrees with the statement made yesterday by the Senator from Florida [Mr. MALLORY] in which he used language which I will quote from page 762 of the CONGRESSIONAL RECORD. Yesterday the Senator from Florida [Mr. MALLORY] said:

> The act providing for safety appliances prescribes that the vehicles employed by the road shall be engaged in interstate commerce.

I have not myself examined the act, and I do not rise for the purpose of controverting any statement, but I will ask the Senator from Colorado, if he has the act before him, whether or not the safety-appliance act in terms applies to all railroads engaged in interstate commerce and relates to all their equipment, or whether it is limited to such vehicles employed by the roads as are engaged in interstate commerce?

Mr. PATTERSON. The language of the Senator from Florida was open to misapprehension or misconstruction. I fully agree with the Senator from Florida that the railroad equipment, whether locomotives or cars, must be engaged in interstate commerce, but it does not follow that, in order to require the equipment of a car with the safety appliances provided for by Congress, there shall be interstate commerce at any particular time in any particular car. In other words, if the locomotives or cars are for the general use of the road, and if the car has in it that which is properly termed "interstate commerce," and it is hauled one day, it is not necessary that such commerce shall be in the car the next day, or the next, or the next, before the provisions of the act apply. They are locomotives and cars engaged in interstate commerce within the meaning of the law. That is my reading of the law, and such is the interpretation placed upon it by the United States court of my State.

Mr. BEVERIDGE. And by the Supreme Court.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Florida?

Mr. PATTERSON. Certainly.

Mr. MALLORY. The Senator from Colorado stated that my language yesterday was subject to misapprehension or misconstruction. I do not exactly see from his statement how that is. I think, if the Senator has before him and will read that portion of the interstate-commerce act which relates to this particular matter, he will find that my statement covers it.

Mr. PATTERSON. If the Senator from Florida agrees with my interpretation of the language used in the interstate-commerce law, then I think I am justified in suggesting that it was to a certain extent misinterpreted by the Senator from Georgia.

Mr. BACON. Misunderstood.

Mr. PATTERSON. Yes; misunderstood.

Mr. BACON. I went simply by the letter of the language. I did not have the benefit of any comment made on it by the Senator from Florida.

Mr. PATTERSON. The language used in this bill, so far as that feature of it is concerned, is as carefully worded, in my opinion, as is the language of the safety-appliance act. And regret it as we may, however it may encroach upon the cherished notion of States rights and the wish of Senators and others that the States shall retain control of all such matters and there shall be no interference with them on the part of the Federal Government, the thing has already been accomplished; the Supreme Court has indorsed it; and the common experience of the country has approved it, so far as railroad transportation is concerned.

If we shall have an interstate-commerce law that exercises the most minute surveillance over the cars and engines of the railways of the country, as to the character of the goods transported, and if we are to have a safety-appliance law which simply relates to mechanical appliances for the protection of

human life, then surely we ought to have a law that will apply to the men who are to man those roads and do the transporting; men who, if their faculties are impaired by reason of long continuous service, set at naught the skill and the capital of the great corporations in giving the protection to human life that human life is entitled to receive at the hands of these quasi public corporations.

I treat with the utmost respect the hundred and more letters I have received from railway employees. Some who wrote to me are engineers; others are conductors; others are telegraph operators. They all point out objections to particular provisions of the proposed law, but not one of them objects to the measure on principle. And most of the writers labor under a misapprehension of the provisions of the bill, even taking the bill in the raw, as it was reported from the committee which had it in charge. Most of the objections contained in the letters presented by the Senator from Wyoming [Mr. WARREN] are as to the mere matter of detail, as all the objections, so far as I have been able to discover them, contained in the letters sent to me, refer to details, and not a single protest has come up against the principle involved in the bill.

I take it, Mr. President, that we may safely say this is a proposition that is unassailable. I do not care what the railway engineers and conductors and brakemen say. We may take it as a proposition that should not even be assailed—that no man should be permitted to serve on a railway train after he has been at work in that employment for sixteen consecutive hours, no matter how well he may feel, no matter what he may conceive to be his capacity to run a train safely, no matter what inconvenience he may suffer by reason of being compelled to desist. It is a proposition that can not be assailed successfully, when we take into consideration the great charges that are placed under his control and management, that no man should be permitted in the cab of a locomotive or to handle a brake, or even to collect fares from the passengers, after he has been at work for sixteen consecutive hours. There may be isolated cases where facilities will not be impaired, but they will be so isolated that they will hardly constitute an exception to a general rule.

So my motion about it is that those who have this measure in charge should perfect it, and perfect it by to-morrow. They should consider well the language that ought to be used to effect the reform that is necessary. Having done that, speaking for myself, I will vote for this measure more cheerfully than for almost any other measure that has received my vote during my service here.

Mr. SPOONER. May I ask the Senator from Colorado a question before he takes his seat?

Mr. PATTERSON. Certainly.

Mr. SPOONER. Would it not improve the language of the section to say "to remain on duty" more than sixteen hours instead of "to remain at work?"

Mr. PATTERSON. Yes.

Mr. SPOONER. The Senator made a suggestion that I think has great weight, but can he find some language to overcome the difficulty he suggested?

Mr. BEVERIDGE (to Mr. PATTERSON). Have you thought of any language?

Mr. PATTERSON. I have thought of some such suggestion as the following: Instead of saying "who have been at work for sixteen consecutive hours," use the language "who have been at work sixteen hours during a twenty-four-hour period."

Mr. BEVERIDGE. It is not "at work." It is "remain on duty" in the bill.

Mr. PATTERSON. Yes; "remain on duty" for a certain number of hours during a fixed period.

Mr. SPOONER. I had in my hand a copy of the substitute.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington?

Mr. PATTERSON. Certainly.

Mr. PILES. What would the Senator think of an amendment of this character? On page 1, line 8, of the substitute erase the word "consecutive" and insert after the word "hours" the words "during a period of twenty-six consecutive hours." In line 10 erase the word "consecutive" and, after the word "hours," insert "during such period;" so that it would read:

That on and after August 1, 1907, it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen hours during a period of twenty-six consecutive hours, or to require or permit any such employee who has been in service sixteen hours during such period to perform further service without having had at least ten hours for rest.

I take it for granted that the point desired to be made is, that no man shall work more than sixteen hours, and that he shall also have ten hours for rest. So, if you fix a period of twenty-six hours and say he shall not remain in service more than sixteen hours during that period, it seems to me it would cover the case.

Mr. PATTERSON. As I now comprehend the suggestion made by the Senator from Washington, it would be much better than the language used, because the language now in the bill is totally ineffective, in my opinion. I think, however, in view of the suggestions made and the apparently general acquiescence in the proposition that the bill is ineffective at present, that we ought, before the hour for voting arrives, agree upon language that will meet the trouble.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. Certainly.

Mr. CLAY. I wish to call attention to the fact that this bill evidently has not been very carefully drawn. If Senators will look on page 6, line 24, they will see that it provides as follows:

That to enable the Interstate Commerce Commission to execute and enforce the provisions of this act it shall employ such inspectors or other persons as may be necessary, and its agents or employees thereunto duly authorized by order of said Commission shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers.

That would authorize and empower the Interstate Commerce Commission, if it saw proper to do so, to employ a hundred or five hundred or even a thousand inspectors, and to fix such salaries as it might see proper to fix. As I understand——

Mr. BACON. Will my colleague permit me to ask him if he does not think it would require several thousand inspectors——

Mr. CLAY. I should hardly think that many.

Mr. BACON. All over the United States, with the 200,000 miles of railway?

Mr. CLAY. I believe there are about twelve or fifteen hundred thousand employees, and probably it would require a great number of inspectors, but if Congress is going to authorize and empower the Interstate Commerce Commission to employ inspectors to travel over the country and ascertain whether or not the proposed law has been violated, the number of inspectors who are to be employed ought to be named and the salaries of the inspectors ought to be fixed in the bill.

I can certainly never agree to support a measure which empowers the Interstate Commerce Commission to employ just as many inspectors as they want to and to fix the salary. The bill certainly ought to be amended in that particular.

Mr. PATTERSON. That is a matter as to which the Senator from Iowa can answer better than I can. But I would say this on my own account: Having in mind the paramount necessity for a measure of this kind, we could well afford to allow that provision to pass substantially as it is in order that during a year or so the Interstate Commerce Commission may have an opportunity to determine from actual experience the number of inspectors who ought to be employed and the salaries, and then, on report to Congress, let Congress take up the subject and determine in a more definite way what should be done in that direction.

I do not care about stickling at small things, and I say that without in any way intending to reflect upon the suggestion made by the Senator from Georgia [Mr. CLAY]. But that is a temporary matter. It would be permitted to last only so long as Congress should determine. There should be considerable latitude for experiment, actual experiment, before Congress is required to fix the number of inspectors; and I am inclined to think that the present Interstate Commerce Commission would not be any too extravagant in the matter either of the number of inspectors or the salary to be paid.

But, Mr. President, there is no trouble at all in suggesting objections to any such measure as this. It is drastic. There is no mistake about it. It will require, if the proper measure is passed, reorganization to a very considerable extent by railroads of their schedules—reorganization of the lengths of runs, it may be, and of the trains that are sent out. But that is a mere matter of detail also. When a wise and effective measure of this kind is passed, it will be discovered, in the future as in the past, that the railway companies are quite equal to the emergency. There will be no trouble about the readjustment by railway companies of schedules and the like when there is money in sight, when it is necessary to increase traffic, either freight or passenger. There ought not to be and there will not be any serious difficulty in the readjustment of schedules when Congress requires it at their hands, where the prime object to be secured is the preservation of human life, the preservation of

the limbs and the bodies of those who travel on the trains as well as of those who are engaged in operating them.

I ask leave to have printed in connection with my remarks four or five of the hundred-odd letters I have received. They are perhaps fair samples of the rest and discuss different topics, and really contain all of the objections that are urged.

The VICE-PRESIDENT. Without objection, consent is given.

The letters are as follows:

DENVER, COLO., *January 3, 1907.*

Hon. T. M. PATTERSON,
Senator from Colorado.

DEAR SIR: The present session of the House of Congress will consider and vote upon the enactment as a law of what is called the "sixteen-hour law," the object of which is to limit the hours of daily service of railroad employees.

I desire to register my objections to the adoption of this measure and its enactment as a law as a whole; in particular to that section reading "every violation of this law subjects both the company and *the individual official* who permits an employee to work more than sixteen hours or to resume work without taking for himself ten hours' rest to a fine of $1,000." Under this law were I, a train dispatcher, to allow a train and enginemen and operators to remain on duty over sixteen hours I would be subject to a fine of $1,000, and were I unable to pay it, imprisonment in a Federal prison.

There are and will continue to be occasions when it is impossible to prevent trainmen, enginemen, and operators from being on duty over sixteen hours, as in case of wrecks or failure of telegraph wires, and as a railroad employee of nearly nineteen years' experience I know that railroad companies do not compel employees of this class to work over sixteen hours, or even that many, where it is possible to release or relieve them.

The enforcement of this law would compel me, in order to protect my property and personal liberty and the welfare of my family, to give up my profession and begin over again at probably 40 per cent of my present salary, and I at an age when one is almost too old to enter a new profession.

As I am a registered voter of Denver and you are my personal representative, I ask that you use all your efforts to defeat the passage of the sixteen-hour law.

Respectfully, yours,
THOS. W. MCKINLEY,
Train Dispatcher, Union Pacific Railway.

DENVER, COLO., *January 3, 1907.*

Hon. T. M. PATTERSON, *Senator.*

DEAR SIR: I desire to respectfully and firmly protest against the enactment of what is known as the proposed "sixteen-hour law," its purpose being to limit the hours of service of railway employees, especially that part which reads, "Every violation of this law subjects both the company and the 'individual official' who permits an employee to work more than sixteen hours or to resume work without taking ten hours' rest subject to a fine of $1,000."

I am a train dispatcher, with fifteen years' experience, and know that railway companies do not wish their men to work more than sixteen hours without rest, and know that the rank and file of railroad men do not want such a law.

There are occasionally circumstances and conditions—storms, wrecks, washouts, etc.—where it is impossible for a dispatcher to prevent train and engine crews and telegraph operators from being on duty over sixteen hours without great hardship to them, also to the traveling public. Yet you could not explain it to the ordinary jury. The train dispatchers of this country are intelligent, law-abiding citizens, but with such an enormous fine or the Federal prison staring us in the face we would be compelled to seek another way of earning a livelihood.

I am a resident and voter of Denver and trust that you will give this bill your earnest opposition.

Yours, respectfully,
GEO. T. MEGINNESS,
Dispatcher, Union Pacific Railroad.

DENVER, COLO., *January 3, 1907.*

Hon. T. M. PATTERSON, *Senator.*

DEAR SIR: I desire to respectfully but firmly protest against the enactment of what is known as the proposed "sixteen-hour law," which has for its purpose "to limit" the hours of service of railroad employees, particularly that part which reads, "Every violation of this law subjects both the company and individual official who permits any employee to work more than sixteen hours or to resume work without taking ten hours' rest to a fine of $1,000," as there are times and circumstances when it is impossible to prevent a crew or an operator from being on duty over sixteen hours and yet be almost impossible to explain to the ordinary juror why, and to subject the train dispatchers of the United States to such an enormous and drastic fine it would be impossible to pay, and the Federal prison, being our next alternative, will tend to compel the train dispatcher to give up such a vocation, as we can not take such chances, and after twenty years' experience as a train dispatcher and knowing how such a law will work the most untold hardship on railroad men in trying to do that which at times is simply an impossibility.

I beg you to do all in your power to defeat the said law.

Yours, truly,
J. G. BLATTENBERG,
Dispatcher, Union Pacific Railroad.

DENVER, COLO., *January 3, 1907.*

Hon. T. M. PATTERSON,
Senator from Colorado.

DEAR SIR: I desire to place this, my personal protest, against the proposed enactment known as the "sixteen-hour law," which has for its purpose to limit the hours of service of railway employees, particularly to that part of the bill which reads, "Every violation of this law subjects both the company and the individual official who permits any employee to work more than sixteen hours, or to resume work without taking for himself ten hour's rest, to a fine of $1,000."

There are occasionally conditions and circumstances when it would be an absolutely impossible matter for a train dispatcher to prevent an operator or train crew from being on duty over sixteen hours, nor could an explanation be made for the reason that the circumstances leading up to such an event could never be satisfactorily explained to an ordinary jury before whom such cases should be tried. The technicalities of train rules, rights of trains, their superiority, washouts, and kindred troubles could never be explained in such a manner as would secure an intelligent verdict, even should this jury be made up of experienced railroad men, which would hardly be probable, as they are seldom required to serve in this capacity, and I doubt if the legal fraternity would allow satisfactory evidence given unless it would answer their purpose.

If the train dispatchers are subjected to such an enormous fine—$1,000—and I doubt if even one-fifth of them could pay this fine—the result then would be your Federal prison would be occupied by many capable railroad officials. Personally, I am not ready to wear regulation prison garb. My physique, built on the "corpulent lines," would hardly become the horizontal line of this Government textile.

Therefore I protest vigorously and firmly against this law, and to consider such a proposition to make the fraternity of train dispatchers, composed of intelligent, true, loyal American citizens, subject to the penalty proposed by this outrageous law is certainly beyond any attempt yet made by our lawmakers.

I assert positively and without prejudice that those who have proposed such a measure do not represent the better and more intelligent element or the rank and file of the railroad fraternity, and having discussed this matter with quite a number of railroad men in the different departments, I find them a unit in condemning the measure and those who proposed it.

It is no doubt true that those who propose the measure have a following of considerable proportion whom they have induced, through misrepresentations and otherwise, to lend their support to the measure, holding out inducements that are neither understood or in the possibilities of railroading, and I trust that you will give this measure your earnest consideration and hearty opposition.

Yours, respectfully,
H. W. BARRE,
Dispatcher, Union Pacific Railroad.

DENVER, COLO., *January 4, 1907.*

Hon. T. M. PATTERSON,
U. S. Senator, Washington, D. C.

DEAR SIR: I am inclosing herewith a number of letters from various fellow railroad employees asking that you use your best endeavors to defeat the recent Senate bill which provides that an employee shall not work or be permitted to work more than sixteen consecutive hours and must have at least ten hours for rest before being allowed to work.

In addition to these letters, I would like to state that in almost any instance where a man feels that he is in need of rest he has always been able to secure same by calling for it, and I know of no case where an employee has been punished by the railroad company for refusing to go out when he had been on duty as much as sixteen hours and had not had sufficient rest.

To diminish our salaries by restricting the number of hours we shall work, and add to our living expenses by compelling us to tie up on the road when the sixteen hours is up, probably only a short distance from home, I do not think is exactly just to us, and it is with the hope that you will do all in your power to defeat this bill that we are sending you these letters, which we have written of our own free will and not upon the instigation of any railroad or its officers.

Yours, very respectfully,
W. B. MORLEDGE,
Conductor, Chicago and Texas Railway,
Denver, Colo.

GENERAL PROTECTIVE BOARD, BROTHERHOOD OF
LOCOMOTIVE FIREMEN AND ENGINEERS,
UNION PACIFIC SYSTEM,
Cheyenne, Wyo., December 31, 1906.

Hon. THOMAS M. PATTERSON,
United States Senate, Washington, D. C.

MY DEAR SIR: Referring to my telegram dated at Omaha, December 29, reading as follows:

"The General Protective Board of Brotherhood of Locomotive Firemen, Union Pacific Railroad, desires that you consider this a formal protest against the passage of so-called 'sixteen-hour law,' the purpose of which is to limit the hours of service of railway employees. Letter of explanation follows."

I desire to give you briefly some of our reasons for protesting against the passage of this bill. If it becomes a law, it will unquestionably decrease the earnings of all railway employees engaged in train service, as the companies will shorten their passenger and freight districts in order to enable them to get trains and crews over the road within the sixteen-hour limit, and as a matter of protection will increase the tonnage of trains in order to offset the expenditures incident to shortening of districts and the operation thereof. A greater number of men will have to be employed so the railroad companies will be in a position to comply with the law, as it necessarily will cause men to lay over at terminals greatly in excess of the ten hours' lay-over clause provided in the bill, and for this reason, therefore, it will require more men, and they can not possibly make fair average mileage and earn fair monthly wages, as they are paid on a mileage basis.

Trainmen's living expenses away from home will be increased about 33⅓ per cent over the present system on account of their being required to be away from home terminals so much longer. The railroad companies will pool engines and cabooses, which has been tried heretofore and resulted very unsatisfactorily. Trainmen away from home terminals live in and prepare a great many of their meals in their cabooses. Pooling the engines and cabooses will prevent this being done.

A large percentage of railroad employees in train service own their own homes, representing the savings of a lifetime. In this western country a great many of the terminals are what might be termed "railroad towns," and are supported almost exclusively by employees of railroad companies. If terminals are changed such towns would be abandoned, and the loss to employees would be enormous, practically meaning the financial ruin of many of them. It would also deprive the children of employees of educational advantages which they now enjoy, as it would be years before similar facilities would be available at the new terminals.

It is now impossible to man western railroads with experienced men. The passage of this bill would require the company to largely increase their force, which could only be done by employing new and inexperienced men, thereby creating greater risk and hazard of accident than the overworking of men could possibly cause. It would also make the positions of railroad employees in train service less inviting, and a great many of our old men would seek other avocations, thus increasing the number of new men in the service. The experienced railroad

men alone realize that a great number of accidents to-day are caused by the "student" or inexperienced man, and they only can appreciate the care and vigilance which must be exercised in watching the movements and actions of new men in connection with the operation and safety of life and property intrusted to their care. If the public realized, as does the experienced railroad man, the element of danger that exists in introducing new men into the service it would be very reluctant in giving support to this measure.

The compulsory ten-hours'-rest clause in the bill will compel men to tie up at times for rest at points where there are no accommodations, and at the end of ten hours they will be in worse physical condition than if they had continued to the end of their run.

Passenger and freight runs on the western railroads are adjusted so that under normal conditions the men make their runs within the usual hours constituting a day's labor. Excessive number of hours on duty is the exception, not the rule.

The apparent object of this bill is to materially reduce the number of accidents, the number of hours on duty, and the tonnage of trains in order to get them over the road at a higher average rate of speed. So far as the accident feature is concerned, there has never been an accident on the Union Pacific Railroad, to our knowledge, caused by employees being on duty an excessive number of hours. Regarding the reduction of the average number of hours on duty, and a reduction in the tonnage of trains, it will have the opposite effect, for, as stated above, the company, in order to protect itself and offset its increased expenses made necessary by shortening the districts, will increase the tonnage, and instead of having over 80 per cent of its trains averaging less than twelve hours over the district, as is the case on the Union Pacific to-day and has been for some months, the greater percentage of the trains will average closer to the sixteen-hour limit on account of the increased tonnage.

Yours, truly, C. V. MCLAUGHLIN.

Mr. LA FOLLETTE obtained the floor.

Mr. BRANDEGEE. Will the Senator from Wisconsin yield to me for a moment?

Mr. LA FOLLETTE. Certainly.

Mr. BRANDEGEE. I desire to present an amendment in the nature of a substitute for the pending bill, and inasmuch as the time is so short before we shall be called upon to vote on the amendments and the bill, I ask unanimous consent that the amendment may be printed in the RECORD to-morrow morning.

The VICE-PRESIDENT. The Senator from Connecticut asks unanimous consent that the amendment proposed by him may be printed in the RECORD.

Mr. GALLINGER. And also in the usual form.

Mr. BACON. If it is not too long, Mr. President, I hope it may be read now.

Mr. BRANDEGEE. It is very short.

The VICE-PRESIDENT. The amendment will be read at the request of the Senator from Georgia.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen consecutive hours, except when on account of an emergency, which by reasonable care on the part of such carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train by which such commerce is conducted, or to require or permit any employee engaged or connected with the movement of any train by which such commerce is affected, to remain in service more than sixteen consecutive hours, except when on account of an emergency, which by reasonable care on the part of such common carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

SEC. 2. That any such common carrier, or any of its officers or agents, knowingly violating any of the provisions of this act, or any employee who by any false representation or concealment of fact procures himself to be employed in violation of the provisions of this act, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not more than $1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred, but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

SEC. 3. That the provisions of this act shall not apply to employers operating wreck or relief trains.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. LA FOLLETTE. I will yield for a question.

Mr. TELLER. I wish to make an inquiry. I understand that we have agreed to vote to-morrow at 3 o'clock. I understood the Chair to rule that we could not vote on the amendments until 3 o'clock.

The VICE-PRESIDENT. The Chair has not so ruled in connection with the pending bill.

Mr. TELLER. Then the statement was made by some Senator that we could not vote before 3.

The VICE-PRESIDENT. The Chair is not aware that the question has been addressed to the Chair.

Mr. TELLER. I should like to know whether in the opinion of the Chair we can vote on the amendments prior to 3 o'clock to-morrow.

The VICE-PRESIDENT. The Chair is of the opinion that under the terms of the unanimous-consent agreement there can be no vote upon amendments before 3 o'clock to-morrow.

Mr. TELLER. I believe the Chair is right in that opinion. I think that is the construction which has been put upon this kind of an agreement. I wish to ask the Senator who has the bill in charge if he will not call up the bill as early as possible to-morrow to give some of us a chance to say a few words about the bill, which apparently we will not have an opportunity to say to-night.

Mr. LA FOLLETTE. I was about to give notice to the Senate that as soon as the routine business is disposed of to-morrow I shall move to take up the bill, so that as much time as possible may be given to its consideration. I had also thought of asking unanimous consent that the Senate meet at 11 o'clock instead of 12 to-morrow, that we might have another hour for the consideration of the measure.

Mr. CULLOM. The Senator from Wisconsin was kind enough to mention that to me, and I would gladly consent but for the fact that there is a full meeting of the Committee on Appropriations at half past 10 to-morrow, and I know it will last until 12, for the consideration of an appropriation bill which will be up before the committee at that time.

Mr. WARREN. I would also like to state that the Committee on Military Affairs will met at 11 to-morrow morning, and that will require the attendance of some thirteen Senators. I do not believe it will be practicable to get a quorum of the Senate before noon.

Mr. LA FOLLETTE. Then I will simply say that as soon as the routine business is disposed of in the morning I will move to take up the bill for consideration.

I have here a communication with respect to such amendments as were proposed to the bill prior to yesterday, from the legislative representative of the several brotherhoods of trainmen, and, as I think all Senators must realize that a discussion of the several amendments from the standpoint of an intelligent railway employee will be helpful to the consideration of the bill by the Senate, I shall ask the Secretary to read the letter which I have from Mr. Fuller.

First, with reference to Mr. Fuller's right to speak for the railway men of the country, I wish to read the following:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
BROTHERHOOD OF LOCOMOTIVE FIREMEN,
ORDER OF RAILWAY CONDUCTORS,
BROTHERHOOD OF RAILROAD TRAINMEN,
Cleveland, Ohio, November 21, 1906.

To whom these presents may concern, greeting:

This is to certify that the bearer hereof, Mr. H. R. Fuller, whose signature appears below, has been duly chosen to serve as the representative of the above-named organizations at Washington, D. C., during the second session of the Fifty-ninth Congress, in matters pertaining to national legislation.

W. S. STONE,
Grand Chief Engineer Brotherhood of Locomotive Engineers.
JOHN HANNAHAN,
Grand Master Brotherhood of Locomotive Firemen.
A. B. GARRETSON,
Grand Chief Order of Railway Conductors.
O. H. MORRISSEY,
Grand Master Brotherhood of Railroad Trainmen.
H. R. FULLER, *Representative.*

As showing further authority upon Mr. Fuller's part to speak for the national organizations in this matter, I will read a letter addressed by Mr. Fuller November 3, 1905, to the President, which I have permission to present:

WASHINGTON, D. C., *November 3, 1905.*

To the honorable the PRESIDENT OF THE UNITED STATES,
Washington, D. C.

SIR: At conference between Grand Chief Engineer Stone, of the Brotherhood of Locomotive Engineers; Grand Master Hannahan, of the Brotherhood of Locomotive Firemen; Grand Master Morrissey, of the Brotherhood of Railroad Trainmen, and Grand Chief Conductor Clark, of the Order of Railroad Conductors, Mr. H. R. Fuller was again selected as legislative representative for the above-named organizations.

The undersigned were instructed by this conference to respectfully request that, if it has not already been done, you invite the attention of Congress to the following matters of legislation in which the railroad employees are vitally interested and on some of which they have long sought favorable action:

First. What is commonly termed "anti-injunction legislation." We still favor the enactment of a law which will prohibit the issuance of injunctions in labor disputes, except after hearing.

Second. Employers' liability. We feel that there is great need for some legislation on this subject. We realize the difficulties, if not the impossibility, of eliminating the doctrine of "contributory negligence,"

and while our representatives will seek to have reintroduced the measure that was before the last Congress, we shall be ready to meet such reasonable amendments thereto as may appear to be necessary.

Third. We think the attention of the Congress should be called to the importance of preventing railroad companies from keeping employees on duty so many consecutive hours as to render it simply impossible for them to perform with efficiency and safety the duties devolving upon them and upon the faithful performance of which so much depends.

Respectfully, yours,

H. R. FULLER, *Secretary.*

Attest:

E. E. CLARK, *Chairman.*

I have just received during the afternoon the following telegram from the grand chief engineer of the Brotherhood of Locomotive Engineers, Mr. W. S. Stone:

CHICAGO, ILL., *January 7, 1907.*

Hon. R. M. LA FOLLETTE,
Senator Wisconsin, Senate Chamber, Washington, D. C.

I am informed that amendment to hours of service bill have been introduced by Senators FORAKER and GALLINGER. The purport of these amendments are to penalize employees for working more than limited hours on duty. We believe this is an unjust and unfair discrimination, as the employee must either remain on duty or be forced to place himself in a position of insubordination to his superior officer. You can readily understand that he can not afford to do this, as it would jeopardize his position, and we earnestly protest against any such amendments being enacted, and we hope you will do everything possible to prevent same.

W. S. STONE,
Grand Chief Engineer Brotherhood Locomotive Engineers.

I have received from other organizations telegrams indorsing and approving this legislation. The first that I will read is as follows:

FOND DU LAC, WIS., *January 8, 1907.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.:

Lodge 516, Brotherhood Trainmen, representing 100 men, urges your support bill S. 5133.

J. B. HARRIS, *Secretary.*

I have also received the following telegram to the same purport:

MILWAUKEE, WIS., *January 7.*

Senator ROBERT LA FOLLETTE,
United States Senate, Washington, D. C.:

The members Order Railway Conductors, Division 259, Fond du Lac, Wis., urge the passage of the sixteen-hour labor-limit bill.

V. O. ZIMMERMAN,
Secretary No. 259, Fond du Lac, Wis.

Also the following telegram:

SUPERIOR, WIS., *January 8.*

Senator LA FOLLETTE (or SPOONER),
United States Senate, Washington, D. C.:

We earnestly urge you to use all your influence in passing bills 9328 and 5133.

D. D. BONER,
Secretary Brotherhood of Railway Trainmen, 450.

I received also this morning in the mail a letter from the State chairman of the Brotherhood of Railroad Trainmen of Indiana, in which he states:

Your sixteen-hour bill is a good one, and all the railroad men in the United States want this bill to pass, but the railroad officials are compelling men to sign petitions against it.

I will send to the desk and ask to have read the letter of Mr. Fuller analyzing and discussing somewhat the amendments that have been offered to the bill prior to those offered yesterday and to-day.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

H. R. FULLER, 216 NEW JERSEY AVENUE NW.,
Washington, D. C., January 8, 1907.

Hon. R. M. LA FOLLETTE,
United States Senator, Washington, D. C.

DEAR SENATOR: In compliance with your personal request that I write you regarding the proposed amendments to the pending bill, S. 5133, limiting the hours of service of railroad employees, I respectfully submit the following:

The words "unavoidable accident," as contained in the amendment to section 1, offered by Senator GALLINGER, are susceptible to too broad interpretation, and in our minds would open wide the door for evading the law. Under it an accident might be classed as "unavoidable" by applying the circumstances existing at the time it happened, yet the accident might be the result of previous mismanagement on the part of the railroad company, which would be a very difficult matter to prove. For instance, a locomotive might give way when out on the road, and the real or primary cause of its failure was the lack of proper inspection or repairs before it was sent out from the terminal. Hot journals on cars are generally the result of lack of inspection and care at terminals by the managements, but it would be a difficult matter to prove this after these journals had become heated on the road and the contents of their packing boxes had been consumed by fire. The word "casualty," as it appears in this section as reported by the committee and as proposed by you, covers all real unavoidable accidents, and should be sufficient.

The words "except in an emergency," as proposed by Senator FORAKER to section 1, would, if adopted, render nugatory the whole bill, as emergencies can come as a result of bad management and neglect as well as from unavoidable causes.

The words "having been on duty for sixteen consecutive hours immediately before," as proposed by Senator MCLAURIN, we have no objections to.

The amendment of Senator FORAKER, substituting "eight" for "ten," is objectionable for the reason that eight hours' rest is not sufficient for an employee who has been on duty sixteen hours.

The substitution of the words "off duty" for the words "for rest," as proposed by Senator GALLINGER, are not objectionable, providing the period "off duty" is not fixed at less than ten hours, as there is considerable difference in allowing a man ten hours for rest and allowing ten hours off duty, as considerable time is consumed in going to and returning from their homes before and after they have taken rest.

Would suggest that the last two amendments on pages 4 and 5, which were offered by Senator MCLAURIN and yourself, which provide periods of eight hours' rest for employees who have been on duty ten and less than sixteen hours, be not adopted.

The words "or employee knowingly," as offered by Senator GALLINGER, and which appear at the top of page 6, would penalize the employee the same as the railroad company, and we seriously object to this for various reasons.

First, we object on broad grounds to having the railroad employees of the country put under a criminal code enacted by Congress, and we believe the passage of such an amendment would serve as an entering wedge by which the adoption of such a code will be sought. Railroad employees can not, and do not, claim or ask immunity for offenses committed by them, but like all others they prefer to answer to all such accusations under the laws and in the courts of the States of which they are citizens rather than to answer in the Federal courts, where, in such cases, their past experience has taught them their liberties and rights as citizens have not been properly conserved.

Second. The carrier creates the conditions under which men are required to work, and it is to it that the Government should look for the safe transportation of persons and property. No employee in train service can work excessive hours without the knowledge of the carrier, as a record is kept, or should be kept, showing the time all such employees go on or are relieved from duty; and it is therefore impossible for an employee to deceive the carrier as to the time he has been off or on duty. The adoption of such an amendment would in many cases defeat the purpose of the act, for the reason that it would prevent the Government from using the employee as a witness, as the employee could not be compelled to give testimony which would incriminate himself.

To those acquainted with the practical operation of a railroad it can be readily seen that such a provision in the law would be used to defeat its purpose in this way.

A train dispatcher, who is the person responsible for the prompt movement of trains, could, in order to cover up his own mistakes which had caused delay, get the employees within a few miles of their homes within the maximum time, and knowing the great temptation for the men to get home, would say to them that he did not know how long they had been on duty, and influence them to stretch the time sufficiently to enable them to reach their homes. It would encourage this practice, which would have the effect of delay rather than an effort to move trains with dispatch.

This same argument applies to the amendment proposed by Senator FORAKER.

The amendment of Senator GALLINGER, on page 6, which requires that suits shall be brought within one year, is also objectionable. The general statute of limitations, as I understand it, is three years, and we can see no good reason why a railroad corporation—an artificial person—should be exempted from it.

The amendment offered by Senator GALLINGER, which provides "that the provisions of this act shall not apply to crews of wrecking and relief trains," is proper, and either it or the similar one offered by you should be adopted.

The amendment offered by Senator MCLAURIN, on page 7, and which is to be a new section numbered 3, should not be adopted, for the reason that employees of railroad companies are not given greater rights for recovery for injuries in the national employers' liability law, and we think this amendment would narrow that right on account of it being a subsequent act.

Very truly, yours,

H. R. FULLER,
Legislative Representative.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. Yes, sir.

Mr. KEAN. Will the Senator from Illinois yield to me?

Mr. CULLOM. I yield to the Senator from New Jersey, who has some matter which he desires to put in the RECORD.

Mr. KEAN. I have here an analysis of the so-called "Mosely Accident Table," made by Mr. F. C. Rice, of Chicago, which I should like to have printed in the RECORD.

The VICE-PRESIDENT. Is there objection? The Chair hears none. It is so ordered.

The matter referred to is as follows:

THE MOSELY ACCIDENT TABLE.

There has been filed in the House Committee upon Interstate Commerce and published over the country a table prepared in the office of the secretary of the Interstate Commerce Commission of 86 cases compiled from the accident reports of railroad companies purporting to be, all of them, cases of *accidents caused by men being overworked,* and therefore proofs of the necessity for this legislation.

This table covers a period of five years. Thousands of these accident reports are filed every year. From these thousands some one has culled out and tabled every instance during the five years where, through any construction of language, inference can be drawn that a man connected with that freight train was "on duty" sixteen hours or over. Fourteen of them show on their face that no employee was on duty over sixteen hours and would not be covered by the proposed bill. They should not, therefore, have been included in the table.

The phrase "hours on duty" has been construed by the compiler in a manner calculated to mislead. Many cases are cited as showing an employee "twenty-four hours on duty," or "nineteen hours on duty," which were round-trip runs, and the crew had six to nine hours for rest and sleep at the turning point and were therefore not over ten hours on continuous duty. The compiler has ignored these rest hours and called the entire period that the man was under pay as "hours on duty."

Investigation shows that few of these 86 cases were, in fact, instances which this law ought to cover. Several of them are turn runs—that is,

round-trip runs on branches which it is not practicable to operate in any other manner. Some of them were wrecking crews engaged in opening road obstructed by snow or landslides, and should not have been inserted in the table at all.

While the table covers a period of years, it is not arranged chronologically nor alphabetically, nor are all the accidents upon one railroad grouped together. The principle which seems to have guided the compiler is that of effectiveness. He has placed at the head of the list every case where it was possible to use the words "Asleep on track." This may be effective, but can hardly be regarded as fair.

In this table the reports of the railroads themselves are made to constitute the strongest argument that is put forward for this measure, but, as a whole, it is a misrepresentation. The reports, as actually filed by the companies, do not justify the statements there ascribed to them.

This is clear from the following comments by the officials who made a majority of the reports; in other cases the companies have not yet furnished the facts.

CASE NO. 8.

Statement of cause: "Fell asleep while sitting on track; struck by train. Hours on duty, 17."

The facts: The language of the company's report to the Commission was: "It is *supposed* that he fell asleep while sitting on the track." This man had not been on duty 16 hours. He started at 5.05 a. m., arriving at Conway yard at 12.56, a run of less than 8 hours, and then laid at Conway yard 3 hours 4 minutes. He met with the accident at 8.55 p. m., or after 4 hours 55 minutes of service. It was impossible to make the crew take 10 hours' rest at Conway yard. They would very much oppose it; there were no facilities there, and the crew would very much prefer to make the return trip and rest at home.

CASE NO. 9.

Statement of cause of accident: "Sat on track; went to sleep; struck by train. Hours on duty, 23."

The facts: Weaver, the brakeman, had made the going out trip from Springfield to Newberg in 6 hours 35 minutes. He had 1 hour and 30 minutes for rest; his train was called for 5 p. m., he expecting to make the return trip in about 6 hours. He was delayed 2 hours, switching, at Newburg; 3 hours at Lebanon, meeting passenger trains. He was thus on duty continuously from 5 p. m. until arrival at Marshfield at 7.38 the next morning, where he was injured, 14 hours 38 minutes. At the time he was called for the return trip he had only been on duty 6 hours 35 minutes, and could then have had additional rest if he had asked for it.

Before starting he had had more than 19 hours' rest.

CASE NO. 10.

Statement of cause of accident: "Engineman dropped crown sheet, blowing out grates, ash pans, and connections. Hours on duty, 23."

The facts: The company's report shows that in a snowshed the engine dropped crown sheet; the fireman was in the act of putting coal in the fire box when the accident occurred. The fireman had been on duty 11 hours 25 minutes. The engineer had been on duty 11 hours 25 minutes. The only member of the crew who is claimed to have been on duty 23 hours was the *brakeman*, who had nothing whatever to do with the accident. No member of the crew who had anything to do with the accident had been on duty longer than 11 hours 25 minutes, with 15 hours' previous rest. The cause of the accident was remote from any question of hours on duty.

CASE NO. 19.

Statement of cause: "Out flagging; went to sleep on track. Hours on duty, blank."

The facts: This case should not have been reported. The company's report states: "No one saw the accident;" so that it is mere assumption as to the cause of the injury.

The proposed sixteen-hour law would have no effect in this case; the accident was the result of a wreck, which occurred before the crew had been on duty sixteen hours. The whole trouble was due to a casualty beyond the control of the company.

CASE NO. 20.

Statement of cause: "Crew falling asleep. Hours on duty, 27."

The facts: The statement made by the company to the Commission was as follows: "Had been on duty 27 hours, with 4 hours intervening sleep, behind *a landslide.*"

Additional facts regarding this crew are given as follows: "It was a round trip, and the crew was on duty 11 hours 55 minutes east bound, and spent four hours of this time behind a landslide. At the terminal they had 3 hours 12 minutes further rest before making the west-bound run, which occupied 10 hours, 23 minutes. They made no request for further rest. Their longest continuous duty was 11 hours 55 minutes, east bound, of which 4 hours was behind a landslide."

CASE NO. 25.

Statement of cause: "Running down grade too fast. Hours on duty, 18."

The facts: Collision was due entirely to the manner in which the engineer handled his train of 33 freight cars. He was running down grade at a high rate of speed, and did not begin to hold up in time to pass through the station under proper control; when he found the semaphore set against him, he could not get the train stopped in time to avoid collision. No claim was made that hours on duty had anything to do with the excessive speed of train.

CASE NO. 26.

Statement of cause: "Running at high rate of speed. Hours on duty, 18½."

The facts: The length of time on duty had no bearing on this accident. The company's report states: "The responsibility for the accident rests with the engineer of extra 203. It appears that he turned over the hill, approaching Guthrie, at too high rate of speed, and did not start to apply air brakes at the proper time. He also wasted the air pressure by making two light applications, so that when he found that he was not going to stop before reaching the crossing, and attempted to make an emergency application, he was unable to get the proper effect from the brakes."

CASE NO. 28.

Statement of cause: "Snow plow ran into rear of caboose. Hours on duty, 18."

The facts: This train was fighting snow in the dark, opening up the line of road, and it was an impossibility to relieve the crew at the end of sixteen hours. In the confusion the snow plow struck the rear of a freight train standing on the main track at station.

CASE NO. 29.

Statement of cause: "Let engine run at other end of switch and fouled main track. Hours on duty, 18."

The facts: The schedule time of the train was 9 hours 30 minutes. The train on this day met with very unusual delays; but a great part of the time was put in at stations where there was nothing for the crew to do. The accident really occurred from the failure of the flagman to put down torpedoes, which failure can not be attributed to long duty hours. There is very light traffic on this line; and it was unusual to have a wreck train to look out for, which was the kind of train that ran into them.

CASE NO. 30.

Statement of cause: "Engine crew of freight train forgot passenger train. Hours on duty, 19."

The facts: An extra freight train collided with a passenger train that was on time, the engine crews of the freight train forgetting passenger train. The freight train was within twenty minutes of the end of their run, and there is nothing to indicate that any member of its crew was not wide-awake. Their being on duty over sixteen hours was caused by the delay in doing switching and meeting trains en route and getting a helper engine at Navarre, and this being within an hour's run of their home terminal, and there being no facilities at that point for taking care of the engine and crew, there was no way that the crew could be cut out of service at the completion of their sixteen hours' duty.

CASE NO. 31.

Statement of cause: "Failed to wait prescribed time. Hours on duty, 15."

The facts: The immediate cause of this accident was the failure of the conductor to wait at Kise the prescribed time after the departure of No. 38, and for running through the dense fog at too high a rate of speed, knowing that No. 38 was only a few minutes ahead of them. The conductor who was responsible for the accident had been on duty six hours and forty minutes. This accident could not be attributed to overwork.

CASE NO. 32.

Statement of cause: "Head-on collision of freight and extra. Hours on duty, 21."

The facts: The length of time the men had been on duty had nothing to do with the accident. It occurred in broad daylight, with a freight train pulling into the yard and the switch engine standing on the main track having hold of some cars on a spur. The flagman of the switch engine gave the engineer of the freight a stop signal, which he mistook for a signal that the track was clear. When the signal was given he had the air brakes applied, and then released them; and upon getting the second stop signal he did not have time to pump up his air to get sufficient pressure to apply the brakes to prevent the collision.

CASE NO. 33.

Statement of cause: "Failure to flag train. Hours on duty, 15."

The facts: The company's report states: "Extra stopped, *account air sticking*, and conductor and rear brakeman failed to flag the regular train following." The crew had been on duty fifteen hours, after forty-eight hours' rest.

CASE NO. 34.

Statement of cause: "Overlooked open switch. Hours on duty, 20."

The facts: Accident caused by running into open switch. The engineer was at fault for failing to notice that switch light was not burning. He had been on duty ten hours forty minutes at the time, including two hours' lay-over at St. Louis, and had twenty-five hours' rest before going out. Blame also attached to the brakeman, who had requested the fireman to close the switch, and the latter agreed to do so. Both the brakeman and fireman had been on duty about ten hours from Galesburg, where they had a four-hour lay-over. In order to get twenty hours for the brakeman and fireman, the time going and returning, including the four-hour lay-over at Galesburg, must be included. They had both had forty-four hours' rest before going out.

There is nothing to show that excessive hours had anything to do with this accident.

CASE NO. 35.

Statement of cause: "Engineman asleep. Hours on duty, 9¾."

The facts: The report of the company to the Commission states: "Engineman Morgan, who was instantly killed, *supposed* to have been asleep."

CASE NO. 36.

Statement of cause: "Conductor not being out on train. Hours on duty, 20."

The facts: The general manager of the Baltimore and Ohio, of date November 27, 1906, writes: "The words 'conductor on duty twenty hours' do not appear in our report. As a matter of fact, the train crew had been on duty thirteen hours, thirty-nine minutes. The hours on duty had nothing to do with the accident, which was caused by the train being parted. But for a dense fog they would have known their train was parted before they struck."

Some one seems to have inserted the words "conductor on duty twenty hours" in the company's report without their knowledge.

CASE NO. 38.

Statement of cause: "Engineman failed to have engine under control. Hours of duty, 20."

The facts: There is nothing to indicate that this accident was caused by anybody being asleep. The statement made by the company to the Commission is that it was caused by the engineman's "failing to approach the end of the double track under full control."

The letter from the general manager says: "The words 'engineman in service since April, 1900, on duty twenty hours' do not appear in our copy of the report sent in to the Interstate Commerce Commission."

This was a round-trip run.

CASE NO. 39.

Statement of cause: "Carelessness of engineman. Hours on duty, 17."

The facts: "Engineeer had been on duty *five hours and twenty minutes*, previous to which he received nine hours' rest."

The foregoing appears in the company's report to the Commission.

CASE No. 42.

Statement in table: "Misunderstanding of signals. Hours on duty, 18."

The facts: There was no claim that this accident occurred on account of the hours of duty. There was a dispute between the bridge watchman and the engineman, the bridge watchman claiming that he had opened the draw for a boat and had signaled the engineer to stop. The engineman claimed that he had made the stop and had afterwards received a signal from the bridge tender to come ahead.

These facts were fully stated in the company's report to the Commission.

CASE No. 43.

Statement in table: "Crew not taking proper precautions. Hours on duty, 24."

The facts: This statement is not correct. The crew on engine No. 151 were held responsible for not keeping a lookout to see the snowplow, which was only ten car lengths ahead around the curve of the hill. This crew had only been on duty eleven hours and had had twenty-four hours' previous rest. The other crew was on a snowplow at a time when the weather conditions were unusually severe, and it was practically impossible to keep the snowplow crew within the sixteen hours. It was the duty of the brakeman to look after the rear of the train, and he had had eight hours' rest before leaving Traverse City; so that he had been on duty only ten hours at the time of the accident.

No one in any way responsible for the accident had been on duty more than eleven hours.

CASE No. 44.

Statement in table: "Engineman disobeyed orders. Hours on duty, 15."

The facts: This accident was caused by disobedience of orders, having no relation to length of hours."

CASE No. 46.

Statement of cause: "Engineman; train getting away. Hours on duty, 17."

The facts: The report of this accident made by the company to the Commission is as follows: "The evidence shows that the train had been stopped at Wilsons on account of trouble with brake rigging on eighth car from the engine. They took brake head off brake beam and cut air out. The train made a very smooth run until reaching Hitchcock's tunnel, where it was noticed that it commenced to run at an excessive speed. Brakemen doubled and applied hand brakes on all cars, and in so doing broke brake chains, rendering three additional brakes inoperative."

The entire crew were very wide awake and alert, and the accident was caused solely by trouble with the brake appliances.

CASE No. 47.

Statement of cause: "Conductor failed to give signal. Hours on duty, 15; hours of rest, 25."

The facts: The train backed into an open switch, and the conductor, engineer, and brakemen were held jointly responsible for the accident. The hours of service had absolutely nothing to do with the accident. The conductor, Devaney, and the brakeman, Miller, who were primarily responsible, had not been on duty to exceed six hours at the time of the accident.

CASE No. 48.

Statement of cause: "Disobeyed signals. Hours on duty, 48, 47½ hours."

The facts: This was a wrecking crew. There had been serious freshets just previous to this accident, and the train in question had been handling a pile driver and carpenter force in repairing washouts. At the time of the accident they were returning to Olean, where they would have discontinued work. They were only technically on duty forty-seven and one-half hours. While waiting for the carpenters to do their repair work the train crew had frequent and extended intervals of several hours at a stretch when they secured sleep and rest. It was an impossibility to relieve this crew and put another in their place while they were on this duty because of these washouts, the result of spring freshets, and we were obliged to adopt the most available means for resuming the operation of the road. No one was claiming to be overworked at the time of the accident. It was a question of veracity. The operator who gave the signal claimed that it was "red," while the train crew claimed that it was "white."

The report of the company to the Commission states: "Investigation indicates that operator was at fault for the accident, but responsibility could not be definitely placed." If so, the train crew were not responsible, and in any event their hours of service were not a contributing cause.

CASE No. 51.

Statement of cause: "Did not keep lookout. Hours on duty, 17½."

The facts: This train had just reached its destination. The Pennsylvania Company were at that time (1903) constructing second main track over this division, and the freight trains were unusually and unavoidably slow on this account. The long hours could not have been prevented, as the company was doing everything possible and spending large sums of money to provide two tracks in order to prevent just such delay. This accident was in no way due to long hours. If the fireman had been on his seat box as they pulled from one yard track to another, he would have seen the engine ahead in time to notify the engineman.

CASE No. 54.

Statement of cause: "Flagman failed to get back proper distance. Hours on duty, 17½."

The facts: This was a round-trip run from Nashville to Hollow Rock Junction and return. Hollow Rock Junction was a very unhealthy place, and the men much preferred to return to Nashville. The trip could ordinarily be made within the sixteen hours. The accident was primarily caused by the engineman on No. 59 failing to keep proper lookout for an extra ahead. He had been on duty 11½ hours, prior to which he had 9½ hours' rest. The hours of duty had nothing to do with this accident. The engineman knew that the extra was right ahead from the fact that he had seen them only 8 miles from the point of collision. They failed to approach the station under proper control.

CASE No. 55.

Statement in table: "Not properly equipped with flagging signals. Hours on duty, 18."

The facts: The report of the company to the Commission states: "The conductor, engineer, and flagman on freight train were responsible for this accident, on account of not seeing that they were properly equipped with flagging signals, and the flagman had not been properly instructed how to use the same."

CASE No. 56.

Statement of cause: "Running at too high rate of speed; foggy weather. Hours on duty, 17."

The facts: The record shows that these men had been on duty sixteen hours and two minutes. At the time of the accident they were only 3 miles from their terminal station. The length of time on duty had no bearing on the accident, which was due to high rate of speed under a caution signal in a dense fog.

The accident happened at the nearest point where a train could have been sidetracked at the expiration of sixteen hours.

The train was on the road so long on account of the cold weather, which delayed both it and the trains it met along the road.

CASE No. 58.

Statement of cause: "Enginemen not seeing flagman in time on account of smoke. Hours on duty, 20."

The facts: The length of time the crew had been on duty was not responsible for the accident. All the members of the crew were awake and alert, and the flagman had gone back and given the proper signal, but it was obscured by the smoke from the engine. There was no reason for anyone to think that the signal could not be seen. The accident resulted solely from the obscurity thus caused, and not from any negligence whatever.

The report made by the company to the Interstate Commerce Commission shows this clearly. The flagman who gave the signal was a member of the crew of a switch engine which on Sunday had been sent to Logansport for repairs and was returning. The condition of the engine delayed the train, and the collision occurred while they were stopping on the main track to blow up steam. The other train involved was a work train also, en route to Logansport to remain over Sunday for repairs.

CASE No. 59.

Statement of cause: "Engineman of freight pulled out ahead of passenger train. Hours on duty, 17."

The facts: This man had twenty hours' rest before starting to work. He was on a turn run, and there was no opportunity for him to take rest until arrival at Logansport. The men very much prefer returning to ther home terminal, rather than to lay over at Bernice, where there was no opportunity to take proper rest. This occurred in 1901.

There is nothing to show that the accident was caused by excessive hours.

CASE No. 60.

Statement of cause: "Improper flagging. Hours on duty, 16."

The facts: The accident was caused by the failure of the brakeman to place torpedoes on the track. He stated that he did not consider the use of torpedoes necessary. He had been on duty a little over sixteen hours, but no claim was made that the accident was caused by excessive hours.

CASE No. 61.

Statement of cause: "Disobeyed rule respecting open switch. Hours on duty, 20."

The facts: A work train was standing on track in gravel pit, and switch leading from main line was left open. An express train dashed through the switch, resulting in a collision. The responsibility rested with the switchman, who failed to follow the rule of the company: "Whoever opens a switch shall remain at it until it is closed, unless relieved by some other competent employee." There is not a word of evidence to show how long the man who left the switch open had been on duty. The record simply shows that the engineman, who apparently had nothing to do with the switch being left open, had been on duty about twenty hours; but there is nothing to indicate any connection between this and the accident.

CASE No. 62.

Statement of cause: "Engineman responsible, not keeping proper lookout. Hours on duty, 22."

The facts: This accident occurred in daylight; nothing to show that the engineer was asleep. He simply failed to approach the station with his engine under proper control. Instead of being on continuous duty for twenty-two hours, the report of the company shows that he had five hours of rest within that period. The rest period may have come at such time that he had only eight hours of continuous service.

CASE No. 63.

Statement of cause: "Approaching station at too high rate of speed to stop after seeing signal. Hours on duty, 17."

The facts: There is nothing to indicate that the accident was due to overwork on the part of the engineer. It was simply a case of error of judgment in the use of air brakes. The statement made by the company to the Commission was as follows: "No. 14 arrived just south of station and was slowing up to take siding. No. 15 approached the station at too high a rate of speed to stop after seeing red signal, although the operator had placed a torpedo on the track about 800 feet from the station, and signaled the engineer to stop. The train ran past the station and collided with No. 14, which was almost stopped."

CASE No. 64.

Statement of cause: "Not protected by flag. Hours on duty, 15."

The facts: There was no connection between the number of hours of labor and the cause of the accident. The freight train (an extra) stopped at the water tank, with its caboose standing on a steel trestle 40 feet high. It was a short distance ahead of the regular passenger; and the brakeman evidently figured that his train would not be there to exceed two minutes, so that he would not be taking any chances in not flagging the passenger. When the passenger train came around the curve where they could see the caboose, the brakeman was standing on the rear platform with his lantern in hand. He was afraid to leave the caboose for fear the passenger train would catch him on the trestle. He was wide awake and fully aware of what was going on, but could do nothing. The passenger train came up and struck the caboose and killed him.

CASE No. 65.

Statement in table: "Carelessness of engineman. Hours on duty, 18."

The facts: This crew left Brainerd at 3.15 p. m., and arrived at Spur (75 miles) at 9.05 p. m., five hours fifty minutes. They left Spur for Brainerd at 9.50 p. m., expecting to make the return trip inside of six hours. They were delayed three hours meeting an extra, which was delayed on account of another train doubling a hill. There were no hotel accommodations whatever at Spur; all trainmen and enginemen pre-

ferred to make the double, Brainerd to Spur and return, instead of laying over at Spur. This crew had forty hours' rest before making the trip.

CASE No. 67.

Statement of cause: "Disobeyed rule 99 in not properly protecting train. Hours on duty, 22."

The facts: This is entirely erroneous. The report made by the company states that the service was not continuous; "there was an interval of five hours seventeen minutes for rest;" that is, the run was from Hagerstown to Rutherford, twelve hours forty-two minutes, then five hours seventeen minutes rest at Rutherford, then a run of four hours thirty-six minutes from Rutherford to Lurgan, where the accident occurred.

The Moseley statement simply adds together these three periods, taking no note of the intervening rest period.

CASE No. 68.

Statement of cause: "Conductor and brakeman at fault in moving train befort track was clear. Hours on duty, 15."

The facts: There is no evidence in this case of long hours or overwork; the crew had two days' rest before starting. The accident was entirely due to lack of judgment. The train men tried to save perhaps thirty seconds of time by pulling up close to lead; they pulled ahead farther than intended, with the result that train was cornered by switch engine.

CASE No. 69.

Statement of cause: "Brakeman failed to go to far end of cars to see that they had cleared. Hours on duty, 18."

The facts: There is nothing to show that failure to take proper precautions was due to excessive hours of work. This crew had been on wrecking duty, clearing up a wreck.

The company's report to the Commission gives the following explanation of the cause of the accident: "Wrecker crew had placed eight cars on siding, striking cars which were standing on that track, and causing them to foul main track. Conductor instructed brakeman to go to other end of cars and see that they were in to clear properly. The brakeman reported that they were. This brakeman is responsible for failure to go to far end of cars and see that they were cleared." This law should not apply to wrecking crews.

CASE No. 73.

Statement in table: "Flagman not far enough out to protect his train; discharged. Hours on duty, 16."

The facts: This crew was called at 1.30 p. m. November 27, after forty-six hours' previous rest. The accident occurred at 5 a. m. November 28, so that he had been on duty less than fourteen hours.

CASE No. 74.

Statement of cause: "From not being properly protected. Hours on duty, 23."

The facts: This accident was caused by an extra train starting out without proper orders. A dense fog prevailed at the time. They stopped at Watts Siding to do switching, and they had just got head car cut off when second No. 3 collided with their rear. The freight crew had only made a run of 95 miles, and pulled out notwithstanding attention was called to signals by whistle and acknowledged by the engineer.

There is nothing to indicate that any employee was not awake and alert.

CASE No. 77.

Statement of cause: "Conductor failed to set switch for siding; brakeman also failed to make proper effort to stop train. Hours on duty, 19."

The facts: An extra engine was putting a train away in siding, and Devlin, conductor, failed to set switch for mountain siding. The train backed down on a grade crossing, resulting in a collision. All the trainmen were wide awake and on the ground, and the failure of the conductor to set switch properly was due to an oversight, which might have occurred under any circumstances.

There is nothing to show any connection between the accident and the hours on duty.

CASE No. 79.

Statement of cause: "Brakeman failed to turn switch; train ran on siding. Hours on duty, 19."

The facts: Rear-end collision, caused by brakeman failing to turn switch, throwing the train in on side track and striking the rear of freight train. He had not been on continuous duty for nineteen hours. He had left Galesburg and gone to Quincy, a trip of eight hours. At Quincy he had three hours and twenty minutes rest, and returning had been on duty about seven and one-half hours when the accident occurred.

There is no reason for saying that this failure to properly turn the switch was caused by excessive hours of labor. He had had two days' rest before going on this trip.

CASE No. 80.

Statement in table: "Crew went to sleep. Hours on duty, 24."

The facts: This is an incorrect statement. The crew went on duty at 10 p. m. September 4, after eleven hours' rest. They arrived at St. Joseph at 9.30 p. m. and remained there until 6.30 a. m. September 5; that is, they had nine hours for rest and sleep. They left St. Joseph at 6.30 a. m., and the accident occurred at 2.20 p. m., so that they had actually been on duty seven hours and fifty minutes.

The reason given for the formal statement in the company's report, "On duty twenty-four hours," without any reference to the nine hours of rest, was "Being under orders, they were allowed full time and were thus reported as having been on duty."

CASE No. 81.

Statement of cause: "Disobeyed rule 17, train taking siding not being in the clear. Hours on duty, two days."

The facts: This is an entire mistake, the result of a mere error in transmitting the report. As a matter of fact, these trainmen had only been on this run three hours and forty-five minutes at the time of the accident and had ample rest prior to going on the trip. This is all fully explained in a letter written by the general manager, W. C. Nixon, to Mr. Moseley, of date January 20, 1903; but, notwithstanding the explanation, the table contains the statement that the conductor had been on duty forty-eight hours.

Whatever negligence there was was on the part of the engineer.

CASE No. 82.

Statement of cause: "Engineman at fault, in going back struck cars. Hours on duty, 20."

The facts: The train stalled, and then doubled, and in going back for the rear end of the train the engineer struck the cars. There is nothing to show that the hours on duty had anything to do with the accident. The length of the division is 130 miles, and an average of 10 miles per hour would consume only thirteen hours. In this case there was an unusual number of delays, largely caused by the train having parted and by being held to meet passenger trains.

If this crew had been tied up at the end of sixteen hours, it would probably have been at a point where they could neither sleep nor get meals, and by the time they got to the terminal they would have lost more time and have been less fit to go out again than if they had been allowed to go through, even if it should take more than sixteen hours.

CASE No. 83.

Statement of cause: "Work train fouled main track without due protection. Rule: 'An inferior train must keep out of the way of a superior train.' Hours on duty, more than 15."

The facts: This accident occurred in 1902, to a work train engine which had been in the shop at Fort Wayne over Sunday, for washing out, etc. They had a rest in their bunk car, and went on their regular Monday's duty on the work train from Plymouth at 7 o'clock in the morning. The accident occurred at 5.35 p. m., Monday. Ten hours and 35 minutes on duty. Excessive hours had nothing at all to do with the accident. The engineman simply overran the clearance point of the switch leading from the siding to the main track, in the dark.

CASE No. 86.

Statement of cause: "Engineman at fault for not stopping when semaphore was against him and not having train under control. Hours on duty, 19."

The facts: The number of hours on duty had nothing to do with the accident. "Engineer Burns frankly admitted that when approaching crossing he saw an N. P. train passing over same, and that he also saw that semaphore signal was set against him, but thinking that tower man would give him the crossing in time to avoid necessity of stopping his train, he allowed train to drift until too late to stop before going off track at derail."

Mr. PATTERSON. Mr. President——

Mr. CULLOM. I yield to the Senator from Colorado.

Mr. PATTERSON. I offer an amendment to the bill which we have been discussing in order that it may be printed.

The VICE-PRESIDENT. The proposed amendment submitted by the Senator from Colorado will be printed and lie on the table.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 10, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 9, 1907.

UNITED STATES ATTORNEY.

William B. Sheppard, of Florida, to be United States attorney for the northern district of Florida. A reappointment, his term expiring February 17, 1907.

UNITED STATES MARSHAL.

Thomas F. McGourin, of Florida, to be United States marshal for the northern district of Florida. A reappointment, his term expiring February 26, 1907.

INDIAN INSPECTOR.

James McLaughlin, of North Dakota, to be an Indian inspector, to take effect January 19, 1907, at the expiration of his term. (Reappointment.)

POSTMASTERS.

CONNECTICUT.

Arthur B. Jelliffe to be postmaster at Saugatuck, in the county of Fairfield and State of Connecticut, in place of Arthur B. Jelliffe. Incumbent's commission expired December 9, 1906.

ILLINOIS.

John B. Stout to be postmaster at Lawrenceville, in the county of Lawrence and State of Illinois, in place of Sylvester J. Gee. Incumbent's commission expired December 12, 1905.

INDIANA.

Edward L. Troop to be postmaster at Paoli, in the county of Orange and State of Indiana, in place of William W. Lingle. Incumbent's commission expired December 20, 1906.

IOWA.

William J. Scott to be postmaster at Ida Grove, in the county of Ida and State of Iowa, in place of Barney Johnson. Incumbent's commission expires February 11, 1907.

MARYLAND.

Charles W. Farrow to be postmaster at Snow Hill, in the county of Worcester and State of Maryland, in place of Charles W. Farrow. Incumbent's commission expired May 21, 1906.

MINNESOTA.

Oscar Krook to be postmaster at Marshall, in the county of Lyon and State of Minnesota, in place of Charles E. Patterson. Incumbent's commission expired December 20, 1906.

NEW YORK.

George H. Kennedy to be postmaster at Cortland, in the county of Cortland and State of New York, in place of Andrew S. Brown. Incumbent's commission expired January 7, 1907.

Freeman H. Merritt to be postmaster at White Plains, in the county of Westchester and State of New York, in place of James H. Moran. Incumbent's commission expired December 9, 1906.

James A. Snell to be postmaster at Fonda, in the county of Montgomery and State of New York, in place of George L. Davis. Incumbent's commission expired June 10, 1906.

OHIO.

Wirt Kessler to be postmaster at West Milton, in the county of Miami and State of Ohio, in place of Wirt Kessler. Incumbent's commission expires January 26, 1907.

OKLAHOMA.

Jeannette L. Baker to be postmaster at Ponca, in the county of Kay and Territory of Oklahoma, in place of Burton S. Barnes, deceased.

OREGON.

Edward D. Starr to be postmaster at Brownsville, in the county of Linn and State of Oregon. Office became Presidential January 1, 1907.

PENNSYLVANIA.

William I. Kopp to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania, in place of John Francies, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 9, 1907.

ASSISTANT ATTORNEY-GENERAL.

Edward T. Sanford, of Tennessee, to be Assistant Attorney-General.

DISTRICT JUDGE.

Thomas Ives Chatfield, of New York, to be United States district judge for the eastern district of New York, commencing January 1, 1907.

SURVEYORS OF CUSTOMS.

Thomas C. Elliott, of Illinois, to be surveyor of customs for the port of Cairo, in the State of Illinois.

Marcellus O. Markham, of Georgia, to be surveyor of customs for the port of Atlanta, in the State of Georgia.

COLLECTORS OF CUSTOMS.

A. Lincoln Dryden, of Maryland, to be collector of customs for the eastern district, in the State of Maryland.

Morton Tower, of Oregon, to be collector of customs for the southern district, in the State of Oregon.

Herbert D. Philbrick, of Maine, to be collector of customs for the district of York, in the State of Maine.

William H. Daniels, of New York, to be collector of customs for the district of Oswegatchie, in the State of New York.

PROMOTIONS IN THE NAVY.

Professor of Mathematics Lucien F. Prud'homme, United States Navy, retired, with the rank of commander, to be a professor of mathematics on the retired list of officers of the Navy, with the rank of captain, from the 29th day of June, 1906, in accordance with a provision contained in the naval appropriation act approved on that date.

Gunner Cornelius Cronin, United States Navy, retired, to be a chief gunner on the retired list of the Navy, to rank with but after ensign, from the 29th day of June, 1906, in accordance with the provisions of the naval appropriation act approved on that date.

Commander Rogers H. Galt to be a captain in the Navy from the 11th day of December, 1906.

Lieut. Luke McNamee to be a lieutenant-commander in the Navy from the 12th day of June, 1906.

Lieut. Charles J. Lang to be a lieutenant-commander in the Navy from the 25th day of December, 1906.

Lieut. Martin E. Trench to be a lieutenant-commander in the Navy from the 1st day of January, 1907.

Sailmaker Charles E. Tallman, United States Navy, retired, to be a chief sailmaker on the retired list of the Navy, to rank with, but after, ensign, from the 29th day of June, 1906.

APPOINTMENTS IN THE NAVY.

To be assistant surgeons in the Navy from the 20th day of December, 1906, to fill vacancies existing in that grade on that date:

Renier J. Straeten, a citizen of South Dakota, and

James T. Duhigg, a citizen of Iowa.

POSTMASTERS.

GEORGIA.

Clifford H. Dyar to be postmaster at Adairsville, in the county of Bartow and State of Georgia.

ILLINOIS.

Thomas M. Crossman to be postmaster at Edwardsville, in the county of Madison and State of Illinois.

Abraham L. Coyle to be postmaster at Gridley, in the county of McLean and State of Illinois.

Clarence F. Buck to be postmaster at Monmouth, in the county of Warren and State of Illinois.

IOWA.

John Meyer to be postmaster at Alton, in the county of Sioux and State of Iowa.

Simon J. Mak to be postmaster at Inwood, in the county of Lyon and State of Iowa.

Asahel B. Chrysler to be postmaster at Lake Park, in the county of Dickinson and State of Iowa.

MARYLAND.

James C. Peddicord to be postmaster at Oakland, in the county of Garrett and State of Maryland.

MINNESOTA.

William Gallagher to be postmaster at Carlton, in the county of Carlton and State of Minnesota.

William J. Cowling to be postmaster at Ely, in the county of St. Louis and State of Minnesota.

NEW YORK.

Oscar E. Ward to be postmaster at Phoenix, in the county of Oswego and State of New York.

Lasuvious H. King to be postmaster at Port Byron, in the county of Cayuga and State of New York.

Lucius A. Waldo to be postmaster at Canisteo, in the county of Steuben and State of New York.

Millard D. McNeil to be postmaster at Oxford, in the county of Chenango and State of New York.

PENNSYLVANIA.

William I. Kopp to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 9, 1907.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CLERKS AND CARRIERS IN THE CHICAGO POST-OFFICE.

Mr. MANN. Mr. Speaker, I call up a matter of privilege.

The SPEAKER. The gentleman from Illinois presents a privileged matter. What motion does the gentleman make?

Mr. MANN. I call up for consideration the House resolution 651. It is a request for information from the head of a Department, and has not been reported by the committee in ten days.

The SPEAKER. The gentleman from Illinois moves to discharge the Committee on the Post-Office and Post-Roads from further consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 651.

Resolved, That the Postmaster-General be, and he is hereby, directed to report to the House of Representatives at the earliest practicable moment the number of clerks and carriers in the Chicago post-office who resigned, the number who were dismissed, the number who were appointed, both regularly and temporarily, the number who declined appointment after being upon the eligible list, the number of substitute clerks and the total amount paid to substitute clerks, by months, all for the fiscal year ending June 30, 1906.

Mr. MANN. Mr. Speaker, the resolution is simply to acquire some information in an official manner for use in the consideration of the post-office appropriation bill.

Mr. PAYNE. When was it introduced?

Mr. MANN. On December 10.

The SPEAKER. The question is on the motion to discharge the committee from further consideration of the resolution.

The question was taken; and the resolution was agreed to.

On motion of Mr. MANN, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 7211. An act to amend an act entitled "An act to amend

an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7211. An act to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904—to the Committee on Interstate and Foreign Commerce.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the support of the Army.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 23551, the Army appropriation bill.

Mr. HULL. Mr. Chairman, I would like to ask how much time remains for general debate?

The CHAIRMAN. The gentleman from Iowa has one hour and thirty-five minutes remaining, and the gentleman from Virginia thirty-three minutes.

Mr. HULL. Mr. Chairman, I would state I know of no one who desires to discuss the question; and I ask the gentleman from Virginia to consume his time.

Mr. HAY. I yield twenty minutes to the gentleman from Louisiana [Mr. MEYER].

Mr. HULL. Before the gentleman commences, I would ask if the gentleman will conclude in twenty minutes?

Mr. MEYER. Probably.

Mr. HULL. If not, I will yield whatever time the gentleman requires.

Mr. MEYER. Mr. Chairman, the 8th day of January is a legal holiday in the State of Louisiana. Our people are proud of the heritage of the great battle fought on our soil, sanctified by the heroism of our sons and those of Tennessee, Kentucky, and other American patriots. The admirable address made by the gentleman from Tennessee [Mr. GAINES], appropriate to the day and to the current discussion, inspires me to add a few remarks upon that great event, and especially to bring before the House a reminder of a measure that has been favorably reported by the Committee on the Library for the completion of a monument on the battlefield of Chalmette, the scene of the battle of New Orleans, a shaft designed to commemorate that great event. This report states the purpose of the bill I had the honor to introduce, to accept the cession to the United States of the Chalmette monument and grounds, and to appropriate the sum of $25,000 with which to complete the monument located thereon, under the direction of the Secretary of War, who shall appoint a commission composed of three persons to recommend a suitable design for the completion of said monument, with such inscriptions and emblems as may properly commemorate the valor and sacrifices of the American Army in the battle of New Orleans. When said monument shall have been completed the care and keeping of same, and of the grounds surrounding it, subject to such other control as the Secretary of War may determine, shall remain with the United States Daughters of 1776 and 1812, a corporation of the city of New Orleans.

The Chalmette monument was begun by the Jackson Monument Association in 1855, and is located upon a parcel of land in the parish of St. Bernard, in the State of Louisiana, facing the Mississippi River and southeast of the city of New Orleans, measuring about 1 acre front, and comprises a part of the Chalmette battle ground.

The accepted design consisted of a plain shaft 142 feet high, 16 feet 8 inches square at the base, and 12 feet 6 inches at the top. The work was partially erected in accordance with the specifications annexed to the contract. The shaft as it stands to-day is 56 feet 10 inches high. It will thus be seen that the monument lacks 85 feet of being built to its originally planned height. In its present incomplete state the top is covered over with a plain board deck, with the result that it is insignificant in height, unsymmetrical in proportion, and belittles rather than fittingly memorializes a great event in our history. The monument is not only plainly visible from the Mississippi and in view of all passing vessels from New Orleans to the Gulf, but because of its proximity to the city and being built upon a part of the battlefield and near Chalmette Cemetery, the locality is visited by thousands of tourists and pleasure seekers. An additional advantage secured by passing the proposed bill is that vesting the title of the monument grounds in the United States Government gives it more than an acre of ground within a few hundred feet of Chalmette Cemetery, making it feasible to connect the two properties, enlarge the cemetery, and combine both in a perpetual memorial of the battle of New Orleans.

The project commends itself apart from its intrinsic merit, because what has already been done is the result of private subscription, and commends those who first help themselves to assistance from the Government.

Mr. Chairman, it is my pleasing and appropriate duty, in behalf of the State of Louisiana, to press upon the attention of Congress the erection of this monument in honor of the signal victory achieved by the American arms under the leadership of the immortal Jackson upon the plains of Chalmette, near the city of New Orleans, on the 8th of January, 1815. Jackson won many victories in peace and in war, but, great as was his military genius and civic capacity, the student of history will find in his defense of Louisiana, beginning with his arrival on the 1st of December, 1814, to the final repulse and collapse of the British invasion, the highest proofs of a military capacity which will always give him rank among the great captains of the world. His very presence was an inspiration. Doubt, fear, discord, insubordination vanished before his presence and resistless energy. He was confronted by a superior force of veterans, schooled by the great Duke of Wellington in the peninsular campaigns, the heroes of Badajoz, Ciudad Rodrigo, Vitoria, and many bloody combats, and led by many commanders who knew not what it was to fear any obstacle or danger.

They had the best arms, the highest equipment, perfect discipline, an overwhelming naval force. Jackson had a smaller army, of comparatively raw troops, with many unskilled and inexperienced officers, soldiers badly armed, half disciplined, not accustomed to act together, and who received their principal instruction in arms in this very campaign. Among the defenders were released convicts and Lafitte's pirates, only the day before outlawed and proscribed, and other incongruous elements, but all welded together into one resistless mass by the fire of Jackson's patriotism. The city was greatly exposed. There were many points of attack, and it was difficult to anticipate at what point the enemy's blow would be struck. As it was, New Orleans was very nearly surprised. A large British force was landed very near the city before Jackson, with all his vigilance, knew of their coming. His preparations, however, were promptly made, and he attacked them that very night in their works. He swore in his mighty wrath that they should not sleep on the soil of Louisiana, and faithfully did he keep his word. He attacked them incessantly until the day of final assault by Pakenham, when the flower of Britain's chivalry went down before the deadly aim of the riflemen of Tennessee and the hunters of Kentucky. After that overwhelming, crushing repulse the city of New Orleans and the Province of Louisiana were safe.

To appreciate the grandeur of this victory we must remember that it came at the close of a war in which success and defeat had quickly followed the other. On the sea, indeed, our arms were generally victorious. British frigates for the first time almost in history were compelled to strike their colors. Still we had painful reverses, too, on the water. On the land our repeated attempts to invade and overrun Canada had all been repulsed. No impression had been made in that quarter. There had been successes and reverses, and among the latter one shameful capitulation by an American commander. We had, indeed, the glory of Scott and Macomb to console us, but Canada defied our arms and most energetic endeavors. The Indians had cooperated with the enemy and laid waste our exposed northwestern frontier. A British force had landed on the Patuxent River, in Maryland, not many miles from this city of Washington, had marched across the country to Bladensburg, routed the American Army, and then had marched unopposed to our seat of government, burning our Capitol, the President's Mansion, and other public buildings, while the President and his Cabinet had to flee before them.

Treason and disaffection were rearing their front at the Hartford convention, and the war, begun with so much spirit and enthusiasm, was pressing hardly upon our resources as a people. It was at this trying hour that the victory at New Orleans came to gladden the hearts of patriots and to wipe out the disgrace of Hull's surrender and the occupation of our capital by a hostile force. It may be said that a treaty of peace had already been signed before Jackson won his famous victory and that it was therefore unimportant. This would be a shallow view to take of the subject. Suppose Pakenham had defeated Jackson and overrun the Territory of Louisiana, would Great Britain have surrendered it? Our experience of her systematic bad faith in not carrying out our treaty of peace in 1783 and of her gross repudiation of the treaty of Amiens made with Napoleon, and of many breaches of treaty engagements by England and other

nations ought to admonish us that if Louisiana had ever been conquered by England its prompt restoration to the United States would have been very doubtful and possibly not effected without prolonged hostilities. But apart from this, I hold that the victory of New Orleans served to develop the national character and by its example to admonish all foreign governments of the exceeding and inherent strength of governments founded on free institutions.

The French revolution was eventually put down, it is true, but it has been a lesson to tyrants ever since. The victory at New Orleans showed that America could defend herself without a great standing army, and that successful invasion was perfectly hopeless. To erect a monument, then, is an appropriate duty. It is not a mere local bounty or compliment, for the whole Mississippi Valley—Kentucky, Tennessee, and Mississippi especially—shared in the glory of the defense. It belongs to the nation as a victory second only to Yorktown in its effect, and with all the glory belonging to our own people, our own soldiers, and the mighty leader of our brave defenders.

I can not more appropriately and more forcibly conclude, Mr. Chairman, than by quoting that magnetic leader of the people, Henry Clay, who said in one of the great efforts which have made his name immortal in the history of our country:

> What do I mean by national glory? Glory such as Hull, Jackson, and Perry have acquired. And are gentlemen insensible to their deeds in animating the country in the hour of peril hereafter?
> Did the battle of Thermopylæ preserve Greece but once?
> While the Mississippi continues to bear the tribute of the Iron Mountains and the Alleghenies to her delta and to the Gulf of Mexico the 8th of January shall be remembered, and the glory of that day shall stimulate future patriots and nerve the arms of unborn freemen in driving the presumptuous invader from our country's soil.

[Loud applause.]

The CHAIRMAN (Mr. BENNET of New York). If there are no further demands for time, the Clerk will commence reading the bill by paragraphs.

The Clerk read as follows:

OFFICE OF THE CHIEF OF STAFF.

For contingent expenses of the military information division, General Staff Corps, including the purchase of law books, professional books of reference, professional and technical periodicals and newspapers, and of the military attachés at the United States embassies and legations abroad; and of the branch office of the military information division at Manila, to be expended under the direction of the Secretary of War, $10,000: *Provided*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

Mr. MANN. I move to strike out the last word.

There was a proposition here the other day, presented by the Committee on Appropriations, forbidding hereafter the purchase of any periodicals except technical and scientific works. I would like to ask the gentleman from Iowa whether, in his judgment, it is necessary that the War Department shall have the right to purchase the foreign professional newspapers and periodicals provided for in this bill?

Mr. HULL. Mr. Chairman, this matter was fully discussed either four or six years ago, I do not remember which, and it was shown that unless we make this provision the officers have to advance the subscription out of their own pockets and put in a bill and have it allowed to them personally. It only applies to the foreign and professional papers.

Mr. MANN. I quite agree with the gentleman, but when I raised the point of order on the proposition the other day, some of the distinguished members of the Committee on Appropriations were inclined to severely criticise me for it, and I wanted to know from the committee that has jurisdiction whether these things are needed.

Mr. HULL. These are technical matters, and thought to be of great value from a military standpoint. It is thought proper that they should have these periodicals.

The Clerk read as follows:

OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; fire control and direction apparatus and material for field artillery; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, $200,000.

Mr. HULL. Mr. Chairman, in the preparation of the bill there was an agreement on the part of the Committee on Military Affairs that a provision similar to the one carried in the last bill for the extension of the telegraph and cable system should be inserted in the bill, but in the make-up of the bill it was omitted. I therefore move the following amendment, to come in after the word "dollars," in line 10, page 5.

The CHAIRMAN. The gentleman from Iowa offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Insert on page 5, line 10, after the word "dollars:"

"*Provided*, That of the receipts of the Washington-Alaska military cable and telegraph system that have been covered into the Treasury of the United States the sum of $190,000 be, and the same is hereby, made available for defraying the cost of such extension and betterments of the system as may be approved by the Secretary of War, the extent of such extension and the cost thereof to be reported to Congress by the Secretary of War."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on that. I believe there was an item of this kind in the last bill.

Mr. HULL. Yes.

Mr. TAWNEY. Of that appropriation how much remains unexpended?

Mr. HULL. It is practically all expended and several places are left uncompleted.

Mr. TAWNEY. The language of that provision last year was identically the same as this, was it not?

Mr. HULL. The same as this.

Mr. TAWNEY. And they have made no report of their expenditures in accordance with that provision.

Mr. HULL. I read from the statement of General Allen, in the hearings before the committee:

> General ALLEN. You gave last year $179,000. There is left out of that in the Treasury and not obligated $22,000. It will be obligated before the end of the year. The appropriation came so late that we could not spend all of it this year. The ship is up there now. Out of that will come the amount for our work next summer.
> The total amount received in revenues from the Alaskan cable up to date is $371,827.29. Out of that you have allotted $179,000, leaving the remainder of that fund up to the end of December approximately $192,000.
> The CHAIRMAN. That is the gross amount.
> General ALLEN. Yes; it has all been turned into the Treasury.
> The CHAIRMAN. And the law turned it over to Alaska to extend the cable line.
> General ALLEN. Every dollar has been turned into the Treasury, so that there is still to the credit of the Alaska fund $193,000.

They went over the map, showing where it was desired in one place to complete a cable. There is one place that connects an important starting point with a railroad, and it will benefit that railroad I will say, frankly, to the House; but it will also aid in the development of Alaska. The receipts from the telegraph, when we get this completed, will more than pay a large interest on the investment, giving the Government its business practically for nothing. The commercial receipts from the line will be largely increased, according to the evidence submitted to us, by this addition. I hope that before many years we shall be enabled to dispose of this line, so that the Government may get out of the business of building telegraphs; but, until that time does come, it seems to me that with Alaska situated as it is the Congress of the United States should aid, not only in connecting all the posts of that Territory by cable and land telegraph lines, but that it should aid in the lines that will assist in the development of the Territory itself.

Mr. TAWNEY. Mr. Chairman, if the gentleman will permit an interruption——

Mr. HULL. Certainly.

Mr. TAWNEY. I am in hearty sympathy with the purpose that the gentleman has in view. I think this cable system has contributed very much to the development of Alaska in recent years, and I think that if it is extended it will continue to do so, but I want to ask the gentleman in charge of the bill whether he thinks it is good policy for Congress to appropriate the receipts derived from this service for the extension of the cable instead of paying the money into the Treasury and then appropriating upon estimates, as in other branches of the service? They do not come, like any other branch of the Government service, when they want to extend the line, with a statement of the extensions they intend to make and an estimate of what those extensions will cost, but are given the opportunity here to make the appropriation themselves, limited only by the receipts from the service. This, in my judgment, is not good administration and it should not be permitted. We have no opportunity to inquire into the necessity of the improvement, and second, whether or not their estimate of the cost is a reasonable estimate. In other words, this is a method of making appropriations entirely inconsistent with the policy of Congress in such matters, as the gentleman well knows. It would seem to me better to make a specific appropriation for the extension of the line desired upon estimates submitted by the Department instead of turning over the receipts to be expended without any check whatever.

Mr. HULL. I suppose the check is on the authority of the Secretary of War, where it is expended. They give in the hearings the places largely where it is to be. On page 16 they

say it is proposed to extend a line from Fairbanks to Circle City. That would be 175 miles. The rest of it would be largely for betterments. It is important to put the line through Nome to the center of Alaska in first-class condition, and a great deal of money would have to be spent on it.

I fully agree with the general proposition of the gentleman from Minnesota, and I am perfectly willing that a proviso should be added providing that hereafter detailed estimates shall be submitted before any further appropriations shall be made. I am in hopes that this will complete what we have to do.

But this is a specific appropriation for a specific amount.

Mr. TAWNEY. I doubt very much whether it will. The development is so great and the demand for the service is so large that I fear it will be a good many years before it is completed. It is for the purpose of putting this service on identically the same basis with respect to appropriations and estimates, that Congress may inquire of the heads of Departments as to the necessity for the amount asked for.

Mr. HULL. If the gentleman thinks it will improve it, I will add a proviso providing that hereafter detailed estimates must be submitted before any appropriation shall be made for the continuance of this service or for further extension of these lines.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Minnesota, who has visited Alaska and who is familiar with the conditions, if he does not believe that in a comparatively short time the Government will be able to go out of the telegraph business in the Territory? I will say that my information is that it will, and that this is merely a duplication of the experience of other parts of the frontier in the early days, when the Government built for its own use many telegraph lines on the frontier of Texas and permitted their use for commercial purposes, receiving the toll that was charged, and just as soon as it was possible to secure the maintenance of the line—the operation of the line for commercial purposes by private parties, which would serve the purposes of the Government just as well—the Government went out of the business. I was told by Major Richardson that that was the policy they expected to pursue in Alaska. If I did not believe that, I would not be in favor of this amendment and in favor of spending money for the development of these commercial enterprises to be operated by the Government.

Mr. TAWNEY. While I have great respect for the opinion of Major Richardson, whom I know personally and who is familiar with conditions in Alaska, I am constrained to believe, however, that it will be many years before any private corporation will be able to take over the Government lines and operate them successfully. I am not objecting to the extension of this line. What I am objecting to is the practice growing up in the House, where appropriation bills originate, of appropriating the receipts of a given service to be expended in the discretion of the men who are at the head of that service without any report or check on it at all. It is in the hope of getting this in line with the same policy that has always obtained of submitting estimates and statements as to the extension desired to be made and then appropriating for that specific purpose so that it can be expended for no other purpose and leave the receipts to go into the Treasury where they belong.

Mr. HULL. Mr. Chairman, I ask that the amendment be reported again. I have added a further proviso to it.

Mr. MANN. I have no objection to that, except that I do not wish to waive the privilege of having made the point of order.

The CHAIRMAN. It is understood by the House that the point of order is still reserved.

Mr. MANN. It is reserved.

The Clerk read as follows:

Insert after "dollars," page 5, line 10, the following:
"*Provided*, That of the receipts of the Washington-Alaska military cable and telegraph system that have been covered into the Treasury of the United States the sum of $190,000 be, and the same is hereby, made available for defraying the cost of such extensions and betterments of the system as may be approved by the Secretary of War, the extent of such extensions and the cost thereof to be reported to Congress by the Secretary of War: *Provided further*, That hereafter detailed estimates shall be submitted to Congress for any further extension of the cable or telegraph lines in the Territory of Alaska."

Mr. TAWNEY. I withdraw the point of order with that proviso.

Mr. MANN. I renew the point of order.

The CHAIRMAN. The point of order is withdrawn by the gentleman from Minnesota and renewed by the gentleman from Illinois. Does the gentleman make the point of order or reserve the point of order?

Mr. MANN. If the gentleman from Iowa desires, I will reserve it.

Mr. HULL. I do not desire to have it reserved at all.

Mr. MANN. Then I make the point of order.

The CHAIRMAN. Does the gentleman from Iowa desire to discuss the point of order?

Mr. HULL. I simply want to call the attention of the Chair to the fact that this is part of a line of work the Government is already on, and it is to carry on the same work the Government has been engaged in in the past.

The CHAIRMAN. How does this proposition differ from the one ruled upon in the last Congress?

Mr. HULL. Not at all, except in the amount of money appropriated. It is a little increase, and in the last proviso requiring for the future detailed estimates.

The CHAIRMAN. In view of the ruling when this same proposition was under consideration in the last Congress, the Chair feels constrained to sustain the point of order. The Clerk will read:

The Clerk read as follows:

Provided, That when the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine: *Provided further*, That nothing in this provision shall affect the retired list.

Mr. COOPER of Wisconsin. Mr. Chairman, I make the point of order against the proviso that it is new legislation, and that it changes existing law.

The CHAIRMAN. Is the point of order made as against the whole paragraph?

Mr. COOPER of Wisconsin. The proviso.

The CHAIRMAN. Which proviso?

Mr. COOPER of Wisconsin. Both provisos, lines 17 to 20, inclusive.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For pay of enlisted men of all grades, including recruits, $9,000,000.

Mr. SLAYDEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At line 23, page 5, add the following:
"*Provided*, That hereafter recruit and prison companies shall have noncommissioned officers, artificers, and cooks of the numbers and grades allowed by law for companies of infantry."

Mr. MANN. I reserve the point of order on that.

Mr. SLAYDEN. Mr. Chairman, the only change proposed by that amendment really is to allow the artificer and the cook to the prison company which is now provided by law for other companies. The prison company is stationed at Fort Leavenworth, at the military prison. It does not increase the number of enlisted men, because the artificers and cooks are enlisted men. It increases the compensation of the man who is detailed by $2 a month, and it increases the compensation of the artificer who is detailed to that work by $2 a month. It puts these companies on exactly the same par as other companies in the Army.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

ENGINEERS.

Two hundred and sixty-nine thousand six hundred and four dollars.

Mr. PARKER. Mr. Chairman, it seems to me that something must have been left out after the word "engineers" at the top of the page.

Mr. MANN. That refers to the pay of enlisted men.

Mr. PARKER. I think there is some mistake at the top of page 6, some omission of the words "for pay of enlisted men" or something of that sort. I desire to look at the estimates before we get to that. I would ask unanimous consent to return to this place, if necessary, at the top of page 6.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to return to page 6 for the purpose of offering an amendment?

Mr. PARKER. Yes.

The CHAIRMAN. Is there objection?

Mr. MANN. I suppose the gentleman does not know. We can not tell exactly how this comes in this shape. It is merely a matter of printing the bill.

Mr. PARKER. No; it is more than that. The previous paragraph is for pay of enlisted men, and instead of those words "the pay of enlisted men of all grades" on the top of page 6 you will find simply the word "engineers," and I think there must be some provision for somebody.

Mr. HULL. The language follows the bill as it has been reported to the House for the last quarter of a century. That has always been the language.

Mr. PARKER. I will ask unanimous consent to return to this until I can see an old bill.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the paragraph on the top of page 6 be passed without prejudice. Is there objection?

Mr. MANN. I would say that the same objection applies to the entire two pages of the bill. There is no object in reserving the one and proposing an amendment there.

Mr. PARKER. Mr. Chairman, I withdraw the request.

The Clerk read as follows:

Provided further, That section 169 of the Revised Statutes of 1878 be amended to read as follows:

"SEC. 169. That each head of a department or independent bureau or officer of the Army in command at any army headquarters or post or the office of the Chief of Staff is authorized to employ in his department or bureau, or in any branch or division thereof or at such army headquarters or post or in the office of the Chief of Staff, wheresoever located, such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees at such rates of compensation, respectively, as may be appropriated for by Congress from year to year."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on this paragraph. I want to ask the chairman of the committee if he is aware of the fact that by enacting this provision you repeal the law authorizing the appointment of clerks in all the Executive Departments of the Government here in Washington?

Mr. HULL. I am not aware of that.

Mr. TAWNEY. Well, that is the fact. If the gentleman will turn to section 169 of the statutes—well, the language of this amendment will explain it to you. Section 169 of the Revised Statutes authorizes the appointment of such clerks in the Executive Departments here in Washington for whom Congress may from time to time appropriate.

Mr. HULL. Yes.

Mr. TAWNEY. Now, you amend section 169 by eliminating the authority for the appointment of any clerks whatever in the Executive Departments here in Washington, making section 169 apply only to the Army, where to-day it applies to all the Executive Departments.

Mr. HULL. That may be so, but we followed the report of the Committee on the Judiciary entirely in the matter, and that committee reported this as only an extension.

Mr. TAWNEY. Then the joke is on the Committee on the Judiciary and not on the Committee on Military Affairs.

Mr. HULL. I have here the report of the Committee on the Judiciary stating with this change it simply includes divisions, etc., of the Army. I will say very frankly to the gentleman I never read the statute when the matter was before us, and have accepted the report of the Judiciary Committee as correct.

Mr. TAWNEY. Section 169 reads as follows:

Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Now, your proposed amendment to the section would make it read as follows: "That each head of Department or independent bureau, or officer of the Army in command at any Army headquarters," and eliminating entirely the authority for the appointment of clerks here in the Executive Departments in Washington.

Mr. HULL. Well, I will say to the gentleman that very largely this comes from the amendment reported from the Judiciary Committee. The original bill was that each head of a Department or officer of the Army.

Mr. MANN. Will the gentleman from Iowa yield for a second?

Mr. HULL. Yes.

Mr. MANN. The gentleman from Minnesota thinks this would restrict existing law. I think it would very much extend the existing law.

Mr. TAWNEY. It would extend it if enacted as the committee intended it should be enacted.

Mr. MANN. The existing law provides for each head of a Department. The gentleman from Minnesota thinks it reads each head of a department in the Army; but in addition to that it provides for each independent bureau. The independent bureaus which have nothing to do with the Army ought not to be allowed upon an Army appropriation bill, and if the belief of the gentleman from Minnesota is correct then this ought not to be in the bill; and if, on the other hand, it applies to independent bureaus not connected with the Army it ought not to be in the bill.

Mr. TAWNEY. I do not think so either.

Mr. HULL. It ought to be in the bill only to the extent of enlarging the existing law to cover simply the divisions and departments of the Army that have always had clerks. Now, I think in the way the committee has reported it it may be subject to the objection of the gentleman from Minnesota. The present law now reads, as I understand it, "each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees at such rates of compensation, respectively, as may be appropriated for by Congress from year to year." Now, that is the present law.

Mr. MANN. That is the way this reads.

Mr. HULL. What we want to do is to include the Chief of Staff and the divisions and departments of the Army for whom these clerks are provided. It was held by the chairman of the committee last year that there was no law. There have always been departments in the Army, a general commanding the Army, now Chief of Staff; there has always been a military division where we had to have clerks outside of those here in the Department, and in order to prevent clerks who are employed here from being transferred to the field and clerks employed in the field, at Chicago, for instance, outside of the Department, from being transferred to the bureaus and having it so they could always be controlled, some six years ago, possibly eight years ago, when Mr. Moody was on the Committee on Appropriations, we agreed to this provision, that none of them should be assigned to duty in any of the bureaus of the Department, so as to keep them separate.

Mr. MANN. If the gentleman will permit me to state, I will say that we do not have any independent bureaus in the War Department.

Mr. HULL. No; but we have bureaus under the Department.

Mr. MANN. But this does not say "bureaus;" it says "independent bureaus." An independent bureau is one entirely out of any Department.

Mr. TAWNEY. It would apply to such an independent organization as the Interstate Commerce Commission, for instance.

Mr. MANN. It would apply to the Bureau of Fisheries if that were not included in the Department of Commerce and Labor, for instance.

Mr. HULL. The Committee on Military Affairs has no desire to enlarge the law except to provide for clerks, messengers, and laborers at headquarters and divisions.

Mr. MANN. This matter is now pending on a report introduced, and we will soon take that up for consideration.

Mr. HULL. I have no objection on earth——

Mr. PARKER. May I ask the gentleman how he would take it up?

Mr. MANN. It was only the other day that the Judiciary Committee was called on the call of the committees to take up a number of matters, and declined to take up any more.

Mr. PARKER. It is on the Union Calendar, and therefore could not be taken up.

Mr. MANN. The gentleman misunderstands the rule. The Committee on the Judiciary occupied the time of the House more than an hour the other day on the call of committees, and voluntarily gave its time, and it was moved at that time to go into Committee of the Whole House on the state of the Union for consideration of bills on the Union Calendar, and they did not do it. That is not our fault. At the next opportunity that comes they can do it, I may say to the gentleman from New Jersey [Mr. PARKER].

Mr. HULL. Mr. Chairman, this amendment is evidently not what we intended. It goes much further than that——

Mr. TAWNEY. Mr. Chairman, I insist upon the point of order.

Mr. HULL (continuing). And am willing to let it go out.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] insists upon the point of order. The Chair sustains the point of order and understands that it refers to that part after the word "department," in line 5, down to and including line 19.

Mr. HULL. After the word "department" down to and including the word "year" in line 19.

The Clerk read as follows:

For Chief of Bureau of Insular Affairs, $5,500.

Mr. MANN. Mr. Chairman, I reserve the point of order upon that paragraph, namely, lines 18 and 19, page 13, for the purpose of asking in reference to it. I really do not know whether it is subject to a point of order or not.

Mr. HULL. It is provided by law that the chief of the Bureau of Insular Affairs shall have the pay and allowance of brigadier-general while so serving, and this is simply in pursuance of law.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. FITZGERALD. Mr. Chairman, I renew the point of

order. I desire to inquire how the salary of this officer is carried in this particular bill.

Mr. HULL. Because all the salaries for all the Army officers are carried in this bill. The law provides for the detail of an Army officer for chief of the Bureau.

Mr. FITZGERALD. There are other Army officers and some naval officers detailed to positions that are considered civil positions, and their compensation is provided in different bills, and not in the Army or naval bill.

Mr. HULL. I do not know of any officer serving in a bureau in the War Department whose pay is not carried in this bill.

Mr. FITZGERALD. The supervisor of the port of New York is a naval officer with the rank of commander, appointed by the President, by and with the advice and consent of the Senate, and his compensation is not carried in the naval bill. It is carried in the sundry civil bill, if I am not mistaken, and if this officer is detailed to perform the duties of a civil office his salary should be carried in the sundry civil bill and not in the military appropriation bill.

Mr. HULL. They have had a chief of the Bureau of Insular Affairs ever since the Spanish war. His rank was that of colonel until this year. By an independent act of Congress the grade was increased from that of colonel to that of brigadier-general.

Mr. MANN. Is this General Edwards's office?

Mr. HULL. Yes. It is a bureau of the War Department proper, not away from here; in no sense like the case in New York, where a man is serving in another employment entirely outside of the Navy. This is under the direction of the Secretary of War and is a bureau of the War Department.

Mr. FITZGERALD. Is this pay in addition to his salary as a brigadier-general?

Mr. HULL. No; it is his full pay.

Mr. FITZGERALD. Why is he not paid as a part of the military service?

Mr. HULL. All the appropriations for the staff are separate. When we refer to The Military Secretary we give the amount of pay for his department. When we refer to the Judge-Advocate we give his salary and the salaries of his assistants.

Mr. FITZGERALD. Now, why is it this has not existed before?

Mr. MANN. So that this is really a division of the bureaus and the different officials?

Mr. HULL. That is all. If he had an assistant, we would have to put in the pay for him; but as he is the only officer of this character in here, there is no pay provided for an assistant. If you remember, there was a time in the Record and Pension Division when there was but one man at the head, Captain Ainsworth, first as a captain, then as major, then as colonel, and brigadier-general. When the work was enlarged he had an assistant given him, and the assistant also was carried in the appropriation; and it is so with the Judge-Advocate and all the assistant judge-advocates; they are all carried in this bill as staff corps, separate from the line.

Mr. MANN. If this is the provision for Brigadier-General Edwards, my only regret is that the amount is not larger, as he is one of the men who earns a great deal more than he gets.

Mr. HULL. There is no question about the amount being properly here and no question of its being in pursuance of existing law.

Mr. FITZGERALD. If the gentleman will give me some attention, I will ask him what I tried to before. Why has it been segregated this year in this way when it has not been in other years?

Mr. HULL. It had been segregated heretofore when his pay was that of colonel.

Mr. FITZGERALD. My recollection is that he was paid out of the general appropriation for the pay of the Army. There was no such provision as this in the last year's bill.

Mr. HULL. He was carried as an officer of the line before.

Mr. TAWNEY. Is there any reason why he will not or could not be paid as an officer of the line if this appropriation was not made?

Mr. HULL. Yes; because by law we have taken him out of the line and placed him on the list of brigadier-generals in the staff.

Mr. FITZGERALD. That is the information I desired. Until this year he was paid out of the general appropriation.

Mr. KEIFER. But he will perform this service no longer in the line.

Mr. TAWNEY. He was paid as a line officer.

Mr. KEIFER. He will get more pay under this.

Mr. HULL. This is in lieu of that.

Mr. KEIFER. Therefore he can not be paid as a line officer.

Mr. TAWNEY. His pay comes out of the appropriation for line officers under the military appropriation bill.

Mr. HULL. Mr. Chairman, if that is true, then there is a crime being committed in the War Department.

Mr. TAWNEY. If it is not so, will the gentleman indicate why?

Mr. HULL. Because we have a law now that provides that the chief of the Insular Bureau may be detailed from the line for a period of four years, unless sooner removed by the President, and while so serving he shall have the rank, pay, and allowances of a brigadier-general, and we appropriate his full salary here. Now, if he gets his pay from the line, from his lineal rank, and his pay on this detail as brigadier-general, there is a crime being committed by the War Department, and I do not believe that any such thing is possible.

Mr. FITZGERALD. Well, the gentleman is supposed to have this information. Will he read the provision of the current law under which the head of this Bureau is now paid?

Mr. HULL. It was passed by the last Congress.

Mr. FITZGERALD. Has the gentleman that information?

Mr. HULL. I do not carry all the provisions of the various acts in my head or keep all the acts in my desk, and if the gentleman challenges this statement I have made as to the law, then I will have to get it in this case.

Mr. FITZGERALD. It is right there, and I am trying to get the information.

Mr. HULL. The date of the act is all that we have in the estimates. I have quoted almost the entire act and the conditions under which he gets the rank, pay, and allowance of a brigadier-general. It is not necessary to quote the provision in the appropriation bill each time an appropriation bill is passed.

Mr. FITZGERALD. I want to say to the gentleman that this is the first law that gave that.

Mr. TAWNEY. As I understand, before the present chief of the Insular Bureau was promoted to the rank of brigadier-general by an act of Congress, he was a colonel.

Mr. HULL. He was not a colonel in the line, but he got the pay of a colonel.

Mr. TAWNEY. Prior to that he received the pay of a colonel?

Mr. HULL. Yes.

Mr. TAWNEY. And performed the duties of chief of the Insular Bureau at that time?

Mr. HULL. Yes.

Mr. TAWNEY. Now, does the act promoting him to the rank of brigadier-general provide for the payment of his compensation as chief of the Insular Bureau during the fiscal year 1907, or does it provide for his pay as a brigadier-general during the present fiscal year? In other words, how is he being paid now; out of what appropriation?

Mr. HULL. He receives the pay of a brigadier-general now.

Mr. FITZGERALD. How—out of what appropriation?

Mr. TAWNEY. Out of what appropriation is he being paid?

Mr. HULL. The law promoting him gives him the right to that pay.

Mr. FITZGERALD. He may have a claim, but how is he getting his money?

Mr. MANN. I understand it was appropriated for in the general deficiency bill last year. Can the gentleman from New York tell us about that?

Mr. FITZGERALD. I do not know. I can not say about that.

Mr. TAWNEY. I can tell the gentleman that it was not in the deficiency bill.

Mr. MANN. I have been told that it was in the general deficiency law of last year.

Mr. HULL. I will say to the gentleman that the question has never been brought before us, except that here was the law, and we appropriated under it. When he was paid under the other law he was probably paid under the appropriation for the pay of the line.

Mr. TAWNEY. How is he being paid this year?

Mr. HULL. I suppose he is paid out of the line officers' pay.

Mr. KEIFER. When was the act passed which promoted him to the rank of a brigadier-general?

Mr. TAWNEY. In the closing hours of the last session of Congress.

Mr. KEIFER. Then his salary could not have been appropriated for in the last Army appropriation bill.

Mr. HULL. The law promoting him to be a brigadier-general expressly provided that while so serving he should have the rank, pay, and allowances of a brigadier-general.

Mr. KEIFER. This is the first time we could appropriate for

it in the Army appropriation bill, because I am told it was in the last days of the last session that this provision making him a brigadier-general became a law.

Mr. FITZGERALD. The gentleman from Iowa [Mr. HULL] said that if he was being paid out of the appropriation for the line, a crime was being committed. Now, what appropriation is he being paid out of?

Mr. HULL. There is this to be said about it, that when the law made the provision, under the paragraph on page 18, any surplus from one fund for the pay of the Army would go to make up any deficiency in any man's pay.

Mr. FITZGERALD. The gentleman from Iowa specifically stated that if he was now being paid out of the appropriation for the line, a crime was being committed.

Mr. HULL. Oh, no; I said that if we made this appropriation and gave him full pay here and then he took his pay on his lineal rank in addition that that would be a crime.

Mr. FITZGERALD. There was no such claim as that made.

Mr. HULL. That is what I understood the gentleman to say.

Mr. KEIFER. You said he was getting his pay.

Mr. FITZGERALD. Oh, no. Let me answer the gentleman from Iowa, so he will know the question I am asking. I am asking him whether at present the chief of this Bureau is being paid from the general appropriation for the pay of officers?

Mr. HULL. I think there is no question of that, and that he will be until this bill becomes a law.

Mr. FITZGERALD. That is what I tried to find out. This provision, then, is put in in pursuance of the law that gives this man the rank, pay, and allowances of a brigadier-general.

Mr. TAWNEY. Yes.

Mr. HULL. In pursuance of the law creating the office of brigadier-general for the Bureau of which he is chief.

Mr. FITZGERALD. Then I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

For interest on soldiers' deposits, $100,000, and so much as may be necessary to pay back such deposits.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I want to ask for a little information. In reference to soldiers' deposits, what does the Government do with the money that is deposited by the soldiers upon which we pay this interest?

Mr. HULL. The Government uses it as all the funds of the Government are used—in any line they desire.

Mr. MANN. The gentleman says use it. We have no use for it.

Mr. HULL. We may have no use for it at all. The object of it, I will say to the gentleman, is that it has long been the settled policy of the Government to induce the saving on the part of the soldiers, and the Government pays the soldiers 4 per cent interest on it, giving that amount of interest even when the Government can borrow money at 2 per cent.

Mr. MANN. I have no objection to the policy; I believe in it; but in connection with the very wide discussion which is going on and has been going on for some time in reference to postal savings banks, it is proper to consider what the Government now does with the fund that it takes as the savings of these soldiers. It is practically paying interest on money without the use of the money.

Mr. YOUNG rose.

Mr. HULL. I will yield to the gentleman from Michigan.

Mr. YOUNG. I would like to say to the gentleman from Illinois that that matter was provided for in 1872 by section 1350 of the Revised Statutes.

Mr. MANN. I am sorry it was not provided for one hundred years ago. It has been a good thing, and the only regret I have is that you have reduced the appropriation $43,000.

Mr. HULL. No; this is an estimate from year to year, and we have appropriated what the estimate called for.

Mr. MANN. We are paying 4 per cent annually. Last year you appropriated $143,000 to pay this interest, and this year you propose to appropriate only $100,000. What is the trouble with the Army?

Mr. HULL. It does vary up and down. That is a question of estimate by the Department.

Mr. YOUNG. The gentleman from Illinois must understand that some years soldiers withdraw more money than they do in other years, and, of course, the Government then pays less interest. That is the reason that this amount varies from year to year. This fund forms a part of the fund for the payment of the men. It is so provided by statute, and it is used for that purpose by the Government and a portion of the money appropriated for the pay of the Army.

Mr. MANN. It strikes me that it shows something is wrong about the Army. The fund is decreasing, and it ought to be increasing.

Mr. HULL. It does vary from year to year; it may go up one year and down the next.

Mr. MANN. It ought not to vary any more than the ordinary deposits in a savings bank. There are no such variations in the deposits of savings banks.

Mr. HULL. But in this case you are confronted with the proposition that 3,000 men have gone out and no enlistment to take their places. If you recruit the Army up, you will have more depositors; if the Army goes down, you will have less. It is a matter of computation by those having charge of the estimates, according to the size of the Army, and the amount, as I say, of the deposits will vary from year to year.

Mr. SCOTT. What is the reduction the gentleman spoke of?

Mr. HULL. I think in the artillery branch alone it is nearly 3,000. The conditions that prevail in the country to-day are not such as to largely facilitate the enlistment of men. The employment of labor is so great, men get all the employment that they can possibly ask for at remunerative wages, and that tends to call off the class of men that would otherwise go into the Army. Another reason that affects the artillery is that one term of service makes a large number of expert electricians; not expert in the highest sense, but expert in the common work of electric companies, both for cities and large corporations, and they do not reenlist.

Mr. SCOTT. In that connection I would like to inquire whether this bill makes any provision to correct that evil?

Mr. HULL. No; and under our rules it can not, but I hope within the next ten days to offer a bill which will tend to correct it.

Mr. SCOTT. By increasing the wages or salary of these men whose training makes them expert?

Mr. HULL. Yes.

Mr. KAHN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The pro forma amendment of the gentleman from Illinois will be withdrawn.

Mr. KAHN. The evidence before the committee shows another reason why the Army is not recruited to its full strength and why there is a constant falling off from the strength of the Army. It is due to the fact that there is no canteen; that, as a matter of fact, many men get temporary leave of absence to go away from the post, and instead of going to a reputable place to drink they go into low brothels, become drunk, and they fail to return to their posts, and become deserters. Now, the evidence before the committee shows that that is a condition, unfortunately, that does prevail in the American Army, and probably if the canteen were restored, there would not be so many desertions from the Army.

Mr. SCOTT. Will the gentleman permit an inquiry?

Mr. KAHN. Yes.

Mr. SCOTT. Was that evidence unanimous, or was it disputed?

Mr. KAHN. Well, mostly every Army officer who came before the committee who was questioned upon the subject stated that that was the fact.

Mr. SCOTT. Of course it is a matter of opinion, is it not, rather than of fact?

Mr. KAHN. I imagine that it is opinion based upon actual experience.

Mr. BARTHOLDT. Will the gentleman permit another suggestion?

Mr. KAHN. Certainly.

Mr. BARTHOLDT. Does he not think that the recent deplorable affair at Brownsville might have been avoided if the soldiers had had an opportunity to remain in the barracks and satisfy their desires with a mild beverage instead of being compelled to go outside and drink the poisonous stuff that is being served in these dives?

Mr. KAHN. Well, I will say frankly to the gentleman that I do not know the conditions that prevailed in Brownsville, but I do know the conditions that prevail in San Francisco, which is a large Army post. I know that when the soldiers get a furlough they go to the lowest dives in the city and become drunk, and many of them fail to return to the post. If they had a canteen to go to the chances are 99 in 100 that they would not desert from the Army.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

For subsistence, mileage, and commutation of quarters to officers of the National Guard attending service and garrison schools, $10,000.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on this paragraph. I desire to ask the chairman of the committee if this is not an entirely new provision?

Mr. HULL. Yes.

Mr. TAWNEY. Now, we are appropriating annually $2,000,000 for the support of the militia.

Mr. HULL. Yes.

Mr. TAWNEY. Is it not a fact that Congress contemplated, when it made this appropriation or increased the appropriation at the last session of Congress from one million to two millions of dollars, that that was to defray all of the expense that the Government should bear in connection with the militia, including the officers and their attendance upon any encampment or school that they might be called upon or given the privilege to attend?

Mr. HULL. Mr. Chairman, in answer I would say that if that was intended when the extra million was voted it failed. The provision which requires this payment is the so-called "Dick Act," which provided that the Government should pay this class of expense, and it has been heretofore paid out of the appropriation for the transportation of the Army and its supplies, I think, entirely. This is simply to segregate and make plain how much we appropriate for this purpose. I want to say to the gentleman that when we come to that item of transportation of the Army and its supplies the commitee has incorporated another provision requiring hereafter the estimate for transportation and supplies under one head and detailed estimates for all the other items carried in that large provision. The militia act requires the payment by the General Government of these charges, and when we gave them the additional million of dollars for the militia it only applied to the same lines of expenditures for the militia that the first million stood upon the statute books of the country for years applied to.

Mr. TAWNEY. Then, if I understand the gentleman, while this provision is new, the service for which the expenditure is made is of long standing?

Mr. HULL. It is of long standing—ever since the passage of the Dick militia bill.

Mr. TAWNEY. And the payments have heretofore been made out of the item for transportation and supplies?

Mr. HULL. That is my recollection. They have always paid it, and they have in this simply segregated the item here so that Congress may know the amounts they were paying for this education of the militia officers.

Mr. TAWNEY. I did not know but that we were embarking upon a new service.

Mr. HULL. Not at all. It is provided in the Dick bill that this must be paid out of the appropriation for the Army.

Mr. TAWNEY. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Noncommissioned officers and privates, 50 companies, $497,131.20.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a question for information. When does this Porto Rican regiment end its career by operation of law?

Mr. HULL. I think with this appropriation bill.

Mr. CLARK of Missouri. I am glad to hear that.

Mr. HULL. My recollection is—I may be mistaken in the year, but I think not—that the extension was made for four years in 1904, and it will expire in 1908. I understand the gentleman is referring to the Porto Rican regiment only and not to the Philippine scouts.

Mr. CLARK of Missouri. Yes; the Porto Rican regiment.

Mr. HULL. Because the Philippine Scouts are permanent law.

Mr. CLARK of Missouri. Yes; I know that. I withdraw the pro forma amendment.

The Clerk read as follows:

For paying the expenses of regiments, battalions, squadrons, and batteries of the organized militia of any State, Territory, or of the District of Columbia which may be authorized by the Secretary of War to participate in such brigade or division encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," $1,000,000.

Mr. HAY. Mr. Chairman, I move to strike out the paragraph. I do not intend to discuss this question at any great length, because the chairman of the committee called attention to it when he was speaking on the bill the other day. I think that it is not necessary to have this appropriation every year. It seems to me that having it once in two years is sufficient and all that ought to be done. Not only does it cost the million dollars provided for in the paragraph, but in addition to that it increases the appropriation for the Army about a million dollars, making in all two millions. Therefore I hope that the committee will strike out the paragraph.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. HAY. Certainly.

Mr. TAWNEY. On what theory do you maintain that the appropriation should be made every two years instead of annually? Is it because they are not called out in this service or do not need to be called out?

Mr. HAY. Yes; I do not think they need to be called out.

Mr. TAWNEY. Your theory is the practice they get every two years will be sufficient for military purposes.

Mr. HAY. Amply sufficient.

Mr. YOUNG. Mr. Chairman, I hope that the motion of the gentleman from Virginia will not prevail. Under the present system of maneuvers our first year—namely, last year—was a great success. We had before us the Assistant Secretary of War and he said upon this question:

The CHAIRMAN. Page 22 you have an appropriation for the organized militia troops participating in camps of the Regular Army. Is it intended to have maneuvers this year?

Secretary OLIVER. We hope to put the regular troops under canvas, and if our scheme is carried out we will get the militia to participate.

The CHAIRMAN. Just as you did during the past year?

Secretary OLIVER. Yes, sir. Last year we did that experimentally, just to see how it would work. Apparently it has been a very great success. I have letters from most all the governors of the States in favor of it. We found last year that $700,000 was inadequate, as the States spent $125,000 outside of our appropriation, while twelve States did not take part in the camps.

And he then goes on to say that they hope to keep this camp this year for ten days instead of one week, as last year.

Mr. MANN. May I ask the gentleman a question? Is that the reason for the increase of $300,000 in the proposed appropriation of this year over last year?

Mr. YOUNG. It is because they wish to extend the time and because they wish to give an opportunity to these other twelve States to participate.

Mr. MANN. Then a million dollars would not be sufficient. I suppose next year it will be a million and half.

Mr. YOUNG. No; I think not.

Mr. MANN. If they all participate and you extend the time, why does the gentleman think not?

Mr. YOUNG. I think it will not be necessary. I think a million dollars will be sufficient for years and I do think——

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. YOUNG. In just a moment. And I do think that there is no money expended for the benefit of the Army that gives greater and better results than this. It seems to me to be a matter of the utmost folly to try to have an organized militia or national guard and not give them the very best possible opportunity to learn the art of war, and that they can only do by participation to some extent with the regular troops.

Mr. FITZGERALD. I desire to know whether these maneuvers are conducted for the purpose of benefiting the men or the high officers?

Mr. YOUNG. They are conducted for the benefit of the Regular Army and for the militia. Our Army up to this time has been distributed mostly in small posts. There are few opportunities for large bodies of troops, such as a brigade, even to act together and maneuver together, and the purpose of this provision is to get brigades together and with them call in the members of the National Guard to assist them, and train both the men of the Regular Army and the men of the national guard, not the officers, but mostly the men. Of course it is a benefit to both.

Mr. FITZGERALD. One regiment of militia is taken from each State?

Mr. YOUNG. At least that.

Mr. FITZGERALD. Do they take more than one?

Mr. YOUNG. They have not so far.

Mr. FITZGERALD. How many years would it take for the National Guard of the State of New York, for instance, to get the benefit of this instruction?

Mr. YOUNG. We hope in a State like New York to have more than one regiment. We hope to have more than one regiment this year.

Mr. FITZGERALD. But the policy of the Department has made it impossible to take more than one regiment.

Mr. YOUNG. Oh, not the policy of the Department, but the policy of Congress, which only appropriated $700,000 for this purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan have such time as he may desire.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Michigan have such time as he desire. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Chairman——

Mr. YOUNG. I yield to the gentleman from California.

Mr. KAHN. Is it not a fact that the very purpose of having this appropriation annually is to take in different regiments every year from the various States, in order that they may all have an opportunity of learning the art of war in time of peace?

Mr. YOUNG. That is precisely so.

Mr. McCLEARY of Minnesota. Is it contemplated that the States shall make any contribution toward the expense?

Mr. YOUNG. That is as the States may wish. They have in the past contributed something in addition of their own free will.

Mr. MANN. Have they contributed anything of their own funds in addition to the $1,000,000 which Congress contributes to them otherwise?

Mr. YOUNG. Their own funds.

Mr. KAHN. As I understand it, this money pays the traveling expenses of the State troops to the place of encampment. The expenses of the troops while at the encampment are, as I understand it, borne by the State.

Mr. YOUNG. That is true.

Mr. MANN. They just made an appropriation in here to pay commutation of quarters for the officers. Will the gentleman yield for a question?

Mr. YOUNG. Certainly.

Mr. MANN. The proposition has been made in some quarters, and the gentleman is more familiar with it than I am, that instead of having this encampment every year to which one regiment from a State shall be sent, that the Government of the United States shall send a regiment of the Regular Army to the State encampment, where all of the State militia may have a better opportunity of observing the national regiment. What is the comparative value of these two propositions?

Mr. YOUNG. I would say to the gentleman that both of those propositions have merit, and that it is the intention of the War Department now to some extent to send regiments to State encampments. That matter was gone over by Secretary Oliver in his hearings before the committee this year, and it is said that that will be with no additional expense to the Government. The troops will be sent there and paid out of the transportation of the Army.

Mr. MANN. The gentleman says "no additional expense, of course." I would say there would be "additional expense, of course." It is not possible to send a regiment of the Regular Army to an encampment without expense.

Mr. YOUNG. There will be no more transportation in the aggregate in the Army in doing that than there would be if it was not done.

Mr. MANN. Certainly the gentleman does not claim that sending a regiment of the Regular Army to a State encampment does not mean some expense?

Mr. YOUNG. If they were not sent there, they would be moved somewhere else.

Mr. MANN. Is it the policy of the War Department to keep the regular regiments on the railroads all the time?

Mr. YOUNG. For one reason or another they would have to be moved.

Mr. MANN. They do not have to be moved to this place. It can not be done without expense, and I do not see where the Regular Army authorities get authority, for no purpose connected with the Army, to send a regiment, for instance, from Fort Sheridan, in Illinois, to Springfield, in Illinois, in order to be observed by the State militia.

Mr. YOUNG. Well, the gentleman can study that question at his leisure.

Mr. MANN. No; I am trying to get light from the gentleman.

Mr. YOUNG. The "gentleman" is not discussing that question, and I will say that the gentleman from Illinois, in his hours of leisure and with his great studiousness, might devote, perhaps, some of his time, possibly, to that inquiry.

Mr. MANN. Well, I am inclined to think that somebody connected with Congress might do it, and if the gentleman who is connected with the Committee on Military Affairs declines to state the question, I suppose it will become necessary for some of the rest of us to do it; but we would like to obtain information from the people who ought to know it.

Mr. YOUNG. Of course the Commander in Chief of the Army has the right to move the Army for any military purpose to any part of the United States, and if it is thought for the benefit of the Army to move a part of it to some point where the National Guard is gathered at the time, unquestionably he has that authority and power, and it might be a wise exercise of his discretion. I believe, however, as I said before, that this provision which we are really discussing is one of the most important in this bill and that it ought to remain in it.

Such I know is the opinion of the officers of the Army; such I know is the opinion of the Secretary of War and his assistant and all those who have studied the question.

Mr. MANN. Will the gentleman yield for another question?

Mr. HULL. Is the gentleman addressing me?

Mr. MANN. I wanted to ask somebody in connection with the committee in reference to the damages growing out of these encampments. We have a number of bills before the House to pay damages caused by soldiers at these places, as it is claimed. And there have been Army boards to pass on these claims.

Mr. HULL. Is the gentleman asking me that question?

Mr. MANN. I am making the inquiry and endeavoring to get an answer to the question.

Mr. YOUNG. I suppose that is true.

Mr. HULL. If the gentleman has asked me, I will take pleasure in answering. Of course every time we have an encampment there will be some damages growing out of it. Two years ago the War Department took the precaution to ascertain the damages immediately, in order that they might adjust it, and in that way there was but little trouble respecting the maneuvers at Manassas, but a great deal of trouble growing out of the maneuvers in Kentucky some years ago, and whatever damages there may be done the Government will be under a moral, if not a legal, obligation to pay. You will always have damages where you have maneuvers. In some cases it will be more and in some less, but this bill is only for the encampment, and the amount appropriated for it is provided in the bill.

Mr. MANN. Does the gentleman think, when he knows that these claims for damages are never likely to be paid, that they should pay them in one place and an equally large amount of claims in another should remain unpaid?

Mr. HULL. My impression is that when the Department has taken the precaution at the time of the maneuvers to adjust the damages at once and submit it that they can be paid, and should be, out of the appropriations.

Mr. MANN. There has been no such claim paid by Congress, it seems to me.

Mr. HULL. It has been paid for the maneuvers at Manassas, and most of them in full, out of the appropriation.

Mr. MANN. They have been paid out of the appropriation, then. That is what I wanted to find out—why one man got his claim paid out of the appropriation and another had his claim allowed by the War Department, but they said they had no appropriation.

Mr. HULL. In my judgment, that comes from the fact that in the first of the maneuvers too large an amount was expended on other matters. Take the maneuvers they had at Manassas, where they spent a million dollars in one week on a dress parade that was of no benefit to the country; then take the case of the encampment in Kentucky, where they had a large amount of damage. It was paid in the one case out of the allotment. The adjustment was made at the same time, and the settlement was made with the parties, and whenever they have saved enough of the allotment for each camp they have paid.

The CHAIRMAN. The gentleman from Michigan is entitled to the floor.

Mr. MANN. There was a board of officers appointed——

Mr. YOUNG. I yield the floor.

The CHAIRMAN. The gentleman from Michigan is entitled to the floor.

Mr. MANN. The gentleman from Michigan has yielded the floor.

Mr. HULL. I ask that I may have ten minutes on this subject.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Kentucky. Before the gentleman proceeds I should like to correct one misstatement that he made, not intentionally, of course, that the claims at West Point were all adjusted immediately. There was a board appointed to adjust those claims, and they did adjust them. They scaled them from nearly $30,000 to less than $3,000, and those claims are not paid to this day, though it has been more than three years ago.

Mr. HULL. All I can say, Mr. Chairman, is that they should be paid.

Mr. SMITH of Kentucky. I think so, and I would be glad if the gentleman would consent that a provision should go into this bill for the payment of the amount that the Secretary recommends.

Mr. HULL. If an amendment is offered to this bill making that provision, I will not make any point of order, although this committee has no jurisdiction over claims. I want to speak a few minutes on the proposition involved in this mat-

ter. I think it is well known to all members of the Military Committee and the House that personally I am not in favor of these large maneuvers of the Army every year. I do not believe that the militia gets the benefit from them that it is intended that the militia should have. Take my own State, for instance, where we have two brigades. One regiment, and one only, goes to the encampment. If you could send from the regular force a regiment of infantry, a squadron of cavalry, and two batteries of artillery, under command of a brigadier-general of the Regular Army, to my State (and I am using that only as an illustration), to remain there during all the encampments of the militia, continuing for a month's time, every regiment of the militia would have the benefit of this instruction. But that proposition is not before the House at this time. I hope that that will be the policy in the future.

I am not willing to support the motion to strike this out, because if it is stricken out we have nothing to take its place. I believe that the maneuvers last year did great good, especially to the Regular Army, but very little good to the militia, because so small a number of regiments in the different States took any part in them. I do not believe these general rendezvous at four or five places in the United States will ever be available for the militia of the States generally, because the constitution of the militia regiments is such that men can not leave their business for any great length of time. They can not spare the time. Their soldiering is only an incident. The Regular Army, of course, can be concentrated at any time, and the men can remain in camp as long as the Government desires, but members of the militia regiments make their living in private life, and can not afford the time to go to distant parts of the country, even where their expenses are paid; but under the State laws they do go into State encampments every year, and they can have two weeks of actual information, instruction, and drill for each of the brigades, under Regular Army officers, if we take the Regular Army to the States in place of trying to take the States to the Regular Army. I believe this was of enough benefit last year to justify what we then expended. There is nothing better offered for this year. The committee determined that this was better than the ideas that I had on the subject. I hope that the gentleman from Virginia [Mr. HAY] will not press his motion for that reason.

Mr. HAY. Mr. Chairman, I feel constrained to press the motion that I have made, because I would not have made it if I had not thought it was wise to do so. So far as I have been able to learn, I have not been able to find that these maneuvers have been of much benefit to the National Guard. If this million dollars was spent in the States and in instructing the National Guard of the States I would be much more willing to vote for it. I do not believe that three or four days spent by the National Guard at one of these encampments of the Regular Army can be of much benefit. They are taken there from long distances. They only stay there three days at the outside, I believe the evidence shows, and are then taken back. It is a sort of junketing trip and nothing else. If we want to do something for the benefit of the National Guard, if we want to give them instruction from the regular officers of the United States Army, then let us appropriate money for that purpose, but do not appropriate it for the purpose of carrying troops from one end of the country to the other to participate in three or four days' maneuvers, which at the best do not bring about much benefit. It would be much better spent, as is suggested, in teaching them marksmanship instead of in these maneuvers. The maneuvers held in Virginia three or four years ago, for instance, were a perfect farce. They overran the country. They learned nothing, and it was a sort of dress parade in which the officers had a good time, but which resulted in no benefit whatever to the men. So, Mr. Chairman, I hope that the committee will vote for the motion which I have made to strike out this extravagant appropriation, which, in my judgment, would be of no benefit to the National Guard of the country generally.

Mr. PARKER. Mr. Chairman, I had not intended to speak upon this subject. I ask for ten minutes.

Mr. HULL. I ask unanimous consent that the gentleman from New Jersey may have ten minutes.

The CHAIRMAN. The gentleman from Iowa asks that the gentleman from New Jersey be allowed to proceed for ten minutes. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, I had not intended to speak, because I could not believe that it was earnestly proposed to abolish the system of summer encampments for the militia and the Regular Army together that has been such a grand success of these last years. As to the amount, $1,000,000 is what it costs on an average, counting all expenses, to support a single regiment of 1,000 men, while this million dollars goes to the benefit of the hundred thousand men of the whole National Guard of the whole United States. It also goes to the benefit of the Regular Army, because it brings them where they have never before been put, in actual, earnest, sympathetic touch with the officers and men of the National Guard. That touch between the Regular and Volunteer Army, that sympathy, is something that has been sought for since the beginning of our Government, and only now is beginning to be attained.

The statement that these encampments are dress parades must be founded on some misapprehension. I was at one camp last summer to see how it was conducted. I found there four or five thousand regular troops and the same number of militia. The regular troops stayed for two months, while the militia came for a week at a time, not counting the time occupied in travel. It took nine or ten days to include that. They stayed in camp a whole week, and every day of the week was engrossed with duties that were not of parade. There was not a single dress parade during the whole week that the troops were there from my State. It was fully taken up with marching, camping, putting up their own tents, taking them down, with scouting duty, with sham battles, and with an amount of work that was such that the Regular Army at the end of that time was tired out, though that work was only such as trained soldiers ought to have. Our soldiers ought to avoid the garrison dry rot which has destroyed so many armies, where the officers live in quarters and the men live in the barracks, by bringing them together in actual service, in the actual work and duty of the tented field and in camp where the captain's tent is at the head of every company street. Men in that way get to know their officers and trust in them, and officers learn to know their men.

This work now being done can not be done in any State camp, for, so far as I know, there is no State camp in the United States that affords room for the maneuvers of a brigade, much less for an actual sham battle. That was true of the first camp at West Point, but now we have secured grounds of ample size. At Mount Gretna the ground marched over was 10 miles long and 3 or 4 miles wide, with enough room for ordinary maneuvers. They had large maneuvers at Gettysburg, if they were hard on the men, and they taught our men the value of marching and that it must be able not only to shoot and obey orders, but to get there. At Fort Riley, in Kansas, we have a large reservation, and in other States there are others. What is needed for the training of brigades, when artillery shoots 5 or 6 miles and rifles carry a mile, is ground enough to march the men from place to place to find out the possibilities for cover under which men can get within the range of the modern rifle and the modern gun and to teach the soldiers the whole business of scouting and taking care of themselves in the field. We can give life to an army only by bringing it together in such larger bodies as are used in actual war and by giving that sympathy between the regular forces and the militia which we must have if we ever get into a real war. By these summer maneuvers we give, as far as may be, that training to the citizen soldier upon whom in the end we must rely. Mr. Chairman, I hope this amendment will not be adopted. [Applause.]

Mr. MANN. Mr. Chairman, the gentleman from Iowa referred to the damages that were paid in such a way that would leave one to infer that they were damages caused by irresponsible people for which the Government would not necessarily be legally liable. Now, the fact is that at West Point, Ky., the Government Army officers entered into contracts with the people there, whose land was to be used, providing in the contract for payment of the damage not only to the crops, but to all the fences and other things which might be damaged, and providing for the appointment of a board of Army officers. That board of Army officers was appointed. They considered all the claims. The amount of the original claims was $21,635. The Army board allowed $2,837.24. I do not know how much had been appropriated by Congress for this encampment, but although this award was allowed some years ago, not a dollar has been paid, and if it is the policy of the War Department to enter into contracts of this sort on these encampments of the State militia, to go in and damage property, ruin the crops of the people who happen to own the land there, and then content themselves merely with appointing a powerless board and paying no money, we better stop the encampment entirely.

Mr. HULL. Mr. Chairman, I would say that, in my judgment, they ought never to allow the expense or damage to exceed the amount appropriated for the encampment. They evidently have done that in this case, and it now becomes a claim. The Committee on Military Affairs has no jurisdiction over claims at all, and I paid no attention to that.

Mr. MANN. I understand that. I am not criticising the judgment of the gentleman in charge of the bill.

Mr. HULL. I reiterate what I said before—that in pursuance of law they hold these encampments, and as a result of encampments the citizen is damaged, through no fault of his own, in property, and it is the duty of the Government to pay the claim, whether it comes before the Committee on Claims or where it may come.

Mr. MANN. We all know what the result of sending a bill to the Committee on Claims is. These amounts are small to begin with. Possibly they might have sustained a claim in the Court of Claims, but if the War Department, when we make an appropriation as is proposed here of a million dollars, proceeds to walk into a man's field and ruin his wheat crop and then say to him, "Oh, you can file a claim, if you want to, against the Government"—if that is to be the policy I think we had better stop the encampments. That was the policy in this case. Congress made an appropriation for this encampment. The encampment was held.

Mr. HULL. I think that was the first encampment.

Mr. MANN. They entered into contracts for the use of the land upon which to hold the encampment, making the agreement to pay the money, and thereupon expended the money for I don't know what—gold or gilt, I suppose—not keeping back enough to pay these claims, not even a sum of less than $3,000.

Mr. HULL. Right there I think the gentleman is referring to the first encampment ever authorized. There has been none of this trouble, I understand, since the first encampment. That is not justifying, however, the fact that any such thing ever happended, but I think that has not happended in the last two encampments.

Mr. FOSTER of Vermont. Mr. Chairman, I would like to ask the gentleman from Illinois if, upon his own statement, this is not one of those just claims he described the other day, when we had some of the war claims under consideration, where it is perfectly easy for a creditor of the Government to get a judgment against the United States and then collect his judgment?

Mr. MANN. It is perfectly easy, I may say to my distinguished friend, for a man to get a judgment against the United States Government and collect, but it happens in this case that there are a number of claimants—194, I am informed—having a total amount due them of less than $3,000. It may be the gentleman's idea of justice, but not mine, that those men should be required to sue in the district court of Kentucky. I think that the War Department, to which is given the money to carry on these encampments, ought to pay these bills. These men could collect their claims through the district court of Kentucky, on a certification to the Congress of the United States, but that is a denial of justice for which the Department is responsible.

Mr. FOSTER of Vermont. I only call attention to this fact because I understood the other day that the gentleman was urging most strenuously that Congress ought not to consider these bills where a creditor could resort to a court and get his judgment and collect his judgment as he could against a private citizen. I understood the gentleman from Illinois is advocating that policy on the part of Congress, and while I do not believe in that position——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, the gentleman understood me correctly. I do not believe it ought to be the policy of Congress to waste time over paying 5-cent claims, but I believe Congress ought to provide by law so that the War Department, when it enters upon duties which involve the payment of these claims and it has money provided for that purpose, will be compelled to use the money for that purpose, and not expend it for anything else, and then put Congress to the trouble of considering these claims. It is an outrage upon those people, for which somebody is to blame and for which we are not to blame.

Mr. FOSTER of Vermont. Mr. Chairman, I agree with the gentleman fully, and I hope hereafter when we have other claims coming before the House he will look at it in the same way.

Mr. MANN. I do not know whether I would favor the payment of this as a claim or not. I make no promises on this account, I will say to the gentleman.

Mr. FOSTER of Vermont. No; you will raise an objection when it comes up.

Mr. MANN. Well, I have not to any bill of the gentleman. I may have that opportunity some time——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Chairman, I have no objection to the appropriation of a million dollars for the training and support and all that of the militia of the States if it were not coupled with this provision that it is to be expended by the War Department in supporting these joint brigade and division encampments at which the Regular Army and the militia will cooperate. I believe that that is money absolutely thrown away, and I believe it is a great deal worse than that. I have not witnessed a great many of these performances and I hope I may never witness another one. I saw one. One of them was brought into the neighborhood of the town in which I live and located about a mile outside of it. Regular batteries were transported from Fort Sheridan and cavalry from every direction, and infantry of the Regular Army were brought down there into that locality, and then there was brought from various sections of the State militia regiments, and they went through some sort of a performance there for two or three days. Among the rest they had a sham battle, and among the rest they undertook to maneuver on a large scale, as an army would maneuver. Well, I served four years and upward in the Army at a time of active service in war and, with a single exception, I never saw any regiment, brigade, division, battery, or squadron ever maneuver either in camp or in battle upon any of the magnificent plans and details that they undertook to perform down there, and they might just as well had a show and a performance on a slack rope and exhibitions of equestrianship for the benefit of a militia of Ohio as to have the performance they had, so far as benefiting the State troops went. In the first place, it may be useful for the Regular Army. Let them have their encampments and whatever is necessary. I do not propose to dictate, but I say this, the militia of the States is organized for quite another purpose. We all understand that. We are not training soldiers for war purposes in the militia of the States. Ulterior benefit may be found in case of war. If we have a war soon we may get a great deal of benefit out of the young men now in the State guard, but primarily they are organized for purposes of protection of the people of the States, as a posse comitatus, armed to support the civil authorities, and in the meantime, as I have said, the ulterior benefit may come in case of war. But this is my point, to handle these troops in the form of a brigade movement, division movement, sham battles, is absurd, so far as the State militia is concerned. Then there is another thing. I do not know what other people's experience has been, but the experience at the town where I live was such that we never want to see any Regular Army conglomerate performance such as that was ever come near us again.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. Mr. Chairman, I am speaking under a great deal of difficulty, for I am not feeling at all like speaking now, but I had come to this point. I am going to tell you now what happened at that encampment. I never would have said a word about it if it had not been brought out in the records of the country in the affair that is going on in the Senate. There is always an irritation and conflict between these farmers' sons and merchants' clerks and men of the Regular Army in these encampments. Some trouble happened in the town of Athens, and a soldier of the regular battery was arrested for being drunk and disorderly on the street and locked up. Some time during the afternoon a soldier of his battery came up and located him in jail. That night somewhere from fifty to seventy-five members of the battery slipped one by one out of the camp, organized themselves into a small force, marched up into the town, marched up to the jail, and just about the time they were about to attack the jail, probably—as seems likely from the facts—a guard of infantry of the State Guard, commanded by a young man—a sergeant or corporal—named Clark, ordered them to halt, and from ten to seventy-five shots were fired instantly and young Clark fell dead on the street. Three others were wounded, and a citizen was wounded, and the bullets flew in every direction, breaking windows and firing into houses. And, incidentally, this whole force scattered and fled.

I do not care to go further. There never was a man punished for anything connected with it—I mean the shooting of Clark and others. There never was an officer of this battery called on to make a report, so far as appears to the public; there never was any report made by the captain and other commanding officers of that regular battery, and the feeble attempt of the local authorities to punish the men who committed that cold-blooded murder was utterly futile, for reasons that I do not care to go into just at this time under the surrounding circumstances. The young prosecuting attorney, J. M. Foster, esq., did his duty, but, for reasons I will not now state, failed. One man was convicted of an assault with intent to kill, for an assault he had made at a distance from where the murder was

committed, and that whole encampment was filled with factions and bitterness and troubles of that character, growing up almost necessarily between the Regular Army soldiers and the men of the Ohio State Guard.

So I may be prejudiced by what I witnessed, the horrors of that occasion, and the utter inability of the State authorities to successfully ascertain who the murderers were. I could go a great deal further and show you a great deal more about this, show how little aid we had, how a great deal of trouble was thrown in our way, show the factional conditions between those regular soldiers, including their officers and including the War Department here, who took up the cudgel in opposition to the authorities, and in opposition to the militia of the State.

They ought not to be put together. There is absolutely nothing in it. And let me summarize why. Drill the Regular Army as much as you please, and maneuver it as much as you please. These long marches and these maneuvers are in no wise incident or beneficial to the militia of a State.

Mr. CRUMPACKER. Will the gentleman answer a question?

Mr. GROSVENOR. Certainly.

Mr. CRUMPACKER. Were there any colored soldiers at that encampment?

Mr. GROSVENOR. Not one.

[Cries of "Vote."]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. HAY].

Mr. HEPBURN. Mr. Chairman, I would like to ask the chairman of the Committee on Military Affairs if he will give the committee the benefit of his opinion as to the comparative value of this appropriation for target practice of $1,300,000, and the appropriation of a million of dollars for militia maneuvers?

Mr. HULL. Well, Mr. Chairman, I regard the appropriation for target practice as of higher importance than any other appropriation to increase the efficiency of the Army.

Mr. HEPBURN. Is there any such relation between the value of those two endeavors as would be indicated by the appropriation of a million and a million three hundred thousand dollars? Is not the target practice of infinitely greater advantage?

Mr. HULL. Oh, I think so.

Mr. HEPBURN. Then, why is it that the committee appropriates in that proportion?

Mr. HULL. Mr. Chairman, it would be impossible to appropriate for target practice any reasonable amount that would aggregate the sum that must be appropriated for maneuvers. We have now largely increased the appropriation for target ranges, and have furnished an incentive in the Regular Army, especially, for target practice by increasing the pay per month, and the pay has increased to those who have qualified as marksmen, expert marksmen, and sharpshooters. All enlisted men in the Army may so qualify. But I see no way by which we could appropriate the sum of a million dollars for improving marksmanship without distributing it to increase the efficiency in target work by giving to each man, as he won his standing by his skill. It may go over a million or fall far short.

Mr. HEPBURN. Mr. Chairman, for myself I look upon this appropriation of a million dollars for encampment of the militia and for maneuvers of the militia as an absolute waste of money. The militia, as a rule, are not the volunteers who in time of war augment the Army. For example, the gentleman from Iowa will remember that nine years ago when his own State was called upon for regiments of volunteers, we had then four what I might call "skeleton" regiments. They aggregated about 400 men to a regiment. They were already officered. When we came to the enlistment of those men, or, rather, the mustering in of those men to the service of the United States, a very large percentage of them were rejected.

Mr. HULL. I think about 15 per cent only were taken.

Mr. HEPBURN. I had thought 30. I have seen a statement somewhere that 70 per cent were rejected. See what a skeleton remained. Yet there was a complete skeleton. It was difficult to fill up those regiments to the maximum, and a long time, the gentleman will remember, was consumed while we were trying to get them, and when the regiments were finally formed and mustered into the service they were new men. They were not the men who might perhaps have participated in these encampments or others. They were a detriment, the small number that constituted this regiment. If the Government had made a call for a complete regiment of volunteers, officers to be appointed with the formation of the regiment, there would have been men interested in securing enlistments; but the officers were already appointed, and there was no incentive of that kind, and on that account, and on that account alone, I say it was a detriment. I do not believe that these maneuvers would be beneficial even if these same men——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEPBURN. I should like to have about five minutes more.

The CHAIRMAN. The gentleman from Iowa asks that he have five minutes more time. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. If the same men that had participated in the encampment had gone into the service, I think that this expenditure would still have been, in large part, a waste. Infinite time is consumed by a regiment in tactical movements. Months and months are expended in that way, and yet there is not a gentleman in the sound of my voice who does not know that on any occasion of real service of a regiment they could not use probably more than half a dozen movements during the course of a battle. A change from column to line and from line to column, an oblique movement, a partial wheel, the deployment into skirmish line—that would cover every movement that would probably be made by a regiment. Half a dozen movements would cover them all; and yet we spent hours and days and weeks and months in tactics and scarcely a moment in preparing men for the real business, namely, to shoot with accuracy.

I was a member of a regiment for over three years. I never saw target practice by that regiment; and yet months were expended in fitting ourselves for dress-parade movements that in actual service never were undertaken.

Gentlemen in the discussion of yesterday and this morning of the battle at New Orleans remind me of an incident I have somewhere read concerning those troops that wrought such havoc upon the British. The men in the front rank, according to this statement, fired three volleys and the men in the rear rank fired two volleys, yet there were results obtained equal to the whole number of these soldiers, showing that a result was secured for each two and a half shots. These men were marksmen. They had had target practice of immense benefit to them. They were efficient. And that is what we want with our Regular Army—to make them efficient. Ten thousand such men as were at the battle of New Orleans, composing Coffee's brigade, are worth more than the whole Regular Army when it comes to the use of the musket. Ten thousand men that could produce such results as these are worth more than 100,000 men that waste cartridges as cartridges are wasted. During the Mexican war we expended 70 cartridges to produce a result, and in those times they used buck and ball cartridges, having nine missiles in each cartridge. At the battle of Murfreesboro 119 cartridges were expended to produce a result. I was told by an officer who was present at the battles around Santiago that, in his judgment, more than 500 cartridges were expended to produce a result. How much more efficient would one-twentieth part of these men have been had they been skilled as were the men that composed the army of Jackson.

Therefore it seems to me that the one expenditure that we ought to be most willing to make and most zealous to have properly used is that for target practice. If you intend to make an army that will be efficient, you can not accomplish much in results by expending this money on the militia, because you have no certainty that the men whom you have thus educated will serve in time of war. But it is not so with the Regular Army. Every man in it ought to be made efficient with his musket. It does not matter, if he is so efficient, whether he can perform the fanciful Fourth of July evolutions or not. You want him capable of performing half a dozen of these movements; but you want him to be able to march and march with celerity. It was the rapidity of movements that was made possible by the drill in marching that made Jackson's army so formidable; their ability to move; their knowledge of logistics; their ability to use that knowledge in actual marches by night or day. It made them efficient. When you have our Army in such a condition that it can march, in such a condition that it can shoot with accuracy, it shows that there has been discipline, and it becomes a terror to its enemies. [Loud applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. HAY], striking out the paragraph.

The question being taken, on a division (demanded by Mr. HAY), there were—ayes 27, noes 50.

Accordingly the amendment was rejected.

Mr. SMITH of Kentucky. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kentucky offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Insert the following as a new paragraph:

"For paying claims for damages incident to the Army maneuvers at West Point, Ky., in the year 1903, the sum of $2,837.24, to be immediately available."

Mr. HULL. I reserve the point of order against that. My understanding from the gentleman from Illinois was that the board of Army officers reported about $3,000.

Mr. SMITH of Kentucky. They reported the exact amount in this amendment—$2,837.24.

Mr. HULL. I understood the amendment to read $28,000.

Mr. SMITH of Kentucky. Oh, no; $2,800.

Mr. HULL. Then I will not make the point of order.

Mr. MILLER. Mr. Chairman, I want to inquire of the gentleman if this matter has not been before the Committee on Claims of this House and reported favorably to the House?

Mr. SMITH of Kentucky. Yes; a bill for the payment of these claims was introduced by myself in the first session of this Congress, referred to the Committee on Claims, and, I believe, on March 26 last year the Committee on Claims reported the bill for the payment of these claims, and it is now on the Calendar.

Mr. MILLER. Is the amount that is included in the amendment the same amount as that reported by the Committee on Claims?

Mr. SMITH of Kentucky. Taken from that report, just exactly the same amount.

Mr. HULL. Mr. Chairman, I want to move an amendment, provided that the sum mentioned shall be paid out of this appropriation.

Mr. SMITH of Kentucky. That is perfectly satisfactory to me.

Mr. HULL. I want to reduce the appropriation by this amount and keep these claims all paid up out of what we give the militia.

The CHAIRMAN. The gentleman from Iowa will furnish the Clerk with the amendment.

The Clerk read as follows:

Provided, That the sum of $2,837.24 of the appropriation for the militia herein shall be expended in paying claims for maneuvers at West Point, Ky., in the year 1903.

Mr. PERKINS. I wish to reserve a point of order to the amendment.

The CHAIRMAN. The gentleman is too late in making his point of order against the amendment offered by the gentleman from Kentucky.

Mr. PERKINS. I wish to reserve a point of order against the amendment offered by the gentleman from Iowa [Mr. HULL].

The CHAIRMAN. The gentleman may reserve a point of order against that.

Mr. PERKINS. I should like an explanation of the nature of this appropriation. Upon what theory is it that the Government is to be made responsible for damages caused by these encampments of militia? It seems to me this opens up a fertile field for future claims.

Mr. SMITH of Kentucky. Mr. Chairman, in answer to the gentleman's question I want to say that the land upon which the whole of these maneuvers were held was secured by the War Department, through its proper officers, and in the lease they provided that in addition to 5 cents an acre rent for the land they would pay such damages as might be done to the growing crops, fences, and other improvements by the soldiers during the maneuvers, and that these damages should be ascertained by a board of Army officers and reported to the War Department. They were so ascertained by a board of Army officers. The claims filed amounted to about $21,000, but the Army board scaled them down to $2,837.24, and the Secretary of War at every session of Congress since that report was made has recommended the payment of these claims.

Mr. PERKINS. Why was it necessary for the gentleman to go to the Committee on Claims, if this is based upon a contract made with the Government?

Mr. SMITH of Kentucky. There were 194 claims, ranging from 50 cents to $5 or $6 apiece. The gentleman from New York can well understand that no one claimant could afford to go into the Court of Claims on a sum of that size. It would be ridiculous to think of sending 194 claimants into the Court of Claims on little sums from 50 cents or $1.50, and so on, until the largest one, perhaps not amounting to more than $5 or $6. The Committee on Claims, to whom the bill was referred, reported it unanimously last March.

Mr. PERKINS. How is the money to be paid?

Mr. SMITH of Kentucky. To the various claimants by the Secretary of War.

Mr. PERKINS. Why was this not a proper item for the Committee on Military Affairs in the beginning?

Mr. SMITH of Kentucky. I do not know, but I understand that the Committee on Military Affairs, as the chairman has stated on the floor of the House, had no jurisdiction of this subject, and hence the bill was introduced for the payment of these claims, and was referred to the Committee on Claims, of which the gentleman from Kansas [Mr. MILLER] is chairman. That committee, as far back as last March, unanimously reported a bill, and it is now on the Calendar.

Mr. PERKINS. Were these damages occasioned by men in the Regular Army or by militia?

Mr. SMITH of Kentucky. Both, as I understand; they were regulars and militia together.

Mr. PERKINS. Damages done by marching over the fields?

Mr. SMITH of Kentucky. They were all under the command of United States officers.

Mr. MANN. The claims, as shown by the report of Army officers, were not for wanton destruction of property, but were for claims contemplated by the original contract.

Mr. PERKINS. Damages caused by the men marching over the ground?

Mr. MANN. Soldiers marching over the growing fields, and such as that.

Mr. PERKINS. Any claims for the destruction of buildings?

Mr. TAWNEY. No destruction of buildings, but destruction of fences and things of that kind.

Mr. MANN. It was the necessary destruction that would occur in any encampment, and they ought to have been paid out of the original appropriation; but I suppose that was exhausted in the maneuvers without saving any portion of it, as should have been done.

Mr. PERKINS. In view of the statements, Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa to the amendment offered by the gentleman from Kentucky.

Mr. OLMSTED. Mr. Chairman, I would like to ask the gentleman from Iowa if he does not think his amendment should be a little more specific?

Mr. HULL. I have no objection to making it as specific as necessary, if the gentleman from Pennsylvania will indicate it.

Mr. OLMSTED. It did not seem to me to state the character of the claims, as I heard it read.

Mr. HULL. Mr. Chairman, I ask that the proviso be read again.

The CHAIRMAN. Without objection, the Clerk will read it.

There was no objection, and the Clerk again read the amendment offered by Mr. HULL.

Mr. MANN. Mr. Chairman, I suggest that there be added the words "claims allowed by the board of officers convened by Special Order No. 162, Headquarters Department of the Lakes, September 6, 1903."

Mr. OLMSTED. That covers my objection.

Mr. HULL. I followed the language of the amendment of the gentleman from Kentucky and inserted it in the proviso.

The CHAIRMAN. Without objection, the amendment proposed by the gentleman from Iowa will be modified as suggested by the gentleman from Illinois. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on agreeing to the amendment as modified offered by the gentleman from Iowa to the amendment of the gentleman from Kentucky.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Kentucky as amended.

The question was taken; and the amendment as amended was agreed to.

The Clerk read as follows:

SUBSISTENCE DEPARTMENT.

Purchase of subsistence supplies: For issue, as rations to troops, to civil employees when entitled thereto, hospital matrons and nurses, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), to military prisoners at posts: *Provided*, That hereafter the emergency ration prescribed for use on emergent occasions shall, when issued, be furnished in addition to the regular ration under such regulations as may be prescribed by the Secretary of War, and for sales to officers and enlisted men of the Army; for authorized issues of candles; of toilet articles, barbers', laundry, and tailors' materials; for use of general prisoners confined at military posts without pay or allowances, and recruits, including applicants for enlistment while held under observation at recruiting stations; of matches for lighting public fires and lights at posts and stations and in the field; of flour used for paste in target practice; of salt and vinegar for public animals; of issues to Indians employed with the Army, without pay, as guides and scouts, and for toilet paper for use by enlisted men at posts, camps, rendezvous, and offices where water-closets are provided with sewer connections, or where the sanitary conditions require its use. For payments: For meals for recruiting parties and recruits, including applicants for enlistment while held under observation; for hot coffee, canned meats, and baked beans for troops traveling, when it is impracticable to cook their rations; for coffee roasters, for cooking apparatus in the field and when traveling (except on transports), bake ovens and apparatus pertaining thereto; scales, weights, measures, utensils, tools, stationery, blank books and forms,

printing, advertising, commercial newspapers, use of telephones, office furniture, commissary chests and outfits, and field desks of commissaries; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department): *Provided further*, That hereafter the Secretary of War may cause to be sold at public sale, in Cuba or the Philippine Islands, under regulations to be prescribed by him, such subsistence stores in good condition, intended for issue or for sales to officers and enlisted men, as may from time to time accumulate at any subsistence depot, military post, or in the field, in excess of amounts required for use and which can not, with economy and advantage, be shipped to other subsistence depots, posts, or places for military use, the proceeds to be immediately available for general disbursement, under the appropriation for subsistence of the Army current at the time of sale for any of the objects contemplated by that appropriation; for extra pay to enlisted men employed on extra duty in the Subsistence Department for periods of not less than ten days, at rates fixed by law; for compensation of civilians employed in the Subsistence Department, and for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; for payment of commutation of rations to the cadets at the United States Military Academy in lieu of the regular established ration at the rate of 30 cents per ration; and for the payment of the regulation allowances of commutation in lieu of rations to enlisted men on furlough; to ordnance sergeants on duty at ungarrisoned posts; to enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind; to enlisted men selected to to contest for places or prizes in department and Army rifle competition while traveling to and from places of contest; to male and female nurses on leaves of absence; to applicants for enlistment while traveling under orders; for payment of commutation of rations in lieu of the regular established ration for members of the Nurse Corps (female) while on duty in hospital, and for enlisted men applicants for enlistment held under observation and general prisoners sick therein, at the rate of 30 cents per ration (except that at the general hospital at Fort Bayard, N. Mex., 50 cents per ration is authorized for enlisted patients in said hospital), to be paid to the surgeon in charge: *Provided further*, That hereafter officers intrusted with the disbursement of funds for the subsistence of the Army are hereby authorized to keep, at their own risk, in their personal possession for disbursement, such restricted amounts of subsistence funds for facilitating payments of small amounts to public creditors as shall from time to time be authorized by the Secretary of War; for subsistence of the masters, officers, crews, and employees of the vessels of the Army transport service; for ice to organizations of enlisted men stationed at such places as the Secretary of War may determine; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed $900 per annum; in all, $6,499,984.80, to be expended under the direction of the Secretary of War, and accounted for as "Subsistence of the Army," and for that purpose to constitute one fund.

Mr. TAWNEY. Mr. Chairman, I want to reserve a point of order to certain new matter contained in this paragraph. I desire to ask at this time whether it is necessary to reserve the point of order against the entire paragraph in order to reach the new provisions?

The CHAIRMAN. No; the gentleman can reserve it against any portion of the paragraph.

Mr. TAWNEY. There are two provisos that I want to reserve points of order against. On page 20, beginning with the word "*Provided*," on line 18, and continuing over on page 21 to the word "appropriation," line 6; and on page 22, beginning with the word "*Provided*," on line 8, down to and including the word "war," line 14. These are new provisions, I think, and there is some information I desire of the chairman.

Mr. MANN. Mr. Chairman, in addition I desire to reserve the point of order for the present to the expression in the paragraph which occurs several times, "applicants for enlistment while held under observation."

The CHAIRMAN. Will the gentleman point out where that expression occurs.

Mr. MANN. On line 22, page 19, is one place, "including applicants for enlistment while held under observation." On page 21, line 25, "applicants for enlistment while traveling under orders," and on page 22, lines 3 and 4, "applicants for enlistment while held under observation."

Mr. HULL. Mr. Chairman, there are several changes here:

Provided, That hereafter the emergency ration prescribed for use on emergence occasions shall, when issued, be furnished in addition to the regular ration under such regulations as may be prescribed by the Secretary of War—

Mr. MANN. There is no point of order made on that.

Mr. HULL. Then, to the phrase, "including applicants for enlistment while held under observation," I understand the gentleman from Illinois reserves the point of order.

Mr. MANN. Yes. I would like to ask the gentleman a question.

Mr. HULL. Under the previous regulations of the Department a man, for instance, at Des Moines enlisting in the Army was immediately examined and sworn in. That has been changed so that he simply proposes to enlist, passes a preliminary examination, but is not mustered into the service until he goes to a camp of concentration of all recruits, where he is carefully examined by a Regular Army officer. During this period he is held under observation.

Mr. MANN. It used to be the custom, as I understand, to have these applicants examined by the surgeon at the recruiting station.

Mr. HULL. In the locality.

Mr. MANN. And now it is proposed to have the applicant examined by the recruiting officer and then sent to the general concentration camp?

Mr. HULL. He may have an examination by a local doctor, but he is not mustered in, and under the present law there is no way to feed him and pay him.

Mr. MANN. And that is the reason for this?

Mr. HULL. Yes.

Mr. MANN. That is perfectly satisfactory, and I will withdraw the point of order on that.

Mr. TAWNEY. Now, Mr. Chairman, before the gentleman from Iowa proceeds, I will point out to him what my objection to this paragraph is. It is not so much against the condemnation and sale.

Mr. HULL. This is for sale without condemnation.

Mr. TAWNEY. Yes; this is for sale without condemnation, at a price to be fixed by the commanding officer. The objection I have to this—and I think the gentleman will agree with me that it might lead to very dangerous practices—is that the proceeds derived from the sale of these supplies goes back into the Treasury and is credited to the appropriation for subsistence. It may be that that opens the way for the officer whose duty it is to purchase supplies to purchase more than may be needed at a given post for the purpose of aiding the officers at that post in securing, when these extra supplies are sold, supplies which they need, at a cost very much below what the Government paid, and then turning the money into the Treasury. The officer who is responsible for the administration of the appropriation loses nothing whatever. This money goes right back again to the credit of the appropriation. I would have no objection if the gentleman would accept an amendment, on line 3, page 21, after the words "to be," whereby all after that is stricken out and then substitute the words "paid into the Treasury of the United States." Then there would be no inducement on the part of the officer to buy for sale.

Mr. MANN. That would be reenacting the existing law.

Mr. TAWNEY. If that is so, then the thing I am endeavoring to accomplish will be accomplished by striking out all after the words "to be," in line 3, after that proviso. If it is worded so that the proceeds of the sale of these supplies would go back into the Treasury and not go to the credit of the appropriation, then the officer whose duty it is to administer this appropriation would see that there were no extra purchases made, because to that extent his appropriation would be reduced, and I think it would tend to good administration and prevent abuses that might otherwise arise.

Mr. HULL. Mr. Chairman, the proposition submitted to the Committee on Military Affairs was to give the power to sell under certain conditions goods that had not been condemned at any post. The arguments that have been used by the gentleman from Minnesota [Mr. TAWNEY] would be good if we had made it so broad as that. But we restricted it to Cuba and the Philippine Islands only, because to open it up for sale at all the different posts of this country would lead or might lead to very grave abuse.

Mr. TAWNEY. There is no doubt about that.

Mr. HULL. The only argument that can be given for it in Cuba and the Philippine Islands is the fact that, for instance, in Cuba we have quite a large army of occupation at the present time. The authorities properly keep a surplus of supplies on hand there. In the event of the army being ordered home the expense of transporting the subsistence supplies back to this country would be very considerable, and yet if you do not allow them to use this money for the purpose of purchasing other supplies in this country they would ship them back for the reason that they must have the rations if the army is kept to the number estimated for when this appropriation is submitted to us.

Mr. TAWNEY. They would have the power, assuming now that they have a larger quantity of relief supplies in Cuba than will be needed during temporary occupation and have a supply on hand when the Army moves back to the United States again—they would have the power, under this authority, under this provision, to sell the surplus, would they not?

Mr. HULL. Yes; if this stays in the bill.

Mr. TAWNEY. Now, if they were required to put the proceeds from the sale of that surplus stock back into the Treasury, if it depleted their appropriation to any extent so as to make it necessary for them to come in and ask for a deficiency, it would be such a deficiency, an emergency deficiency, as would be entirely legal; and would it not be better to require them to do that than to open the door for them, either in Cuba or the Phil-

ippine Islands, to thus attempt to either increase their appropriation or buy more than they really need in order that they may help some fellow out by selling him at a price below cost?

Mr. HULL. I can see no object in buying more than they need to send to Cuba. I can see an object in buying more than they really need if officers were at all dishonest and sending it to the frontier of this country, because the Government ration is worth the same everywhere to the Army. An officer of the Army pays the same in Alaska for supplies furnished by the Commissary Department as he does in New York. In other words, the freight that is added to this is not charged to the Army, but it is sold at the same price in Manila, Chicago, or in Alaska, and properly so, because if the officer had to carry the load of additional transportation it would destroy his ability to live in some parts of Alaska. He is not there on his own motion. He goes where the Government sends him, and he is put on an equality, so far as the expense is concerned and so far as the Government can, with every other man in the service. Now, I do not believe this provision ought to prevail at all as to any posts in the United States proper. I am not anxious for it to prevail anywhere, but yet, as I say it might be, as I illustrated in Cuba it would be, of actual benefit to the Government itself to give them the right to sell surplus stores rather than to retransport them back to this country. If they are condemned, they get the benefit of the condemnation. If they are good, they can not sell them at all. They can move them, though, and the Government pays the freight. They can move them from one end of the country to the other as demanded by the service.

Mr. TAWNEY. I would say to the gentleman——

Mr. HULL. Just one minute. If there is danger in the minds of Members of this being abused by officers selling to increase their appropriations it ought not to stay in at all. I do not believe in the danger.

Mr. TAWNEY. My attention was first attracted to this provision because in an examination of several appropriation bills, especially the sundry civil bill, I found that there is a growing tendency in the Departments and bureaus of the Government where they sell anything to have the proceeds of that sale turned back into the Treasury to the credit of their appropriations. They are utilizing official services employed in the production of certain articles which they are selling under the authority of law, and they are always trying to have the proceeds of such sales credited to their appropriations and thus increase their appropriation. To prevent this, I think they should be required to transfer the money to the Treasury of the United States. That would prevent any abuse.

Mr. HULL. My judgment is, if you make that requisition they will ship all stores back in order to avoid a deficiency. That would be my guess, and it is only a guess.

Mr. MANN. Is it not a fact your appropriation is always a good deal larger than the actual expenditure?

Mr. HULL. No; not on subsistence.

Mr. MANN. How much more did you appropriate last year than was expended?

Mr. HULL. This year has not been entirely used up yet, but the Commissary Department stated that it would be all used up before the close of the fiscal year.

Mr. MANN. You aim to make a larger appropriation and usually have done that?

Mr. HULL. There is sometimes a saving by the reduced cost in buying food, and sometimes there is a deficiency on account of the increased cost of food.

Mr. MANN. It has been charged in some of these places, possibly in the Philippines and sometimes in Cuba in the past, that the people enjoyed the benefit of purchasing Government supplies at a great profit to themselves and at considerable loss to the Government.

Mr. HULL. That was true in the Philippine Islands, where all parties connected with the insular government for one or two years had all the privileges of the commissary that were extended to officers of the Army. That has been taken away now, as I understand it, and should have been done, and that privilege never should have been extended.

Mr. MANN. Does the gentleman think there might be danger of that sort of thing if an officer can buy supplies, sell them, buy more supplies with the money, sell them, buy more supplies, and conduct a regular retail or wholesale business?

Mr. HULL. That would never happen at public sales. Where these abuses crept in happened at private sale by order of the Department. This is only for public sale, and it seems to me that the danger is exceedingly remote that an officer would order a sale of the commissary stores where the whole world knows what he is doing, and make an abuse of the privilege; but if there is danger of that in the mind of any man I shall not oppose any proposition to strike it out on the point of order, but I think it is a good provision. I think it is an economical one. I think it is a beneficial provision, limited as we have it here, and not open to all the posts of the country, where a citizen may have influence with an officer to get things, but limited to those two tropical countries, one of which we hope to soon vacate and the other where the enlargement and contraction of the army makes sometimes a surplus.

Mr. MANN. When the gentleman says, "We all hope we will vacate one soon," he omits to have in mind a gentleman connected with another body at the other end of the Capitol.

Mr. HULL. Oh, well, I do not pretend to say we will get out.

Mr. MANN. Why not accept the proposition of the gentleman from Minnesota [Mr. TAWNEY]?

Mr. HULL. I think you might as well strike it all out as to do that. That is the only reason.

Mr. MANN. That would leave authority to sell the supplies and not bring them home. That is what you want to do?

Mr. HULL. You reduce the appropriation by that amount.

Mr. MANN. They know they can get all the money they want.

Mr. HULL. They know they are always criticised when they bring in a deficiency bill.

Mr. MANN. But they know when they manage to bring in something they have saved in that way they get 100 per cent credit on it.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HULL. Certainly.

Mr. FITZGERALD. Suppose the Army in Cuba has some of these stores purchased with the funds of the Cuban Government?

Mr. HULL. Is not that a violent supposition?

Mr. FITZGERALD. No; it is not, because the evidence is that they are buying them now.

Mr. HULL. Then they would not belong to the Army of the United States. They would belong to the Cuban Government.

Mr. FITZGERALD. They do belong to the Army of the United States, although the cost of maintaining troops there is, to some extent at least, paid by the Cuban Government.

Mr. HULL. I am very glad to hear that, because I was of the impression that we were paying all of the bills for the support of the Army.

Mr. TAWNEY. In Cuba?

Mr. HULL. That is, of the Army.

Mr. FITZGERALD. The gentleman is entirely mistaken.

Mr. TAWNEY. All the expense the Government has incurred in the island of Cuba up to this time, except the expense of transporting the Army to Cuba, has been paid for out of the treasury of Cuba.

Mr. HULL. Does the gentleman say that all of the subsistence of the Army is paid for there?

Mr. TAWNEY. Yes, sir.

Mr. HULL. Then I can see no sense in this provision at all.

Mr. FITZGERALD. Not all of it is paid so far out of the Cuban treasury.

Mr. HULL. If they are not sending rations and subsistence there, as they report to us, accumulating a surplus, so that if the Army is kept there the subsistence will be there, and if they go away there will be a surplus, this should not be in at all.

Mr. TAWNEY. They are being paid for to some extent out of the treasury of Cuba. I have a letter in the committee room from the Secretary of War to that effect. He sent a detailed statement of everything paid, and I will send and get it.

Mr. HULL. I will say to the gentleman that in our hearing the commissary of subsistence stated that they had to keep a surplus of food there, because if they stayed there they would need it, but if they returned they would not, or if the Army were reduced they would not need it; and yet everyone knows we would not tolerate for a moment running so near the margin of daily supplies that it would endanger the feeding of our army.

Mr. FITZGERALD. I asked the gentleman the question for the reason that at present from the revenues of the Cuban Government sufficient funds are being diverted to maintain the Army there. I suppose that part of the maintenance of the Army is furnishing subsistence. Now, under this provision whatever stores remain there they could sell.

Mr. HULL. I think the gentleman is mistaken about subsistence, for this reason: I have never understood it was the intention of the Government to charge the Cuban Government with the cost of the Army, a cost that we would have been compelled to meet even if they had never gone there. For instance, they feed the Army the same rations as they do here. Now, do I understand the gentleman from New York [Mr. FITZGERALD] to say or the gentleman from Minnesota [Mr. TAWNEY] to say

that the Government is now collecting from the Cuban Government the amount expended for subsistence of our Army there from day to day? If the gentleman states that, and can prove it, this appropriation should be cut down.

Mr. FITZGERALD. I did not say that.

Mr. HULL. And the "Cuban invasion," as some of the people call it, by our troops is really a great economical measure in the care of the Army, if that is the case.

Mr. FITZGERALD. That may be one good excuse, but I am not inquiring into that. The statement was made that the cost of maintaining the Army in Cuba was being met——

Mr. HULL. Does not that refer to extra expense, as that of charging up the extra mileage?

Mr. FITZGERALD. I am asking the gentleman for information.

Mr. HULL. I have not got it.

Mr. FITZGERALD. I am asking the gentleman for it.

Mr. HULL. You gentlemen on the Committee on Appropriations would have more knowledge of that than I.

Mr. TAWNEY. We have a detailed statement from the Secretary of War in regard to it. I have sent to the committee room for it.

Mr. FITZGERALD. I am asking this in order to be enlightened upon this provision.

Mr. HULL. I say to the gentleman now, and I think he will see it, that we pay the subsistence of the Army and pay proper of the soldiers, and there would be no more reason to charge the Cuban Government with the rations we issue to our soldiers because they are in Cuba than to charge them with the pay proper of the Army.

Mr. FITZGERALD. Have they the same rations issued there as here?

Mr. HULL. We have an alternative ration, costing about the same, that they can vary; but the character of the ration is practically that of the one issued here.

Mr. FITZGERALD. That would make a difference in the situation.

Mr. KEIFER. Mr. Chairman, I think the gentleman in charge of the bill has reached probably the true point, that we are not paying them anything but the additional cost of maintaining the Army in Cuba; that we buy the ration now just as we have always done, and if there is any additional cost on account of transportation or otherwise in maintaining our Army at the camp of Columbia, outside of Habana, then it is paid out of Cuban funds, by order of the Secretary of War by the governor down there. But there has been no information coming to me that the Army officers were paid or the men paid or their rations paid for out of any Cuban funds. I think the chairman of the Committee on Appropriations has a letter which will explain it all.

Mr. HULL. Mr. Chairman, I understand there is information before us of a deficiency for extra mileage that is to be paid by the Cuban Government, and extra cost of transportation of the Army and its supplies. There is a large deficiency made for that, as I understand, and mileage, and that is expected to be paid back out of the revenues of the Cuban Government; but the pay of the Army proper, for its clothing, subsistence, medical attendance, and all the expenses going on the same as they would go on in this country we are paying for.

Mr. MANN. Will the gentleman permit me to ask him one question?

Mr. HULL. Oh, certainly.

Mr. MANN. It was reported around the Capitol here some time ago—and if not true it ought to be denied—that the expenses of sending the American troops to Cuba were borne wholly or in part out of an original emergency appropriation made at the beginning of the Spanish-American war. Can the gentleman tell us whether that is the case or not?

Mr. HULL. We have no report upon that, and no other information than the gentleman has.

Mr. TAWNEY. The gentleman is mistaken. The fact is that it was not the emergency appropriation made at the beginning of the Spanish war. There was an appropriation, as I now recall it, about the close of the Spanish-American war, when the Philippine uprising began, of about $3,000,000, and part of this extra expense, I understand, has been paid out of that $3,000,000 appropriation. How Congress could make that appropriation for the Army and how it could be expended in view of the constitutional provision, I do not know, but it was made, and it has been made available for the payment of that expense.

Mr. MANN. I do not see how that money could be used in that way in view of the constitutional prohibition of such a use. The money could not be properly expended by the Government in that way.

Mr. HULL. It did not come from the Committee on Military Affairs, and members of that committee have no information.

Mr. MANN. I am not criticising where the appropriation came from. The appropriation was probably proper to be made, but the Constitution provides that they can not extend over two years.

Mr. HULL. That is not a question with which we have to do; the Comptroller and the courts can pass on that question.

Mr. MANN. If it be a fact that they are paying money for any purpose of that sort, which was not contemplated at the time the appropriation was made, even if they have the right to use the money legally, there would be a question, but in this case clearly they do not have the right to use the money, because Congress can not make an appropriation for military purposes in that way.

Mr. KEIFER. It is doing it all along. We will do it next year. Because we appropriate for fortifications that continue without any limitation to two years.

Mr. MANN. I suppose they can make an appropriation for fortifications, but that is not for the maintenance of the Army.

Mr. KEIFER. It is connected with the Army.

Mr. MANN. While it is connected with the Army, this is directly for the maintenance of the Army, and that it can not do under the Constitution.

Mr. HULL. The whole matter is with the Comptroller of the Treasury and the courts.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. TAWNEY. I shall have to insist upon the point of order unless the gentleman accepts the proposed amendment.

Mr. HULL. Then it might just as well go out.

Mr. TAWNEY. Then I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Minnesota.

Mr. TAWNEY. The other part, line 8 to line 14, on page 22, where it is proposed to give to officers intrusted with the disbursement of funds for the subsistence of the Army authority to keep, at their own risk, in their personal possession for disbursement, such restricted amounts——

The CHAIRMAN. Beginning with the word "Provided," in line 8, and extending down to the word "war," in line 14?

Mr. TAWNEY. Yes.

The CHAIRMAN. The Chair understands. Now on page 20, beginning with the word "*Provided*," in line 18——

Mr. TAWNEY. Down to and including the word "appropriation," in line 6, on page 21.

The CHAIRMAN. The Chair so understands. The Chair sustains the point of order.

Mr. HULL. What point of order does the Chair sustain?

The CHAIRMAN. The Chair sustains the point of order striking out those two provisos. Does the gentleman from Illinois [Mr. MANN] insist on his point of order.

Mr. MANN. No; I withdraw my point of order.

The CHAIRMAN. The point of order made by the gentleman from Illinois is withdrawn.

Mr. HULL. There is only one proviso that has been passed upon, which is the one on page 25 of the print which I have.

Mr. TAWNEY. On page 22 of the one which I have.

Mr. HULL. The one beginning—

Provided, That hereafter the Secretary of War may cause to be sold at public sale—

That has been sustained.

Mr. TAWNEY. Yes.

Mr. HULL. Now, I understand the other is simply reserved until you know whether you want it or not.

Mr. TAWNEY. Yes.

Mr. HULL. I understood the Chair to sustain that, too.

The CHAIRMAN. The Chair has sustained the point of order made by the gentleman from Minnesota, directed, first, against the words beginning with "*Provided*," in line 18, page 20, down to and including the word "appropriation," in line 6, page 21; and under the ruling of the Chair that goes out. Also, the Chair has sustained the point of order directed against the words beginning with the word "*Provided*," in line 8, on page 22, down to and including the word "war," in line 14, on that page. That goes out also under the ruling.

Mr. TAWNEY. I simply reserved the point of order on the last proviso for the purpose of asking the gentleman from Iowa a question. I have not insisted upon that point of order.

The CHAIRMAN. The Chair understood the gentleman to insist.

Mr. TAWNEY. I have not insisted on that point of order.

The CHAIRMAN. The Chair will then modify his ruling as indicated.

Mr. TAWNEY. Under this paragraph authority is given to

officers intrusted with the disbursement of funds for the subsistence of the Army to keep at their own risk, in their personal possession, for disbursement, such restricted amounts of subsistence funds for facilitating payments of small amounts to public creditors as shall, from time to time, be authorized by the Secretary of War. I have no doubt about the convenience of this, but I want to submit to the gentleman from Iowa that the language is so general as to the amount that an officer may have at any one time that it is very likely to be abused, and if the gentleman could find more restricted language——

Mr. HULL. I should like to say to the gentleman from Minnesota that my understanding is that at places where they have no subtreasury officers have that power now. This only extends it to places where they have a subtreasury. I should like to call the attention of the gentleman from Minnesota, and the committee, to the statement of General Sharpe on this subject:

The CHAIRMAN. In regard to the provision about keeping funds on hand by officers at their personal risk, what is the practice now?

General SHARPE. Under section 3620 of the Revised Statutes the Secretary of the Treasury can authorize the Secretary of War to grant authority to officers stationed at places remote from a depository to keep at their own risk in their personal possession the subsistence funds required for disbursement, but in places where there is a treasurer or an assistant treasurer this authority can not be granted under the present law. The purpose of this proviso is to enable authority to be given in places where there is a treasurer or an assistant treasurer. If an enlisted man comes to an office after banking hours to be paid commutation of rations, he must be given a check, and that check he will have to cash at a saloon or some other place.

The CHAIRMAN. It gives the Secretary of War the right to make allowances in places where they have a subtreasury?

General SHARPE. Yes, sir. Those officers are under bond. There is no relaxation of the security to the Government. It places additional responsibility on the officer. In the Spanish war troops went through New York from Montauk Point, and it was urgent in that case; the officer had to violate the law or make himself liable to criticism.

If he had refused to pay them, he would have been subject to criticism, and in paying them he violated the law.

Mr. TAWNEY. And while this provision is new it is not establishing any new authority except at the point where there is a subtreasury or a treasury?

Mr. HULL. That is all.

Mr. TAWNEY. Mr. Chairman, I withdraw the point of order.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On line 1, page 20, strike out the words "vinegar for public animals."

Mr. OLMSTED. Mr. Chairman, this bill carries a total appropriation amounting to $79,000,000 for purposes little understood by most of us. We have to take it upon credit and upon our confidence in the Military Committee. This particular paragraph covers about $6,400,000. It bears some evidence of having been padded in the matter of language for the purpose of enumerating many items, stringing out long paragraphs of many items to justify an enormous total, but no amount is specified for any particular item.

Now, I notice, on page 19, "Matches for lighting public fires." I do not suppose there will ever be a box of matches bought for that particular purpose. I notice several other peculiar features in this paragraph to which I will not call specific attention, but this item of "vinegar for public animals" seems to require explanation. I have offered this amendment for the purpose of asking the chairman of the Military Committee three questions: First, what are public animals? Second, is vinegar a necessary article of diet for public animals? And third, what proportion of the amount of this $6,400,000 is to be expended for the purchase of vinegar for public animals? [Laughter.]

Mr. HULL. Mr. Chairman, I suppose the gentleman from Pennsylvania, who is understood to be a distinguished farmer as well as a great lawyer——

Mr. OLMSTED. More farmer than lawyer.

Mr. HULL (continuing). Realizes that in many cases an application of hot vinegar is a good thing for spavin and sprain in horses, and that at some times it is excellent for the scalded back of a horse. Is not that so?

Mr. OLMSTED. I never have tried it.

Mr. HULL. Did the gentleman never ride a horse until his back became scalded?

Mr. OLMSTED. No; I am a good rider. I keep my balance and his back does not rub. [Laughter.]

Mr. HULL. Did not the gentleman ever drive a horse fast enough to cause a spavin?

Mr. OLMSTED. No; I never drove a spavined horse.

Mr. HULL. I am afraid the gentleman is no sport at all. [Laughter.] I have lost faith in the story that has been circulated around these halls that he is a distinguished agriculturist from Pennsylvania. [Laughter.] I should imagine that a very small amount of this appropriation would be expended for vinegar.

Mr. OLMSTED. Will the gentleman limit the appropriation to a hundred thousand dollars.

Mr. HULL. Oh, yes; $20,000, I should say, would be sufficient, but let us have it in the debate, so that the War Department may have notice that they must not go beyond a certain sum for vinegar.

Mr. OLMSTED. I will modify my amendment by inserting after the word "animals," "Provided not more than $20,000 of this amount shall be used for vinegar for public animals."

Mr. HULL. I am inclined to think that that is not subject to a point of order, as it is a limitation. It might be at a large expense, but of course the gentleman has no hope or desire of getting such a proviso adopted or he would not have offered it.

The question on agreeing to the amendment was taken, and the amendment was disagreed to.

Mr. TAWNEY. Mr. Chairman, there has been some discussion this afternoon in regard to our expenditures in connection with the occupation or intervention in Cuba, and I desire, for the information of the committee, to have read at the Clerk's desk a letter received from the Secretary of War.

Mr. HULL. Will the gentleman waive that until I have corrected some punctuation in the bill?

Mr. TAWNEY. Certainly.

Mr. HULL. Mr. Chairman, on page 19, line 18, after the word "war," I ask that a semicolon be inserted. In line 20, same page, after the word "material," strike out the semicolon and insert a comma.

The CHAIRMAN. Without objection, the amendments will be agreed to.

There was no objection.

Mr. HULL. On page 20, line 3, after the word "scouts," strike out the colon and insert a semicolon.

Mr. OLMSTED. Is that in the interest of economy?

Mr. HULL. That is in the interest of punctuation and to save amendments by the Senate.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. HULL. On page 21, after the word "department," in line 9, strike out the comma and insert a semicolon.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. TAWNEY. Mr. Chairman, there have been some questions asked this afternoon concerning our expenditures in Cuba and whether or not any part of that expenditure is being paid out of the treasury of the Cuban Government. During the consideration of the first emergency appropriation bill at this session, which carried an appropriation of, I think, $150,000 for traveling pay of officers in the Army, the subject came up, and the Secretary of War addressed to the chairman of the Committee on Appropriations a letter completely covering this subject. In view of the discussion this afternoon, I ask unanimous consent that the letter may now be read for the information of the committee and printed in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the letter to which he has just referred may be read and printed in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, December 14, 1906.

MY DEAR MR. TAWNEY: The cost to the United States for the unusual expenditures resulting from the sending of the army of pacification to Cuba amounted on November 30, 1906, to $2,012,632.77, distributed as follows.

Quartermaster's Department:		
Regular supplies	$103,763.82	
Incidental expenses	84,316.79	
Barracks and quarters	22,252.61	
Army transportation	1,321,361.81	
Clothing and camp and garrison equipage	69,204.25	
Horses for cavalry, artillery and engineers	32,500.00	
Emergency fund	105,625.00	
		$1,739,024.28
Pay Department		82,495.89
Signal Corps		66,616.81
Subsistence Department		49,041.56
Medical Department		57,235.15
Engineer Department		17,774.04
Ordnance Department		445.04
Total		2,012,632.77

In addition there will be a continued expense so long as this army remains there, of which an itemized account is being kept. As near

as can be estimated, this will be for the remainder of the current fiscal year as follows:

Quartermaster's Department, for the period Nov. 30, 1906, to June 30, 1907:		
Transportation of the Army and its supplies	$403,503.98	
Horses for cavalry, artillery, and engineers	10,000.00	
Clothing and camp and garrison equipage	50,600.00	
Incidental expenses	293,538.85	
		$757,642.83
Pay Department, $45,831.05 per month, or for the period Nov. 30, 1906, to June 30, 1907		320,817.35
Signal Corps, for the period Nov. 30, 1906, to June 30, 1907		58,000.00
Subsistence Department, $23,925.28 per month, or for period Nov. 30, 1906, to June 30, 1907		167,476.96
Medical Department, for the period Nov. 30, 1906, to June 30, 1907		14,000.00
Total		1,317,937.14

So far these expenditures have been made out of the regular appropriations, supplemented in the case of the Quartermaster's, the Signal Corps, and the Engineer Department out of the allotments made to them from the emergency fund of the War Department. Expenditures from such allotments, so far as reported, are as follows:

Quartermaster's Department	$105,625
Signal Corps	50,000
Engineer Department	10,000
Total	165,625

In my current annual report I say:

"An insurrection against the Government of Cuba that arose during the past summer assumed such proportions by September that the President of that Republic requested the intervention of the United States, under the authority derived from the so-called 'Platt amendment;' and in connection with the establishment of a provisional government for Cuba for the purposes of pacification an expeditionary force of regular troops, aggregating 5,396 men, was dispatched to Cuba and is now there, with Brig. Gen. James F. Bell, Chief of Staff, in command.

"During our first military occupation of Cuba, and while the Army was employed in putting down the insurrection in the Philippines, a large part of the expense involved in such use of the United States Army was made a charge against the revenues of Cuba and the Philippines, respectively.

"Among the classes of army expenditures thus paid out of the Cuban and Philippine treasuries were the following:

"Rent of barracks, hospitals, storehouses, quarters for officers and for enlisted men entitled thereto by the regulations of the United States Army; rent of target ranges, pastures, drill grounds, and similar expenditures; repairs for quarters, and material used in such repairs: services, such as scavengers and policing not required to be performed by troops and prisoners; all expenses necessary in the supply of water; such expenditures as are made from the appropriation for transportation of the Army, as repairs of wagons, transportation material, shoeing of horses and mules, maintenance of vessels and crews used by the Quartermaster's Department in Cuba; surveying instruments and books; expenses connected with the establishment and maintenance of detention camps, material used in disinfection, and similar emergency expenditures; maintenance and operation of telephone and telegraph lines used by the Army; and hire of scouts, guides, and interpreters.

"The sending of an expeditionary force to Cuba of course involves a very considerable expenditure for army purposes additional to that which would be necessary if the same force were employed in their ordinary places of duty. An itemized account of such expenditures is being kept by the Department, and it seems just and proper that the increased cost to the United States of sending expeditionary forces to Cuba should be paid out of the funds of the Cuban treasury."

The authority for the use of the revenues of "occupied territory" is found in the familiar principle of international law which is referred to by Hon. Elihu Root, then Secretary of War, in his letter to the chairman of the Committee on Military Affairs of the House of Representatives, dated May 31, 1902, being House Report No. 2350, Fifty-seventh Congress, first session, and just what procedure was taken and expenditure made is explained in the letter from the then Secretary of War to the Speaker of the House of Representatives, dated May 29, 1900, which is printed as House Document No. 396, Fifty-sixth Congress, first session.

While the present provisional administration of the affairs of the Republic of Cuba is not military but civil in its form, it is in effect and law an assumption of the functions of government. As a necessary corollary to its obligations to maintain stability and to preserve life, liberty, and property, there comes the right to administer and expend such portions of the revenues of the occupied territory as may be necessary for those purposes. Under military occupation the governing control is lodged in the President of the United States. Under the former occupation there was a general direction by the President of the United States for the expenditure of such portions of the revenues of Cuba as might be necessary to maintain peace and order, which extended to all necessary instrumentalities to attain the same. By direction of the Secretary of War, under his order, various expenditures were made by the military governor of Cuba for those objects.

The present government of the island is actually exercised by the President, through the provisional governor of the Republic of Cuba, and he has, by his various decretal orders, appropriated various sums for providing shelter and preserving the health of United States forces on duty in Cuba, to wit:

Decree No. 17, October 13, 1906	$50,000
Degree No. 18, October 13, 1906, general disbursement for necessary expenses from general revenue	
Decree No. 105, October 31, 1906, for rents, maintenance and repairs of public buildings, supplying water to troops, disposal of sewage, screening quarters, constructing shelter, necessary labor, and general sanitation	50,000
Decree No. 173, November 24, 1906, for above purposes	30,000

The necessary expenditures for the above objects, and for others necessary to the due administration of the provisional government, are contemplated to be made from time to time. The purposes for such expenditures are necessary to carry out the beneficial objects of our intervention, and are doomed to be properly payable from the revenues of Cuba, and not of the Government of the United States.

The only question which arises is whether the revenues of the Government of Cuba are sufficient to pay the ordinary expenses of its government and these military expenses besides. I think it might be well to authorize the President or Secretary of War to receive from the Cuban treasury and deposit in the Treasury of the United States such sums as the President shall determine to be equitable and available from the Cuban revenues, and thus reimburse the Treausry of the United States for the expenditures incurred by the United States in the military occupation of the island.

Very respectfully,

SECRETARY OF WAR.

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives, U. S., Washington.

The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States military prison; also ranges and stoves, and appliances for cooking and serving food at posts and on transports, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; and nothing in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1908, or any other act, shall hereafter be held or construed so as to deprive officers of the Army, wherever on duty in the military service of the United States, of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the terms of this act; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing Department orders and reports, $5,500,000: *Provided*, That hereafter fuel may be furnished to commissioned officers on the active list by the Quartermaster's Department, for the actual use of such officers only, at the rate of $3 per cord for standard oak wood, or at an equivalent rate for other kinds of fuel, the amount so furnished to each to be limited to the officer's actual personal necessities as certified to by him: *Provided further*, That no part of the appropriations for the Quartermaster's Department shall be expended on printing, unless the same shall be done by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose. For the fiscal year ending June 30, 1908, whenever the ice machines, steam laundries, and electric plants shall not come in competition with private enterprise for sale to the public, and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may hereafter be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War: *Provided*, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid.

Mr. FITZGERALD. Mr. Chairman, I raise the point of order against lines 17 and 18, on page 23.

Mr. MANN. Mr. Chairman, I reserve the point of order on the first proviso on page 24, commencing on line 17, and also to the proviso, on page 25, to the clause reading "and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War."

The CHAIRMAN (Mr. PERKINS). Does the gentleman from New York wish to be heard on his point of order?

Mr. FITZGERALD. I would like to ask the gentleman from Iowa some questions.

Mr. HULL. Do I understand the gentleman from Illinois to reserve his point of order to the fuel proviso?

Mr. MANN. Yes.

Mr. HULL. What is the point of order of the gentleman from New York?

Mr. FITZGERALD. I raise the point of order to the provision for the "construction and operation of laundries." I desire to know how much of this appropriation it is intended shall be expended to construct new laundries.

Mr. HULL. Mr. Chairman, I would say that on the proposi-

tion of the gentleman from New York [Mr. FITZGERALD] that it is impossible for me to give the exact information as to the amount. My understanding is that it is an extension of the work of putting up laundries they have had heretofore at hospitals, and it is a matter of economy at posts to construct them, and that the amounts that would be expended I should imagine would not be very considerable, but would be something.

Mr. FITZGERALD. Mr. Chairman, when this bill was under consideration last session I called the attention of the committee to the fact that in several items a great number of different matters were included and large lump appropriations made. For instance, this particular paragraph appropriates $5,500,000 for a great number of different items. It is utterly impossible to ascertain either how much is expended for any particular purpose or how much is estimated for that purpose. So far as I am concerned, I said then that I should, as far as I was able, prevent the addition of new language making it possible to do additional things out of such appropriations. These items should have been segregated long ago. The matters should be divided up, so that Members of the House would be able to know just what was being done with the money appropriated.

Mr. HULL. Mr. Chairman, I would say that the different appropriations carry a very large number of items. Congress has never had in detail all the different items specified and the amount to be used for each particular purpose. I doubt if it would be profitable for Congress to have every particular individual item in this large list of materials to be purchased or work to be done estimated for separately and appropriated for separately. I can give the gentleman the only information that I have here in regard to these laundries. I read from the hearings:

> The CHAIRMAN. The next is "For the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions." We have had that laundry business up, and I thought that we authorized you to have laundries.
>
> General HUMPHREY. No, sir. We are authorized to do laundry work. We have some laundries that were established by the Medical Department for sanitary reasons. I think it very desirable to provide that at such posts as the Secretary of War may decide require laundries the machinery may be purchased and fuel for operation supplied, so that laundry for the enlisted men may be done in the posts. I have mentioned that in my annual report, and believe the reasons given are excellent. They are as follows:
>
> "There is urgent need at many military posts for laundry facilities for enlisted men. The work could be done much more economically and with greater convenience than under the present system, or want of system, by which enlisted men have to depend upon private establishments outside of the post, thus making a heavy draft upon their meager resources. Established laundries under military control are also desirable for sanitary reasons, as has heretofore been pointed out by the Surgeon-General of the Army. The present method of having enlisted men's laundry work done at all sorts of places outside of military reservations and which are not under sanitary inspection is a constant menace to health, especially in the island possessions.

Those are the reasons for the items. I think it is subject to a point of order, and I hope that point of order will not be made.

Mr. FITZGERALD. I wish to say that I disagree with the gentleman from Iowa that it is not desirable to have the items of these various paragraphs in this bill specially explained. Last session we discovered that $50,000 had been taken out of the fund for the transportation of the Army in order to test coal. We found a great many instances in which the appropriations were being used for purposes never contemplated by Congress in making the appropriations. In the naval appropriation bill specific appropriations are made for laundries for the barracks of the Marine Corps, and in the estimates of last year $280,000 was asked to put up laundries in connection with the different Marine Corps barracks. The extent of the Marine Corps is very insignificant compared with the Army itself, and if it will require $280,000 to build laundries for the Marine Corps I would hesitate very much to permit the Quartermaster-General to have available $5,500,000 to build laundries for the Army. I know something about the way they use these appropriations. If laundries are required at any specific post, they should be estimated for and passed upon both by the gentleman's committee and by the House. This is simply the opening up of an avenue of great expenditures never yet considered by Congress and not known to Members to be contemplated from a casual examination of the provision. The Book of Estimates for last year shows that the smallest amount, as I recollect, asked for equipping a laundry at a Marine Corps barracks was $6,000. This appropriation authorizes the construction of laundries at any barracks or at any military post, either in the United States or in the island possessions. An astounding sum could be expended under this provision for laundries. I would ask the gentleman from Iowa if he knows whether the increase of $500,000 in this appropriation is intended to cover the proposed erection of laundries under this language of the bill?

Mr. HULL. I will say to the gentleman that the increase of $500,000 was given because of the increased cost of a great many items here, and we cut what they asked down. The estimate was $6,350,000, and we cut that estimate down from that amount to $5,500,000 not on account of laundries, but on account of the belief that they might get through on that amount and it is a limitation upon what they could have. The increase of $500,000 was not on account of laundries, I will say to the gentleman, and I have no idea the amount expended would be anywhere near $500,000, because the Secretary of War would select the posts where they are needed most and thus know what they would have left out of the appropriation to carry on the regular work. There is nothing that can be bought under this appropriation except what is specifically mentioned in the appropriation. The abuses to which the gentleman referred a while ago, or what he called abuses, as to tests of coal, etc., were all out of the transportation of the Army and its supplies.

Mr. FITZGERALD. I think there was some in this particular item——

Mr. HULL. There has been a large growth during the years of making that appropriation shoulder everything else that was not specifically provided for, and when we come to that we have required separate estimates for them in the future, but I think to go into a separate estimate of every one of the things enumerated in this would be to burden our record with a mass of detail that would not be of any particular benefit to the Government.

Mr. FITZGERALD. Well, upon that same line of reasoning we might just as well appropriate one lump sum and let them do as they please with it for the Army.

Mr. HULL. I hardly think that would follow.

Mr. FITZGERALD. I imagine that what we are here for is to know something about the purposes for which this money is to be expended; the more detailed information we have the more efficiently we can discharge the duty that devolves upon us.

Mr. HULL. I do believe the reason given by the Quartermaster-General is exceedingly strong in favor of it, and we ought to give the enlisted force of the Army the privilege of having their laundry done inside of the grounds by sanitary methods.

Mr. FITZGERALD. I agree with the gentleman, but I think Congress ought to determine how much should be expended for a laundry and at what particular place it should be expended, just the same as Congress determines just where and how much shall be expended for a hospital, which is of much more importance to the enlisted men.

Mr. HULL. Congress has never done that in regard to barracks and quarters and military posts. We have given a lump sum.

Mr. FITZGERALD. I said hospitals at those places. We have put a limitation so that they can not expend over $20,000 for any one hospital.

Mr. HULL. In the general hospital appropriation they do not go over $20,000; that is under the law. But generally it is a lump sum and expended under the direction of the Department.

Mr. FITZGERALD. But under this they could expend any amount they pleased for any one laundry. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. Does the Chair understand the gentleman from Iowa to resist the point of order?

Mr. HULL. I do not resist the point of order at all.

The CHAIRMAN. The Chair sustains the point of order. Does the gentleman from Illinois insist upon his point of order, which he has reserved?

Mr. MANN. Mr. Chairman, I reserve the point of order. I do not think there is any question but the paragraph is subject to the point of order.

Mr. HULL. What is it?

Mr. MANN. On page 24, the first proviso, with reference to the charge which the Government shall make for fuel furnished to the commissioned officers.

Mr. HULL. I will say to the gentleman that is the same provision, as I remember, that we had last year.

Mr. MANN. I understand.

Mr. HULL. And I will say to the gentleman, if the word "hereafter" was in last year, this could go out on the ground that it is reenacted law. I am trying to see what is the case. There has never been a time when the Government has not furnished fuel to officers at a certain fixed price.

Mr. MANN. I understand all of that, but here is a proposition to furnish fuel at a great deal less than cost.

Mr. HULL. Yes.

Mr. MANN. Which means not only the kind that you describe, which is standard oak wood——

Mr. HULL. That has always been the standard.

Mr. MANN. Or hard coal, or soft coal, or anything else the man desires to burn.

Mr. HULL. Each class to be the equivalent of that cord of hard wood.

Mr. MANN. Now, we pay a certain salary to a commissioned officer in the Army.

Mr. HULL. Yes.

Mr. MANN. Thereupon we provide in addition that he shall have so much money for the quarters which he does not get. Then we provide that he shall receive his grocery supplies partly at the expense of the Government. Then we provide that he shall receive his fuel partly at the expense of the Government. Then we provide that he shall have his laundry work done.

Mr. HULL. Oh, no; you do not.

Mr. MANN. You just wanted to put in that provision here.

Mr. HULL. These laundries are for the enlisted men—specifically advocated on that line.

Mr. MANN. I understand the gentleman to say that is what they are advocated for, but the provision of the bill not only authorizes the use of these laundries for the benefit of the commissioned men, but for anybody else in the world.

Mr. HULL. No; they all have to pay.

Mr. MANN. Pay what? A fixed charge regardless of the cost. So that I say it is done partly at the expense of the Government.

Mr. HULL. Now, I will read what we passed last year:

Provided, That hereafter fuel may be furnished to commissioned officers on the active list by the Quartermaster's Department.

Mr. Chairman, I am perfectly willing that it should go out. It is simply reenacting existing law.

Mr. MANN. I am perfectly willing it should go out.

Mr. HULL. It goes out because it stays in.

Mr. MANN. That is a question for the Comptroller to determine.

Mr. HULL. The reason for the Government placing fuel at a fixed price is because officers are compelled to go where they are ordered. The same reason that applies to that applies to the rations that are sold to the officers from the commissary stores. Now, under the old law, before the last appropriation act, all of the officers were allowed exactly the same amount for fuel. A man in Cuba got just the same amount allowed that the man in Alaska could buy, and a man in Alaska could not buy a pound more. That was not fair. A man is sent to Alaska in pursuance of the policy of the Government, and he ought not to be compelled, as he would in some places there, to spend practically all of his salary to keep himself warm during the winter and be at a disadvantage with the man who is in a warmer country. It is to equalize the conditions that this was put in, granting an increased allowance under certain conditions. The officer in a cold country is still at a disadvantage. The Government has never, probably, made its fuel account come out even on what they let the officers have. It has never come out even on its commissary account with what it has supplied. And yet the very nature of the service required this must be equalized or else the man with the most undesirable billet in which to serve as an officer would be ruined by the Government on account of such service.

Mr. MANN. Mr. Chairman, I do not know that there will be any objection to letting the officers have fuel partly at the expense of the Government, but it will be highly desirable, if it were possible, for Congress to ascertain what is the compensation paid to the officers in the Army and Navy and other officials of the Government. The gentleman in charge of the bill is not able to tell. I do not think there is an Army officer who can tell.

Mr. KEIFER. Oh, yes.

Mr. MANN. Well, the gentleman from Ohio thinks he can. Let us see.

Mr. KEIFER. No; I did not say that. I stated that the Army officers could.

Mr. MANN. They get their privileges, but nobody knows what is the amount of their compensation. They are provided with a salary, a home, then we let them have partly at our expense their groceries, and we let them have partly at our expense their fuel supplies. We have omitted to add part of the expense of the unnecessary and costly uniforms which the Army Regulations require them to purchase. But nobody knows what the compensation amounts to, and what these things that they get amount to.

Mr. HULL. The amount paid for groceries is more than the amount these articles cost the Government, because 10 per cent is added in all cases, and where transportation has not been included it more than pays the cost to the Government.

Mr. MANN. Is it not a fact that groceries or anything else are not purchased by the officer from the Government unless he can purchase them at the same price or lower price than he can from the grocer?

Mr. HULL. Oh, in the great staple articles the Government, with the 10 per cent added to the original cost, can supply them in all thickly settled parts of the country cheaper than the grocer; but it does not entail a loss on the Government in these cases.

Mr. MANN. The gentleman must not misunderstand me. I do not say it is wrong to do it, but I am seeking to find out, if anybody can tell me, in the midst of the constant demand for increase now prevailing perhaps all over this country; and I would like to inquire what they now get.

Mr. HULL. Take a captain. He gets $1,800 a year.

Mr. MANN. That is his salary.

Mr. HULL. Now, he gets no allowance for quarters unless he is stationed in a city where the Government does not own quarters.

Mr. MANN. And if it does not, under this bill he gets $36 a month.

Mr. HULL. If he is at a post, he has three rooms allotted to him; where there are no quarters he gets $36 per month.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. I ask unanimous consent that I may give this explanation for the benefit of my distinguished friend from Illinois.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. Now, he gets that $1,800; then he gets a 10 per cent increase on that every five years up to 40 per cent increase. So that if he serves twenty years he gets 40 per cent additional pay on account of longevity service. Now, that is called the "longevity" or "bogey" pay, and this can not go beyond the 40 per cent.

Mr. MANN. That is the salary.

Mr. HULL. That is the salary of a captain. Now, he gets the privilege of purchasing such commissary stores as he may desire to purchase from the Government at the cost to the Government, with 10 per cent added.

Mr. MANN. How does anybody know how much that will be, or whether they will buy any?

Mr. HULL. A great many of them do not buy anything.

Mr. MANN. How much does the Government lose in paying out the money in that way?

Mr. HULL. I should say a very trifling sum.

Mr. MANN. Has the gentleman sufficient knowledge to be able to guess?

Mr. HULL. Nobody could tell, unless they could figure each individual purchase and balance profit and loss.

Mr. MANN. That is what I say.

Mr. HULL. It would be so trifling a sum that the gentleman from Illinois would not consider it.

Mr. MANN. I do not see how the gentleman can say it is a trifling sum. What is a cord of standard oak wood worth in the District of Columbia to-day?

Mr. OLMSTED. Eight dollars.

Mr. HULL. The whole of the time that they are at a post they get fuel allowed up to a certain amount at a certain rate. They now get what they need at such a rate. It may not be wood, but can be the equivalent in heating power of wood.

Mr. MANN. It would cost the Government $8 a cord, and they would get it at three, so that at least part of it would be at the expense of the Government.

Mr. HULL. I will ask the gentleman how much his fuel costs him?

Mr. MANN. It costs a great deal. I can tell the gentleman to provide fuel for my modest house here it costs me from $150 to $250 a year.

Mr. HULL. That is a very high price.

Mr. MANN. I burn a great deal of wood, for which we have to pay out of our own pockets and receive no assistance from the Government.

Mr. HULL. But the gentleman must remember that these officers pay a very large part of it out of their pockets.

Mr. MANN. Why not?

Mr. HULL. Why, yes.

Mr. MANN. The Government pays a large part of it.

Mr. HULL. No; it does not pay the larger part.

Mr. MANN. It costs the Government $8 a cord for the wood, and they are only charged three.

Mr. HULL. I think I will undertake to furnish the gentleman with all the wood he wants, if he will take it in considerable quantities, for five dollars and a half a cord.

Mr. MANN. I will take a cord, then, at five dollars and a half. The gentleman is called right now. [Laughter.]

Mr. HULL. I said "in considerable quantities."

Mr. MANN. Oh, nobody buys these things in considerable quantities. We buy them at retail.

Mr. HULL. The Government buys largely at wholesale. I think I can tell the gentleman within a hundred dollars a year all that a captain of the Army gets out of his pay and allowances.

Mr. MANN. I think the gentleman is wide of the mark more than a thousand dollars a year.

Mr. HULL. That is quite a difference of opinion.

Mr. MANN. Yes.

Mr. HULL. And while I ordinarily bow with the greatest respect to the judgment of the gentleman from Illinois, I am compelled at this time to doubt his having figured on the question at all.

The CHAIRMAN (Mr. PERKINS). Does the gentleman from Illinois insist on his point of order?

Mr. MANN. Certainly.

The CHAIRMAN. The Chair sustains the point of order on the proviso beginning with the word "*Provided*," in line 17, on page 24.

Mr. HULL. I concede the point of order, simply on the ground that it is a reenactment of existing law.

Mr. MANN. I should like to ask the gentleman from Iowa what is the reason why the Government should engage in the business of making and selling electric light and power at Army posts?

Mr. HULL. That question was gone into pretty fully last year. It is for the reason that at a great many of these places there are no private electrical plants, there is no ice made, and the people of the locality are favored by the privilege of purchasing it, and it makes no expense to the Government.

Mr. MANN. I was not referring to the provision with reference to ice. I can understand that, but I ask about electric power and light.

Mr. HULL. It is for the same reason, that at many of the Army posts they have electric power, while the villagers have none, and where they can purchase it from the Government it is of great advantage to them, and the amount received for it is covered into the Treasury.

Mr. MANN. Then the gentleman thinks this is an advantageous thing.

Mr. HULL. Provided they do not enter into competition with any private concern, and the Quartermaster-General says there has been no controversy raised at any place, but that it has been a great boon to the people living in these places.

Mr. MANN. I withdraw the point of order on that.

The CHAIRMAN. The point of order is withdrawn. The gentleman, as the Chair understands, has a further point of order reserved. The gentleman reserved a point of order on page 25.

Mr. MANN. That is the one I withdraw. The other one, on page 24, is the one I insisted upon, and that was sustained. I withdraw the point of order on page 25.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order.

Mr. HULL. Concerning the provision on page 24, a reading of the law of last year shows that this is simply a reenactment of the law as it was last year.

The CHAIRMAN. The Chair so understands.

Mr. HULL. It is a reenactment of the present law.

The Clerk read as follows:

For barracks and quarters for troops of the Seacoast Artillery, $1,300,000: *Provided*, That hereafter no part of the appropriations for barracks and quarters shall be expended at brigade posts unless by authority of Congress, and no part of this appropriation shall be expended at posts proposed to be abandoned.

Mr. TAWNEY. I desire to reserve a point of order on this paragraph.

Mr. MILLER. I desire to reserve a point of order to that part of the provision in the last section which is new legislation, "that hereafter no part of the appropriations for barracks and quarters shall be expended at brigade posts unless by authority of Congress."

Mr. TAWNEY. I reserve a point of order on the entire paragraph.

The CHAIRMAN (Mr. CURRIER). The gentleman from Kansas makes a point of order against the entire paragraph, as the Chair understands.

Mr. MILLER. No; against the proviso.

Mr. TAWNEY. I make the point of order against the entire paragraph.

The CHAIRMAN. The gentleman from Minnesota makes the point of order against the entire paragraph. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. HULL. I should like to hear what the gentleman bases his point on.

The CHAIRMAN. The Chair does not care to hear from the gentleman from Minnesota.

Mr. HULL. Then the Chair and the gentleman from Minnesota have discussed it? I supposed the Chair would want to know what the gentleman from Minnesota based his point on, unless he had discussed it with the gentleman.

The CHAIRMAN. No; the Chair has had no discussion with the gentleman from Minnesota, but it is very apparent to the Chair why the point of order is made.

Mr. TAWNEY. The Chair can well admit that the gentleman from Minnesota has not even suggested the point of order to the Chair until now. The gentleman from Iowa is well aware of the fact that this provision is for the construction of new work. It is a provision that has always been carried in the sundry civil bill. The Committee on Military Affairs therefore had no jurisdiction of the subject-matter of the paragraph, as evidenced by the provision now carried in the sundry civil bill, which reads as follows:

Military posts: For the construction and enlargement of buildings at such military posts as, in the judgment of the Secretary of War, may be necessary; for the erection of barracks and quarters for the artillery in connection with adopted project for seacoast defenses, and for the purchase of suitable building sites for said barracks and quarters, $825,000, of which sum $1,000 may be used under direction of the Secretary of War for examination, survey, and plans for an adequate water supply for Fort William Henry Harrison, in the State of Montana; but no part of the money appropriated for military posts shall be used for the purchase of any land except as herein specially provided.

The matter is new legislation in this provision, and it is not germane to the bill reported by the Committee on Military Affairs.

Mr. HULL. Mr. Chairman, I desire to be heard. I have no question in my mind that the Committee on Military Affairs has jurisdiction over barracks and quarters for the line of the Army, whether at seacoast defenses or otherwise. Even if the Committee on Appropriations has heretofore had this matter, gives it no jurisdiction under the rule. In this appropriation this year there were two appropriations submitted by the estimates; that of itself carries with it no jurisdiction, I am willing to concede, because it is in the estimates, but for the artillery even seacoast defenses is just as much under the jurisdiction of the Committee on Military Affairs up to the limit that has been heretofore carried in these bills by the two committees as the buildings at any other post in the country. I suppose we have no jurisdiction whatever to say where these posts shall be located, and we claim none on that. The Committee on Appropriations, having jurisdiction of fortification bills, locate all the fortifications of the country. But giving them the location of fortifications, it does not follow that they buy the clothing; they do not buy the overcoats; they do not buy any of the clothing of the artillery, and they have no more jurisdiction over the barracks and quarters on account of locating the place where the guns shall be emplaced than they have over the overcoats of soldiers.

It seems to me because of this division heretofore we have appropriated for barracks and quarters, and part of the money has been expended at these posts. There has been no restriction upon it; it was simply barracks and quarters. I see no reason why the point of order should be raised against this appropriation simply because in this bill the committee has segregated the items and so appropriate that money for one class of quarters can not be used for another class. If we appropriated in the usual way all could be used at interior posts or all at seacoast defenses. Separating and making specific does not change the matter.

Mr. TAWNEY. Mr. Chairman, one word in reply. It is not that I care anything personally about the jurisdiction between the two committees, but it has always been the policy of Congress, upon the initiation of the Committee on Appropriations, to keep separate and distinct the cost of maintaining the Army and the expense incident to that maintenance and the cost for new construction for new posts. That was the policy of Congress when the Committee on Appropriations had jurisdiction of both the Army appropriation bill and the sundry civil bill. It was for the purpose of enabling Congress to at all times determine from the Army appropriation bill what it was costing the people of the United States to maintain the Army and what it was costing for such new construction or new posts that were not necessarily incident to the maintenance of the Army.

Now, that division was carefully maintained when the Committee on Appropriations had jurisdiction of both bills, and when the jurisdiction over the Army bill was taken from that committee nothing went from the Committee on Appropriations except the items incident to and necessarily involved in the maintenance of the Army. From that time until to-day the Committee on Appropriations have carried in their appropriation bill the provision provided for here.

I think the policy is a good one; I believe it should be maintained. There is no feeling at all on the part of the Committee

on Appropriations because of the attempt to take from the Committee on Appropriations this jurisdiction, but it will necessarily result in the abolition of that policy which I believe to be wise and correct—the policy that enables Congress and the country at all times to know what it is costing to maintain the Army and what the new construction is costing the people incident to the existence of the Army. I think there can be no question whatever about the point of order being well taken, because it does not belong to this bill.

Mr. HULL. Mr. Chairman, I would like to say one word in regard to what has been said by the gentleman from Minnesota that the military bill provides only for the actual cost of maintaining the Army. The answer to that is seen in every appropriation bill since the division of power in the House and the taking away from the Committee on Appropriations of certain appropriations. There has not been a single appropriation bill from the Military Committee that has not provided for barracks and quarters, not one. It is true that when the Committee on Appropriations had the entire subject under its control there was carried in the sundry civil appropriation bill the appropriation for buildings costing more than $20,000, and in the Army appropriation bill appropriations for buildings costing less than $20,000. Yet, unless you construe the language in which they make it as waiving the law, they have violated the law every time they have brought in an appropriation for a larger building. The same law that they invoke against the Military Committee applies to them. It is found on page 281 of the military laws of the United States, and it says:

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress and approved by special appropriations for the same, except when constructed by the troops; and no such structures the cost of which shall exceed $20,000 shall be erected unless by special authority of Congress.

Now, we have carried barracks and quarters in the military bill every year since the division of power. We are entitled to that at least. We have jurisdiction of it. If the gentleman were correct that we are only to legislate on the military bill for the actual expenses of supporting the Army, why have we done all these other things that have been in the nature of construction for every year since the Committee on Military Affairs has had jurisdiction?

The CHAIRMAN. The Chair will ask the gentleman from Iowa if this committee has ever before taken jurisdiction of barracks for seacoast artillery on an appropriation bill?

Mr. HULL. It has never been asked specifically for that. But under our appropriation for barracks and quarters, not limiting it to any other than coast artillery, every dollar we appropriate could have been used there, and much of it has been.

The CHAIRMAN. But the Chair asked the gentleman from Iowa if the bill under consideration does not provide for barracks and quarters for troops other than seacoast artillery.

Mr. HULL. We divided it for this reason: That the appropriation asked for by the two committees had gone beyond the amount that the evidence showed the Department needed for this purpose. If we had appropriated in the other way, as we have done heretofore, it would have meant that they could use every dollar at the seacoast defenses, or they could use every dollar and let that out. The two appropriations asked for from the two committees exceeded by a million of dollars the amount that the Chief of Artillery stated would be necessary. We wanted to make it specific, so that they could not divert this money they asked for from one purpose to another. That is all. We have simply changed the language of the appropriation to make it specific, that they could not use what they ask for for seacoast barracks and quarters at other posts and what they ask for at other posts at the seacoast. Heretofore they could use every dollar at the seacoast defenses or they could refuse to use a dollar there, as they might desire. It does seem to me that simply making it specific does not change it. The only question that can arise is whether a dollar of this money can be used for any building costing more than $20,000, and, in my judgment, it can not under this provision and under the law I have just read.

If we desire to appropriate more than $20,000 to a building, it would be necessary for us to specify each building, and then the same law would apply to the Committee on Military Affairs that applies to the Committee on Appropriations, and the only difference in the language of the appropriation heretofore is that they call it "for military posts" and we call it "for barracks and quarters." It is identically the same thing, and they put in this language, "subject to the discretion of the Secretary of War," and hold that that waives the law and that he can put all the money in one building if he wants to. I think the intent of the law rigidly carried out by Congress would be that you have got to appropriate on detailed estimates for every building that costs more than $20,000, and you have got to make a specific appropriation for the building under the law.

Mr. KAHN. Mr. Chairman, in addition to what the gentleman from Iowa has just said, I would like to make this suggestion: It must be apparent that the Committee on Military Affairs has jurisdiction over this matter; otherwise you would have this anomalous condition. The Military Committee could come in here and make a recommendation for the increase of the Army, and yet they would not be able to furnish quarters for that increase. Therefore I maintain that they have that authority and have always exercised that authority.

Mr. HULL. Let me submit this to the Chairman, just this one proposition. Suppose the Committee on Military Affairs, in place of trying to safeguard this appropriation, had simply said "for barracks and quarters, $6,325,000," as the Department asks. They could have used every dollar of it for what is set out here, submitted in the estimates, not only the $1,300,000, but the whole six million on the coast defenses if they had desired it, because there is no limitation in the language of the estimates and has never been any limitation in former appropriation bills. The Chairman will find on page 37 of the hearings before the Military Committee the matter fully set out for what they desire it. That is the information that enables us to segregate the two items. If we had appropriated as we have heretofore, they could have used $6,000,000 for seacoast defense if they had that number of buildings costing less than $20,000 each.

Mr. TAWNEY. Will the gentleman from Iowa permit a question?

Mr. HULL. Certainly.

Mr. TAWNEY. Is it not a fact there is no estimate made in the estimates submitted under the Army bill for this appropriation?

Mr. HULL. There is an estimate submitted in the estimates for the Army bill for $1,373,000.

Mr. TAWNEY. It is also a fact that the estimate for this item of barracks and quarters, Seacoast Artillery, is submitted as an estimate in the sundry civil expenses of the Government.

Mr. HULL. Just as they do for military posts; and, Mr. Chairman, that is one of the great evils of this class of legislation where two committees have jurisdiction concurrently over the same matters, where if a building costs less than $20,000 they go to one committee and if it costs more than $20,000 it goes to another, making two divisions. They have submitted to the committee in the sundry civil estimate for a certain amount for the same purposes, not only seacoast, but all posts. They claim that those buildings cost more than $20,000. They make this estimate to the Military Committee for $1,373,000 for buildings that could be built and have been built heretofore under the law under the appropriation carried by this bill.

The CHAIRMAN. The suggestion of the Chairman at the time the point of order was made that he did not care to hear the gentleman from Minnesota was based upon the fact that this paragraph is out of order regardless of the question of jurisdiction. This limitation is not confined to this appropriation, but is general in its terms, "*Provided*, That hereafter," etc., and the Chair sustains the point of order.

Mr. HULL. Let me ask the Chairman if he sustains the point of order to the whole paragraph or to the proviso?

The CHAIRMAN. If any part of the paragraph is out of order, the whole paragraph is out of order.

Mr. HULL. Then, Mr. Chairman, I offer the following amendment: "For barracks and quarters for troops of the Seacoast Artillery, $1,300,000."

Mr. TAWNEY. I make the point of order against the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 2, page 31, the following:
"For barracks and quarters for troops of the Seacoast Artillery, $1,300,000."

The CHAIRMAN. And against that the gentleman from Minnesota raises the point of order. The Chair would like to ask the gentleman from Iowa what committee in the past has actually appropriated the money that has built the barracks for the Seacoast Artillery?

Mr. HULL. I should say that the amount over $20,000 in a building had been appropriated by the Committee on Appropriations, and that all costing $20,000 and less by the Committee on Military Affairs.

The CHAIRMAN. Well, has the gentleman any positive knowledge what committee has actually appropriated the money which has gone to build this class of buildings?

Mr. HULL. I have not, but if the Chair will hold the matter up until to-morrow morning I can give positive knowledge one way or the other.

Mr. TAWNEY. I wish to say in reply to the Chair that the construction of barracks and quarters for the Army out of the appropriations made by the Military Committee have been made out of the general appropriation expended under the statute passed, as I now recollect it, in 1843, and have applied exclusively to barracks and quarters of the Army, not the seacoast defense at all, with a limit on the expenditure to $20,000 for each building. That is the only appropriation that has ever come from the Committee on Military Affairs relating to barracks and quarters. No appropriation has ever been made——

The CHAIRMAN. You are referring to Seacoast Artillery?

Mr. TAWNEY. I am not referring to Seacoast Artillery.

The CHAIRMAN. To barracks generally.

Mr. TAWNEY. To barracks of the Army. If there is any appropriation for seacoast defense it has been carried heretofore in the sundry civil appropriation bill.

Mr. HULL. As a separate item; have you carried it as a separate item or as military posts?

Mr. TAWNEY. Carried it just as we carry it in the current law. It is for military posts, and in the body of the item "For the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense and for the purchase of suitable building sites," etc.

It is under the title "Military posts," but the language of the law especially authorizes the appropriation for the erection of barracks and quarters for the seacoast artillery in connection with adopted projects for seacoast defenses. That is the language of the appropriation for this purpose in the sundry civil bill, and always has been.

Mr. HULL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, the Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908, and had come to no resolution thereon.

FORTIFICATION APPROPRIATION BILL.

Mr. SMITH of Iowa, a member of the Committee on Appropriations, reported the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; which was read the first and second time, and referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WILLIAMS. I desire to reserve all points of order.

WITHDRAWAL OF PAPERS.

Mr. DOVENER, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Ella F. Sydnor, H. R. 1763, Fifty-sixth Congress, no adverse report having been made thereon.

Also, to withdraw from the files of the House, without leaving copies, the papers in the case of John F. Starcher, H. R. 10167, Fifty-seventh Congress, no adverse report having been made thereon.

Mr. ROBINSON of Arkansas, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Fannie Hay Maffit, H. R. 3968, Fifty-ninth Congress, and H. R. 7230, Fifty-eighth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 43 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting, with a copy of a letter from the Secretary of War, an estimate of deficiency appropriation for the War Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Long Island channel and Rockaway Inlet, New York—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Newark Bay and Passaic River, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Columbia River and tributaries, Oregon and Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting papers in the pension case of Mary Murray, with recommendations of relief—to the Committee on Pensions.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BIRDSALL, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 6855) to amend the act approved August 19, 1890, entitled, "An act to adopt regulations for preventing collisions at sea," reported the same without amendment, accompanied by a report (No. 6055); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. J. Res. 190) extending protection of second proviso of section 1 of the act of December 21, 1904, to certain entrymen, reported the same without amendment, accompanied by a report (No. 6120); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CUSHMAN, from the Committee on Private Land Claims, to which was referred the bill of the Senate (S. 5531) for the relief of Francisco Krebs, reported the same without amendment, accompanied by a report (No. 6054); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 22291) to authorize the reappointment of Harry McL. P. Huse to the active list of the Navy, reported the same with amendment, accompanied by a report (No. 6056); which said bill and report were referred to the Private Calendar.

Mr. SOUTHARD, from the Committee on War Claims, to which was referred the bill of the House (H. R. 15562) providing for the payment of an amount found by the Court of Claims to be due John J. Vincent, reported the same with amendment, accompanied by a report (No. 6057); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 16793) for the relief of A. Boschke, civil engineer, reported the same without amendment, accompanied by a report (No. 6058); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19354) granting three months' pay proper to Henry C. Pearson, reported the same without amendment, accompanied by a report (No. 6059); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 20069) for the relief of John D. McLain, reported the same without amendment, accompanied by a report (No. 6060); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 874, reported in lieu thereof a resolution (H. Res. 680) referring to the Court of Claims the papers in the case of Peter Dougherty, accompanied by a report (No. 6064); which said resolution and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House H. R. 1257, reported in lieu thereof a resolution (H. Res. 681) referring to the Court of Claims the papers in the case of William Offutt, deceased, accompanied by a report (No. 6065); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 1258, reported in lieu thereof a resolution (H. Res. 682) referring to the Court of Claims the papers in the case of William Taylor, accompanied by a report (No. 6066); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 1446, reported in lieu thereof a resolution (H. Res. 683) referring to the Court of Claims the papers in the case of Lucy M. Fisher, accompanied by a report (No. 6067); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 2167, reported in lieu thereof a resolution (H. Res. 684) referring to the Court of Claims the papers in the case of William W. Callahan, administrator, accompanied by a report (No. 6068); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 2166, reported in lieu thereof a resolution (H. Res. 685) referring to the Court of Claims the papers in the case of Salina E. Lauderdale, accompanied by a report (No. 6069); which said resolution and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House H. R. 1571, reported in lieu thereof a resolution (H. Res. 686) referring to the Court of Claims the papers in the case of Joseph White, deceased, accompanied by a report (No. 6070); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 2993, reported in lieu thereof a resolution (H. Res. 687) referring to the Court of Claims the papers in the case of Mrs. E. W. Williams, accompanied by a report (No. 6071); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 3474, reported in lieu thereof a resolution (H. Res. 688) referring to the Court of Claims the papers in the case of J. B. Chandler and D. B. Cox, accompanied by a report (No. 6072); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 3824, reported in lieu thereof a resolution (H. Res. 689) referring to the Court of Claims the papers in the case of Mason Shipman, accompanied by a report (No. 6073); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 3827, reported in lieu thereof a resolution (H. Res. 690) referring to the Court of Claims the papers in the case of Luther H. Potterfield, accompanied by a report (No. 6074); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 3902, reported in lieu thereof a resolution (H. Res. 691) referring to the Court of Claims the papers in the case of Napoleon B. Watkins, accompanied by a report (No. 6075); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 3903, reported in lieu thereof a resolution (H. Res. 692) referring to the Court of Claims the papers in the case of George M. Fry, accompanied by a report (No. 6076); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 3919, reported in lieu thereof a resolution (H. Res. 693) referring to the Court of Claims the papers in the case of Virginia E. Ficklin and James W. Ficklin, accompanied by a report (No. 6077); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 3957, reported in lieu thereof a resolution (H. Res. 694) referring to the Court of Claims the papers in the case of John McDermott, accompanied by a report (No. 6078); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 4902, reported in lieu thereof a resolution (H. Res. 695) referring to the Court of Claims the papers in the case of J. W. McConnell, accompanied by a report (No. 6079); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 5078, reported in lieu thereof a resolution (H. Res. 696) referring to the Court of Claims the papers in the case of the estate of John Hogan, accompanied by a report (No. 6080); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 5942, reported in lieu thereof a resolution (H. Res. 697) referring to the Court of Claims the papers in the case of the estate of Richard M. Harrison, deceased, accompanied by a report (No. 6081); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 5943, reported in lieu thereof a resolution (H. Res. 698) referring to the Court of Claims the papers in the case of W. H. Harrison, accompanied by a report (No. 6082); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 5947, reported in lieu thereof a resolution (H. Res. 699) referring to the Court of Claims the papers in the case of Richard Wiseman, deceased, accompanied by a report (No. 6083); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 5951, reported in lieu thereof a resolution (H. Res. 700) referring to the Court of Claims the papers in the case of Lettie Myers, accompanied by a report (No. 6084); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 6456, reported in lieu thereof a resolution (H. Res. 701) referring to the Court of Claims the papers in the case of Robert H. Holland, accompanied by a report (No. 6085); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 7614, reported in lieu thereof a resolution (H. Res. 702) referring to the Court of Claims the papers in the case of Peter Sheets, deceased, accompanied by a report (No. 6086); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 7646, reported in lieu thereof a resolution (H. Res. 703) referring to the Court of Claims the papers in the case of Johnson Miller, deceased, accompanied by a report (No. 6087); which said resolution and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House H. R. 7779, reported in lieu thereof a resolution (H. Res. 704) referring to the Court of Claims the papers in the case of Protestant Orphan Asylum at Natchez, Miss., accompanied by a report (No. 6088); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 7817, reported in lieu thereof a resolution (H. Res. 705) referring to the Court of Claims the papers in the case of the heirs and representatives of Thomas B. Benson, deceased, accompanied by a report (No. 6089); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 9049, reported in lieu thereof a resolution (H. Res. 706) referring to the Court of Claims the papers in the case for the relief of estate of Bennett Robertson, deceased, accompanied by a report (No. 6090); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 9348, reported in lieu thereof a resolution (H. Res. 707) referring to the Court of Claims the papers in the case of Edwin Calhoun, accompanied by a report (No. 6091); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 9349, reported in lieu thereof a resolution (H. Res. 708) referring to the Court of Claims the papers in the case of W. F. Parker, accompanied by a report (No. 6092); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 11195, reported in lieu thereof a resolution (H. Res. 709) referring to the Court of Claims the papers in the case of the estate of Josuah Parnell, deceased, accompanied by a report (No. 6093); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 11697, reported in lieu thereof a resolution (H. Res. 710) referring to the Court of Claims the papers in the case of W. H. Padrick, deceased, accompanied by a report (No. 6094); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 11828, reported in lieu thereof a resolution (H. Res. 711) referring to the Court of Claims the papers in the case of Henry Gannon, deceased, accompanied by a report (No. 6095); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 11830, reported in lieu thereof a resolution (H. Res. 712) referring to the Court of Claims the papers in the case of Oliver Milburn, deceased, accompanied by a report (No. 6096); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 11831, reported in lieu thereof a resolution (H. Res. 713) referring to the Court of Claims the papers in the case of John Whittington, accompanied by a report (No. 6097); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 11857, reported in lieu thereof a resolution (H. Res. 714) referring to the Court of Claims the papers in the case of the estate of James Johnson, deceased, accompanied by a report (No. 6098); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 11965, reported in lieu thereof a resolution (H. Res. 715) referring to the Court of Claims the papers in the case of the estate of Henry Vedrine et al., accompanied by a report (No. 6099); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 12110, reported in lieu thereof a resolution (H. Res. 716) referring to the Court of Claims the papers in the case of the estate of Aaron Turner, deceased, accompanied by a report (No. 6100); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 12527, reported in lieu thereof a resolution (H. Res. 717) referring to the Court of Claims the papers in the case of Dr. J. J. Crunk, accompanied by a report (No. 6101); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 12668, reported in lieu thereof a resolution (H. Res. 718) referring to the Court of Claims the papers in the case of Jonathan Poulk, deceased, accompanied by a report (No. 6102); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 12722, reported in lieu thereof a resolution (H. Res. 719) referring to the Court of Claims the papers in the case of William M. Goforth, accompanied by a report (No. 6103); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 12817, reported in lieu thereof a resolution (H. Res. 720) referring to the Court of Claims the papers in the case of the estate of H. B. Henegar, deceased, accompanied by a report (No. 6104); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 12893, reported in lieu thereof a resolution (H. Res. 721) referring to the Court of Claims the papers in the case of A. J. Bryson, accompanied by a report (No. 6105); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 13290, reported in lieu thereof a resolution (H. Res. 722) referring to the Court of Claims the papers in the case of Mount Zion Church, of Williamson County, Tenn., accompanied by a report (No. 6106); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 17302, reported in lieu thereof a resolution (H. Res. 723) referring to the Court of Claims the papers in the case of James Inman, accompanied by a report (No. 6107); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 13353, reported in lieu thereof a resolution (H. Res. 724) referring to the Court of Claims the papers in the case of the heirs of Mary A. Summerhill, deceased, accompanied by a report (No. 6108); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 17609, reported in lieu thereof a resolution (H. Res. 725) referring to the Court of Claims the papers in the case of James T. Dodson, accompanied by a report (No. 6109); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 17764, reported in lieu thereof a resolution (H. Res. 726) referring to the Court of Claims the papers in the case of Lewis B. Brasher, accompanied by a report (No. 6110); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 18004, reported in lieu thereof a resolution (H. Res. 727) referring to the Court of Claims the papers in the case of Frederick A. Holden, accompanied by a report (No. 6111); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 18055, reported in lieu thereof a resolution (H. Res. 728) referring to the Court of Claims the papers in the case of the estate of Solomon Landis, deceased, accompanied by a report (No. 6112); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 18101, reported in lieu thereof a resolution (H. Res. 729) referring to the Court of Claims the papers in the case of the heirs of Edward and William Holderby, accompanied by a report (No. 6113); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 18796, reported in lieu thereof a resolution (H. Res. 730) referring to the Court of Claims the papers in the case of the Grand Lodge Independent Order of Odd Fellows of the State of Tennessee, accompanied by a report (No. 6114); which said resolution and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House H. R. 19742, reported in lieu thereof a resolution (H. Res. 731) referring to the Court of Claims the papers in the case of the estate of George E. House, deceased, accompanied by a report (No. 6115); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 19972, reported in lieu thereof a resolution (H. Res. 732) referring to the Court of Claims the papers in the case of Martha A. Davis, accompanied by a report (No. 6116); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 19982, reported in lieu thereof a resolution (H. Res. 733) referring to the Court of Claims the papers in the case of Robert Michaels, accompanied by a report (No. 6117); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 21865, reported in lieu thereof a resolution (H. Res. 734) referring to the Court of Claims the papers in the case of John B. Page, accompanied by a report (No. 6118); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 22600, reported in lieu thereof a resolution (H. Res. 735) referring to the Court of Claims the papers in the case of Lillie L. Penrod, sole heir of Mary E. Wycough, accompanied by a report (No. 6119); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House (H. R. 16485) for the relief of the estate of John T. McCord, deceased, reported the same, accompanied by an adverse report (No. 6061); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 18117) for the relief of Oscar Von

Hoffman, reported the same, accompanied by an adverse report (No. 6062); which said bill and report were laid on the table.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 21701) for the relief of Joseph V. Cunningham and other officers of the Philippine Volunters, reported the same, accompanied by an adverse report (No. 6063); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WEEKS: A bill (H. R. 23815) to purchase a painting of the battle of Gettysburg—to the Committee on the Library.

By Mr. PEARRE: A bill (H. R. 23816) to prevent intimidation and corruption of voters at all primary elections and at all general elections held for the purpose of nominating or electing any person to any political office under the Constitution and laws of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, a bill (H. R. 23817) granting pensions to certain enlisted men, soldiers and officers who served in the war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23818) to provide for fixing a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye, and other grains, and for other purposes—to the Committee on Agriculture.

By Mr. SHERMAN: A bill (H. R. 23819) to amend an act entitled "An act to regulate commerce," approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: A bill (H. R. 23820) for the erection of a monument to the memory of Philip Kearny—to the Committee on the Library.

By Mr. SMITH of Iowa, from the Committee on Appropriations: A bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes—to the Union Calendar.

By Mr. STANLEY: A bill (H. R. 23822) for dredging and removing sand bars in Ohio River near Hawesville and Uniontown, Ky., and near the mouth of Green River—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS: A bill (H. R. 23823) to provide reciprocal free trade in coal between the United States and the Dominion of Canada—to the Committee on Ways and Means.

By Mr. PEARRE: A bill (H. R. 23824) to require an accounting of money expended in elections, to provide for the filing of statements of receipts and disbursements of political committees with the Secretary of the Department of Commerce and Labor, and to prohibit corporations and national banking associations from directly or indirectly paying or contributing any money, property, or thing of value to any political committee or to any candidate for nomination or election to any office under he Constitution and laws of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SOUTHWICK: A bill (H. R. 23825) to protect the rights of any owner of letters patent for an invention—to the Committee on Patents.

By Mr. BROWN: A bill (H. R. 23826) for the settlement of conflicting claims of the State of Wisconsin and its grantees and of the La Pointe band and other Chippewa Indians to lands on sections 16 in La Pointe Indian Reservation, in Ashland County, Wis.—to the Committee on Indian Affairs.

By Mr. MURPHY: A bill (H. R. 23827) providing that the hours of service of certain employees engaged in operating any railroad engaged in interstate commerce in the United States shall be limited to not more than eight hours in any twenty-four consecutive hours, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 23828) to amend an act approved February 24, 1905, for the protection of persons furnishing labor, materials, plans, and supplies for the construction of public works—to the Committee on the Judiciary.

Also, a bill (H. R. 23829) to provide for the computation of salaries of employees of the Government for fractional parts of a month—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 23830) governing the maintenance of stock yards, slaughterhouses, and packing houses in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PEARRE: A joint resolution (H. J. Res. 215) proposing amendments to the Constitution of the United States, and providing for the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 680) referring claim to Court of Claims (bill H. R. 874)—to the Private Calendar.

By Mr. HOLLIDAY, from the Committee on War Claims: A resolution (H. Res. 681) referring claim to Court of Claims (bill H. R. 1257)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 682) referring claim to Court of Claims (bill H. R. 1258)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 683) referring claim to Court of Claims (bill H. R. 1446)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 684) referring claim to Court of Claims (bill H. R. 2167)—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 685) referring claim to Court of Claims (bill H. R. 2166)—to the Private Calendar.

By Mr. HOLLIDAY, from the Committee on War Claims: A resolution (H. Res. 686) referring claim to Court of Claims (bill H. R. 1571)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 687) referring claim to Court of Claims (bill H. R. 2993)—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 688) referring claim to Court of Claims (bill H. R. 3474)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 689) referring claim to Court of Claims (bill H. R. 3824)—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 690) referring claim to Court of Claims (bill H. R. 3827)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 691) referring claim to Court of Claims (bill H. R. 3902)—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 692) referring claim to Court of Claims (bill H. R. 3903)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 693) referring claim to Court of Claims (bill H. R. 3919)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 694) referring claim to Court of Claims (bill H. R. 3957)—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 695) referring claim to Court of Claims (bill H. R. 4902)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 696) referring claim to Court of Claims (bill H. R. 5078)—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 697) referring claim to Court of Claims (bill H. R. 5942)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 698) referring claim to Court of Claims (bill H. R. 5943)—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 699) referring claim to Court of Claims (bill H. R. 5947)—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 700) referring claim to Court of Claims (bill H. R. 5951)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 701) referring claim to Court of Claims (bill H. R. 6456)—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 702) referring claim to Court of Claims (bill H. R. 7614)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 703) referring claim to Court of Claims (bill H. R. 7646)—to the Private Calendar.

By Mr. KENNEDY of Nebraska, from the Committee on War Claims: A resolution (H. Res. 704) referring claim to Court of Claims (bill H. R. 7779)—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 705) referring claim to Court of Claims (bill H. R. 7817)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 706) referring claim to Court of Claims (bill H. R. 9049)—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee

on War Claims: A resolution (H. Res. 707) referring claim to Court of Claims (bill H. R. 9348)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 708) referring claim to Court of Claims (bill H. R. 9349)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 709) referring claim to Court of Claims (bill H. R. 11195)—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 710) referring claim to Court of Claims (bill H. R. 11697)—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 711) referring claim to Court of Claims (bill H. R. 11828)—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 712) referring claim to Court of Claims (bill H. R. 11830)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 713) referring claim to Court of Claims (bill H. R. 11831)—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 714) referring claim to Court of Claims (bill H. R. 11857)—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 715) referring claim to Court of Claims (bill H. R. 11965)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 716) referring claim to Court of Claims (bill H. R. 12110)—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 717) referring claim to Court of Claims (bill H. R. 12527)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 718) referring claim to Court of Claims (bill H. R. 12668)—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 719) referring claim to Court of Claims (bill H. R. 12722)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 720) referring claim to Court of Claims (bill H. R. 12817)—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 721) referring claim to Court of Claims (bill H. R. 12893)—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 722) referring claim to Court of Claims (bill H. R. 13290)—to the Private Calendar.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 723) referring claim to Court of Claims (bill H. R. 17302)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 724) referring claim to Court of Claims (bill H. R. 13353)—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res 725) referring claim to Court of Claims (bill H. R. 17609)—to the Private Calendar.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 726) referring claim to Court of Claims (bill H. R. 17764)—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 727) referring claim to Court of Claims (bill H. R. 18004)—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 728) referring claim to Court of Claims (bill H. R. 18055)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 729) referring claim to Court of Claims (bill H. R. 18101)—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 730) referring claim to Court of Claims (bill H. R. 18796)—to the Private Calendar.

By Mr. KENNEDY of Nebraska, from the Committee on War Claims: A resolution (H. Res. 731) referring claim to Court of Claims (bill H. R. 19742)—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 732) referring claim to Court of Claims (bill H. R. 19972)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 733) referring claim to Court of Claims (bill H. R. 19982)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 734) referring claim to Court of Claims (bill H. R. 21865)—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 735) referring claim to Court of Claims (bill H. R. 22600)—to the Private Calendar.

By Mr. BRADLEY: A resolution (H. Res. 736) referring to the Court of Claims bill H. R. 20575—to the Committee on Claims.

By Mr. MONDELL: A resolution (H. Res. 737) to pay to Mrs. Alberta De Lario a certain sum of money—to the Committee on Accounts.

By Mr. HULL: A resolution (H. Res. 738) providing for provision in the Army bill creating grade of Lieutenant-General of the Army—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ACHESON: A bill (H. R. 23831) granting an increase of pension to Joseph R. Day—to the Committee on Invalid Pensions.

By Mr. ALLEN of New Jersey: A bill (H. R. 23832) granting an increase of pension to John H. Aughey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23833) granting an increase of pension to Mary M. Howell—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 23834) granting an increase of pension to Samuel Langmaid—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 23835) granting an increase of pension to John O. Evans—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 23836) for the relief of Thomas J. Akins, assistant treasurer of the United States at St. Louis, Mo.—to the Committee on Claims.

Also, a bill (H. R. 23837) granting a pension to Peter Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23838) granting an increase of pension to Frederick Spies—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23839) to correct the military record of John Quasse—to the Committee on Military Affairs.

By Mr. BARTLETT: A bill (H. R. 23840) for the relief of Mary Wellmaker—to the Committee on War Claims.

Also, a bill (H. R. 23841) granting an increase of pension to Kate C. Bishop—to the Committee on Pensions.

By Mr. BOWIE: A bill (H. R. 23842) for the relief of Joseph H. Parsons, heir of Lewis E. Parsons of Talladega, Ala.—to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 23843) granting an increase of pension to Frances A. Barker—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 23844) granting a pension to Edwin F. Foster, alias Paul Gillon—to the Committee on Pensions.

Also, a bill (H. R. 23845) granting an increase of pension to George W. Cassle—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 23846) granting an increase of pension to Sarah Ann Kendig—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 23847) for the relief of William Donnelly and Patrick Egan—to the Committee on Military Affairs.

By Mr. CHAPMAN: A bill (H. R. 23848) granting a pension to James W. Shuffelbarger—to the Committee on Pensions.

Also, a bill (H. R. 23849) granting an increase of pension to Charles A. Mathews—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 23850) granting an increase of pension to William Freeman—to the Committee on Pensions.

Also, a bill (H. R. 23851) granting an increase of pension to Isaac F. Smith—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 23852) granting an increase of pension to James G. Crozer—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 23853) granting an increase of pension to Frank Ellis—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 23854) granting an increase of pension to Henry Allen—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 23855) granting a pension to Sarah E. Selders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23856) granting an increase of pension to Charles T. Alcock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23857) granting an increase of pension to Isaac C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23858) granting an increase of pension to Hugh M. Cox—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 23859) granting an increase of pension to Mark D. Lillie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23860) granting an increase of pension to William G. Cummings—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 23861) granting a pension to William L. Snider—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 23862) granting an increase of pension to Thomas Gagan—to the Committee on Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 23863) granting an increase of pension to Daniel Mayer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23864) granting an increase of pension to James A. Miller—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 23865) granting an increase of pension to John Sanford Mott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23866) granting an increase of pension to Silas Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23867) granting an increase of pension to Joseph Rickey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23868) granting an increase of pension to George Buchanan—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 23869) for the relief of George E. Hoffman—to the Committee on War Claims.

Also, a bill (H. R. 23870) granting an increase of pension to America J. Austin—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 23871) granting a pension to Hazlewood A. C. Bradfute—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 23872) granting an increase of pension to Charles Blacker—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 23873) granting a pension to John E. Drohan—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 23874) granting an increase of pension to William R. Horn—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 23875) granting an increase of pension to William M. Moore—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 23876) granting an increase of pension to William E. Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23877) granting an increase of pension to Mary A. Edwards—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 23878) granting a pension to Lena Wing—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 23879) granting an increase of pension to Elizabeth Hodge—to the Committee on Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 23880) granting an increase of pension to Winfield S. Howe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23881) granting an increase of pension to Henry R. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23882) granting a pension to Mary W. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23883) granting a pension to Mary E. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23884) granting a pension to Mary K. Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23885) to correct the military record of Edgar Crockett—to the Committee on Military Affairs.

Also, a bill (H. R. 23886) to remove the charge of desertion from the naval record of Samuel E. Wadsworth, alias William Smith, second—to the Committee on Naval Affairs.

By Mr. LOWDEN: A bill (H. R. 23887) granting an increase of pension to Silas C. Yingling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23888) granting an increase of pension to Myron H. Perrigo—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 23889) authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.—to the Committee on the Public Lands.

By Mr. MOORE of Pennsylvania: A bill (H. R. 23890) granting an increase of pension to Jacob B. Haslam—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 23891) granting an increase of pension to William Sawyer—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 23892) granting an increase of pension to Zachariah T. Houseman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23893) to remove the charge of desertion and grant an honorable discharge to Henry Lowmaster—to the Committee on Military Affairs.

By Mr. OTJEN: A bill (H. R. 23894) granting an increase of pension to Ulysses J. Wannemaker—to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 23895) granting an increase of pension to Elijah W. Adkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23896) for the relief of W. A. Coffman—to the Committee on War Claims.

By Mr. PATTERSON of North Carolina: A bill (H. R. 23897) for the relief of the estate of Henry Carter, sr., deceased—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 23898) for the relief of R. Jane Brewer—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 23899) granting an increase of pension to James P. Hanna—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 23900) granting a pension to Rebecca B. Baker—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 23901) granting an increase of pension to William E. Sigler—to the Committee on Pensions.

Also, a bill (H. R. 23902) granting an increase of pension to John Ogden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23903) for the relief of Evan Knecht—to the Committee on War Claims.

By Mr. SHARTEL: A bill (H. R. 23904) granting an increase of pension to Joseph H. Cox—to the Committee on Pensions.

Also, a bill (H. R. 23905) granting an increase of pension to E. B. Platt—to the Committee on Pensions.

Also, a bill (H. R. 23906) granting an increase of pension to Elbert C. Taylor—to the Committee on Pensions.

Also, a bill (H. R. 23907) granting an increase of pension to Andrew M. Douglass—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 23908) granting an increase of pension to Jacob Konigstein—to the Committee on Invalid Pensions.

By Mr. SMITH of Pennsylvania: A bill (H. R. 23909) granting an increase of pension to David S. Cochran—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 23910) granting an increase of pension to James O'Neal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23911) granting an increase of pension to Samuel Stauffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23912) granting an increase of pension to James E. Fitzgerald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23913) granting an increase of pension to James H. Arrowsmith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23914) granting an increase of pension to Russell Punteney—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 23915) granting a pension to William Stegal—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 23916) granting an increase of pension to Emil Umlauft—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23917) granting an increase of pension to Solomon Marsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23918) granting an increase of pension to Thomas M. Dukehart—to the Committee on Pensions.

By Mr. WATSON: A bill (H. R. 23919) granting a pension to Edgar C. Harris—to the Committee on Pensions.

Also, a bill (H. R. 23920) granting a pension to John W. Ross—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 23921) granting a pension to Anna E. Lucas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23922) to carry out the findings of the Court of Claims in the case of John W. Brooks, son of Isaac Brooks, deceased—to the Committee on War Claims.

By Mr. WILSON: A bill (H. R. 23923) granting an increase of pension to Elizabeth B. Thomason—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 23924) granting a pension to William S. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23925) granting a pension to Mary Bemus—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which was thereupon referred as follows:

A bill (H. R. 23772) granting an increase of pension to

Temperance Davis—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Spokane (Wash.) Chamber of Commerce, for increase of salaries of Representatives and Senators in Congress—to the Committee on Appropriations.

By Mr. ALLEN of New Jersey: Petition of the Forestry Club, State Federation of Women's Clubs, for establishment of an eastern forest reserve—to the Committee on Agriculture.

Also, petition of the Association of Army Nurses of the Civil War, for the Dalzell bill pensioning ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

Also, petition of the Woman's Reading Club of Rutherford, N. J., against the tariff on art works—to the Committee on Ways and Means.

By Mr. ANDRUS: Paper to accompany bill for relief of William F. Judson—to the Committee on War Claims.

Also, petition of the Yonkers Federation of Labor, against employment of Chinese laborers on the Panama Canal—to the Committee on Labor.

By Mr. BARCHFELD: Petitions of citizens of Floyd County, Ind.; citizens of Shelby County, Iowa, and citizens of Mecosta, Mich., against legislation to regulate the practice of osteopathy in the District of Columbia (bill S. 5221)—to the Committee on the District of Columbia.

Also, petition of conductors, engineers, and brakemen of the Pittsburg division of the Southwestern System, against the sixteen-hour railway bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pittsburg Composition Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BARTLETT: Paper to accompany bill for relief of Mary Wellmoder—to the Committee on War Claims.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Jennie A. Tall—to the Committee on Invalid Pensions.

By Mr. BOWIE: Petition of Milton A. Smith, of Anniston, Ala., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURTON of Ohio: Petition of Major Cramer Camp, United Spanish War Veterans, Department of Ohio, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. CAPRON: Paper to accompany bill for relief of Gifford M. Bridges—to the Committee on Invalid Pensions.

By Mr. CASSEL: Paper to accompany bill for relief of Sarah Ann Kendig—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: Petition of the Publishers' League, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Association of Army Nurses of the Civil War, for the Dalzell bill pensioning ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Freeman—to the Committee on Pensions.

Also, petition of the Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. CROMER: Paper to accompany bill for relief of Kenneth M. Burr—to the Committee on War Claims.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of William E. Armstrong—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: Petition of the Acme Publishing Company, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Sophie F. Hunter—to the Committee on Pensions.

By Mr. DOVENER: Paper to accompany bill for relief of John J. Robinson—to the Committee on Invalid Pensions.

Also, petition of conductors, engineers, and brakemen of the Pittsburg division of the Southwest System, against the sixteen-hour railway bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of the Association of Army Nurses of the Civil War, for the Dalzell bill pensioning ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. EDWARDS: Paper to accompany bill for relief of Robert Hardwick—to the Committee on War Claims.

Also, paper to accompany bill for relief of Lucretia Hone—to the Committee on Invalid Pensions.

Also, petition of Ex-Prisoners of War Association, for bill S. 3195 and the Dalzell bill (H. R. 9, Fifty-ninth Congress)—to the Committee on Invalid Pensions.

Also, petition of the National Camp and the Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Elkhorn Council, No. 126, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of William D. Wolford—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Aguilla B. Gilliland—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of William L. Southgate—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John W. Hardwick—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Thomas J. Wells—to the Committee on Military Affairs.

Also, petition of the Daily World, Helena, Ark., against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of James McKelvey—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of John Hurst (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Camp Luzon, No. 1, Army of the Philippines, favoring H. R. 18276 (medals for service in Philippine war)—to the Committee on Military Affairs.

Also, petition of the Chicago Board of Trade, favoring one-third of Government shipments for Panama from the port of New Orleans and Gulf ports—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. H. Bliss, for bill S. 2165, to pension military telegraph operators of the Army in the civil war—to the Committee on Invalid Pensions.

Also, petition of the Marseilles Plaindealer, for modification of the railway rate law so that advertising can be exchanged for transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Paper to accompany bill for relief of Mrs. America J. Austin—to the Committee on Invalid Pensions.

By Mr. GRANGER: Petition of the Rhode Island Horticultural Society, of Providence, R. I., against free distribution of seeds—to the Committee on Agriculture.

By Mr. GRIGGS: Petition of the Times-Enterprise, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of the Willimantic (Conn.) Board of Trade, favorable to an increase of the salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of the Franco-American Food Company, of Jersey City, N. J., urging modification of the meat-inspection bill—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Edward Simmons—to the Committee on Claims.

By Mr. JOHNSON: Papers to accompany bills for relief of Mary A. Edwards and William E. Richardson—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: Petition of the International Seaman's Union, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Publishers' League, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Evening Review, East Liverpool, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Local Union No. 17, N. B. of O. P., against employment of all Asiatic cooly labor on the Panama Canal Zone—to the Committee on Labor.

By Mr. LINDSAY: Petition of the Mission Promoting Association of San Francisco, for remittance of the duty on lumber for building purposes in San Francisco—to the Committee on Ways and Means.

Also, petition of the Association of Army Nurses of the Civil War, favoring enactment of the Dalzell bill relative to pensioning ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. McKINNEY: Petitions of the Rock Island (Ill.) News, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MADDEN: Petition of citizens of Washington, D. C., favoring legislation for reduction of the price of gas in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MEYER: Paper to accompany bill for relief of Antonio Hook (previously referred to the Committee on Invalid Pensions)—to the Committee on War Claims.

By Mr. MURPHY: Paper to accompany bill for relief of David T. Johnson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John R. McMaster—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Valentine Fraker—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of John C. Bennett—to the Committee on Military Affairs.

By Mr. PATTERSON of Tennessee: Petition of the Association of Army Nurses of the Civil War, for the Dalzell bill giving pensions to ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany bill for relief of William H. Hawley—to the Committee on Invalid Pensions.

By Mr. PEARRE: Paper to accompany bill for relief of Samuel C. Young—to the Committee on War Claims.

Also, petition of the Farmers' Club of Montgomery County, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. PERKINS: Petitions of the E. R. Andrews Printing Company, the Rochester Telegraph, the Rochester Herald, and the Burnett Printing Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYBURN: Petition of the Association of Army Nurses of the Civil War, for the Dalzell bill pensioning ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of Robert Andrews Division, No. 317, Brotherhood of Locomotive Engineers, for enactment of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. SCHNEEBELI: Petition of the American Academy of Medicine, favoring legislation in the interest of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Times, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Easton Council, No. 984, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the San Francisco Labor Council, against the utterances of the President on the Japanese relation to the public schools of said city and favoring exclusion of Japanese coolies on the same terms as the Chinese coolies—to the Committee on Labor.

By Mr. SCOTT: Petition of the National Bankers of Kansas, against legislation proposing to guarantee deposits of national banks—to the Committee on Banking and Currency.

By Mr. SHEPPARD: Petitions of citizens of Avery, Hooks, Arthur City, and Bagwell, Tex., and of Durant and Sulphur, Ind. T., for an appropriation for improvement of the upper Red River—to the Committee on Rivers and Harbors.

By Mr. SMITH of Texas: Petition of the Evening News, El Paso, Tex., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STAFFORD: Petition of the Spanish War Veterans, of Waukesha County, Wis., for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. STERLING: Paper to accompany bill for relief of Thomas Banks—to the Committee on Invalid Pensions.

Also, petition of citizens of Odell, Ill., for deep waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Sylvanus G. Pepple—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: Paper to accompany bill for relief of Ira P. Morrison—to the Committee on War Claims.

By Mr. VAN WINKLE: Petition of the Franco-American Food Company, of Jersey City, N. J., for modification of the meat-inspection bill—to the Committee on Agriculture.

Also, petition of the Board of Trade of Bayonne, N. J., for improvement of the waterway between Staten Island and New Jersey—to the Committee on Rivers and Harbors.

By Mr. VREELAND: Petition of the Post, Jamestown, N. Y., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WACHTER: Petition of John A. Logan Council, No. 19, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. WELBORN: Petition of the Ruralist, Sedalia, Mo., against tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

THURSDAY, *January 10, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ASSAY OFFICE AT SEATTLE, WASH.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Mint submitting an amended estimate of appropriation for wages of workmen, assay office at Seattle, $30,020; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the vestry of Trinity Protestant Episcopal Church on Edisto Island, South Carolina, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward Buford, administrator of the estate of William R. Elliston and Maggie E. Fall and Sallie Richardson, only heirs of William H. Evans, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of Colorado Springs, Colo., praying for the enactment of legislation to provide for a reclassification and increase of salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented the petition of Henry G. Crockett, of Maine, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on Claims.

Mr. GALLINGER presented a petition of sundry citizens of southwest Washington, praying for the enactment of legislation prohibiting steam locomotives from emitting smoke anywhere within the confines of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. KNOX presented a petition of the New Era Club of Western Pennsylvania, Pittsburg, Pa., praying for the enactment of legislation providing for the removal of the duty on works of art; which was referred to the Committee on Finance.

He also presented a memorial of the Copper River Railway Company, of Alaska, remonstrating against the enactment of legislation providing for the construction of a railroad, telegraph, and telephone line in the district of Alaska; which was referred to the Committee on Territories.

He also presented a petition of the Merchants' Association of New York, praying for the enactment of legislation providing for increased facilities in the United States Patent Office; which was referred to the Committee on Patents.

He also presented a petition of the Association of Army Nurses of the Civil War, Brookville, Pa., praying for the enactment of legislation providing that volunteer nurses of the civil war be placed on an equality with those pensioned under the act of 1892; which was ordered to lie on the table.

He also presented petitions of C. R. Walker, secretary Altoona Lodge, Brotherhood Locomotive Firemen and Enginemen, of Altoona; Thomas F. Durkin, secretary Lodge 544, Brotherhood Railway Trainmen, of Wilkes-Barre; Nicholas Burns, secretary Lodge 250, Brotherhood Locomotive Firemen, of Wilkes-Barre; J. H. Rockenstein, secretary Brotherhood Locomotive Firemen and Engineers, of Freedom, all of the State of Pennsylvania, praying for the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented memorials of Local Division No. 156, Order of Railway Conductors, Binghamton; Local Division No. 172, Engineers of Delaware and Hudson System, Oneonta; Local Division No. 58, Brotherhood of Locomotive Engineers, Oneonta, all in the State of New York, and of Local Division No. 263, Brotherhood of Locomotive Engineers, Wilkes-Barre, Pa., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented memorials of sundry citizens of Williams-

port, Oil City, Pittsburg, Sunderlinville, and Shinglehouse, and of Rev. C. S. Longacre, Pittsburg, all in the State of Pennsylvania, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Dark Tobacco Planters' Protective Association of Tennessee, Kentucky, and Virginia, praying for the enactment of legislation providing for the removal of tax on leaf tobacco; which was referred to the Committee on Finance.

He also presented petitions of the Federation of Catholic Societies of Pennsylvania; sundry citizens of Haverford; H. W. Hayden, of Overbrook; sundry citizens of Jamestown; the Right Rev. Alexander Mackay-Smith, of Philadelphia, all in the State of Pennsylvania, praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of the State Camp of New York, Patriotic Order Sons of America, New York, N. Y.; the National Camp, Patriotic Order Sons of America, Phillipsburg, N. J., and the Pennsylvania State Camp, Patriotic Order Sons of America, Philadelphia, Pa., praying for the enactment of legislation providing for the restriction of immigration; which were referred to the Committee on Immigration.

He also presented petitions of the publisher of the Monessen News, of Monessen; the publisher of the Covington Sun, of Covington, and of the Breeze Printing Company, of Johnstonburg, all in the State of Pennsylvania, praying for the enactment of legislation providing for a modification of the Interstate Commerce Commission's ruling denying newspapers the right to exchange advertising for railroad transportation; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce, Portland, Oreg., praying for the enactment of legislation providing for an appropriation of $15,000,000 for the construction and maintenance of submarine torpedo boats to be used exclusively for the defense of the Pacific coast; which was referred to the Committee on Coast Defenses.

He also presented a memorial of the Pittsburg Ministerial Association of the Methodist Episcopal Church of Pittsburg, Pa., relative to the exclusion of Japanese from the schools of San Francisco; which was referred to the Committee on Foreign Relations.

Mr. KEAN (for Mr. WETMORE) presented the petition of J. H. Wiley and 92 other citizens of Newport, R. I., and the petition of Rev. S. W. Smith and 84 other citizens of Providence, R. I., praying for an investigation of the Brownsville incident involving soldiers of the Twenty-fifth Infantry, United States Army; which were referred to the Committee on Military Affairs.

He also (for Mr. WETMORE) presented the petition of Clara Browning, of Westerly, R. I., and the petition of Harvey Chace Perry, of Westerly, R. I., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. DICK presented a petition of the Business Men's Association of Alliance, Ohio, and a petition of the Chamber of Commerce of Youngstown, Ohio, praying for the enactment of legislation to increase the salaries of postal clerks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Pomona Grange, No. 62, Patrons of Husbandry, of Mount Nebo, Ohio, praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Goshen Grange, No. 573, Patrons of Husbandry, of New Hampshire, Ohio, remonstrating against the enactment of legislation providing free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Western College of Women, of Oxford, Ohio, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a memorial of the Labor Council, of San Francisco, Cal., remonstrating against the utterances of the President regarding the attitude of the people of that State toward the Japanese; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Western College of Women, of Oxford, Ohio, praying that an appropriation be made for a scientific investigation of the conditions of women and child workers in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union, of Columbus, Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of Harry C. Egbert Camp, No. 1, United Spanish War Veterans, Department of Ohio, of Cincinnati, Ohio, praying for the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a memorial of Union Grange, Patrons of Husbandry, of Thompson, Ohio, and a memorial of Typographical Union No. 474, American Federation of Labor, of Ashtabula, Ohio, remonstrating against the passage of the so-called "ship-subsidy bill;" which was ordered to lie on the table.

He also presented a petition of the Springfield Clearing House Association, of Springfield, Ohio, praying for the enactment of legislation to establish a uniform bill of lading; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Publishers' League of New York City, N. Y., praying for the enactment of legislation to remove the duty on linotype machines and the composing parts thereof; which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Toledo, Ohio, remonstrating against the attitude of France toward the Catholic Church; which was referred to the Committee on Foreign Relations.

He also presented sundry petitions of the Committees of Ex-Prisoners of War of Cincinnati and Norwalk, Ohio, praying for the enactment of legislation for the relief of ex-prisoners of the civil war; which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Cleveland, Ohio, praying for the enactment of legislation providing for the maintenance of the Betsy Ross House, in Philadelphia, Pa., as a memorial to the designer of our national flag; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Ohio State Dental Society, of Columbus, Ohio, praying for the enactment of legislation to increase the efficiency of the dental service of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of National Camp, Patriotic Order Sons of America, of Phillipsburg, Pa., and a petition of Pennsylvania State Camp, Patriotic Order Sons of America, of Philadelphia, Pa., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of the Cleveland Sorosis and sundry artists of Cleveland, Ohio, praying for the enactment of legislation to remove the duty on works of art; which were referred to the Committee on Finance.

He also presented the petition of John F. Bishop, of Ohio, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. DEPEW presented memorials of Local Division No. 154, of Binghamton; of Local Division No. 46, of Whitehall; of Local Division No. 56, of New York City, and of Thomas Dickson Division, No. 171, of Mechanicsville, all of the Order of Railway Conductors, and of Local Division No. 263, Brotherhood of Locomotive Engineers, of Oneonta, N. Y., and a memorial of Local Division No. 58, Brotherhood of Locomotive Engineers, of Oneonta, all in the State of New York, remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented a petition of Sherman Lodge, No. 143, Brotherhood of Railroad Trainmen, of East Syracuse, N. Y., praying for the passage of the so-called "anti-injunction bill," and also the so-called "sixteen-hour bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Onondaga Lodge, No. 705, Brotherhood of Railroad Trainmen, of Syracuse, N. Y., praying for the passage of the so-called "sixteen-hour bill;" which was ordered to lie on the table.

Mr. LONG presented a petition of the Cherokee Indians, praying that jurisdiction be given the Court of Claims to hear and determine their right to certain lands west of the Mississippi River granted to them under certain treaties; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SPOONER presented sundry papers to accompany the bill (S. 7643) for the promotion and retirement of Col. John B. Rodman, United States Army, retired; which were referred to the Committee on Military Affairs.

Mr. DUBOIS presented memorials of sundry citizens of Genesee, Parma, and Latah County, all in the State of Idaho, and a memorial of sundry citizens of Farmington, Wash., remonstrat-

ing against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were ordered to lie on the table.

He also presented memorials of sundry train dispatchers and of Local Division No. 209, Order of Railway Conductors, all of the Oregon Short Line Railroad Company, of Pocatello and Nampa, in the State of Idaho, and of Kemmerer, Wyo., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. BACON presented sundry papers to accompany the bill (S. 4822) for the relief of the estate of Wiley Franks, of Jones County, Ga.; which were referred to the Committee on Claims.

Mr. PROCTOR presented a memorial of sundry citizens of Middlebury, Vt., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. FORAKER presented a petition of Wellsville Lodge, Brotherhood of Railroad Trainmen, of Wellsville, Ohio, praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 175, Brotherhood of Locomotive Engineers, of Newark, Ohio, and a petition of Forest City Lodge No. 10, Brotherhood of Locomotive Firemen and Enginemen, of Cleveland, Ohio, praying for the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented sundry petitions of freight trainmen and enginemen employed on the Cincinnati division of the Pennsylvania line, of Cincinnati, Ohio; of sundry conductors of the Pennsylvania lines west of Pittsburg, Pa., and of New Castle, Pa.; of H. W. Thornton, superintendent of the Pennsylvania lines west of Pittsburg, Pa., of New Castle, Pa.; of sundry conductors, engineers, and firemen employed on the Creston division of the Chicago, Burlington and Quincy Railroad, of Creston, Iowa, and of sundry railway employees of Crestline, Alliance, and Cambridge, in the State of Ohio, praying for a modification of the so-called sixteen-hour bill; which were ordered to lie on the table.

He also presented memorials of C. W. Jarvis, of Columbus; of sundry railway employees of Lancaster; of the Commercial and Financial Chronicle of Ohio, and of Local Division No. 100, Order of Railway Conductors, of Columbus, all in the State of Ohio, remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. LODGE presented the petition of William H. Plummer, of Massachusetts, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. McCREARY presented a petition of the Woman's Christian Temperance Union of Louisville, Ky., and a petition of sundry citizens of Madisonville, Ky., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CULLOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, to report it with amendments, and I submit a report thereon.

I desire to give notice that to-morrow morning immediately after the routine business, I shall call up the bill for consideration.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8631) for the relief of James M. Darling, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 7614) to amend the act entitled "An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes," approved July 7, 1898, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3357) granting an honorable discharge to James B. Mulford, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7375) to correct the military record of Dennis O'Brien, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (H. R. 19749) to prescribe the duties of deputy collectors of customs, reported it without amendment, and submitted a report thereon.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the bill (S. 6987) permitting the building of a dam across the Savannah River at Gregg Shoals, reported it with amendments, and submitted a report thereon.

Mr. HEYBURN, from the Committee on Manufactures, to whom was referred the amendment submitted by himself on the 8th instant, proposing to appropriate $50,000 for compensation and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, etc., intended to be proposed by him to the legislative, etc., appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 8th instant relative to the appointment of three clerks of class 4, one of which shall act as chief clerk in the Bureau of Manufactures, intended to be proposed by him to the legislative, etc., appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

LICENSED OFFICERS OF VESSELS.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6898) concerning licensed officers of vessels, to report it favorably without amendment, and I submit a report thereon. The committee instructed me to ask that the bill might have present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4438 of the Revised Statutes so as to read as follows:

SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over 700 gross tons, and all other vessels of over 100 gross tons carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer in charge of a watch, or pilot of any steamer or as master of any sail vessel of over 700 gross tons, or of any other vessel of over 100 gross tons carrying passengers for hire, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of $100 for each offense.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING STATION AT ISLES OF SHOALS, NEW HAMPSHIRE.

Mr. GALLINGER. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 189) to establish a life-saving station at the Isles of Shoals, off Portsmouth, N. H., to report it favorably without amendment, and as it is a very brief bill, I shall ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIGHTS ON LAKE OF THE WOODS, MINNESOTA.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (S. 953) for the establishment of lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, Minnesota, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CANNON TO SOUTH DAKOTA.

Mr. WARNER. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 80) authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota, to report it favorably without amendment, and I submit a report thereon. I was requested by the Senator from South Dakota [Mr. KITTREDGE] to ask for the immediate consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, it was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVISION OF THE LAWS.

Mr. FULTON. I ask consent to make a report from the special joint committee appointed under House concurrent resolution No. 35, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the Statutory Revision Commission. I wish to state before presenting the report that the committee has prepared one title, and presents it in the form of a bill. I am not advised as to what the proper practice in such case is, but I assume that the bill simply goes to the Calendar. It occurred to me that it would not be proper to refer it, because it comes from the special committee and is based on the report of the Commission. I ask that the bill and report may go to the Calendar and be printed, and at an opportune moment I shall ask to have the bill made the unfinished business in order that it may be taken up and disposed of at the present session. I do not make that request at the present time.

The bill (S. 7709) to revise, codify, and amend the penal laws of the United States was read twice by its title.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 7678) granting an increase of pension to Joseph Kennedy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7679) granting an increase of pension to George M. Shaffer; and

A bill (S. 7680) granting an increase of pension to John R. Boso.

Mr. LONG introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7681) for the relief of the estate of William Coker, deceased; and

A bill (S. 7682) for the relief of the estate of James Childers, deceased.

Mr. LONG introduced a bill (S. 7683) granting an increase of pension to William Wakefield; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 7684) to provide and maintain for the port of Galveston, Tex., a customs boarding boat; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE introduced a bill (S. 7685) granting an increase of pension to Albion W. Tebbetts; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 7686) to carry out the findings of the Court of Claims in the case of J. W. Howett, administrator of William Howett, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7687) granting an increase of pension to P. H. Henley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7688) for the relief of the estate of John Hoey, deceased;

A bill (S. 7689) for the relief of the estate of Dr. Joseph Richard Martin, deceased;

A bill (S. 7690) for the relief of Mrs. Octave Simoneaux, administratrix of the estate of Henry Robertson, deceased;

A bill (S. 7691) for the relief of Mrs. Louisa Dornier;

A bill (S. 7692) for the relief of the estate of Leandre Campo & Co.; and

A bill (S. 7693) for the relief of Mrs. Marie Vives, executrix of the estate of Numa Vives, deceased.

Mr. BERRY introduced a bill (S. 7694) to carry out the findings of the Court of Claims in the case of Richard D. Lamb for himself and, as administrator of Ira M. Lamb, heirs of Ira M. Lamb and Caroline, his wife; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 7695) granting a pension to Mary B. Wooster; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 7696) granting an increase of pension to Zadok K. Judd; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 7697) for the relief of the estates of J. W. Gunter and W. H. Gunter, both deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7698) granting a pension to Fannie S. Grant; and

A bill (S. 7699) granting an increase of pension to George W. Hiler.

Mr. BACON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7700) for the relief of the estate of William R. Poole, deceased;

A bill (S. 7701) for the relief of Mary Wellmaker;

A bill (S. 7702) for the relief of the estate of Nancy Cates, deceased;

A bill (S. 7703) for the relief of the estate of Aleck Baswell, deceased; and

A bill (S. 7704) for the relief of the estate of William B. Quinn, deceased.

Mr. BACON introduced a bill (S. 7705) to carry out the findings of the Court of Claims in the case of A. G. McDonald, administrator of Robert H. Green, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MALLORY introduced a bill (S. 7706) for the relief of Robert Broadbent, Barger Holst, James A. Dunham, Byron Dawley, Axel Rosendahl, and Will J. Elliott; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER introduced a bill (S. 7707) to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PROCTOR introduced a bill (S. 7708) granting an increase of pension to Susan A. Brockway; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 7710) for the relief of J. A. Ragland; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 7711) granting a pension to James Allen; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7712) granting an increase of pension to William Coxton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a joint resolution (S. R. 82) providing for continuance in office of municipal officials in Indian Territory; which was read twice by its title.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Indian Affairs, in the absence of objection.

Mr. KEAN. I think the bill ought to go to the Committee on Territories.

The VICE-PRESIDENT. Does the Senator from Kansas desire a reference to the Committee on Indian Affairs, as is indicated upon the bill?

Mr. LONG. I think that is the appropriate committee.

Mr. KEAN. I supposed that necessarily it would go to the Committee on Territories.

Mr. LONG. Very well; that reference is satisfactory.

The VICE-PRESIDENT. The bill will be referred to the Committee on Territories.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

Mr. McCUMBER. I submit two amendments to the substitute proposed by the Senator from Iowa [Mr. DOLLIVER] to the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon. As the amendments are very short, I ask that they may be read and lie on the table.

The amendments were read and ordered to lie on the table, as follows:

Amend the amendment proposed by Mr. DOLLIVER as follows:

After the word "hours," on line 8, page 1, insert "except when, by accident or unexpected delay of trains scheduled to make connection with the train of which such employee is serving, he is prevented from reaching his terminal."

Strike out the word "ten," on line 11, page 1, and insert in lieu thereof the word "eight."

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ANKENY submitted an amendment proposing to appropriate $750 to reimburse John M. Hill, late register of the United States land office at Walla Walla, Wash., for money paid by him, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. NELSON submitted an amendment proposing to pay to Mary Lajord, widow of Thomas Lajord, the salary due him as a messenger on the rolls of the Senate from July 1, 1906, to July 7, 1906, the date of his death, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ELIZABETH NALLY.

Mr. KEAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Elizabeth Nally, widow of Dennis Nally, late a laborer in the employ of the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expense and all other allowances.

DISMISSAL OF THREE COMPANIES OF THE TWENTY-FIFTH INFANTRY.

Mr. TILLMAN. Mr. President, I have been detained from the Chamber for a couple of days by reason of an attack of the grippe, and the resolution in regard to the Brownsville matter has gone over twice upon that account. I understand that to-day the bill which deals with the hours of labor of railroad employees has the right of way, and that to-morrow there is unanimous consent to take up and dispose of in some manner the pension bill which the Senator from North Dakota [Mr. MCCUMBER] has in charge.

I therefore give notice that I will call up the resolution with regard to the Brownsville tragedy on Saturday at the conclusion of the routine morning business, and submit some remarks on it.

Mr. FORAKER. In view of the notice the Senator has given, it is hardly necessary to ask for any agreement as to the resolution to be taken up at that time for consideration, but I want at least to give notice that at that time when it is up for consideration to be discussed by the Senator from South Carolina I shall press it to final consideration and get a vote on it, if possible.

HOURS OF EMPLOYMENT OF RAILROAD EMPLOYEES.

Mr. LA FOLLETTE. I move that the Senate proceed to the consideration of the unfinished business, Senate bill 5133.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. Mr. President, at the close of the consideration of this bill on yesterday the Senator from New Jersey [Mr. KEAN] asked to have printed in the RECORD a document prepared by Mr. F. C. Rice, of Chicago. This document, which appears in the RECORD to-day, criticises the table prepared by the employees of the Interstate Commerce Commission and incorporated in the report of the Committee on Interstate Commerce of the House of Representatives at the last session, which reported favorably a bill relating to the same subject as the bill now before the Senate. That table was prepared and incorporated in the report of the House committee and, near the close of the last session, was used in the discussion upon the floor of the Senate. I know that I made some use of it. I think reference was made to it and quotations were made from it by the Senator from South Carolina [Mr. TILLMAN].

It seems that this Mr. Rice has, or claims to have, examined the files of the offices of the Interstate Commerce Commission containing the reports made by the railroad companies under the statute requiring such companies to make report of accidents occurring on their lines. He claims to have discovered discrepancies, and he even charges that interpolations have been made into those records for the purpose of conveying a wrong impression with respect to the hours the employees involved were at work and with respect to the causes of the accidents as set forth in the reports.

I shall ask leave to print in the RECORD without having it read at this time a reproduction of Mr. Rice's criticism, and in parallel columns quotations taken directly from the sworn reports made by the railroad companies in each case. Each case cited in the Rice pamphlet will be taken up in the order in which it was placed by Mr. Rice.

I do, however, wish to take the time of the Senate very briefly, and I feel that I ought to do it in justice to the Interstate Commerce Commission and those who were charged with the preparation of this report, which was made at the request of the Committee on Interstate Commerce of the House of Representatives, to call attention particularly to those cases in Mr. Rice's pamphlet in which he charges that interlineations have been made in the reports as furnished by the railway companies to the Interstate Commerce Commission. In Mr. Rice's criticism of the table on case No. 36 he states:

Some one seems to have inserted the words "conductor on duty twenty hours" in the company's report without their knowledge.

This, sir, of course, is a very serious charge. If any employee of the Interstate Commerce Commission has engaged in the business of doctoring these reports in order to advance legislation, he ought to be driven out of the public service.

I have here before me a photographic copy of the record to which Mr. Rice refers. This shows that in addition to the typewritten matter incorporated in the report upon the blank furnished by the Interstate Commerce Commission to the railroad company there has been written the words "conductor employed October, 1896, on duty twenty hours."

These words are written in the handwriting of the railroad official. The identity of this handwriting is proved beyond question by comparison with other reports by the same official, in which there will be no dispute as to authorship. The Commission returned the report to the general manager's office because it had not been made in full compliance with the blank sent to the railroad company, upon which the report should be made, and it was therefore returned with a request calling for a statement of the time which the conductor of this train was employed continuously in service immediately prior to the accident.

In this and every other instance where changes have been made in these reports there is on file, and was at the time Mr. Rice was given access to the reports to make up the table, copies of all the correspondence between the Interstate Commerce Commission and the various railroad companies upon whom calls had been made to complete the records in each of the cases where such records were incomplete.

I will incorporate in the RECORD the complete answer in each of these cases and will only take time to call attention to another in particular. This is among the cases concerning which charges were made by Mr. Rice with respect to the correctness of the record.

I have here a letter from the secretary of the Interstate Commerce Commission, and accompanying it the correspondence in this particular case, which shows how difficult it is in many of these cases to obtain from the railroad companies a complete statement of all the facts necessary to make a complete record, and which explains exactly how some corrections appear in the records that are on file in the Interstate Commerce Commission office. The letter is addressed to me, and is as follows:

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE SECRETARY,
Washington, January 10, 1907.

DEAR SENATOR LA FOLLETTE: Referring to case 81 of the accident report furnished you through Mr. Hannan, this is the only case to which any inaccuracy can be ascribed at all. The facts in this case are as follows:

The accident occurred October 5, 1902. The general manager of that road, under oath as required by the accident law, reported that the conductor "had been on duty two days at time of accident." On January 2, 1903, it was observed that the report had not been made in accordance with our instructions, in that the time on duty was stated in days instead of hours. Accordingly that day a letter was sent to the general manager asking him to please report in hours the length of time the conductor had been on duty. On the 20th of January the general manager advised the Commission that the superintendent had made an error in making his report.

The Commission is compelled to take the sworn statement of the reporting officer of the railroad as to any accident, and it was only after months had elapsed, and then in response to a request to change the report to show hours instead of days, that the general manager gave a different report than the first one.

Whether the report of the general manager under oath or his letter of January 20, 1903, is correct we are unable to say, and it is to be regretted in preparing the report for you the letter was overlooked, it being in different hands than the report.

Very respectfully,

E. A. MOSELEY, *Secretary.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.

Then follows the letter of the Secretary of the Interstate Commerce Commission to Mr. Nixon, as follows:

JANUARY 2, 1903.

Mr. W. C. NIXON,
General Manager Gulf, Colorado and Santa Fe Railway, Galveston, Tex.

DEAR SIR: Referring to your report of collision at Manvel, Tex., October 5, 1902, please report *in hours* the length of time the conductor had been on duty.

Very respectfully,

——— ———, *Secretary.*

On January 20, 1903, the general manager replied to the let-

ter of the secretary of the Interstate Commerce Commission as follows:

GULF, COLORADO AND SANTA FE RAILWAY COMPANY,
OFFICE OF GENERAL MANAGER,
Galveston, Tex., January 20, 1903.

[Train accidents, October, 1902.]

Mr. EDWARD A. MOSELEY,
Secretary Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: Replying to your letter of January 2, in regard to the length of time the conductor had been on duty prior to the collision at Manvel, Tex., October 5, 1902.

Beg to advise that after investigating the matter I find that the superintendent of the southern division, through error, showed the conductor as being on duty two days prior to the time of the accident, when, as a matter of fact, he had practically forty-eight hours' rest prior to going on this trip, and was on the road three hours and forty-five minutes at the time of the accident. Conductor Scott arrived Temple October 2, at 1.05 p. m.; was off duty until 2 a. m. of October 4, when he deadheaded to Galveston on a passenger train, arriving at Galveston 1 p. m. of the 5th, and departed on train 36, same date, at 4.15 p. m.

I do not think it is the desire of your Commission, when a conductor is deadheading on a passenger train, that it be shown as length of time in service, even though he was paid for the time while deadheading; for the reason that no service whatever is required of trainmen when deadheading on passenger trains, and they can get practically as much rest while deadheading as they could get at home.

Yours, truly,

W. C. NIXON, *General Manager.*

That explains, Mr. President, the correction that should be made in that particular case. For the others the statement which I have here, from which I shall quote only a little further, I will ask to have printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, permission to do so will be granted.

Mr. LA FOLLETTE. While it may be true that in this instance a mistake has occurred in the compilation of the table in the office of the Commission, that mistake is in part, at least, due to a prior mistake on the part of the railroad officials reporting the accident. The other criticisms of Mr. Rice do not appear to be so well founded even as this. In many cases his statements are in direct contradiction to the sworn reports of the railroad officials to the Commission, as will appear from the detailed comparison which I will ask to have printed in the RECORD in this connection. A few cases will illustrate:

In connection with case No. 8, the first one that Mr. Rice selects for criticism, he says: "This man had not been on duty sixteen hours." The railroad official reporting the accident says, under oath, that the employee in question "had been on duty seventeen hours previous to which he had seven hours' rest."

On case 19 Mr. Rice makes the following statement:

> This case should not have been reported. The company's report states: "No one saw the accident;" so that is mere assumption as to the cause of the injury.
>
> The proposed sixteen-hour law would have had no effect in this case. The accident was the result of a wreck which occurred before the crew had been on duty sixteen hours. The whole trouble was due to a casualty beyond the control of the company.

The company's statement, under oath to the Commission, says of the employee, who not merely sustained an "injury," but was killed: "Prior to accident he worked and rested as follows: Worked fourteen hours and fifty-five minutes, rested eight hours and thirty-five minutes; worked thirty-two hours and rested nine hours thirty-five minutes; worked twenty-two hours and thirty minutes, when killed."

On case No. 29 Mr. Rice says: "The accident really occurred from the failure of the flagman to put down torpedoes, which failure can not be attributed to long-duty hours."

The sworn report of the company states that:

> The accident was the result of the conductor of No. 73, F. B. Poling, and rear brakeman of No. 73, Frank Atwood, being asleep in their caboose and not protecting their train properly. Both of these men were experienced railroaders, having been in the service of this company for three years. They had been on the road, however, thirteen hours and ten minutes on the day previous to the accident, with only four hours' rest before going out on this run, and they had been on the road eighteen hours when the accident occurred.

These examples are fairly indicative of the reliability of the statements of Mr. Rice respecting these accidents, as will appear to anyone examining and comparing his statements with the reports made under oath to the Commission by the railroads. While Mr. Rice takes up in detail only a part of the cases, he declares the whole table to be "a misrepresentation." The fact is that Mr. Rice's statement is discredited quite as much by the cases which he dodged, with the excuse that the companies had not yet reported to him concerning them, as by his garbling and distorting those cases with which he chose to deal. In nearly every one of the omitted cases the company's reports state that the men had been on duty so long that they had actually *gone to sleep* at their posts of duty. I submit the following brief extracts from the language of the sworn reports of the companies in these cases.

The first part of the table 19 cases are personal-injury cases not connected with any collision or derailment. Of these 19 cases Mr. Rice chose to deal with but 4. I will quote briefly from the exact language of the reports in some of the rest of these cases, giving only that part of the statement which is directly related to this question, being careful to represent fairly the meaning of the report.

No. 1.—Engineer, lying beside track sleeping, struck by No. 18. On duty 21 hours and 31 minutes previous to time of injury.

No. 2.—Flagman sent back to protect rear of train and fell asleep on side of track * * * step of coach in rear of train 311, south bound, struck him in back. * * * Had been on duty continuously 21 hours and 10 minutes. His own carelessness.

No. 3.—He sat down on ties at end of bridge and fell asleep and was struck by passing freight. On duty 20 hours.

No. 4.—Is supposed to have sat or laid down on track and gone to sleep and was run over. * * * He had been on duty 18 hours.

No. 5.—In backing up ran over flagman, who was sitting on the track and had fallen asleep. He was seriously injured and died the same day. This crew had been out about 25 hours when the accident occurred, but the flagman was relieved 4 or 5 hours just prior to the accident, and after taking his place again he had been awake only about 15 or 20 minutes until the accident occurred.

No. 6.—This man was run over while asleep on the track. He was on duty from 7.30 p. m. of the 17th until the afternoon of the following day, i. e., 4.15 p. m., or 20 hours and 45 minutes.

Most of these nineteen cases of personal injury are of this same kind. The employee is kept at his post of duty so long that he becomes utterly exhausted, he falls asleep on the tracks while waiting to flag a train, and is killed. There can scarcely be any question in these cases that the accident is directly due to the excessive hours on duty. The case is not altered a bit by the statement in the report of an accident to an employee who has been on duty twenty-one hours and ten minutes that it was due to "his own carelessness."

Coming now to the second part of the table, the collisions and derailments:

No. 21.—Due to engineman of engine 1068 falling asleep and failing to take signal to stop. * * * Engineman at fault. * * * He had 12 hours' rest; on duty 29 hours.

No. 22.—Accident was directly due to the fact that the engineman on extra west 8909 went to sleep just before the train reached Rendcomb Junction. At the time of accident this man had been on duty 16 hours.

No. 23.—Engineer and brakeman * * * both asleep. * * * Both had been on duty continuously for 18 hours.

No. 24.—Crew on No. 32 went in at Ripley 2.15 for No. 11 and No. 5. They overlooked No. 11, and when it passed thought it was No. 5 and pulled out. Conductor in service six years, two as conductor. Had been on duty 29 hours, with 1½ hours' sleep before going out. Engineer in service seven years as engineman. On duty 29 hours, with 5 hours' rest before going out.

No. 27.—Accident caused by failure of engineer to have train under proper control. * * * Engineer had been on duty 22 hours and 35 minutes. * * *

No. 37.—Due to entire crew, except rear brakeman, being asleep and passing switch at which they should have pulled in. Engineman and front brakeman dismissed; conductor and fireman suspended 30 days. * * * Crew had made Fairmont turn and been on duty 24 hours.

No. 40.—Accident caused by failure of brakeman to properly flag; had been on duty 34 hours. * * *

No. 41.—Brakeman threw switch for engine 773 to back through cross-over from south main track to north main track at a time when eastbound freight train, second section, No. 76, was very close, and engineer on 773 moved back and fouled north main track right in front of them, resulting in collision. Engineer claims he did not see the eastbound freight, but there was nothing to prevent his seeing them if he had looked. * * * Entire crew of engine 773 had been on continuous duty 20 hours.

No. 49.—The entire crew of extra No. 667 are at fault for this accident. * * * The engineman had been on duty fourteen hours at the time of the accident. * * * The conductor and the rest of the crew had been on duty almost continuously for seventeen hours. * * *

No. 53.—Due to flagman and conductor being asleep in cabin and not giving their train protection. Crew had been out eighteen hours up to the time of the accident.

No. 57.—The brakeman of third 74 threw main-track switch without instructions and without knowing what other trains they were to meet, and then sat down near switch and fell asleep. * * * Brakeman in question * * * had been on duty eighteen hours. * * *

No. 66.—Brakeman on second 131 did not have flag out far enough. * * * Had been on duty seventeen hours and twenty-five minutes.

No. 70.—Engineer of train 90 was responsible for this head-end collision, for pulling down main track instead of taking siding as ordered. * * * He had been on duty twenty-one hours at the time of the accident. * * *

No. 71.—Accident caused by failure of engineman of extra 1848 to have his train under control. * * * Crew of extra 1848 had been on duty twenty-six hours.

No. 72.—Engineman in charge of engine 1617 is responsible for this accident. * * * He failed to have his train under control. * * * He had been on duty 18 hours at the time of the accident. * * *

No. 76.—Concurrent negligence on the part of two brakemen. * * * One on duty 23 hours at time of accident, * * * the other on duty 11 hours at time of accident. * * *

No. 78.—Extra 1291 north stopped at Bamford and conductor and flagman were in the caboose asleep, the train therefore having no protection, and extra 3188 collided with rear end. * * * This crew was out about 21 hours. * * * The flagman asked the conductor to be relieved when out 14 hours, but he did not grant the request.

No. 84.—Parties at fault on the road 24 hours and 20 minutes. Had one intermission of 4 hours and 3 minutes; another 2 hours and 10 minutes.

No. 85.—Investigation and coroner's inquest show that Conductor Turner of train No. 81 was responsible for accident. * * * Crew had been on duty 25 hours and 30 minutes at time of accident.

The following statement shows in detail, in parallel columns, the statements made by Mr. Rice concerning these accidents for the purpose of creating sentiment adverse to this legislation side by side with the sworn statements of the companies made in the regular course under provisions of law to the Interstate Commerce Commission:

Accident reports as they appear in the Rice pamphlet and as they appear in sworn statements made to the Interstate Commerce Commission by railway managers.

CASE NO. 8.

STATEMENT CONCERNING ACCIDENT AS IT APPEARS IN THE RICE PAMPHLET.

Statement of cause: "Fell asleep while sitting on track; struck by train. Hours on duty, 17."

The facts: The language of the company's report to the Commission was: "It is *supposed* that he fell asleep while sitting on the track." This man had not been on duty 16 hours. He started at 5.05 a. m., arriving at Conway yard at 12.56, a run of less than 8 hours, and then laid at Conway yard 3 hours 4 minutes. He met with the accident at 8.55 p. m., or after 4 hours 55 minutes of service. It was impossible to make the crew take 10 hours' rest at Conway yard. They would very much oppose it; there were no facilities there, and the crew would very much prefer to make the return trip and rest at home.

SWORN STATEMENT CONCERNING ACCIDENT MADE TO THE COMMISSION BY RAILROAD COMPANY.

Northwest System, at or near East Liverpool, July 24, 1903; time, dark. J. A. Reig, age 26, killed. This man got off his train, which had pulled on a siding, and sat down on the main track, and was run over by train No. 2d 376. It is supposed he fell asleep while sitting on the track. He had been in the service seven days, and had been on duty 17 hours, previous to which he had 7 hours' rest. The accident did not occur in yard limits.

CASE NO. 9.

Statement of cause of accident: "Sat on track; went to sleep; struck by train. Hours on duty, 23."

The facts: Weaver, the brakeman, had made the going-out trip from Springfield to Newberg in 6 hours 35 minutes. He had 1 hour and 30 minutes for rest; his train was called for 5 p. m., he expecting to make the return trip in about 6 hours. He was delayed 2 hours, switching, at Newburg; 3 hours at Lebanon, meeting passenger trains. He was thus on duty continuously from 5 p. m. until arrival at Marshfield at 7.38 the next morning, where he was injured, 14 hours 38 minutes. At the time he was called for the return trip he had only been on duty 6 hours 35 minutes, and could then have had additional rest if he had asked for it.

Before starting he had had more than 19 hours' rest.

At or near Marshfield, Mo., July 31, 1903; time, 8.15 a. m. C. C. Weaver, brakeman, age about 28 years, fatally injured. Was with extra 757–951, and when about 1 mile east of Marshfield pulled drawhead out of car, and brakeman Weaver was sent back to flag. Went back about ¾ mile, sat down on track and went to sleep, and was struck and fatally injured by X 795 West. Died 3.10 p. m. August 1, 1903. On duty 23 hours 45 minutes after having had rest for previous 19 hours and 15 minutes.

CASE NO. 10.

Statement of cause of accident: "Engineman dropped crown sheet, blowing out grates, ash pans, and connections. Hours on duty, 23."

The facts: The company's report shows that in a snowshed the engine dropped crown sheet; the fireman was in the act of putting coal in the fire box when the accident occurred. The fireman had been on duty 11 hours 25 minutes. The engineer had been on duty 11 hours 25 minutes. The only member of the crew who is claimed to have been on duty 23 hours was the *brakeman*, who had nothing whatever to do with the accident. No member of the crew who had anything to do with the accident had been on duty longer than 11 hours 25 minutes, with 15 hours' previous rest. The cause of the accident was remote from any question of hours on duty.

At or near Alvin, Wash., August 14, 1904; time, dark. J. C. Davis, engineer, age 39, in service of this company since 1897, no previous experience, injured. O. F. Strand, student fireman, age 24 (Spokane Div. emp.), injured. C. H. Cracraft, brakeman, age 35, in service of this company since May, 1901, previous experience, 15 years, injured. Extra 1108, engineer, J. C. Davis; in snowshed 3¼; engine dropped crown sheet, blowing out grates, ash pan, and connections, scalding face, neck, legs of engineer. Fireman was in act of putting coal in fire box when explosion occurred, scalding him over entire person, including face, trunk, and limbs. Brakeman Cracraft had hands and face scalded. J. C. Davis on duty 11 hours 25 minutes; rest, 15 hours 40 minutes. C. H. Cracraft on duty same period; 23 hours 45 minutes rest. Fireman on duty 11 hours 25 minutes. First trip. Equipment O. K.; carelessness on part of engineer.

CASE NO. 19.

Statement of cause: "Out flagging; went to sleep on track. Hours on duty, blank."

The facts: This case should not have been reported. The company's report states: "No one saw the accident;" so that it is mere assumption as to the cause of the injury.

The proposed sixteen-hour law would have had no effect in this case; the accident was the result of a wreck, which occurred before the crew had been on duty 16 hours. The whole trouble was due to a casualty beyond the control of the company.

At or near East Germantown, Ind., March 16, 1903; time, dark. H. H. McDonal, aged 23, brakeman, in service 3 months, killed. While he was out flagging for a work train he was run over by train No. 2 and killed instantly. No one saw the accident, but No. 2 was only train that passed from time he went out until he was found dead. Prior to accident he worked and rested as follows: Worked 14 hours and 55 minutes; rested 8 hours and 35 minutes; worked 32 hours and rested 9 hours and 25 minutes; worked 22 hours and 30 minutes when killed.

CASE NO. 20.

Statement of cause: "Crew falling asleep. Hours on duty, 27."

The facts: The statement made by the company to the Commission was as follows: "Had been on duty 27 hours, with four hours intervening sleep, behind a *landslide*."

Additional facts regarding this crew are given as follows: "It was a round trip, and the crew was on duty 11 hours 55 minutes, eastbound, and spent four hours of this time behind a landslide. At the terminal they had 3 hours 42 minutes further rest before making the westbound run, which occupied 10 hours 23 minutes. They made no request for further rest. Their longest continuous duty was 11 hours 55 minutes, eastbound, of which 4 hours was behind a landslide."

At or near Porters Falls, W. Va., October 20, 1905; time, dark; estimated damages, $2,000. One brakeman, age 27, collar bone broken; one brakeman, age 30, ankle sprained. Extra freight train engine No. 275, northbound, collided with rear of extra 231, northbound, destroying caboose and two cars, damaging engine 275 and eight cars. Caused by engine crew on engine 275 falling asleep. Had been on duty 27 hours, with 4 hours intervening sleep, behind a landslide.

CASE NO. 25.

Statement of cause: "Running down grade too fast. Hours on duty, 18."

The facts: Collision was due entirely to the manner in which the engineer handled his train of 33 freight cars. He was running down grade at a high rate of speed and did not begin to hold up in time to pass through the station under proper control; when he found the semaphore set against him he could not get the train stopped in time to avoid collision. No claim made that hours on duty had anything to do with the excessive speed of train.

At Arenzville, Ill., January 7, 1905; time, 6.15 p. m., dark; estimated damage, $3,050. Brakeman, age 21, shoulder bruised; jumped from engine in collision. Northbound extra freight train, consisting of engine and 33 loaded cars (1,426 tons), the engine and 16 cars equipped with air brakes in working order, pulled into station at too high a rate of speed and collided with rear of freight train No. 91 standing at station, badly damaging engine and two loaded cars in the extra and 13 cars in train No. 91. Engineer at fault for running down grade too fast. Eight hand brakes were set, besides the air-brake cars. Engineer in service twelve years; on duty 18 hours, after 13 hours' rest.

CASE NO. 26.

Statement of cause: "Running at high rate of speed. Hours on duty, 18¼."

The facts: The length of time on duty had no bearing on this accident. The company's report states: "The responsibility for the accident rests with the engineer of extra 203. It appears that he turned over the hill approaching Guthrie at too high rate of speed and did not start to apply air brakes at the proper time. He also wasted the air pressure by making too light applications, so that when he found that he was not going to stop before reaching the crossing, and attempted to make an emergency application, he was unable to get the proper effect from the brakes."

At or near Guthrie, Ky., January 13; time, 3.35 a. m.; estimated damage, $1,036. Injured, R. G. Graves, fireman, 22 years, contusion of hip and chest. Henderson division freight train, first No. 67, south, was pulling slowly over crossing of Memphis line division. Memphis line freight train, extra No. 203, north, consisting of 12 loaded cars, 10 with air brakes in service, collided with side of Henderson division train, the engine running completely through it. Engine was considerably damaged and body of one gondola destroyed and two other cars slightly damaged. The fireman of engine 203 attempted to jump and was caught betwen cab and tender. The responsibility for the accident rests with the engineer of extra 203. It appears that he turned over the hill approaching Guthrie at too high rate of speed and did not start to apply air brakes at the proper time. He also wasted the air pressure by making two light applications, so that when he found that he was not going to stop before reaching the crossing, and attempted to make an emergency application, he was unable to get the proper effect from the brakes. He also failed to call for hand brakes when he found that the air brakes were not properly checking the speed of the train. The air brakes on the 10 cars were in good working order and had made good stops at other points on that trip, and when inspection was made after the accident no defect could be found. He had had

Accident reports as they appear in the Rice pamphlet and as they appear in sworn statements made to the Interstate Commerce Commission by railway managers—Continued.

3 months' experience as engineer and 15 years' previous experience as fireman. He had been on duty 18½ hours, with an intermediate rest of about 2 hours. This period of service followed a layover rest of 17 hours.

CASE No. 28.

Statement of cause: "Snowplow ran into rear of caboose. Hours on duty, 18."

The facts: This train was fighting snow in the dark, opening up the line of road, and it was an impossibility to relieve the crew at the end of 16 hours. In the confusion the snowplow struck the rear of a freight train standing on the main track at station.

At or near Dakota City, Nebr., February 9, 1905; time, 11.20 p. m., dark; estimated damage, $1,350. J. F. Loudy, conductor, age 40 years, killed. Freight train No. 16, north, standing on main track at station unloading freight. Snowplow extra, north, ran into their rear end, demolishing No. 16's caboose and badly damaging engine and caboose of snowplow extra. Conductor Loudy and two passengers in caboose of No. 16 injured, Loudy dying in a few hours. Engineer of snowplow extra held at fault for this accident; in our service 7 years as fireman and engineer. He had been on duty 18 hours at time of accident, fighting snow.

CASE No. 29.

Statement of cause: "Let engine run out at other end of switch and fouled main track. Hours on duty, 18."

The facts: The schedule time of this run was nine hours and thirty minutes. The train on this day met with very unusual delays; but a great part of the time was put in at stations where there was nothing for the crew to do. The accident really occurred from the failure of the flagman to put down torpedoes, which failure can not be attributed to long duty hours. There is very light traffic on this line, and it was unusual to have a wreck train to look out for, which was the kind of train that ran into them.

At or near North Berne, Ohio, December 2, 1903, 9.50 p. m.; time, dark; damage, $1,800. P. B. Poling, freight conductor, age 24, instantly killed (train No. 73). M. L. Dittmar, engineman, age 33, on wreck train, finger amputated and numerous cuts and bruises. Robert Morton, fireman (wreck train), age 26, arm sprained, jumping from engine before collision. George Siegfried, jr., car repairman, age 30, occupied seat in tool car on wreck train and had finger sprained. Wreck train extra west, engineman, M. L. Dittmar; fireman, Robert Morton; engine 1811 and ten cars ran into rear of freight train No. 73, west, caboose, and thirty cars while the latter was standing on main track—the head end of No. 73, engine 8814, and three cars was switching on siding—killing and injuring the above employees and damaging engine 1811 to the extent of about $1,200, destroying caboose of No. 73's train, valued at about $360, and damaging other cars to the extent of about $240. The damage was partly the result of fire starting from the caboose stove. The accident was the result of conductor of No. 73, P. B. Poling, and rear brakeman of No. 73, Frank Atwood, being asleep in their caboose and not protecting their train properly. Both of these men were experienced railroaders, having been in the train service of this company over three years. They had been on the road, however, thirteen hours and ten minutes on the day previous to the accident with only four hours' rest before going out on this run, and they had been on the road eighteen hours when the accident occurred.

CASE No. 30.

Statement of cause: "Engine crew of freight train forgot passenger train. Hours on duty, 19."

The facts: An extra freight train collided with a passenger train that was on time, the engine crews of the freight train forgetting passenger train. The freight train was within twenty minutes of the end of their run, and there is nothing to indicate that any member of its crew was not wide awake. Their being on duty over sixteen hours was caused by the delay in doing switching and meeting trains en route and getting a helper engine at Navarre, and this being within an hour's run of their home terminal, and there being no facilities at that point for taking care of the engine and crew, there was no way that the crew could be cut out of service at the completion of their sixteen hours' duty.

At or near Canton (yard), Ohio, March 6, 1905; time, dark; estimated damage, $3,064. G. G. Wise, freight engineman, age 40 years, killed; F. Stantz, freight engineman, age 29 years, killed; H. J. Johnson, passenger engineman, age 34 years, right ankle and right hand cut; C. Howe, passenger fireman, age 28 years, back injured; W. B. Wesner, passenger baggageman, age 28 years, back injuried. Westbound extra freight train engines 566 and 569 collided head on with east-bound passenger train No. 30 at east end of Canton yard; train 30 on time, engine crews of freight train forgetting passenger train. Both freight engines, three freight cars, and one coach badly damaged. Passenger engine and two freight cars slightly damaged. Freight train was within twenty minutes of end of their run. Engineman Wise in company's employ five years; had been on duty nineteen hours with ten hours' rest. Engineman Stantz in company's employ six years and five months; had been on duty nineteen hours with twenty hours' rest. Fireman Ellithorp, with Engineman Wise, in company's employ four years as brakeman and fireman; had been on duty nineteen hours with ten hours' rest. Fireman O'Hara, with Engineman Stantz, in company's employ four months (no other railroad experience); had been on duty nineteen hours with twenty hours' rest.

CASE No. 31.

Statement of cause: "Failed to wait prescribed time. Hours on duty, 15."

The facts: The immediate cause of this accident was the failure of the conductor to wait at Kise the prescribed time after the departure of No. 38, and for running through the dense fog at too high a rate of speed, knowing that No. 38 was only a few minutes ahead of them. The conductor who was responsible for the accident had been on duty six hours and forty minutes. This accident could not be attributed to overwork.

At or near Cherry, Ky., May 20, 1905; time, dark; estimated damage, $600. William Fultz, conductor extra 98, white, age 32, contusion of right hand and right arm and forehead bruised; Edward Walker, brakeman, train 38, white, age 25, right knee sprained; Charles Cooper, engineman, extra 98, white, age 46, left ankle wrenched and head bruised; W. M. Greene, fireman, extra 98, white, age 22, sprain and contusion of left shoulder. Extra 98, east bound, light engine, running at a speed of about 30 miles per hour, straight track, level grade, ran into rear of train 38, east bound, passenger, consisting of engine 92 and coaches 330 and 334, all air and working, which was running at a speed of about 15 miles per hour, damaging engines 92 and 98 and coaches 330 and 334. Damage to equipment, $600. Conductor and engineman of extra 98 are responsible for the accident for failure to wait at Kise the prescribed time after the departure of No. 38, and for running through the dense fog at too high rate of speed, knowing that No. 38 was but a few minutes ahead of them. Conductor in service four years, engineman in service nineteen years. Conductor had been on duty six hours and forty minutes and had four hours and eighteen minutes' rest before going on duty. Train No. 38 had a slight accident at Kise, near Cherry, just before this accident, and a crew had to be sent out from Ashland with equipment in case a transfer of passengers was necessary, in consequence of which the conductor had to be called before giving him his usual rest, account no other conductor available. Engineman had been on duty fifteen hours and twenty-five minutes, and had twelve hours' rest before going on duty. This engineman was working on yard engine at Ashland and had been on duty about twelve hours when he had to be called for this extra duty account no other engineman available. The injuries to the eighteen passengers consisted mostly of bruises, shake ups, etc.; there were no bones broken, and none of the injuries were of a serious nature.

CASE No. 32.

Statement of cause: "Head-on collision of freight and extra. Hours on duty, twenty-one."

The facts: The length of time the men had been on duty had nothing to do with the accident. It occurred in broad daylight, with a freight train pulling into the yard and the switch engine standing on the main track having hold of some cars on a spur. The flagman of the switch engine gave the engineer of the freight a stop signal, which he mistook for a signal that the track was clear. When the signal was given he had the air brakes applied, and then released them, and upon getting the second stop signal he did not have time to pump up his air to get sufficient pressure to apply the brakes to prevent the collision.

At or near North Canton (yard), Ohio, September 8, 1905; time, daylight; estimated damage, $2,300. J. Klein, engineman, age 25, right foot and ankle sprained. East bound freight train, extra engine 679, collided head on with yard engine No. 2 at Fertilizer switch at North Canton, doing damage to both engines and slight damage to five box cars. Engineman Klein and Conductor Fry, of the extra, at fault. Engineman Klein had been on duty twenty-one hours, with fourteen hours rest, and in company's employ six years as fireman and one year as engineman; no foreign experience. Conductor Fry had been on duty twenty-one hours, with twenty-four hours' rest, and in company's employ four years as brakeman and six years as conductor; four years foreign experience on Erie Railroad.

Accident reports as they appear in the Rice pamphlet and as they appear in sworn statements made to the Interstate Commerce Commission by railway managers—Continued.

CASE No. 33.

Statement of cause: "Failure to flag train. Hours on duty, fifteen."
The facts: The company's report states, "Extra stopped, *account air sticking*, and conductor and rear brakeman failed to flag the regular train following." The crew had been on duty fifteen hours, after forty-eight hours' rest.

At or near Loami, Ill., February 1, 1903; time, 12.22, night; estimated damage, $1,800. J. W. McCarthy, engineer, age 30, ankle sprained in jumping from engine. Extra freight train north on short time ahead of regular freight train No. 44, north. Extra stopped account air sticking, and conductor and rear brakeman failed to flag the regular train following. Wreck caught fire, burning caboose and one box car, and portion of one coal car; slight damage to machinery of second engine, and tank frame broken. Conductor had two years' experience as freight conductor, preceded by five years as freight brakeman; brakeman had fourteen months on this line; crew had been on duty fifteen hours, after forty-eight hours' rest.

CASE No. 34.

Statement of cause: "Overlooked open switch. Hours on duty, twenty."
The facts: Accident caused by running into open switch. The engineer was at fault for failing to notice that switch light was not burning. He had been on duty ten hours forty minutes at the time, including two hours' lay over at St. Louis, and had twenty-five hours' rest before going out. Blame also attached to the brakeman, who had requested the fireman to close the switch, and the latter agreed to do so. Both the brakeman and fireman had been on duty about ten hours from Galesburg, where they had a four-hour lay over. In order to get twenty hours for the brakeman and fireman the time going and returning, including the four-hour lay over at Galesburg must be included. They had both had forty-four hours' rest before going out.
There is nothing to show that excessive hours had anything to do with this accident.

At Beardstown, Ill., October 7, 1903; time, 12.40 a. m., dark; estimated damage, $5,100. Four injured—(1) brakeman, aged 26, left thigh slightly bruised, fell against seat in chair car; (2) mail clerk, aged 33, left shoulder slightly bruised, fell against mail rack; (3) mail clerk, aged 38, left hip slightly bruised, thrown against mail rack; (4) nose slightly bruised, thrown against seat in front. North bound passenger train, consisting of engine and six cars, all equipped with air brakes in working order, while running at a speed of about 20 miles per hour, struck an open switch and ran in on side track, colliding with cars standing on track, seriously damaging the engine, mail, baggage, four box and two tank cars. The contents of the tank car took fire, causing more loss than ordinarily would have occurred by the collision. The switch was left open by a freight-train crew, which had used track a short time previous. Brakeman of freight train should have closed switch, but requested fireman on the engine to do so, and the latter agreed to do so, but forgot it after engine had cut off and had pulled out on main track to go to roundhouse. Fireman at fault; was employed as engine wiper three years and locomotive fireman nine months. On duty twenty hours after several days lay off.

CASE No. 35.

Statement of cause: "Engineman asleep. Hours on duty, nine and three-fourths."
The facts: The report of the company to the Commission states: "Engineman Morgan, who was instantly killed, *supposed* to have been asleep."

At or near Davisville, W. Va., October 29, 1903; time, daylight; estimated damage, $7,000. Killed: Engineman, aged 27; fireman, aged 24. Injured: Brakeman, aged 22. Train 86, engine 1287, collided with second 97, damaging engine 2260 to the extent of $2,000; engine 1287 to the extent of $2,000. Damage to cars, $3,000. Accident due to negligence of crew. Engineman Morgan, who was instantly killed, supposed to have been asleep; he had only three hours' rest before leaving on this trip. Conductor Frederick suspended thirty days. Brakeman S. Proudfoot suspended fifteen days. Flagman Payne suspended thirty days. Conductor Frederick has been in the service ten years. Brakeman Proudfoot two years, Flagman Payne five years. Service records good.

CASE No. 36.

Statement of cause: "Conductor not being out on train. Hours on duty, twenty."
The facts: The general manager of the Baltimore and Ohio, of date November 27, 1906, writes: "The words 'conductor on duty twenty hours' do not appear in our report. As a matter of fact, the train crew had been on duty thirteen hours thirty-nine minutes. The hours on duty had nothing to do with the accident, which was caused by the train being parted. But for a dense fog they would have known their train was parted before they struck."
Some one seems to have inserted the words "Conductor on duey twenty hours" in the company's report without their knowledge.

At or near Burton, W. Va., October 3, 1903; time, dark; estimated damage, $284.50. One brakeman killed. First 89, engine 2268, west, broke off helper engine 1500, caboose and two cars, and collided with front portion of train, which was stopped to pull in siding for train 8. Conductor responsible for not being out on train himself and seeing that brakemen were properly instructed. Brakeman killed was caught between cars when they collided. Conductor employed October, 1896; on duty twenty hours.

CASE No. 38.

Statement of cause: "Engineman failed to have engine under control. Hours on duty, twenty."
The facts: There is nothing to indicate that this accident was caused by anybody being asleep. The statement made by the company to the Commission is that it was caused by the engineman's "failing to approach the end of double track under full control."
The letter from the general manager says: "The words 'engineman in service since April, 1900, on duty twenty hours,' do not appear in our copy of the report sent in to the Interstate Commerce Commission."
This was a round trip run.

At or near Narrows, October 13, 1903; time, daylight; estimated damage, $230; 1 brakeman injured. First 95—engine 2243 west sidewiped train of O. R. division engine 297 account switch spiked. Engineman engine 2243 X responsible, for failing to approach end of double track under full control. Brakeman slightly injured by jumping. Engineman in service since April, 1900; on duty, twenty hours.

CASE No. 39.

Statement of cause: "Carelessness of engineman. Hours on duty, seventeen."
The facts: "Engineer had been on duty five hours and twenty minutes, previous to which he received nine hours' rest."
The foregoing appears in the company's report to the Commission.

At or near Ullin, Nev.; November 30, 1903; time, dark; estimated damage, $2,600; one trainman killed. Engine on east-bound freight train 216 ran low on water and cut loose from train, running ahead to next station for water. In returning light engine collided with two light east-bound engines running extra. Fireman on 216's engine killed; three engines badly damaged. Accident was due to carelessness of train crew on 216 and engineer on head light engine. Conductor and brakemen have had five, ten, and one years' experience, and engineer five years. Train crew had been on duty seventeen hours, previous to which they had received thirteen hours' rest. Engineer had been on duty five hours and twenty minutes, previous to which he received nine hours' rest.

CASE No. 42.

Statement in table: "Misunderstanding of signals. Hours on duty, eighteen."
The facts: There was no claim that this accident occurred on account of the hours of duty. There was a dispute between the bridge watchman and the engineman, the bridge watchman claiming that he had opened the draw for a boat and had signaled the engineer to stop. The engineman claimed that he had made the stop, and had afterwards received a signal from the bridge tender to come ahead.
These facts were fully stated in the company's report to the Commission.

At or near McGirts Creek, Florida; January 13, 1904; time, dark; estimated damage, $2,000. W. P. Atkinson, engineeer, ankle sprained; Rufus Everly, fireman, face bruised. Engine 501, train No. 212, in charge of Engineman W. P. Atkinson; conductor, Livingston, ran into open draw at McGirts Creek. Engineman claims he made the usual stop, and received a signal from the bridge tender to come ahead; bridge watchman claims he opened bridge for a boat to stop and signaled 212 north bound to stop. Facts developed that the bridge light displayed were at angles, which should have warned the engineman that the bridge was turned. Experience of Engineman Atkinson, fifteen years; had been on duty eighteen hours, after ten hours' rest. Engineman Atkinson responsible. Engine and two cars submerged.

Accident reports as they appear in the Rice pamphlet and as they appear in sworn statements made to the Interstate Commerce Commission by railway managers—Continued.

CASE No. 43.

Statement in table: "Crew not taking proper precautions. Hours on duty, twenty-four."

The facts: This statement is not correct. The crew on engine No. 151 were held responsible for not keeping a lookout to see the snowplow, which was only ten car lengths ahead around the curve of the hill. This crew had only been on duty eleven hours, and had had twenty-four hours' previous rest. The other crew was on a snowplow at a time when the weather conditions were unusually severe, and it was practically impossible to keep the snowplow crew within the sixteen hours. It was the duty of the brakeman to look after the rear of the train; and he had had eight hours' rest before leaving Traverse City, so that he had been on duty only ten hours at the time of the accident.

No one in any way responsible for the accident had been on duty more than eleven hours.

At or near Kopje, Mich.; January 24, 1904; time, 11.10 a. m. (daylight); estimated damage, $585; one brakeman slightly hurt about face; one brakeman cut over right eye, not serious. Freight train No. 55, north bound, engine 151, running as second 55, ran into rear end of snowplow extra north, engine 164 running as first 55. First 55 left White Cloud at 10 a. m., second 55 at 10.25 a. m. First 55 lost time account of engine leaking, and second 55 came up with them 1 mile north of Kopje, at a point where train could not be seen more than ten car lengths ahead account of curve around hill, and as train crew on first 55 had not taken the precaution to throw off any signals, and as the crew on engine 151 (second 55) were not keeping sharp lookout at that point, they did not see train in time to stop. The speed of second 55 at time of the accident was probably 20 to 30 miles per hour They had fourteen cars in train, all loads; ten of them were air cars, air coupled up. Crew were disciplined. On No. 55 first: Engineer, three years in service, on duty 24 hours; previous rest, 24 hours; brakeman, 5 years' service, twenty-four hours on duty, seven hours' rest; brakemen, one month in service, twenty-four hours on duty, twenty-four hours' rest. On second No. 55: Engineer twelve years in service, eleven hours on duty, twenty-five hours' previous rest; fireman, three months in service, eleven hours on duty, thirteen hours' rest; brakeman, ten days in service, eleven hours on duty, thirteen hours' previous rest.

CASE No. 44.

Statement in table: "Engineman disobeyed orders. Hours on duty, fifteen."

The facts: This accident was caused by disobedience of orders, having no relation to length of hours.

At or near Diaz, Ark.; January 26, 1904; time, 11.05 p. m., dark; estimated damage, $2,050; nine passengers injured, one killed; engineer, age 48, injury to shoulder, elbow, and leg; fireman, age 39, injury to left leg and side; passenger train, east, one engine damaged, four cars destroyed, one coach damaged, and one sleeper slightly damaged; damage to equipment, $1,950; damage to track, $100. Accident caused by engineer coming out on main line without orders. Had been in service of the company since 1886, and had ten hours and five minutes' rest prior to going on duty, and had been on duty fifteen hours and forty minutes.

CASE No. 46.

Statement of cause: "Engineman; train getting away. Hours on duty, 17."

The facts: The report of this accident, made by the company to the Commission, is as follows: "The evidence shows that the train had been stopped at Wilsons on account of trouble with brake rigging on eighth car from the engine. They took brake head off brake beam and cut air out. The train made a very smooth run until reaching Hitchcock's tunnel, where it was noticed that it commenced to run at an excessive speed. Brakemen doubled and applied hand brakes on all cars, and in so doing broke brake chains, rendering 3 additional brakes inoperative."

The entire crew were very wide awake and alert; and the accident was caused solely by trouble with the brake appliances.

At or near Everetts Tunnel, W. Va., February 17, 1904; time, daylight; estimated damage, $4,905. Fireman F. Eagan, age 22 years, killed; engineman, age 35 years, injured. Extra east, engine 1817, train consisted of 20 loaded cars; 16 air brakes, 2 inoperative account of broken brake heads; derailed engine and 20 cars in curve just west of Everetts Tunnel. Evidence shows train had been stopped at Wilsons on account of trouble with brake rigging on eighth car from engine, and they took brake head off brake beam and cut air out. The train made a very smooth run until reaching Hitchcock's tunnel, where it was noticed that it commenced to run at an excessive speed. Brakemen doubled and applied hand brakes on all cars, and in so doing broke brake chains, rendering 3 additional brakes inoperative. The only reason that can be assigned for train getting away is that engineman, 12 years' experience, knowing he was on short time ahead of passenger train permitted engine to run at an excessive speed before taking up speed of train, and then he could not control it. Train was in charge of conductor, 15 years' experience; 1 brakeman, 8 years of experience; 1 brakeman, 3 years, and 1 brakeman, 14 months. Engineman had had 4 hours' rest and had been on duty 17 hours prior to accident. Engineman had leg broken and generally bruised up by jumping from engine.

CASE No. 47.

Statement of cause: "Conductor failed to give signal. Hours on duty, 15; hours of rest, 25."

The facts: The train backed into an open switch; and the conductor, engineer, and brakemen were held jointly responsible for the accident. The hours of service had absolutely nothing to do with the accident. The conductor, Devaney, and the brakeman, Miller, who were primarily responsible, had not been on duty to exceed *6 hours* at the time of the accident.

At or near Pennock (Yard), Minn., February 11, 1904; time, dark; estimated damage, $14,500. C. B. Wilson, brakeman, age 22, slight bruise on head. Has had 1 year and 1 month's experience as brakeman with this company; no experience with other roads. At time of accident had been on duty 14 hours and 58 minutes, with previous rest of 25 hours. J. W. Williams, porter, age 25, back hurt. Has had 6 months' experience with this company; no experience with other roads. Had been on duty 5 hours at time of accident. West bound passenger train, No. 3, ran by Pennock Station, which is a flag stop for that train. On account of having 2 passengers for that point and conductor failing to give engineer signal until station had been passed train stopped about one-quarter of a mile west and backed up to station to let off passengers. The train backed into an open switch and collided with rear end of eastbound freight train, No. 256. W. H. Hill, W. J. Heffner, and C. J. Hanscomb, passengers in caboose, received injuries resulting in death; A. J. Sathney, another passenger in caboose, was seriously injured. Trainmen on train No. 3, shown above, also received slight injuries. The stove in caboose 0118, set fire, entirely consuming caboose 0118, sleeping car 937, and G. N. box car 21466; value estimated at $14,450; track damaged to extent of $50. Conductor J. P. Devaney, Engineer G. P. Irvin, and Brakeman C. B. Wilson, on train No. 256 are held jointly responsible for accident.

CASE No. 48.

Statement of cause: "Disobeyed signals. Hours on duty, 48, 47½ hours."

The facts: This was a wrecking crew. There had been serious freshets just previous to this accident, and the train in question had been handling a pile driver and carpenter force in repairing washouts. At the time of the accident they were returning to Olean, where they would have discontinued work. They were only technically on duty 47½ hours. While waiting for the carpenters to do their repair work the train crew had frequent and extended intervals of several hours at a stretch when they secured sleep and rest. It was an impossibility to relieve this crew and put another in their place while they were on this duty because of these washouts, the result of spring freshets, and we were obliged to adopt the most available means for resuming the operation of the road. No one was claiming to be overworked at the time of the accident. It was a question of veracity. The operator who gave the signal claimed that it was "red," while the train crew claimed that it was "white."

The report of the company to the Commission states: "Investigation indicates that operator was at fault for the accident, but responsibility could not be definitely placed." If so, the train crew were not responsible; and in any event their hours of service were not a contributing cause.

Three-fourths of a mile north of Portage, N. Y., March 9, 1904; time, 6.33 a. m.; dark; estimated damage, $1,800. Fireman, age 22, killed. Fireman, age 24, seriously injured. Conductor, age 40, slightly injured. Engineman, age 46, seriously injured. Engineman, age 40, seriously injured. Four brakemen, ages 34, 28, 26, and 22, slightly injured. Extra work train 6249 south was returning to Olean from Mount Morris, and they received orders at Delaware, Lackawanna and Western Junction to meet extra 6255 north at Rossburg, but were detained several hours at West Nunda, meeting other trains, and in order not to delay extra 6255 order was placed at Deep Cut for extra 6249 to meet extra 6255 at Lewis. Extra 6249 failed to get this order at Deep Cut and collided with extra 6255, causing damage to both engines, track, and 6 cars to extent mentioned, killing fireman and injuring 8 trainmen. Crew of extra train 6249 claim that signal was in their favor when they passed Deep Cut, but operator claims that signal was set against them, and his statement is corroborated by an extra laborer who was at work near telegraph office. When extra 6249 passed, operator seized a red flag and tried to attract their attention, but was unable to do so. Engineman and conductor of extra 6249 exceeded speed limit, which is restricted to 8 miles per hour at this point. Investigation indicates that operator was at fault for the accident, but responsibility could not be definitely placed. Engine and train crews of extra 6249 had been out

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of Olean for nearly 48 hours, but had some opportunity to rest. Engineman and fireman of engine 6249 had been on duty for 47½ hours, but were able to rest by first one handling the engine and then the other, when they were doing repair work; operator has had 1 month 19 days' experience. Conductor sustained contusions of body. Engineman of extra 6249 sustained fractured clavicle and scapula, scalp wound, and general contusions of body. Engineman of extra 6255 sustained fracture of 3 ribs on right side and severe contusion of right shoulder and arm. Fireman of extra 6255 sustained burns and contusions of body, lower limbs being crushed and scalded. Died 8 hours after accident. Fireman of extra 6249 had left shoulder dislocated. Brakemen of extra 6249 sustained burn of right hand and body badly bruised and severe scalp wound and contusions of entire body, respectively. Brakeman of extra 6255 sustained general contusions of body, latter also having left shoulder dislocated. These injuries were sustained by reason of men being thrown about when collision occurred, with the exception of dead fireman, who was caught between his engine and tender by wreckage.

CASE No. 51.

Statement of cause: "Did not keep lookout. Hours on duty, 17½."

The facts: This train had just reached its destination. The Pennsylvania Company were at that time (1903) constructing second main track over this division, and the freight trains were unusually and unavoidably slow on this account. The long hours could not have been prevented, as the company was doing everything possible and spending large sums of money to provide two tracks in order to prevent just such delay. This accident was in no way due to long hours. If the fireman had been on his seat box as they pulled from one yard track to another, he would have seen the engine ahead in time to notify the engineman.

At or near Chicago, Ill., August 13, 1903; estimated damage, $125. One yard engineman, age 60, legs, back, and hands scalded. Extra engine 7307 backing two cabin cars south collided with extra light engine 7140, south bound. Damage as follows: Engines, $122; track, $3.37; total, $125.37. Engineman of engine 7307 held at fault for not keeping a lookout and also for not seeing that his fireman was on engine seat box, which would undoubtedly have prevented accident. Experience, five years. Had been on duty about seventeen hours thirty minutes, and had just reached destination. Eighteen hours' rest before going on duty. Steam pipe was broken, which caused injury to the engineman.

CASE No. 54.

Statement of cause: "Flagman failed to get back proper distance. Hours on duty, 17½."

The facts: This was a round-trip run from Nashville to Hollow Rock Junction and return. Hollow Rock Junction was a very unhealthy place, and the men much preferred to return to Nashville. The trip could ordinarily be made within the sixteen hours. The accident was primarily caused by the engineman on No. 59 failing to keep proper lookout for an extra ahead. He had been on duty eleven and one-half hours, prior to which he had ninety-four and one-half hours' rest. The hours of duty had nothing to do with this accident. The engineman knew that the extra was right ahead, from the fact that he had seen them only 8 miles from the point of collision. They failed to approach the station under proper control.

At or near White Bluff, Tenn., October 2, 1904; time, dark; estimated damage, $5,000. One freight passenger killed; three trainmen injured—engineman, age 33; fireman, age 22; brakeman, age 34. No. 59 ran into rear of extra, east bound. Five cars and caboose destroyed account wreckage catching fire. One engine and one car badly damaged; one car slightly damaged. Extra was slowing down to enter siding to meet an opposing train; flagman failed to get back the required distance, and engineman on No. 59 failed to keep proper lookout for extra ahead. Engineman had been employed in that capacity four and three-fourths years and had been on duty eleven and one-half hours, prior to which he had had ninety-four and one-half hours' rest. Flagman had been employed in that capacity ten years, and had been on duty seventeen and one-half hours, with one hour intermission, and had eighteen and one-half hours' rest prior to starting on this trip. Injuries to engineman, fireman, and brakeman, slight sprains as result of jumping from engine.

CASE No. 55.

Statement in table: "Not properly equipped with flagging signals. Hours on duty, 18."

The facts: The report of the company to the Commission states: "The conductor, engineer, and flagman on freight train were responsible for this acident, on account of not seeing that they were properly equipped with flagging signals; and the flagman had not been properly instructed how to use the same."

At or near Swifton, Ark., November 22, 1904; estimated damage, $30,350; time, 5.57 a. m.; dark. Ten passengers injured. Fireman, age 36, killed; engineer, age 44, right arm broken; brakeman, age ——, right hand injured; porter, age 50, injury to chest. Freight train north and passenger. One baggage car and three coaches destroyed; engine damaged; one sleeper damaged; seven cars had bodies destroyed; six cars slightly damaged; damage to equipment, $30,050; damage to track, $300. Conductor, engineer, and flagman on freight train were responsible for accident account not seeing they were properly equipped with flagging signals, and flagman properly instructed how to use same. Conductor had been in service of the company two years; had been on duty eighteen hours and had eight hours' rest prior to going on duty; engineer had been in service of company five years and had five years' experience on other roads; had been on duty eighteen hours and had eight hours' rest prior to going on duty; flagman had been on duty eighteen hours and had eight hours' rest prior to going on duty; had been in service of the company one month; four years' experience on other roads.

CASE No. 56.

Statement of cause: "Running at too high rate of speed; foggy weather. Hours on duty, 17."

The facts: The record shows that these men had been on duty sixteen hours and two minutes. At the time of the accident they were only 3 miles from their terminal station. The length of time on duty had no bearing on the accident, which was due to high rate of speed under a caution signal in a dense fog.

The accident happened at the nearest point where a train could have been sidetracked at the expiration of sixteen hours.

The train was on the road so long on account of the cold weather, which delayed both it and the trains it met along the road.

At or near Isleta, Ohio, December 15, 1904; time, 5.50 a. m.; dark; estimated damage, $210. Four trainmen injured. Accident where T. W. V. and O. engine No. 7352, eastward, ran into the rear of T. W. V. and O. engine No. 7391. Accident at Isleta, Ohio, where extra eastward T. W. V. and O. engine 7352 (with caboose attached) ran into the rear of extra eastward T. W. V. and O. engine 7391 (with caboose attached). The responsibilty of the accident was placed with the engineman of engine 7352 on account of running at too high a rate of speed under a "green block." The weather was extremely foggy, and when engine 7352 sighted engine 7391 they were running at too high a rate of speed to get stopped before colliding with the other engine. The engineman and fireman of engine 7352 are employed by the T. W. V. and O. division, and they stated that they had been on duty for seventeen (17) hours prior to the time of the accident, and that they had been allowed twelve hours' rest before going on duty. The engineman is a man of some experience, having served in the capacity of engineman on the T. W. V. and O. division for the past six years. The following is a list of the casualties: J. C. Cosgrove, engineman, 25 years, right shoulder and leg injured, also kneecap broken and left thumb dislocated. W. A. Perrine, conductor, 30 years, legs bruised and ankle sprained. W. D. Miller, brakeman, 25 years, right hand lacerated, right side of face and head bruised. A. R. Perkins, extra conductor, 29 years, left middle finger bruised and right leg lacerated. These men all reside at Toledo, Ohio.

CASE No. 58.

Statement of cause: "Engineman not seeing flagman in time on account of smoke. Hours on duty, 20."

The facts: The length of time the crew had been on duty was not responsible for the accident. All the members of the crew were awake and alert, and the flagman had gone back and given the proper signal, but it was obscured by the smoke from the engine. There was no reason for anyone to think that the signal could not be seen. The accident resulted solely from the obscurity thus caused, and not from any negligence whatever.

At or near Onward, Ind., October 6, 1901; time, dark; estimated damage, $5,365.40. Elbert Greeley, conductor, age 35, instantly killed; T. P. Brosius, brakeman, age 27, instantly killed; S. A. Galbraith, brakeman, age 28, instantly killed. These three men were deadheading on second section No. 79. J. W. Hutchins, fireman, age 25, instantly killed; F. W. Patterson, engineman, age 29, body and limbs badly bruised. Freight trains, second and third sections No. 79, westbound; third section ran into rear of second section. Three trainmen deadheading home in their cabin car, which was attached behind second

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The report made by the company to the Interstate Commerce Commission shows this clearly. The flagman who gave the signal was a member of the crew of a switch engine which on Sunday had been sent to Logansport for repairs and was returning. The condition of the engine delayed the train, and the collision occurred while they were stopping on the main track to blow up steam. The other train involved was a work train also en route to Logansport to remain over Sunday for repairs.

section No. 79's cabin car, and fireman of engine attached to third section No. 79 were instantly killed. Two cabin and three side-dump cars in second section No. 79 and six refrigerator cars in third section No. 79 destroyed, and six other freight cars in third section No. 79 more or less damaged. This accident due to second section of No. 79 having to stop on main track to blow up steam and engineman on third section not seeing flagman in time to get stopped. The flagman on second section No. 79 went back to flag as soon as he could, but only got back about seventeen car lengths. It was a clear night and the flagman believed the following train would have no difficulty in seeing his signal in sufficient time to get stopped, as the headlight could be plainly seen. Between the flagman and the approaching train there was a strip of woodland, and it was thought the smoke from the engines on the leading train hung over the tracks between the trees just high enough to obscure the view of the engineman on third section on account of the higher position he occupied, while the flagman, as well as the balance of the crew on second section, could plainly see the headlight approaching and had no reason to think the signal could not be seen. The engineman on the third section saw the markers of the second section as he was leaving Bunker Hill, several miles east of where the accident occurred, but lost sight of them on account of the grades, and when he reached a point where he could again have seen them his view was obscured by the smoke, as described above. The flagman on second section No. 79 has had 2 years 9 months' experience as brakeman, and had been on duty about 20 hours, less 2 hours' intermission, and had 14 hours' rest before this. The engineman on third section No. 79 has had 8 years' experience as fireman and engineman, had been on duty about 22 hours, less 3 hours' intermission, and had 29 hours' rest before starting on this trip.

CASE No. 59.

Statement of cause: "Engineman of freight pulled out ahead of passenger train. Hours on duty, 17."

The facts: This man had 20 hours' rest before starting to work. He was on a turn run, and there was no opportunity for him to take rest until arrival at Logansport. The men very much prefer returning to their home terminal rather than to lay over at Bernice, where there was no opportunity to take proper rest. This occurred in 1901.

There is nothing to show that the accident was caused by excessive hours.

At or near Ripley, Ind., September 16, 1901; time, dark; estimated damage, $2,500. Four passengers injured, to wit: Fanny Dacosta, right forearm sprained, injury slight; William Sherridan, cut near right eye, injury slight; Dollie Earell, complained of having head bumped, injury slight; Francis Emmett, complained of having head bumped, injury slight. Freight train extra, engine 71, east, and passenger train 6, east bound. Passenger train ran into side of freight train, damaging passenger cars to extent of $165; freight cars, $1,945, and passenger engine No. 275; total, $2,500. Accident due to engineman of extra freight starting to pull out of siding ahead of passenger train, account of forgetting that train was on road. This man has had 12 years' experience as engineman, had been on duty 17 hours, but had 20 hours' rest before starting to work.

CASE No. 60.

Statement of cause: "Improper flagging. Hours on duty, 16."

The facts: The accident was caused by the failure of the brakeman to place torpedoes on the track. He stated that he did not consider the use of torpedoes necessary. He had been on duty a little over 16 hours, but no claim was made that the accident was caused by excessive hours.

At or near Marion, Mont., July 6, 1901; time, daylight; estimated damage, $8,000. Two firemen, 1 conductor, and 1 engineer injured. Fireman L. Eaton, head slightly cut, age 26; Fireman I. H. Eller, collar bone broken, 33 years; Conductor V. M. Hill, ankle sprained, age 45 years; Engineer P. J. Nolan, ankle sprained, age 38 years. Extra freight east No. 722 stopped to replace a broken knuckle. Meanwhile helper engine No. 725 came up and called in the flagman before the train and its helper could start. Freight train No. 10, following them, ran into their rear, badly damaging 2 engines, 22 cars, and 1 caboose. There was no damage incurred by fire. The accident was due to improper flagging. The brakeman directly responsible for it stated that he did not consider the use of torpedoes necessary. This man had been on duty from 5.30 p. m. of the day previous until the time the accident occurred, 10 a. m. He was a man of 18 years' railroad experience.

CASE No. 61.

Statement of cause: "Disobeyed rule respecting open switch. Hours on duty, 20."

The facts: A work train was standing on track in gravel pit, and switch leading from main line was left open. An express train dashed through the switch, resulting in a collision. The responsibility rested with the switchman, who failed to follow the rule of the company: "Whoever opens a switch shall remain at it until it is closed, unless relieved by some other competent employee."

There is not a word of evidence to show how long the man who left the switch open had been on duty. The record simply shows that the *engineman*, who apparently had had nothing to do with the switch being left open, had been on duty about 20 hours; but there is nothing to indicate any connection between this and the accident.

At or near Springfield, N. H., July 25, 1901; time, daylight; estimated damage, $1,640. One trainman killed, 3 injured. George H. Corliss, engineman, killed; Robert M. Simmons, fireman, slightly injured; George Sawyer, engineman, ankle sprained; Frank Holbrook, fireman, leg bruised. Work train No. 552 was standing on track in gravel pit, and switch leading from main line was left open. An express passenger train, No. 21, north bound, dashed through the switch, resulting in a serious collision. Engines of both trains were badly damaged, together with a baggage car, caboose car, and a flat car.

Responsibility for this accident rests with the engineman who was killed, the switchman, and telegraph operator. Had they observed the rule which reads, "Whoever opens a switch shall remain at it until it is closed unless relieved by some other competent employee," the accident would not have occurred. Engineman Corliss had been on duty continuously about 20 hours.

CASE No. 62.

Statement of cause: "Engineman responsible, not keeping proper lookout. Hours on duty, 22."

The facts: This accident occurred in daylight; nothing to show that the engineer was asleep. He simply failed to approach the station with his engine under proper control. Instead of being on continuous duty for 22 hours, the report of the company shows that he had 5 hours of rest within that period. This rest period may have come at such time that he had only 8 hours of continuous service.

At or near Norwich, N. Dak., June 22, 1902; time, dark; estimated damage, $400. E. J. Jennings, of Fargo, passenger, killed; A. H. Eckhart, passenger, contusion of back and legs, not serious; F. Martin, conductor, slight injuries to head; age, 25 years. While freight train 153, west bound, was standing at Norwich station for the purpose of unloading freight, light engine No. 311 ran into rear of same, damaging aaboose and one car. There were two passengers in caboose; one was fatally injured and died shortly aferwards; the other was slightly injured. The conductor was also slightly injured. Engineer of light engine responsible for not keeping proper lookout ahead and has been discharged. Had been on duty 22 hours, with 5 hours' rest during that length of time. Has been an engineer since 1892. Rules require all trains to approach all stations under control, and responsibility of accident rests mainly with following train. Damage to engine, $50; damage to equipment, $350.

CASE No. 63.

Statement of cause: "Approaching station at too high rate of speed to stop after seeing signal. Hours on duty, 17."

The facts: There is nothing to indicate that the accident was due to overwork on the part of the engineer. It was simply a case of error of judgment in the use of air brakes. The statement made by the company to the Commission was as follows: "No. 14 arrived just south of station and was slowing up to take siding. No. 15 approached the station at too high a rate of speed to stop after seeing red signal, although the operator had placed a torpedo on the track about 800 feet from the station and signaled the engineer to stop. The train

At or near Molino, Fla., June 10, 1902; estimated damage, $2,632. No one killed or injured. Butting collision between freight train No. 13, south, consisting of 14 loaded cars (6 with air brakes in service), and freight train No. 14, north, consisting of 6 loads and 1 empty (6 with air brakes in service). A train order had been given, to be delivered to No. 15 at Molino, making a meeting point between Nos. 14 and 15. No. 14 arrived just south of station and was slowing up to take siding. No. 15 approached the station at too high a rate of speed to stop after seeing red signal, although the operator had placed a torpedo on the track about 800 feet from the station and signaled

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ran past the station and collided with No. 14, which was almost stopped.

the engineer to stop. The train ran past the station and collided with No. 14, which was almost stopped. Both engines damaged, bodies of 1 gondola and two box cars destroyed, 1 gondola and 1 hopper car slightly damaged. Engineer of No. 15 was at fault for approaching train-order office with train not under control. He has had 4 years' experience as engineer. He had been on duty 17 hours and 45 minutes after a lay off of 3 days.

CASE No. 64.

Statement of cause: "Not protected by flag. Hours on duty, 15."
The facts: There was no connection between the number of hours of labor and the cause of the accident. The freight train (an extra) stopped at the water tank with its caboose standing on a steel trestle 40 feet high. It was a short distance ahead of the regular passenger, and the brakeman evidently figured that his train would not be there to exceed two minutes, so that he would not be taking any chances in not flagging the passenger. When the passenger train came around the curve where they could see the caboose the brakeman was standing on the rear platform with his lantern in hand. He was afraid to leave the caboose for fear the passenger train would catch him on the trestle. He was wide awake and fully aware of what was on, but could do nothing. The passenger train came up and s... the caboose and killed him.

At or near Wild Horse, Colo., February 2, 1902; time, 5.25 a. m.; moonlight; estimated damage, $1,000. Owen McCarthy, brakeman, age 35, killed. Employed by this company in such capacity one year. Previous record, 9 years' experience in like position. Freight train, extra, west on main line to take water; passenger train west No. 3 ran into rear end freight train, which was not protected by flag. Brakeman McCarthy, supposed to have flagged passenger train, was in caboose when collision occurred; killed instantaneously. Freight train crew on duty 15 hours; intermission 11 hours elapsed for rest between service. No fire caused by collision.

CASE No. 65.

Statement in table: "Carelessness of engineman. Hours on duty, 18."
The facts: This crew left Brainerd at 3.15 p. m., and arrived at Spur (75 miles) at 9.05 p. m., 5 hours 50 minutes. They left Spur for Brainerd at 9.50 p. m., expecting to make the return trip inside of six hours. They were delayed 3 hours meeting an extra, which was delayed on account of another train doubling a hill. There were no hotel accommodations whatever at Spur; all trainmen and enginemen preferred to make the double, Brainerd to Spur and return, instead of laying over at Spur. This crew had 40 hours' rest before making the trip.

At or near Hackensack, Minn., February 2, 1902; daylight; estimated damage, $3,500. None killed or injured. While extra south engine 7 was doubling out of siding, extra south engine 8, doubling into Hackensack, collided with rear of extra 7's train, ditching engine 8. One U. P. log flat car totally destroyed; 7 log flats considerably damaged. Cause, carelessness of engineer engine 8. Engineer engine 8 employed as fireman on M. and I. May 28, 1901, to June 15, 1901, and as engineer June 15, 1901, to February 2, 1902, and was engineer on other roads. He was on duty 18¾ hours when wreck occurred and had had 40 hours' rest previous to this trip.

CASE No. 67.

Statement of cause: "Disobeyed rule 99 in not properly protecting train. Hours on duty, 22."
The facts: This is entirely erroneous. The report made by the company states that the service was not continuous; "there was an interval of 5 hours 17 minutes for rest;" that is, the run was from Hagerstown to Rutherford, 12 hours 42 minutes, then 5 hours 17 minutes rest at Rutherford; then a run of 4 hours 36 minutes from Rutherford to Lurgan, where the accident occurred.
The Moseley statement simply adds together these three periods, taking no note of the intervening rest period.

At or near Lurgan, Pa., November 9, 1901; time, 3.05 a. m.; dark; estimated damage, $500. George Bowerd, age 24, brakeman, killed. Extra freight, westbound, ran into rear of extra Western Maryland freight at Lurgan, damaging the cabin car, which took fire from the cabin car stove, causing the destruction of the cabin and one box car. The flagman, George Bowerd, was caught in the wreckage, sustaining injuries which caused his death. Flagman Bowerd was on duty 22 hours and 35 minutes with an interval of 5 hours and 17 minutes for rest. He has been in service since December 29, 1900. Rule 99 violated.

CASE No. 68.

Statement of cause: "Conductor and brakeman at fault in moving train before track was clear. Hours on duty, 15."
The facts: There is no evidence in this case of long hours or overwork; the crew had two days' rest before starting. The accident was entirely due to lack of judgment. The trainmen tried to save perhaps thirty seconds of time by pulling up close to lead; they pulled ahead farther than intended, with the result that train was cornered by switch engine.

At or near Helena, Mont., December 1, 1902; time, 7.10 p. m.; estimated damage, $500. No personal injuries. Cars of extra west 17 cornered in yard. The train set back in yard about fifteen car lengths from the lead. Conductor gave instructions to have the train pull up close to the lead, and while doing so the train was cornered by cars being switched with switch engine. Train should not have moved until they had clear track to go. Conductor and brakeman at fault. Conductor ten years' experience; brakeman eleven years' experience as switchman and brakeman. Had been on duty 15 hours with 2 hours intermission. Damage to engine and three cars.

CASE No. 69.

Statement of cause: "Brakeman failed to go to far end of cars to see that they had cleared. Hours on duty, 18."
The facts: There is nothing to show that failure to take proper precautions was due to excessive hours of work. This crew had been on wrecking duty, clearing up a wreck.
The company's report to the Commission gives the following explanation of the cause of the accident: "Wrecker crew had placed eight cars on siding, striking cars which were standing on that track, and causing them to foul main track. Conductor instructed brakeman to go to other end of cars and see that they were in to clear properly. The brakeman reported that they were. This brakeman is responsible for failure to go to far end of cars and see that they were cleared." This law should not apply to wrecking crews.

At or near Boyles, Ala., December 22, 1902; time, 4.25 a. m.; estimated damage, $883. Injured: F. A. Woods, engineer, 45 years, bruises and abrasions of head, face, legs, and back; C. Harris, fireman, 32 years, bruises of shoulder, elbow, and side; Bob Green, brakeman, 27 years, slight bruises of elbow and shoulder. Freight train No. 73, south, consisting of seventeen loaded cars (all with air brakes in service) was running about 15 miles per hour and collided with side of freight cars which had been pushed out of siding so as to foul main track. Engine of No. 73 was considerably damaged. One box car destroyed and two cars slightly damaged. Engineer, fireman, and front brakeman of No. 73 were injured. Wrecker crew had placed eight cars on siding, striking cars which were standing on that track, and causing them to foul main track. Conductor instructed brakeman to go to other end of cars and see that they were in to clear properly. The brakeman reported that they were. This brakeman is responsible for failing to go to far end of cars and see that they cleared. He had had three years' experience. The conductor was also negligent in failing to see that brakeman carried out his instructions and failing to assure himself that the cars cleared. He has had six years' experience, four years as rear-end flagman, but only about ten days as conductor. These men had been on duty about 18 hours after 10 hours' rest. They had been on emergency duty with wrecker.

CASE No. 73.

Statement in table: "Flagman not far enough out to protect his train; discharged. Hours on duty, 16."
The facts: This crew was called at 1.30 p. m., November 27, after 46 hours previous rest. The accident occurred at 5 a. m., November 28, so that he had been on duty less than 14 hours.

At or near Portland, Mich., November 28, 1902; time, 5 a. m.; dark; estimated damage, $700. Injured: Fireman John Dunning, about 25 years old, arm and shoulder bruised jumping off engine. Flagman freight train No. 66 was not out far enough to protect his train and extra engine No. 80 ran into rear of train No. 56 (freight). Brakeman returned to way car of train No. 56 after having been sent out to protect by conductor. Brakeman given 60 demerits and discharged. In service one year. On duty 16 hours; off duty previous 24 hours.

CASE No. 74.

Statement of cause: "From not being properly protected. Hours on duty, 23."
The facts: This accident was caused by an extra train starting out without proper orders. A dense fog prevailed at the time. They stopped at Watts Siding to do some switching, and they had just got head car cut off when second No. 3 collided with their rear. The freight crew had only made a run of 95 miles, and pulled out notwithstanding attention was called to signals by whistle and acknowledged by the engineer.

At or near Watts Siding, Minn., November 1, 1902; time, 7.12 a. m.; daylight; estimated damage, $4,000. Killed: Charles Goff, conductor; J. C. Congdon, brakeman. Injured: J. W. Ryan, brakeman, lacerated wound of scalp; Martin Degnan, engineer, hand scratched. Passengers injured: A. M. McKinnan, hand bruised; R. S. Blachley, hand bruised; Andrew Hagan, left leg bruised; Alex. Gagner, bruise below left eye; Mary C. Adams, right knee bruised; John Senn, finger scratched. Injuries to passengers very slight. Rear-end collision between extra west 426 and second No. 3 west. Accident happened on main line, was

Accident reports as they appear in the Rice pamphlet and as they appear in sworn statements made to the Interstate Commerce Commission by railway managers—Continued.

There is nothing to indicate that any employee was not awake and alert.

caused by extra 426 west pulling out of Glyndon between first and second sections of train No. 3 without orders; a dense fog prevailed at the time. They stopped at Watts Siding to do switching without proper protection and they had just got head car cut off when second No. 3 collided with their rear. Conductor Goff and Engineer Geene, of extra west 426, responsible for accident. Had been on duty 23 hours. Had had 36 hours' rest before starting. Both old experienced men. Damage to No. 3's engine; seven cars damaged; four box cars burned after the collision.

CASE No. 77.

Statement of cause: "Conductor failed to set switch for siding; brakeman also failed to make proper effort to stop train. Hours on duty, 19."

The facts: An extra engine was putting train away in siding, and Devlin, conductor, failed to set switch for mountain siding. The train backed down on a grade crossing, resulting in a collision. All the train men were wide awake and on the ground, and the failure of the conductor to set switch properly was due to an oversight, which might have occurred under any circumstances.

There is nothing to show any connection between the accident and the hours on duty.

At or near Penn Haven Junction, Pa., November 30, 1902; time, 7.30 p. m., dark; estimated damage, $1,100. No one killed or injured. Extra engine, 604 east, was putting train away in siding, and William C. Devlin, conductor, failed to set switch for mountain siding; also failed to have his brakemen properly distributed on the train, resulting in train backing down on grade crossing and Central Railroad of New Jersey 460 colliding with the same. The investigation also showed that James J. Neary and Frank Henritzy, brakemen, failed to make proper effort to stop the train. These men had been on duty 19 hours 30 minutes, after having had 11 hours 30 minutes rest. William C. Devlin had had 13 years' experience; James J. Neary, 3 years, and Frank Henritzy, 8 years' experience.

CASE No. 79.

Statement of cause: "Brakeman failed to turn switch; train ran in on siding. Hours on duty, 19."

The facts: Rear-end collision, caused by brakeman failing to turn switch, throwing the train in on side track and striking the rear of freight train. He had not been on continuous duty for 19 hours. He had left Galesburg and gone to Quincy, a trip of 8 hours. At Quincy he had 3 hours 20 minutes rest, and, returning, had been on duty about 7½ hours when the accident occurred.

There is no reason for saying that this failure to properly turn the switch was caused by excessive hours of labor. He had had two days' rest before going on this trip.

At Saluda, Ill., July 25, 1902; time, 7.50 p. m., dark; estimated damage, $1,000. Slight injuries to five passengers. Brakeman, aged 43, head and right hand cut. North-bound freight train No. 68, consisting of engine and 48 cars (1,390 tons) pulled in on side track to allow passenger train No. 12 to pass. Brakeman was stationed at switch, and when the passenger approached switch he signaled train ahead; when too close to avoid it, the engineer of the passenger train (which consisted of engine and two coaches, all equipped with air brakes in working order) noticed the brakeman had failed to turn the switch, and train ran in on the siding, striking rear of freight train, badly damaging way car and engine. The brakeman injured was in the way car; passengers all slightly injured. The brakeman at fault; in service 12 years; on duty 19 hours after 36 hours' rest.

CASE No. 80.

Statement in table: "Crew went to sleep. Hours on duty, 24."

The facts: This is an incorrect statement. The crew went on duty at 10 p. m. September 4, after 11 hours' rest. They arrived at St. Joseph at 9.30 p. m. and remained there until 6.30 a. m. September 5—that is, they had 9 hours for rest and sleep. They left St. Joseph at 6.30 a. m., and the accident occurred at 2.20 p. m.; so that they had actually been on duty 7 hours 50 minutes.

The reason given for the formal statement in the company's report—"On duty, 24 hours," without any reference to the 9 hours of rest—was: "Being under orders, they were allowed full time, and were thus reported as having been on duty."

At or near New Richmond, Mich., September 5, 1902; time, 2.20 p. m., daylight; estimated damage, $390. No one injured or killed. Extra freight, south No. 174, collided with second section No. 57 north, engine No. 213. Second section No. 57 had orders to meet extra No. 174 at New Richmond and took siding at that place. They then received another order to also meet extra No. 233 south at same place. Train crew and engine crew No. 57 (second section) went to sleep and were awakened by whistle of engine No. 233. They supposed both extras had passed and started with train and collided with extra No. 174. Train crew of second section No. 57 had been on duty about 24 hours at time of accident. No personal injuries.

CASE No. 81.

Statement of cause: "Disobeyed rule 17, train taking siding not being in the clear. Hours of duty, two days."

The facts: This is an entire mistake, the result of a mere error in transmitting the report. As a matter of fact these trainmen had only been on this run 3 hours 45 minutes at the time of the accident and had ample rest prior to going on the trip. This is all fully explained in a letter written by the general manager, W. C. Nixon, to Mr. Moseley, of date January 20, 1903; but, notwithstanding the explanation, the table contains the statement that the *conductor* had been on duty 48 hours.

Whatever negligence there was, was on the part of the *engineer*.

At or near Manvel, Tex., October 5, 1902; time, 8 p. m., dark; estimated damage, $2,300. Injuries: C. Hawkins, engineer, foot sprained; M. J. Scott, conductor, head injured; J. Ginn, brakeman, slightly injured. Train 36 north bound and train extra south 684. Freight train ran into side of freight train on switch; engine 214 damaged $250. Six box cars destroyed and three box cars badly damaged. Both trains were all air and last inspected on date of accident. Accident caused by disregard of rule 17, train taking siding and not being in the clear and still having headlight exposed; should have warned train 36 to approach meeting point under control. Extra south was going into siding when struck by No. 36. M. J. Scott, conductor, no experience on other roads as conductor; one month on this road as conductor; had been on duty two days at time of accident. C. Hawkins, engineer, 12 years' experience as fireman and two months as engineer on this road; no experience on other roads. He had over ten hours' rest before going on this trip. On duty 3 hours 45 minutes at time of accident.

CASE No. 82.

Statement of cause: "Engineman at fault; in going back struck cars. Hours on duty, 20."

The facts: The train stalled and then doubled, and in going back for the rear end of the train the engineer struck the cars. There is nothing to show that the hours on duty had anything to do with the accident. The length of the division is 130 miles, and an average of 10 miles per hour would consume only 13 hours. In this case there was an unusual number of delays, largely caused by the train having parted and by being held to meet passenger trains.

If this crew had been tied up at the end of 16 hours, it would probably have been at a point where they could neither sleep nor get meals, and by the time they got to the terminal they would have lost more time and have been less fit to go out again than if they had been allowed to go through, even if it should take more than 16 hours.

At or near Culmerville, Pa., October 30, 1902; time, dark; estimated damage, $350. No injuries. Train, third section 33 south, stalled and doubled and in going back for rear end of train struck cars so as to cause above damage. Engineer at fault. Six years' experience as engineer. On duty 20 hours, continuous trip.

CASE No. 83.

Statement of cause: "Work train fouled main track without due protection. Rule: 'An inferior train must keep out of the way of a superior train.' Hours on duty, more than 15."

The facts: This accident occurred in 1902, to a work train engine, which had been in the shop at Fort Wayne over Sunday for washing out, etc. They had a rest in their bunk car, and went on their regular Monday's duty on the work train from Plymouth at 7 o'clock in the morning. The accident occurred at 5.35 p. m. Monday; 10 hours 35 minutes on duty. Excessive hours had nothing at all to do with the accident. The engineman simply overran the clearance point of the switch leading from the siding to the main track, in the dark.

At or near Plymouth, Ind., October 20, 1902; time, dark; estimated damage, $500. No injuries. Train No. 8 east bound and extra work train engine No. 313 east bound. Damage, two engines, $487.43; track, $5.54. Cause: Work train fouled main track without due protection, resulting in a "side swipe." Parties at fault in service 15 and 22 years, respectively. Engineman on duty more than 15 hours, with less than 7 hours' rest. Rule: "An inferior train must keep out of the way of a superior train."

CASE No. 86.

Statement of cause: "Engineman at fault for not stopping when semaphore was against him, and not having train under control. Hours on duty, 19."

The facts: The number of hours on duty had nothing to do with the accident. "Engineer Burns frankly admitted that when approaching crossing he saw an N. P. train passing over same, and that he also saw that semaphore signal was set against him, but thinking that tower man would give him the crossing in time to avoid necessity of stopping his train he allowed train to drift until too late to stop before going off track at derail."

At or near State Line, Wis., October 21, 1902; time, dark; estimated damage, $2,200. No injuries. East bound extra freight train No. 1146 had engine and nine cars derailed at State Line derail switch. Signal set against train but failed to stop. Estimated damage to equipment, $2,100, and to track, $100. Engineer J. P. Burns responsible for accident for not stopping when semaphore was against him and also for not having his train under control. He has been taken out of the service. Has been engineer with this company three years three months; no previous experience as engineer. Was on duty 19 hours.

Mr. LA FOLLETTE. Mr. President, before referring to the provisions of this bill and the criticisms which have been made of its terms, I wish to have read the telegrams and letters which I send to the Secretary's desk.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

PEORIA, ILL., *January 9–10, 1907.*

R. M. LA FOLLETTE, *United States Senate, Washington, D. C.:*

I am opposed to penalizing employees for working over hours, as advocated by Senators GALLINGER and FORAKER.

JOHN J. HANNAHAN,
Grand Master Brotherhood of Locomotive Firemen and Engineers.

CLEVELAND, OHIO, *January 9–10, 1907.*

Hon. R. M. LA FOLLETTE, *United States Senate, Washington, D. C.:*

The Brotherhood of Railway Trainmen is decidedly opposed to the propositon to penalize employees for working in excess of hours to be designated by Congressional enactment. The amendments to that end are objectionable in every sense and simply intended to embarrass the employee and put up to him the enforcement of the law; the penalty clearly belongs to the employer who compels him to violate it.

P. H. MORRISEY,
Grand Master Brotherhood of Railroad Trainmen.

LACROSSE, WIS., *January 9, 1907.*

Mr. R. M. LA FOLLETTE, *Washington, D. C.:*

Please use every effort to pass Senate bill 5133 and amendments in favor of railroad employees.

W. J. BARBER,
Secretary Brotherhood Railroad Trainmen.

CHICAGO, ILL., *January 10, 1907.*

ROBT. LA FOLLETTE, *United States Senate, Washington, D. C.:*

The general grievance committee Brotherhood of Railway Trainmen, representing 3,000 members on the Chicago and Northwestern system, heartily indorse the proposed legislation relative to restriction of service hours for men in train and yard service.

A. F. WHITNEY, *Chairman.*

ORDER OF RAILWAY CONDUCTORS OF AMERICA,
INDIANAPOLIS DIVISION 103,
Indianapolis, Ind., January 7, 1907.

H. R. FULLER, *206 Delaware avenue NE., Washington, D. C.*

DEAR SIR: This afternoon a number of conductors, engineers, firemen, and brakemen were called before the staff officers of the Pennsylvania lines in Indianapolis, as employees in train service, to talk over the proposed La Follette bill now pending before this session of Congress pertaining to the limit of hours on duty and after that time requiring ten hours' rest. I can not give you the number of the bill, but I ask that you give me two or three copies of this original bill and give me your personal opinion and feelings regarding this bill. Give me all the advice pertaining to this measure, as I feel that it is one of the old tricks of the railroad officials, of their undermining way of trapping the many employees. Before I left this body of men I am glad to say that no steps will be taken until I hear from you in regard to this matter.

Very truly, yours in P. F.

INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
Basalt, Colo., December 8, 1906.

H. R. FULLER, *Legislative Representative B. of L. E., Washington, D. C.*

DEAR SIR AND BROTHER: The general superintendent of the Colorado Midland Railroad has issued a circular asking the men to endeavor to defeat the La Follette bill against working railway men more than sixteen hours at a time without rest. This bill comes up for consideration in the Senate January 10, we understand. The men here are all in favor of a law along this line being passed. The members of this division, however, desire that I find out from you whether this is the bill which you are endeavoring to have passed in our behalf. Thanking you advance for an early reply, I am yours, fraternally.

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
GENERAL BOARD OF ADJUSTMENT,
Lima, Ohio, December 9, 1906.

Mr. H. R. FULLER,
United States Legislative Representative,
206 Delaware avenue NE., Washington, D. C.

DEAR SIR: I would thank you, if it is not too much trouble, if you will send me a copy of the sixteen-hour Federal law, now pending action of the House, and has passed the Lower House, and comes up January 10, 1907, for final action. My superintendent has headed a remonstrance against its passage and has handed the chairman of each order a copy and asked them to get names of all trainmen to remonstrate, setting forth that such a law would be injurious to the employees and a reduction in pay. Now, I haven't read the bill, but I think it is a move in the right direction. Its passage and enforcement will cause the companies to get their trains over the roads in less time, and no crew should be kept on an engine longer than fifteen consecutive hours, and this law, I think, if passed will help us out and Lima Division No. 120, Brotherhood of Locomotive Engineers, insists on its passage; also, all engineers on the Lake Erie and Western system—864 miles of road and 290 engineers, of which I am general chairman, and any information concerning this law you can furnish me with I will thank you for.

Thanking you for the many past favors shown us,

I beg to remain, respectfully and fraternally yours.

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
FLOUR CITY DIVISION, No. 494,
Minneapolis, Minn., December 19, 1906.

H. R. FULLER, *Washington, D. C.*

DEAR SIR AND BROTHER: Just received yours of the 16th in answer to my telegram regarding Senate bill 5133, and I will say that the information in it will clear up a lot of false statements regarding this bill. All that I knew or heard about it came from our railroad officers, so you may know which side was shown up. Will be pleased to receive further information and instructions when the proper time comes, but give us all the time possible, as it takes time to get these things before the men.

Fraternally and truly,

Mr. LA FOLLETTE. Mr. President, such criticism as has been urged respecting this bill, and particularly that made by the Senator from Colorado [Mr. PATTERSON] yesterday in his remarks, is made because there is no provision in the bill to prohibit men who may have been in service less than sixteen consecutive hours again going on duty without having a sufficient rest, thus, by working two or more periods of less than sixteen hours each, interrupted by only short intervals of rest, virtually defeating the purpose of the measure.

I think the criticism of the Senator from Colorado is a just one. Provision should be made to meet that criticism. It seems to me this can be done easily; and, if no one else offers such an amendment, I shall offer one which I believe will meet that objection.

However, I find on an examination of all the statutes of the different States that have enactments upon this subject that in every single instance the language used in these statutes with respect to this feature is precisely the language of this bill. It is manifestly apparent that whoever drafted the substitute provision reported by the committee for the bill which I introduced had before him the provisions of the different State enactments upon this subject.

Arizona provides in exactly this language against any railway employee who is concerned in the moving of trains from being employed more than sixteen consecutive hours, but it makes no provision for men who have been employed fifteen and a half hours.

The same is true of the Arkansas statute, which prohibits the working of those having to do with the operation of trains for more than sixteen hours in succession. The same is true of the Colorado statute, the language of that statute being as follows:

Act of 1901.

SECTION 1. No company operating a railroad in whole or in part within this State shall permit or require any conductor, engineer, fireman, brakeman, telegraph operator, or any trainman who has worked in his respective capacity for sixteen consecutive hours, except in case of casualty, to again go on duty or perform any work until he has had at least ten hours' rest.

The language of that statute is almost identical with the second section of the bill now under consideration.

Mr. DANIEL. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Virginia?

Mr. LA FOLLETTE. Certainly.

Mr. DANIEL. The Senator from Wisconsin has made a great study of this question, and it occurs to me to ask the Senator, as we are going on at this time, whether he does not think we could limit the hours to twelve instead of sixteen?

Mr. LA FOLLETTE. I will say to the Senator from Virginia that such a provision would impose in many cases uncalled-for hardship upon the railroad companies and upon the employees as well. I believe by a very slight amendment to the bill under consideration provision can be made for exigencies which may arise where the service is cumulative and overruns the time limit for which men should be expected reasonably to be on duty, or where the service is consecutive in its nature and is for a somewhat shorter period than the sixteen hours mentioned in the bill.

Mr. DANIEL. If the Senator from Wisconsin will permit, I asked him the question because I have traveled on a train within the week past where I was informed by the men they had been in continuous service for fifty-three hours. With respect to cases in which the employees are allowed to be on trains for the time extended, emergency cases, such as those to which the Senator is now directing his attention, I will ask does not the Senator think it would be well to provide that for such extra service the employees should have additional compensation? I call his attention to that, as he is now preparing his amendment.

Mr. LA FOLLETTE. It has been suggested, Mr. President—and I think the suggestion a good one—that if there could be imposed upon the railroad companies a requirement for extra pay, in excess of the regular pay, for the time men are compelled to work beyond a reasonable limit, it would be a most

wholesome and effective provision against the overworking of men to their detriment and their danger and the great danger of the service.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. Certainly.

Mr. CARTER. Mr. President, the hour of 3 o'clock has been fixed, as I understand, by unanimous consent for a vote on the bill and all the amendments then pending. I desire to call the attention of the Senator from Wisconsin to the fact that there are probably twenty or more amendments to be disposed of, and that, inasmuch as no debate will be permitted after the voting begins, it would seem quite wise to make some provision for debate on the amendments presented before 3 o'clock or pending now. I should like, therefore, to inquire if it would inconvenience the Senator should I make request for unanimous consent that we take up the amendments for debate under the five-minute rule at 1.15 o'clock, thus leaving an hour and three-quarters only for debate on twenty-odd amendments? I do not wish to interfere with the Senator's remarks, except to suggest the expediency and almost necessity of some such provision if the amendments individually are to receive any consideration at all.

Mr. LA FOLLETTE. Mr. President, I will say, in reply to the suggestion of the Senator from Montana, that I understood the same request to be made yesterday and the ruling to be made substantially that no variation of the unanimous-consent agreement which had been entered upon the record could be made. If I remember rightly, the Senator from Massachusetts [Mr. LODGE] submitted such a query to the President, and there was such a ruling. I may be wrong about it.

The VICE-PRESIDENT. The Chair did not so rule. On the contrary, the Chair ruled that, in his opinion, the unanimous-consent agreement could be modified by unanimous consent.

Mr. LA FOLLETTE. Then I misunderstood the ruling of the Chair.

Mr. CARTER. Mr. President, even in the absence of the rule suggested by the Chair I understand it to be a fact that no modification of the unanimous-consent agreement would obtain should the Senate agree to regulate the time for speeches prior to 3 o'clock. For instance, such agreement would in no wise operate to affect the unanimous-consent agreement any more than would the agreement frequently arranged for the interposition of the Brownsville debate interfere with the vote at 3 o'clock this afternoon. In other words, I think the Senate has complete control of its time and the disposition of the time up to 3 o'clock, but at that time the unanimous-consent agreement becomes imperatively operative under the usual usage of the Senate.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. CARTER. If the Senator from Colorado will permit me for one moment I will conclude. In the light of the holding of the Chair on the subject, I renew my suggestion to the Senator as to the propriety of taking up the amendments under the five-minute rule in the very near future, because we have but very little time remaining.

Mr. LA FOLLETTE. Mr. President, I have from time to time yielded the floor with the expectation that possibly some who had proposed amendments to the bill would have something to offer in support of their amendments. This bill has been the unfinished business during this entire session. At any time after 2 o'clock on any day any Senator who was interested in discussing or debating this bill, or who desired to say anything in support of any amendment offered to it, could readily have had the floor and the opportunity to do so.

Mr. PATTERSON. Mr. President——

Mr. LA FOLLETTE. If the Senator will pardon me just a moment, I have observed that in all the debate which took place yesterday upon this bill—I will say nothing about my own participation in it—outside of the time when I occupied the floor, the debate was rather in criticism of the bill than in discussing any of the proposed and pending amendments. I have not felt called upon to say anything about these amendments until those who have proposed them and who are in favor of them advance reasons for their being adopted. I am unable to recall a single instance in which any Senator who had offered an amendment has taken the floor, either yesterday or to-day, to advance any reasons for the amendment offered.

I do not desire, Mr. President, to occupy the floor to the exclusion of anyone who desires to discuss proposed amendments. I shall have opportunity probably before 3 o'clock to say something, if I desire, in reply to what may be put forward concerning any of these amendments. I will yield the floor at this time to any Senator who rises to discuss any pending amendment.

Mr. CARTER. I again ask that we proceed to consider the bill and amendments under the five-minute rule.

Mr. BEVERIDGE. I call the Senator's attention to the fact that the Senator from Wisconsin [Mr. LA FOLLETTE] just this moment declined to agree to that request. I understood the Senator from Wisconsin to say, after having given the reasons why he could not agree to it, that even while he was on the floor he would yield to any Senator who wanted to say anything in behalf of any amendment.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Colorado?

Mr. CARTER. I will withhold the request for unanimous consent for the time being, if the Senator from Colorado desires to speak.

Mr. PATTERSON. Mr. President, I am in hearty accord with the Senator from Montana [Mr. CARTER], except that his request for unanimous consent does not go far enough. I believe, in order that the bill may be perfected intelligently, that the request for unanimous consent should include the voting upon amendments as they are offered and discussed. Unless that is done when 3 o'clock arrives there will be a mass of amendments offered, and there will be no opportunity for Senators who have not been following the discussion to understand the relations of the amendments to the bill and the effect of adopting or rejecting the amendments.

I submit, Mr. President, that there is nothing in the way of the unanimous-consent agreement going to the extent that I suggest. The language of the unanimous-consent agreement, as found on the Calendar, is as follows:

> It is agreed by unanimous consent that on Thursday, January 10, 1907, at 3 o'clock p. m., the Senate will vote, without further debate, upon the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

It says nothing whatever about amendments. So that I take it that until 3 o'clock we would have the right, under the unanimous-consent agreement, to perfect the bill by amending it, so that at 3 o'clock the vote may be taken upon the amended bill. I therefore suggest to the Senator from Montana to amend his request for unanimous consent so that it will include the proposition that the amendments shall be voted upon.

Mr. BEVERIDGE. After discussion.

Mr. PATTERSON. After discussion under the five-minute rule.

Mr. CARTER. Mr. President, I fear that the suggestion of the Senator would involve a violation of the existing unanimous-consent agreement. If the Senator will refer to the Calendar, upon which a statement of the unanimous-consent agreement appears, he will find it to read:

> It is agreed by unanimous consent that on Thursday, January 10, 1907, at 3 o'clock p. m., the Senate will vote, without further debate, upon the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, together with all amendments pending or to be offered.

Under that unanimous-consent agreement the question arises whether we can begin by unanimous consent to vote upon and dispose of amendments prior to 3 o'clock. I doubt if that can be done without invading the unanimous-consent agreement. I would be perfectly willing to extend the request so as to include time for brief debate when an amendment is offered.

I recall an occasion during the last session of Congress, while we were operating under a similar unanimous-consent agreement, when Senators were estopped from the slightest explanation of either the necessity for or the effect of a proposed amendment at the time it was about to be voted upon. The embarrassment arising from that situation all Senators felt at the time. I believe there should be some slight opportunity for the Senator offering an amendment to explain its effect at the moment for at least five minutes. The debate might be limited to an explanation of the Senator proposing the amendment, so that it would not extend indefinitely five minutes for each Senator in the Chamber, as the general rule would permit.

Now, if it is agreeable to Senators, I should be glad to modify the request for unanimous consent so as to put it in this form: That at twenty minutes after 1 o'clock we proceed to debate the bill and the amendments under the five-minute rule until 3 o'clock and that the unanimous-consent agreement heretofore given be modified so that the Senator proposing an amendment may be permitted five minutes' time when it is about to be voted upon in which to explain its effect on the bill as it then stands.

Mr. BEVERIDGE. I think that both the Senator from Montana and the Senator from Colorado are correct, except I do not think the Senator from Montana is correct in supposing that

we can not modify a unanimous-consent agreement by another unanimous-consent agreement. The Chair having just a moment ago ruled upon the subject, that of course any unanimous-consent agreement can be modified by another unanimous-consent agreement, it would be entirely competent for us to agree by unanimous consent to begin voting earlier, so far as that is concerned—that is, if everybody consented. But if we debate this question of unanimous consent very much longer, we shall have consumed golden moments which we need for the discussion of the amendments.

I will make a suggestion to the Senator, which I think he can get unanimous consent for, that beginning at half past 1 we take up the amendments as Senators may offer them, and debate them under what you may call the ten-minute rule, because there is no five-minute rule or ten-minute rule except as we make it——

Mr. PATTERSON. Under the five-minute rule.

Mr. BEVERIDGE. No; the ten-minute rule, because some of the amendments can not be intelligently discussed in five minutes, while, on the contrary, the great number of them will not require much discussion. And after the conclusion of the debate on each amendment, we vote upon that amendment, as suggested by the Senator from Colorado, and that we continue in that order until all amendments are disposed of, and that at that time we vote upon the bill without further debate.

Mr. TILLMAN. To-day?

Mr. BEVERIDGE. Certainly; to-day.

Mr. CARTER. That would modify the existing unanimous-consent agreement.

Mr. BEVERIDGE. Certainly; and it is competent for us to do that.

Mr. CARTER. I am perfectly agreeable to that.

Mr. BEVERIDGE. I think that unanimous-consent agreement can be had; I do not know.

Mr. FRYE. Mr. President, it does not occur to me that unanimous consent can now be given that votes may be taken upon the amendments as they are discussed, because the original unanimous-consent agreement was a notice to all Senators that there would be no voting until 3 o'clock, and then it would be upon the bill and the pending amendments and the amendments then offered. So that those Senators who are absent from the Senate are entitled to the advantage of that unanimous-consent agreement.

Mr. BEVERIDGE. Of course I instantly see the force of that suggestion, but I had understood the Chair to hold only a moment ago that any unanimous-consent agreement might, of course, be modified by unanimous consent.

The VICE-PRESIDENT. That is the opinion of the Chair. The considerations advanced by the Senator from Maine would, in the opinion of the Chair, warrant objection by any Senator to a subsequent modification of a unanimous-consent agreement by unanimous consent; but they do not affect the question of power.

Mr. BEVERIDGE. That would amount, then, merely to a question, as a practical matter, whether the consideration suggested by the Senator from Maine is weighty enough in the mind of any Senator to cause him to object to the request for unanimous consent. I think the unanimous-consent agreement which I have suggested can be secured, if it is competent.

Mr. LODGE. Mr. President, it seems to me the point made by the Senator from Maine [Mr. FRYE] is one that is perfectly unanswerable. We make an agreement to begin to vote on a bill and amendments at 3 o'clock. That is notice to the Senate that there will be no voting before that time. There may be many Senators desirous of voting on this bill who are not present. It seems to me an obvious violation of the unanimous-consent agreement to begin to vote before 3 o'clock. If an objection is necessary, I shall most assuredly make it.

The VICE-PRESIDENT. Objection is made.

Mr. BEVERIDGE. In view of the fact that the Senator from Massachusetts has suggested that he will make objection, it is not necessary to ask for a formal ruling of the Chair. I therefore ask for this modification of the unanimous-consent agreement, because the considerations advanced by the Senator from Colorado and the Senator from Montana are unanswerable. We can not vote upon the amendments intelligently unless we hear them discussed immediately before they are voted on. I ask for this modification of the unanimous-consent agreement—that beginning at 3 o'clock we shall first take up the amendments in the order in which they may be offered by Senators, and that then we shall debate each one of those amendments under the five-minute rule and vote on each one separately after the debate upon each shall have been concluded. I ask for that modification of the unanimous-consent agreement—beginning at 3 o'clock. That answers the objection made by the Senator from Maine.

I call attention, further, to the fact that without this modification there would be not more than two or three Senators, who have been giving very special attention to this bill, who could possibly vote understandingly on hardly any of the amendments. I ask for that unanimous-consent agreement.

The VICE-PRESIDENT. The Senator from Indiana asks that the unanimous-consent agreement be modified so that beginning with 3 o'clock——

Mr. BEVERIDGE. Yes.

The VICE-PRESIDENT. The amendments offered and to be offered to the pending bill be taken up and debated under the five-minute rule, and at the conclusion of the debate the amendments be voted upon.

Mr. BEVERIDGE. Each amendment; that is right.

The VICE-PRESIDENT. Each amendment.

Mr. GALLINGER. I desire to ask the Senator from Indiana what he means by each amendment being debated under the five-minute rule?

Mr. BEVERIDGE. I mean this: As each Senator offers his amendment any Senator will be entitled to discuss the amendment for five minutes, until every Senator who desires to do so shall have discussed it, and at the end of the discussion, no Senator being permitted to speak more than once, the amendment be voted upon.

Mr. GALLINGER. That is a sufficient answer. There are about forty amendments.

Mr. BEVERIDGE. Yes.

Mr. GALLINGER. And each amendment is to be debated under the five-minute rule at the pleasure of the Senate?

Mr. BEVERIDGE. Yes.

Mr. GALLINGER. It is obvious that under such an arrangement we would stay here all night, to say the least, and I object.

Mr. BEVERIDGE. Before the Senator from New Hampshire objects, I should like to have the opportunity of trying to persuade the Senator by an observation or two. Of course, if it is hopeless to try to persuade the Senator, I will not attempt it.

But I offer this suggestion: While there are some forty or forty-one or forty-two amendments, it is perfectly obvious that the majority of them will not be debated at all, and upon those that are debated not more than three or four Senators would speak. But even if what the Senator from New Hampshire states is true, that we might stay here until a late hour at night——

Mr. GALLINGER. All night.

Mr. BEVERIDGE. This bill is of more importance than the convenience of Senators; but if the Senator objects, that settles it.

Mr GALLINGER. I will say that if any modification of the unanimous-consent agreement should be reached the modification ought to be to recommit the bill to the committee. That is what ought to be done. It is manifestly in such shape now that if we directly vote upon it or amuse ourselves by five-minute speeches on it we will have a bill that nobody will be satisfied with when we come to vote on it. That is my sincere conviction.

Mr. BEVERIDGE. May I ask the Senator from New Hampshire whether, if the Senator from Massachusetts, on reconsideration, were willing to withdraw his objection to the first unanimous-consent request (I mean as modified by the Senator from Montana—that is to say, that at half past 1 or at any other time we take up the amendments and discuss them and vote on them), he would agree to it?

Mr. GALLINGER. The Senator from Massachusetts can answer for himself.

Mr. LODGE. I do not put my objection on any special ground about the time to be consumed or even on the point I made before as to the notice given to Senators. Unanimous-consent agreements in the Senate must be observed. If they are not, they will come to an end. If it is to be supposed that unanimous-consent agreements are to be modified, we shall soon find it impossible to get a unanimous-consent agreement. I think nothing is more important than the rigidity with which the Senate preserves unanimous-consent agreements. It is absolutely necessary to the transaction and conclusion of business. I do not think we ought to undertake to modify a unanimous-consent agreement if it can possibly be avoided, and I certainly do not think we ought to modify it in such a way as to bring on a vote before the time set. That, it seems to me, is in absolute violation of the agreement.

Mr. BEVERIDGE. I wish to say in answer, taking just a moment, because I do not propose to occupy more of the time of the Senate, that I recognize the very great weight of what the Senator from Massachusetts has said; and if that rule is going to be maintained until it shall become a law of procedure in the Senate, it might as well be understood by all of us that hereafter

when we make a unanimous-consent agreement about voting it must be understood that that agreement is not going to be changed by any subsequent agreement.

Mr. FRYE. It never has been.

Mr BEVERIDGE. It is well for all of us to understand that hereafter a unanimous-consent agreement becomes a law of the body. I recognize the great weight of what the Senator from Massachusetts has said.

Mr. TELLER. Mr. President, I have never known a unanimous-consent agreement to be changed in the slightest degree. It seems to me the moment we commence changing, that moment the custom is practically of no value whatever.

It is quite obvious that this bill is not in proper condition to become a law. Nobody knows what it will be when we shall have passed upon the amendments. It is very doubtful whether, after we have got through amending it, it will be such a bill as we ought to pass. It is an important bill. I want to vote for the principle. I want, in some way, if possible, to compel the railroad companies to not overwork their men, and at the same time I do not want to do anything that will interfere with the proper discharge of the duties which the railroad companies owe to the public. I supposed I would be able to vote for this bill, but I misunderstood the present condition of the bill. I may be able to vote for it when the amendments shall have been disposed of. I may conclude that I ought to vote against the bill. I desire to say that if I do, I am going to vote against it because it is not a bill suitable, in my judgment, to carry out the purpose intended by the bill.

Mr. President, this bill ought to have been taken up and there ought to have been no unanimous consent in connection with it that no vote should be taken upon any amendment prior to 3 o'clock. The unanimous-consent agreement ought to have been confined to the perfected bill. We ought to have had an opportunity before that time to vote on the amendments. Such ought to have been the agreement, but it is not the agreement. The agreement should have been submitted in that way—that we might vote on the amendments as they came up and at 3 o'clock make final disposition of the bill. There is no trouble about the rule if it is properly applied.

I have said this merely because it looks to me as if I shall have to vote against the bill as it now stands. I desire the public to know, and I want the RECORD to show that, so far as voting against the bill is concerned, I do not vote against it because I am opposed to the principle, but because I do not believe the bill has had proper consideration in order to carry out the purpose which, on its face, it purports to intend.

Mr. TILLMAN. Mr. President, I was called out of the Chamber a moment ago when an effort was being made to arrive at some workable rule here. It appears to me a very absurd idea, which I caught as I came in, that the Senate can not modify a unanimous-consent agreement.

Mr. BEVERIDGE. It can.

Mr. TILLMAN. It can?

Mr. BEVERIDGE. There is no question about it.

Mr. TILLMAN. Unless we can change a foolish custom or habit or rule, if we have agreed to one, we had better quit business. We will not be doing business in a decent or proper manner if the Senator proposing an amendment to an important measure is deprived of the opportunity to explain what he wants to do, and other Senators are deprived of the opportunity of showing where the amendment is wrong, and we are thus denied the opportunity to vote intelligently. Otherwise we will kill all these amendments, some of them good and some of them bad, without any intelligent understanding of what we are doing or why we are doing it.

I can not conceive that any Senator here will object to our now taking up the amendments and proceeding to their disposition, of course calling the roll of the Senate, so as to give every Senator notice to be on hand to vote on the amendments if he desires.

Mr. BEVERIDGE. But the Senator from New Hampshire [Mr. GALLINGER] objected to that very request.

Mr. TILLMAN. He did?

Mr. BEVERIDGE. Yes.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. TILLMAN. Certainly.

Mr. CULLOM. I simply wish to inquire if the Senator from South Carolina thinks there is any rule against discussing the amendments which have been offered?

Mr. TILLMAN. But why not vote on an amendment when it shall have been discussed?

Mr. CULLOM. Because the unanimous-consent agreement does not allow it. That is the only reason.

Mr. TILLMAN. The Senate can change the unanimous-consent agreement if it sees fit.

Mr. CULLOM. Let Senators proceed to discuss the bill and amendments, and the time will come when we will vote on them.

Mr. BEVERIDGE. With the permission of the Chair, I call the Senator's attention to the fact that precise request was made, and objection was interposed by the Senator from New Hampshire.

Mr. CULLOM. Mr. President——

Mr. BEVERIDGE. There is no question of the power of the Senate to change it, as a matter of power, but as the Chair has put it, it is not a question of power. The power exists. It is a question whether the considerations presented by the Senator from New Hampshire and the Senator from Massachusetts have, in the mind of any Senator, sufficient weight to cause him to make an objection. In this instance it did with two Senators—the Senator from New Hampshire and the Senator from Massachusetts. There is where we stand.

Mr. TILLMAN. In other words, we have made a foolish agreement, and two Senators object to changing it.

Mr. CULLOM. There is no objection on the part of anybody to a Senator discussing these amendments if he wants to make a speech on them, and we will vote on them when the time comes.

Mr. TELLER. Mr. President, this is an agreement which is binding merely on the honor of the Senate. If I choose at 3 o'clock to take the floor on this bill and speak for three hours there can be no complaint, except that I have violated an old and ancient custom here. I could not be brought before the Senate and accused of any official impropriety. But in the many years I have been here I have never known anybody to violate a unanimous-consent agreement, although I have known Senators to come on the floor and say, "If I had been present the agreement would not have been made; but having been made, I will stand by it." I have heard Senators say they did not think the construction put upon an agreement by the Chair was correct, and yet I have never known a Senator to refuse to adhere to the ruling. The moment you begin to modify these agreements there will be an end to them. If we make an improper agreement, there is always a way to get out of it. You can defeat the bill. You can vote against the bill. You can reconsider it and reinstate it. There is a way in which it can be done if it becomes absolutely necessary.

Mr. President, this bill is not going to become a law at the present session of Congress. Everybody knows that. It is not now in proper form, in my judgment, and I doubt whether in the hour and a half that we have left before we must vote there will be opportunity to debate it sufficiently and intelligently enough to put it in form. The friend of the bill is the one who always asks unanimous consent to make it the order of business and to fix a time for a vote. If the friends of the bill are not sufficiently alert to want to complete and perfect the bill before voting, they are the people who ought to take the responsibility of it. Had I been present and had my attention been called to the request, I should have insisted that we should be allowed to vote on the various amendments before the hour fixed for the general vote. That is the orderly and proper way. That is what ought to have been done and can always be done, and it saves any question such as now arises.

Mr. BRANDEGEE. Mr. President, is there any request for unanimous consent pending?

The VICE-PRESIDENT. No request is pending.

Mr. BRANDEGEE. Would it be in order at 3 o'clock, when, under the unanimous-consent agreement, we are to proceed to vote, when every Senator who agreed to the previous unanimous-consent arrangement has had an opportunity to be present, to modify the unanimous-consent agreement so that debate may be permitted?

Mr. BEVERIDGE. I wish to say to the Senator from Connecticut that that is precisely the request which has already been made and which was objected to.

Mr. BRANDEGEE. I did not make the request. I asked the Chair if it would be in order to make the request at 3 o'clock.

The VICE-PRESIDENT. In the opinion of the Chair, it would be the duty of the Chair to submit such a request to the judgment of the Senate. The Chair is of the opinion that the Senate possesses the power to modify by unanimous consent a unanimous-consent agreement. It is merely a question of policy whether or not the Senate will modify its unanimous-consent agreement.

Mr. BRANDEGEE. Then, I will——

Mr. KEAN. Mr. President——

Mr. BRANDEGEE. I believe I have the floor, Mr. President.

The VICE-PRESIDENT. The Senator from Connecticut has the floor.

Mr. BRANDEGEE. Mr. President, referring to the amendment I proposed last evening, on page 2 there is a provision—

That any such common carrier, or any of its officers or agents, knowingly violating any of the provisions of this act, or any employee who by any false representation or concealment of fact procures himself to be employed in violation of the provisions of this act, is hereby declared to be guilty of a misdemeanor.

That was put in the bill on the theory that if the laboring over a certain number of hours was to be a misdemeanor, both the employer and the laborer ought to be subject to the same or similar penalties. But on looking over the bill, which is modeled largely upon the bill that the committee reported, it seems to me that the theory of the bill is that it is a bill to prevent common carriers from employing their help more than a certain number of hours, and that the provision which puts a penalty upon the employee is not properly in the bill or according to the theory of the bill. Therefore I desire to modify my amendment by striking out the language stricken out with pen and ink in the copy which I send to the desk.

The VICE-PRESIDENT. The Senator from Connecticut proposes a modification of his amendment, which will be stated.

The SECRETARY. On page 2 of the amendment offered by the Senator from Connecticut, in line 18, after the word "act," it is proposed to strike out—

or any employee who by any false representation or concealment of fact procures himself to be employed in violation of the provisions of this act.

Mr. BEVERIDGE. Mr. President, I think the valuable time that has been taken up in the discussion of the proposition to modify the unanimous-consent agreement has, after all, been very well spent, because it is now brought to our attention that from custom it has become a practical law that when a unanimous-consent agreement to vote has once been made it can not thereafter be modified.

That being true, I wish to give notice that, so far as I am concerned, when I am present in the Senate Chamber hereafter I shall object to any proposed unanimous-consent agreement for the modification of a unanimous-consent agreement, so that hereafter when a unanimous-consent agreement is asked it can be fixed in proper terms.

I wish to call attention to the fact that there is nothing whatever right now to prevent any Senator who has an amendment to this bill from speaking to his amendment immediately.

Mr. GALLINGER. Of course not.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the amendments to this bill, allowing each Senator to speak not more than five minutes upon any amendment, and no vote to be taken upon any amendment until after 3 o'clock.

Mr. BEVERIDGE. That is plainly out of order. It is a violation of the unanimous-consent agreement.

Mr. TELLER and others. No; it is not.

Mr. BEVERIDGE. It is.

Mr. McCUMBER. I insist that it does not modify the unanimous-consent agreement. The unanimous-consent agreement is that we shall proceed at 3 o'clock to vote upon the amendments and upon the bill.

Mr. BEVERIDGE. That is right.

Mr. McCUMBER. The motion now is that we divide the time, on the basis of five minutes, allowing each Senator five minutes to discuss any amendment that may be offered up until 3 o'clock.

Mr. BEVERIDGE. That is an admirable motion.

Mr. McCUMBER. So as to give every Senator an opportunity at least to explain any amendment he may offer.

Mr. BEVERIDGE. I understand the Senator from North Dakota. I think it is an admirable motion.

The VICE-PRESIDENT. Will the Senator from North Dakota please restate his motion?

Mr. McCUMBER. Before making the motion, I am going to ask for unanimous consent. I ask unanimous consent that the Senate proceed to the consideration of the amendments to this bill, allowing each Senator to debate an amendment not longer than five minutes, no vote to be taken upon any amendment until after 3 o'clock.

Mr. BEVERIDGE. Precisely that request was made by the Senator from Montana [Mr. CARTER] half an hour ago, and it was objected to.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of the amendments to the pending bill, the debate thereon to proceed under the five-minute rule, and that no vote upon any amendment be taken until after 3 o'clock.

Mr. SPOONER. The latter part of that is covered by the unanimous-consent agreement. It could not be changed by motion. I suggest to the Senator that he omit the latter part of his motion.

Mr. BEVERIDGE. The Senator is asking unanimous consent; he is not making a motion.

Mr. SPOONER. I understand, but he is asking that we proceed under the five-minute rule, and that no vote be taken on the amendments until 3 o'clock. The latter part of it is covered by the unanimous-consent agreement.

Mr. BEVERIDGE. I am in favor of it, but that is precisely the request made by the Senator from Montana.

Mr. CARTER. My request was that we proceed under the five-minute rule until 3 o'clock.

Mr. BEVERIDGE. That was the request, and it was objected to.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none.

Mr. LA FOLLETTE. I wish to ask the Senator from North Dakota to modify his motion in this respect, that the time be divided between those who are in favor of a given amendment and those who are opposed to it.

Mr. McCUMBER. I do not see how it would be possible to divide the time, because I suppose there may be many amendments to which there will be no objection, and there may be other amendments where all the remarks will be on one side, in opposition to the amendment, very few supporting it. I think we will get the matter——

Mr. LA FOLLETTE. There will be no disposition on either side to occupy time if there is no occasion for it. But where a large number of amendments have been proposed to a bill and have been pending for weeks, and no debate had in favor of those amendments until we draw on to the time of voting on the bill—within an hour and a half of the time when we are to vote upon it—if those who are in favor of the various amendments which have been offered choose to occupy all the time they can do so, to the exclusion of speeches in opposition to an amendment.

Mr. McCUMBER. I do not think any Senator or any number of Senators would abuse the privilege of the five-minute rule. I think they would all have an interest in the amendment and would confine their arguments so that the time would be practically divided among all the amendments. I do not think there is any occasion for fear in that respect. I hope the Senate will agree to the request.

Mr. BEVERIDGE. I should like to ask the Senator a question. Does he not think that, after all, the amendments might receive their better proportion of attention, according to their importance, by any Senator rising now and speaking on his amendment without the agreement for which the Senator asks?

Mr. McCUMBER. Any Senator can take up the whole time now.

Mr. BEVERIDGE. I will not object to the Senator's request. I was very much in favor of it in the first place and was surprised when it was objected to. But I do not think any Senator would take up the full time or half the time or a sixteenth of the time.

Mr. McCUMBER. If he took up a half of it or a quarter of it it would destroy the opportunity to discuss fully the amendments.

Mr. BEVERIDGE. There are forty amendments, as the Senator from New Hampshire pointed out, and if each Senator debated for five minutes the discussion could not be concluded within the next hour and a quarter.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

Mr. GALLINGER. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from New Hampshire rises to a parliamentary inquiry. He will state it.

Mr. GALLINGER. The unanimous-consent agreement is "that on Thursday, January 10, 1907, at 3 o'clock p. m., the Senate will vote, without further debate, upon the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, together with all amendments pending or to be offered."

I desire to ask the Chair whether it would be competent, under that agreement, at the proper time to make a motion to recommit the bill?

I will venture to make one observation merely, if the Chair will pardon me.

Mr. President, it seems to me—although I anticipate the ruling—that a motion to recommit is a vote upon the bill and the amendments; that it is a disposition of them for the time being. But I await the opinion of the Chair.

Mr. NELSON. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from Minnesota will state his point of order.

Mr. NELSON. This is resorting to a practice, which has prevailed in the House of Representatives for a long time, of asking what are called "parliamentary questions." I do not think that practice has ever prevailed in the Senate, nor ought we to attempt to have any such practice. The Presiding Officer of the Senate ought not to be required to rule on a question in advance of the time when it legitimately comes up for decision. I do not think we ought to institute a practice of this kind, requiring the President of the Senate to pronounce an opinion on what for the time being is purely an academic question and not a practical question for immediate decision.

Mr. GALLINGER. It is not purely an academic question; it is a legislative question, a question of procedure. The decision of the Chair on this question might decide my action in other directions. I submit to the Senator from Minnesota that he has not been as diligent in this matter as he usually is if he does not recall a great many instances in which parliamentary inquiries have been directed to the Chair and courteously answered.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado rise to the question raised by the Senator from New Hampshire?

Mr. PATTERSON. Yes. I was going to suggest that I know of no more complete repudiation of the unanimous-consent rule than would be the submission of a motion to recommit, when by a vote of the majority of the Senate it would be utterly impossible to vote at the time fixed for voting. By uanimous consent we were to commence voting at 3 o'clock on the bill and amendments.

Mr. CULLOM. Which we will do.

Mr. PATTERSON. Every argument that I have heard by those who object to any amendment of the unanimous-consent agreement which was adopted has been that it would be like invading the holy of holies to change the unanimous-consent rule, even to the extent of the dotting of an i or the crossing of a t. Under those circumstances, it seems to me that no motion would be in order that would take from the Senate the right to proceed under the rule which was adopted. I therefore suggest to the Chair that such a motion should not be entertained.

Mr. NELSON. I wish only to say that in the shape in which this question stands the Presiding Officer could not well rule on the question now, because the bill comes to a vote at 3 o'clock by unanimous consent. That is the status of the bill. We have agreed to vote upon the bill and pending amendments at 3 o'clock under the unanimous-consent arrangement. If at that time a motion is made to recommit, it would be subject to the ordinary parliamentary rule, and it would be for the Chair to say whether it was a departure from the unanimous-consent agreement or whether it was in the scope of it.

The VICE-PRESIDENT. The Chair is clearly of the opinion that a motion to recommit under the circumstances suggested by the Senator from New Hampshire would be a violation of the terms of the unanimous-consent agreement already made. The agreement is that "at 3 o'clock p. m. the Senate will vote upon the bill, together with all amendments pending or to be offered." This clearly contemplates a final disposition of the measure. Obviously a recommittal would be inconsistent with such final disposition.

Mr. CARTER. Mr. President, I present an amendment which will be noted, as I send a memorandum of it to the desk.

In line 1, page 4, I move to strike out the word "consecutive" before the word "hours," and after the word "hours" to insert the words, "during a period of twenty-six consecutive hours;" and in line 4, page 4, after the word "duty," to insert the words "who has been in service sixteen hours during twenty-six consecutive hours;" so that the bill as thus amended would read:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen hours during a period of twenty-six consecutive hours, except when by casualty occurring after such employee has started on his trip he is prevented from reaching his terminal; or to require or permit any such employee to go on duty who has been in service sixteen hours during twenty-six consecutive hours without having had at least ten hours for rest.

Mr. President, I think the amendment cures the defect in the bill made apparent by the lucid argument of the Senator from Colorado [Mr. PATTERSON] yesterday afternoon. The bill as presented and as we were urged to pass it at the last session would, according to reasonable construction, regardless of what any State law may be, have permitted the employment of men for substantially thirty-odd consecutive hours. This amendment will require ten hours of rest during every twenty-six consecutive hours, and I think in that it responds to the desire and intent of those favoring this legislation.

As suggested by the Senator from Colorado yesterday, under the bill as it stood the man who had worked sixteen consecutive hours would become entitled to ten hours' rest, and the company would be obligated to see that he obtained it; but if he had worked fifteen and a half hours he would not be entitled to any rest at the expiration of that time, but could again be sent out upon a trip and continued for fifteen and a half hours longer, or fifteen hours and fifty-nine minutes doubled in each period of service, if you wish to make it apply to the uttermost extreme.

I think there is not within this Chamber, nor was there in the Chamber during the last session, a single Senator who did not feel that a law should be passed limiting the hours of consecutive employment by persons engaged in the movement of railway trains. There is not a Senator in this Chamber who did not feel that it was and is now, if you please, the duty of Congress to do whatsoever it may in a constitutional manner to lessen the great and deplorable loss of life of passengers and railway operatives connected with the operation of trains. But, Mr. President, in making the provision I think it was and now is the commendable desire of all to guard this legislation in such a manner that it will accomplish the purpose intended to be accomplished without needlessly and ruthlessly interfering with the stupendous business operations of the country.

We were seriously chided during the last session for desiring some time to look the bill over. It was reported here on the 9th of June. There was no motion made to take it up until the 26th of June. We adjourned on the 30th day of June in conformity with the provisions of a concurrent resolution. Thus we had four days, and all Senators will clearly recall the busy time during the last days of the session. The great appropriation bills, imperatively requiring disposition, had to be disposed of during those four days.

Now, Mr. President, in perfect good faith, in common with other Senators on this floor, I objected to the consideration of this bill in the limited time then at our disposal. I objected because the bill required careful consideration, and, moreover, because in the nature of things it was known that whatsoever the Senate might hastily do, the bill could not become a law during that session of Congress. The discovery within the brief period of the present debate that the bill was fatally defective, the admission that the Senator advocating its passage had not written it and did not know what it contained, seems to be quite sufficient to justify those who objected to its hasty consideration during the closing hours of the last session of Congress.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. CARTER. I have only one word more. I am in favor of the bill, but it must be perfected before I can vote for it—that is, made as near perfect as fair consideration and proper amendments can make it.

Mr. HANSBROUGH. Mr. President, I expect to vote for this bill. I shall do so, however, with some doubt as to whether it will accomplish the purpose for which it is intended. I entertain this doubt in consequence of some inquiries which I made during last summer and fall of the men who operate railroad trains. I did not find any great amount of enthusiasm among the train men with whom I talked in behalf of the bill as it stood at that time. I did find, however, a strong desire on the part of some of the older engineers and conductors with whom I talked in favor of a provision in the bill which would make unlawful the movement of trains containing tonnage in excess of the registered capacity of the engines hauling such trains. It may not be generally known that all locomotives are registered as to their capacity in point of power by their makers.

It seemed to me to be such a valuable suggestion that I have formulated and offered an amendment, and at the proper time I shall ask the Senate to vote upon it. I offered the amendment yesterday and Senators will find it in print. When the time comes to offer it to the bill, however, I shall propose some modifications. With the permission of the Senate, I will read the amendment as I shall propose it then:

SEC. —. That it shall be unlawful for any interstate railway to move any train or trains carrying commodities entering into interstate commerce containing tonnage in excess of the registered capacity of the engine or engines attached thereto. Any officer, agent, or employee of any such railway who violates the provisions of this section shall be deemed guilty of a misdemeanor and be punished by a fine of not exceeding $1,000 for each offense.

Mr. President, the men with whom I conferred on this question told me that if they were allowed to proceed with their trains without having those trains overloaded they would be able to reach their destination without delay and on schedule time. For instance, a man starts from an initial point with a train.

When he gets out two or three stations he is ordered to attach five, ten, or twenty additional cars, and thus he acquires a greater amount of tonnage than the engine he is in charge of can haul. So he is delayed, and getting behind time he is forced to get upon a side track in order to let some other train go by, and so a large number of freight trains passing over the line are thus delayed, to the detriment of the traffic of the entire road.

The engineers and conductors with whom I talked tell me that if we limit the tonnage of the train to the capacity of the engine one-half of the difficulties which are arising to-day, and out of which questions of car shortage and coal supply come, will be avoided.

So, Mr. President, I think the adoption of this amendment will go further toward accomplishing the purpose of the friends of the bill, and I am one of them, than the bill itself. I believe it is a very essential amendment and should be adopted.

Mr. BRANDEGEE. Mr. President, the amendment that I offered last night is proposed as a substitute for the bill, and I should like to have it read at the desk.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen consecutive hours, except when on account of an emergency, which by reasonable care on the part of such carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train by which such commerce is conducted, or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected, to remain in service more than sixteen consecutive hours, except when on account of an emergency, which by reasonable care on the part of such common carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

SEC. 2. That any such common carrier, or any of its officers or agents, knowingly violating any of the provisions of this act, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not more than $1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred, but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

SEC. 3. That the provisions of this act shall not apply to employers operating wreck or relief trains.

Mr. BRANDEGEE. The proposed amendment follows the form of the bill as reported by the committee, and, as one of the members of the committee who reported the bill, I desire to say that I do not in any way wish to interfere with the passage of a proper bill upon this subject. On the contrary, I desire to assist in every possible way to that end.

But the bill as reported by the committee, as stated by the chairman [Mr. DOLLIVER] yesterday, was not considered very exhaustively nor at great length. Nor were there any witnesses before the committee, but simply the statement that a similar bill has been reported favorably by the House committee and the representations of the gentlemen who appeared in behalf of the brotherhood of trainmen. The bill became so encumbered with the various amendments printed in it that I thought it would be wise to make a clean, new draft of a bill, so that it might be considered as a whole and be coherent.

I like the provision in the amendment that I have offered, on the first page and in the first section, which defines what kind of an exception may justify a railroad company in employing a man sometimes over the sixteen hours. The exception, as there defined, is that "on account of an emergency, which by reasonable care on the part of such carrier" could not have been avoided.

The reason why I like that in preference to the language of the bill as reported by the committee, which simply used the words "casualty occurring after the train had started," is that, in my judgment, the word "casualty" is not as susceptible of a concise, well-known, legal meaning as the words "reasonable care." I believe that the reasonable care required on the part of the carrier has been repeatedly defined by the courts in the case of passenger transportation to be the highest degree of care, and it would be so considered by the courts in a case where the company were claiming that it was a proper kind of emergency to exempt them from the operations of the law and the Government official was claiming that it was not.

Secondly, I do not like the provision in the committeee bill, or at least the proposed amendment of the committee, authorizing the Interstate Commerce Commission to employ whatever number of inspectors it has a mind to employ and incur whatever expense it has a mind to incur in the enforcement of the law. I believe if it is the duty of the Commission to enforce the provisions of the act where complaint is made to them, every railroad employee will be an informer against the company in case of any violation of the law.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. McCUMBER. Mr. President, I desire to call the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Iowa [Mr. DOLLIVER], one of whom introduced the original bill and the other of whom, from the same committee, introduced a substitute. It seems to me that the substitute more nearly meets the requirement without injury to the traffic of the country than any amendments which have been proposed to the original bill.

Mr. BEVERIDGE. Which substitute does the Senator speak of?

Mr. McCUMBER. The substitute of the Senator from Iowa [Mr. DOLLIVER]. But I desire to call the attention of both Senators to a condition which, I think, their bill or substitute does not fully meet. I have here prepared a section of about 200 miles of railway on one line running through my State. It is a transcontinental line. There are just an even twelve feeders running from the line, about 15 to 18 miles apart, to the Canadian border. Each one of those is from 50 to 80 miles in length and each one of those lines has one passenger train daily. The crew either start at the end of the line, go down to the connecting point and return the same day, or they start at the connecting point, go to the end of the line and return the same day. This gives daily one passenger service.

Now, as this is a through line, every one of those trains is run with the idea of making connections both with the eastern and the western lines; and inasmuch as the run is only from 40 to 80 miles, usually there is but little time taken in the actual run, but considerable time is necessary sometimes to wait for the eastern train or for the western train. Even under ordinary conditions they must wait a few hours. So the actual services under ordinary conditions requires but four or five or six or eight hours of run daily, and there is but one crew to make the run back and forth.

Now, Mr. President, we will say that we start at one of these points at the end with a crew which should leave at 6 o'clock and return at 6 o'clock in the evening. They get down to the connection and they must wait five hours, possibly, for a train coming from the east to make connections, and then they go back again. That would take them seventeen hours, or an hour more than the regular time, and they would have to leave again in seven hours. If they got in at 11 o'clock and left at 6, they would leave in seven hours instead of having eight or ten hours' delay, and yet the time has actually been put in.

Take the conditions of the roads at the present time. There are blizzards almost every day. But outside of that, these trains coming East and West have to meet other trains at St. Paul and other large cities, and make connection with the mail trains.

There are hundreds of causes for delay irrespective of casualty. For instance, waiting for a train to which you are to connect which is itself behind is not a casualty. Necessarily the crews will have to either stop running their train when they get back at the end and wait twenty-four hours, keeping the people, who will not know whether they will get back or not, waiting in the several depots twenty-four hours to ascertain whether or not they can go on to their destination.

The amendment which I have prepared simply adds after the word "hours," in line 8 of the substitute, these words:

Except, when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal.

That would cover a dozen cases and cases that are occurring almost daily.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. Can the Senator suggest where, if the substitute be not adopted, he would put that same amendment into the bill?

Mr. McCUMBER. At the proper place. I do not know where it is. I will try to find it.

Mr. BEVERIDGE. I am for the amendment

The VICE-PRESIDENT. The time of the Senator from North Dakota has expired.

Mr. FORAKER. Mr. President, I want only a moment. I have numerous letters, telegrams, and petitions in respect to the pending bill which I have been trying to find an opportunity to present. There is not time now to have them read, but I send them to the desk in order that they may be filed as petitions with respect to this matter.

The petitions and memorials were ordered to lie on the table, as follows:

Petitions of Joppa Lodge, Brotherhood of Railroad Trainmen, of Toledo; of Local Division, Brotherhood of Railroad Trainmen, of Painesville, and of Lake Shore Lodge, No. 84, Brotherhood of Railroad Trainmen, of Ashtabula, all in the State of Ohio, praying for the passage of the so-called "sixteen-hour bill."

Memorials of sundry citizens of Cambridge, Crestline, Columbus, Lancaster, Cleveland, Alliance, of Local Division, No. 218, Order of Railway Conductors, of Dennison, all in the State of Ohio; of the assistant general manager of the Missouri, Kansas and Texas Railway Company, of St. Louis, Mo., and of sundry conductors, engineers, firemen, and brakemen employed on the Pittsburg division of the southwest system of the Pennsylvania lines west of Pittsburg, all of Pittsburg, Pa., remonstrating against the passage of the so-called "sixteen-hour bill."

Mr. FORAKER. Now, having the floor, I want to give notice that I shall not offer the amendment which I gave notice at the last session I would offer at the proper time. It is the amendment to be found near the top of page 6 of the bill as printed with the amendments, the one which provides that if an employee should by false representations procure himself to be employed longer than sixteen consecutive hours he should be liable to a penalty. Since I gave that notice I have investigated the matter, and I have come to the conclusion as a result of it that the system of keeping an account of the employment of men is such upon all properly managed railroads that there is no danger of any such imposition as that; and therefore I shall not offer the amendment. I give this notice so that if any other Senator wants to offer it he may do it.

Mr. DOLLIVER. Mr. President, in common with other Senators I am extremely anxious that this bill should pass, but not less anxious that it should be perfected and the defects in it which are pointed out corrected by appropriate amendment.

I desire to say that I recognize fully the force of the suggestions made yesterday by the distinguished Senator from Colorado [Mr. PATTERSON] in respect to the phraseology in which those excessive hours of labor are prohibited, both in the bill which was reported from the committee and in the substitute which I suggested the possibility of my offering upon the floor of the Senate. It is obviously, whether it be a practical question or not, within a reasonable interpretation of the language of the bill possible to figure out that instead of prohibiting excessive hours of labor the language may be so construed as literally to authorize it. So I desire the Senate to understand that I fully appreciate the force of the suggestion made by the Senator from Montana [Mr. CARTER] modifying the phraseology as he suggested in the amendment which, I believe, he offered, and that so far as I am concerned, and I think so far as the committee is concerned, it is our desire that this language be changed as suggested by the Senator from Montana, or in some other way to fully meet the lucid criticism of the phraseology contained in the remarks made yesterday by the Senator from Colorado.

Mr. LA FOLLETTE. Mr. President, I offer, and ask to have read at this time, what I shall propose as a substitute to the bill now under consideration.

The VICE-PRESIDENT. In the absence of objection the Secretary will read the substitute now proposed by the Senator from Wisconsin.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, he is prevented from reaching his terminal; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours for rest; or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period to continue on duty or to go on duty without having had at least eight hours for rest within such twenty-four hour period.

SEC. 2. That any such common carrier or any of its officers or agents violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of $1,000 for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of such violations as may come to its knowledge.

That to enable the Commission to execute and enforce the provisions of this act it shall have the power to employ such inspectors or other persons as may be necessary. To enforce the provisions of this act the Commission and its agents or employees thereunto duly authorized by order of said Commission shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers. The Commission may also order depositions taken before any officer in any State or Territory of the United States or the District of Columbia qualified by law to take the same.

The provisions of this act shall not apply to relief or wreck trains.

Mr. DANIEL. Mr. President, I offer an amendment to come in at the end of the first section of the proposed amendment.

Mr. PILES. I ask that the first section of the proposed substitute may be again read.

The VICE-PRESIDENT. The Senator from Washington asks that the first section of the proposed substitute of the Senator from Wisconsin [Mr. LA FOLLETTE] be again read.

Mr. BEVERIDGE. I suggest, if it is not disagreeable to anyone, that the entire substitute be again read. Though I listened attentively, I could not hear it all.

The VICE-PRESIDENT. The Senator from Indiana requests the rereading of the entire substitute offered by the Senator from Wisconsin. If there is no objection, it will be again read.

The Secretary again read the proposed substitute of Mr. LA FOLLETTE.

Mr. DANIEL. Mr. President, I now ask to have read the amendment which I offer, to come in at the end of the first section of the proposed substitute.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. At the end of the first section of Mr. LA FOLLETTE's substitute it is proposed to insert the following words:

The extra time served by any employee on account of an emergency, as heretofore provided, shall be paid for by the carrier in addition to the compensation of the employee for regular service. The rate of compensation for extra service shall, in proportion to the time consumed thereby, be not less than the compensation for regular service.

Mr. DANIEL. Mr. President, I think that this is a wise provision for two reasons. The first is that it is just to the employee. When he has performed to the last degree the legitimate, legal service for which he was employed, and when by an emergency he has been constrained into an additional service, it is but right and just to him that he should receive additional compensation therefor. Second, to have the carrier understand that, in the event of casualties or emergencies such as are provided for in this act, it will entail upon him additional expense, and that he would have to pay the bill of labor rendered necessary thereby, is a wholesome and expedient regulation to keep him always notified and upon warning to prevent the occasion for such casualties or emergencies.

Mr. BACON. Mr. President, I desire to present at this time an amendment, which I shall offer at the proper time and which I ask may now be read. Then I shall have a few words to say in reference to it. I intend to offer the amendment to which ever one of these measures may be finally agreed upon by the Senate, whether it be the original bill or the substitute.

The VICE-PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to insert at the proper place the following:

Provided, That the provisions of this act shall not apply to any railroad company the railroad of which lies wholly within the limits of one State.

Mr. BACON. Mr. President, conceding the importance of the end sought to be accomplished—and no one is more fully in accord with the desire to accomplish the end than I am—to wit, the prevention of the employment of operatives upon railroads for lengths of time which may be either burdensome to themselves or unsafe to the public—conceding that, at the same time I am strongly of the opinion that this legislation can not be constitutionally applied to a railroad which lies wholly within the limits of a State. I can not, of course, go into the constitutional argument at this time. I simply desire to say that I think not only that it is the particular province of each State to determine these matters for itself in the case of a road that lies within its own borders, but that each State is entirely competent to do so. Speaking for my own State, I am satisfied that the legislature of the State will apply the proper remedy whenever it is shown that there is a necessity for remedy in the operation of trains upon railroads which lie altogether within the State; and I am not willing that this province of the State of Georgia should be invaded and taken away by national legis-

lation. I do not think that there is any power in the General Government to do so.

For that reason I most earnestly favor the adoption of this amendment. I trust the Senate will agree with me that provision may be incorporated in such bill as may be finally agreed upon by the Senate.

Now, Mr. President, without elaborating that, I avail myself of the opportunity, in the few minutes that are left to me, to say that I think this bill is before the Senate in an extremely unsatisfactory and unfortunate position. The Senate, Mr. President, has committees for the purpose of perfecting legislation in order that the Senate may act advisedly, largely influenced by the judgment of the committee. How stands this measure before the Senate? The committee reports the bill before us, which is itself absolutely plastered with amendments, upon which we are called to act. The committee, however, may not be responsible for that, because it can not prevent other Senators from offering amendments.

But that is not the serious condition to which I want to call the attention of the Senate. Since this bill has been reported to the Senate, during the last hour of its consideration and just before we are called upon to determine the question of its passage, we have presented to us by three members of the committee—and the three members who are the active representatives of the committee before the Senate—three separate substitutes, one by the Senator from Iowa [Mr. DOLLIVER], one by the Senator from Connecticut [Mr. BRANDEGEE], and one by the Senator from Wisconsin [Mr. LA FOLLETTE], each of them a separate substantive proposition. We are called upon to decide now which one of these we will adopt.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. CULBERSON. Mr. President, I sympathize with the general purpose of this bill, and, so far as I may be able, I intend to support the principle it involves. I want to call attention, however, to a provision in section 1 of the proposed substitute offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. After the language affecting the Territories and the District of Columbia it is provided:

Or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents—

Following, then, with the prohibition or the requirement—

to require or permit any employee engaged in or connected with the movement of any train to remain on duty, etc.

Now, Mr. President, take, for instance, the State of Texas. There is not, I venture to say, a railroad in that State, the termini of which lie wholly within the limits of the State, but is engaged to a degree in interstate commerce; yet the provisions of the substitute offered by the Senator from Wisconsin propose to regulate the hours of labor of employees not alone in connection with interstate shipments of freight or the transportation of passengers from Texas out of it into other States or Territories or foreign countries, but it prohibits a railway company from requiring or permitting any employee "engaged in or connected with the movement of any train" to labor longer than the specified time. So that, as clear as the English language can make it, this provision undertakes to regulate the movement of trains wholly within the limits of a State, whereas the authority of Congress is limited to the regulation of interstate transportation of passengers and freight or transportation into foreign countries. Unless the Senator from Wisconsin will accept such an amendment as is proposed by the Senator from Georgia [Mr. BACON], some of us, although we sympathize with the general purpose which he has in view—reaching the safety of passengers as well as employees engaged in interstate commerce—it will be difficult for us to support such a measure.

Mr. TILLMAN. Mr. President, will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from South Carolina?

Mr. CULBERSON. Yes.

Mr. TILLMAN. Would not the passage by Congress of an act that undertook to regulate commerce entirely within the limits of a State be unconstitutional, and would not the Supreme Court so declare?

Mr. CULBERSON. I think so. I am very sure, Mr. President, it would, but it would endanger——

Mr. TILLMAN. Therefore, the passage of such a law here would be an absurdity upon our part.

Mr. CULBERSON. I think so; but it would endanger the validity of the entire bill.

Mr. TILLMAN. We would simply be making asses of ourselves. [Laughter.]

Mr. CULBERSON. Mr. President, to make myself more plainly understood, if I can, I want to repeat that there is scarcely an intrastate railroad in the United States but what is also engaged in interstate commerce. We may regulate the movement of interstate freight on those roads, but our power stops there. We can no more regulate the movement of intrastate freight by local companies than we can regulate the movement of intrastate freight by Federal corporations, such as the Texas and Pacific Railway Company.

The VICE-PRESIDENT. The time of the Senator from Texas has expired.

Mr. CULBERSON. May I offer an amendment?

Mr. KEAN. Let the Secretary read it.

Mr. CULBERSON. Very well; I will ask the Secretary to read it.

The VICE-PRESIDENT. Without objection, the Secretary will read the proposed amendment.

The SECRETARY. In the amendment offered by Mr. LA FOLLETTE, in line 10, after the word "train," it is proposed to insert "carrying interstate or foreign freight or passengers."

Mr. BEVERIDGE. Mr. President, I think the proposition in the proposed amendment of the Senator from Georgia [Mr. BACON], as well as the remarks made by the Senator from Texas [Mr. CULBERSON], were in advance completely answered yesterday by the singularly lucid remarks of the Senator from Colorado [Mr. PATTERSON]. Nor do I think, Mr. President, that the repeated decisions of the Supreme Court upon this particular subject leave this question open to further dispute. Where a railroad is altogether within the limits of a State and still carries interstate commerce it becomes an agency of interstate commerce, and as such is within the plenary power of Congress to regulate interstate commerce and all of its agencies. The reason of this becomes apparent when we consider, for example, the law concerning automatic couplers. If a State road takes cars from an interstate road to transport them from one State to within the limits of that State or beyond it, it is as much an instrument of interstate commerce as if the railroad rails themselves extended beyond the borders of the State. Both Senators are very well familiar with the decisions of the Supreme Court upon this point which, from the beginning, even before the decision in the case of Gibbons *v.* Ogden down to the present time, have repeatedly and increasingly held this to be the case.

I call the attention of the Senator from Georgia to a decision with which he must be particularly familiar, and which entirely answers his whole contention. It is the decision in the case of "The Daniel Ball" (10 Wallace), where it was distinctly held, not by obiter dicta, but in deciding the case, that where the boat never left the waters of the State, yet if occasionally it carried interstate commerce, it became an instrument of interstate commerce, and as such subject to the absolute power of Congress; or to the stronger case of "The Montello" (20 Wallace), a Wisconsin case, the argument in which, perhaps, was participated in by the distinguished senior Senator from that State [Mr. SPOONER], where it was held that a boat which traversed not State rivers only but State canals made by the State itself, and which never left the State, but which at times carried interstate commerce, was nevertheless an instrument of interstate commerce, and as such subject to the regulations of Congress, although the boat never left the limits of the State.

However, it must be perfectly apparent, Mr. President, that no such decisions are required to demonstrate, not only the reasonableness, but the necessity of this rule, because if articles of commerce, or passengers, or anything else which enter into commerce, are transported beyond the limits of one State to another, no matter whether by a railroad whose railroad iron crossed the boundaries or whether by a railroad which stopped at the State line, nevertheless the commerce goes over the State just the same, and that fact, and not the fact of the iron extending across the State boundaries, is what makes them an instrument of interstate commerce.

Further, I call the attention of both Senators to the fact that it has been held from the beginning that a boat which never leaves the waters of the State, but merely meets boats that do pass in and out of the waters of the State, must observe the signals required by Congress, although they never carry any interstate commerce at all, merely because the meeting of boats that do carry interstate commerce, if they do not observe the signals required by Congress, would be to put interstate commerce in danger.

Mr. President, it seems to me that these direct decisions, which have been repeatedly held from the beginning, answer the contentions advanced by the Senator from Georgia and the Senator from Texas.

As to the practical question, I have not been able to see, nor have I heard it suggested, what danger or injury can come from this measure of safety. The Senator from Georgia, in offering his amendment, does not offer any practical reason, but suggests

merely that it is a legal question of the limitation of the constitutional power of Congress.

I was interested in the question asked by the Senator from South Carolina [Mr. TILLMAN], because, of course, if it is taken for granted, without examination of the decisions of the Supreme Court or the reasons upon which they rest, and which have continued unbroken from the foundation of the Government till now; if you pass a law that is admittedly constitutional would be almost——

The VICE-PRESIDENT. The time of the Senator has expired.

Mr. HEYBURN. Mr. President, I have for the first time had an opportunity of seeing in print the substitute proposed by the Senator from Wisconsin [Mr. LA FOLLETTE]. I notice that the substitute does not contain the objectionable words found in the bill as reported. I should seriously object to supporting a bill containing the provision that an employee should be liable under this penal statute for a violation of the provisions of the statute.

At the bottom of page 5 of the bill as reported by the committee will be found the following words:

SEC. 2. That any such common carrier, or any of its officers or agents, or employee, knowingly violating any of the provisions of this act—

Now, an employee may not have either the opportunity or the intelligence which will enable him to avoid responsibility under this penal statute, and it is not necessary for the purpose——

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. HEYBURN. Certainly.

Mr. BRANDEGEE. I wish to direct the attention of the Senator to the fact that the words "or employee knowingly" are not in the bill reported by the committee, but constitute a proposed amendment by the Senator from New Hampshire [Mr. GALLINGER].

Mr. HEYBURN. That is so explained, but as printed it does not so appear. I am just informed by the Senator who introduced the amendment that he intends to withdraw it, so that it will not be necessary to consider it further. But I want to add a word. No provision of this bill should fix a responsibility upon an employee who has not or may not have either the intelligence or the opportunity of controlling the action that would result in his criminal liability under this proposed statute. But if the amendment is to be withdrawn, it is not necessary to further consider it.

Mr. WARREN. Mr. President, it has been stated, and very thoughtfully and well, that the first consideration in connection with this measure should be the safety of the passengers traveling over the railroads. I think it will be conceded, however, that the trainmen take equal chances with the passengers upon passenger trains, and that as to freight trains the matter of life and death is entirely with the employees. So it seems to me that in providing for the good and safety of the employees we are providing for the public as well. I would rather hear from the employees upon this subject than from those who may talk from a theoretical, sentimental, or an outside point of view. I therefore send to the desk and ask to have read, in my time, petitions by associations of trainmen.

Mr. HANSBROUGH. Will the Senator from Wyoming permit me to ask him a question?

Mr. WARREN. Certainly.

Mr. HANSBROUGH. I desire to ask the Senator if the associations of trainmen are composed of the men who operate the trains—engineers, firemen, and conductors—or whether they are dispatchers and superintendents?

Mr. WARREN. The papers which I present are official copies of resolutions passed in meetings of trainmen—conductors, engineers, firemen, etc.—those who actually perform the duties of running trains. They are not walking delegates.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Whereas a bill has been introduced in Congress, known as the La Follette bill, or Senate bill 5133, fixing an arbitrary limit on the hours which employees in the transportation department of railroads shall be allowed to work; and

Whereas the employees of railroads have been able to make agreements with the managers of said roads regarding the hours which they shall be required to remain on duty which are satisfactory to both the employees and the managers, and solicitous of the welfare and safety of the traveling public; and

Whereas although accidents have happened where employees have been on duty a long number of hours, the number of hours on duty are merely an incident connected with the accident and is rarely the cause of the accident; and

Whereas the avowed object of this bill is to shorten the trains and get them over the road at a higher average rate of speed, and if this were true we would give this measure our hearty support, but from our knowledge of railroading gained by many years of experience, we know that this measure if it becomes a law will compel railroad companies to shorten the divisions and increase the tonnage of trains, keeping us on the road nearer the sixteen-hour limit on all runs than is now the case; and

Whereas the making of shorter divisions will cause many of the present terminals to be abandoned; this means financial ruin to many employees who have the savings of a lifetime invested in their homes, and will result in great hardship to the older employees, who must on account of age soon retire from active service; and

Whereas on account of our long years of experience in railroad service we believe that we are better qualified to judge the result of this measure than men who have never been in the service: Therefore, be it

Resolved by the State legislative committee of the Order of Railway Conductors of Nebraska, in session at Lincoln, Nebr., this 31st day of December, 1906, That we are unalterably opposed to this measure; it would operate to the detriment of men in train service by increasing their expenses and reducing their income with no advantage to the traveling public; and be it further

Resolved, That we cause these resolutions to be spread on the records of this meeting, and that the secretary be directed to forward a copy of said resolutions to each Senator and Member of Congress from the State of Nebraska as a protest against this measure.

Adopted by the State legislative committee of the Order of Railway Conductors in session at Lincoln, Nebr., this 31st day of December, 1906.

Approved.

S. C. MECOMBER,
North Platte, Nebr., Chairman.

Attest:

S. H. HIGHLAND,
Alliance, Nebr., Secretary.

Mr. CULBERSON. Mr. President, I rise to submit some observations on the amendment submitted by the Senator from Connecticut [Mr. BRANDEGEE].

The VICE-PRESIDENT. Another paper is at the desk, presented by the Senator from Wyoming, with the request that it be read.

Mr. WARREN. As that is very much of the same tone as the one just read and is from employees of the Burlington system, I ask that it may be printed in the RECORD without taking the time to read it, so that the Senator from Texas may now have the floor.

The VICE-PRESIDENT. Without objection, the paper will be printed in the RECORD.

The paper referred to is as follows:

PROTEST FROM CHICAGO, BURLINGTON AND QUINCY TRAIN AND ENGINE MEN.

SHERIDAN, WYO., *January 1, 1907.*

Hon. C. D. CLARK, *United States Senator,*
Hon. F. E. WARREN, *United States Senator,*
Hon. F. W. MONDELL, *Congressman,*
Washington, D. C.

GENTLEMEN: At a union meeting held January 1, 1907, of the men employed in the train and engine service of the Sheridan division of the Chicago, Burlington and Quincy Railroad, the following resolutions were adopted:

"Whereas it has come to our notice that there is now pending before Congress and the House of Representatives a bill known as H. R. bill 18671, or better known among us as the 'sixteen-hour bill,' which we think has some very objectionable features: Therefore,

"We hereby respectfully petition our representatives in both Houses of Congress that they use every means in their power to modify the arbitrary parts of said bill. While we are in favor of a law of some kind that will as a rule do away with long hours on duty, we do believe and know that there are circumstances that arise in the handling of traffic by railroads that, while strictly speaking, are unavoidable, yet would not come under the exceptions provided for in the bill as it now reads. There are numerous things that might happen to a train that is only a few miles from its terminal and perhaps on the main line and the time limit might expire before relief could be gotten to them. Then, again, a crew might be but a few miles from their home terminal and the time expire, when a few minutes perhaps they could reach their home terminal, where they could get their rest at home, as they should.

We do not believe, gentlemen, that you want to make a law that will compel a crew 5, 10, or 15 miles from their home terminal to lay up for rest just because the sixteen-hour limit was up; then when their rest was up run them into their home terminal and double them right out again. This would work more of a hardship on the men than on the company. Then, again, a crew may have had a hard run from their home terminal to their terminal away from home, which under the bill as proposed would compel them to have ten hours off duty, as the case might be. For example, this crew stands for a good run home after, say, five or six hours' rest, which could be reached in, say, six or eight hours. We have a run like this every day on our division, which has been handled to the entire satisfaction of both the railroad company and its men, with five or six hours' rest.

We think it would be a hardship on the railroad company, but a much greater hardship on the men, if the railroad company were compelled to keep a crew at these particular points to protect this train just because the regular crews on such runs could not get the whole of the required ten hours off duty.

Therefore it is resolved at this union meeting that we jointly request you to do all in your power to so amend this bill in favor of the railroads of this country that unavoidable and unforeseen accidents be excepted in favor of the men; that an hour or two will get them to their home terminal be excepted and further in favor of the men when a few hours' rest at their terminal away from home will start them toward their home terminal, and that the men be allowed to use their own judgment as to whether they are able to go out or not.

Committee: D. H. Steele, J. G. Wagner, Ralph Richardson, committee of Order of Railway Conductors; Harry Pratt, William M. Bahl, D. S. Utley, committee Brotherhood of Railroad Trainmen; J. F. Smith, S. A. Gould, H. C. Wehrs, committee Brotherhood of Locomotive Firemen; O. D. Sterling, F. P. Conlin, C. S. De Lapp, committee Brotherhood of Locomotive Engineers.

Mr. BURKETT. Will the Senator from Texas allow me to send up to the desk a telegram to be read in this connection?

Mr. CULBERSON. Certainly.

Mr. BURKETT. Since those resolutions were drawn I have received a telegram from the order of trainmen in Omaha, which I should like to have read.

The VICE-PRESIDENT. The Senator from Nebraska requests the reading of a dispatch. The Secretary will read as requested.

The Secretary read as follows:

OMAHA, NEBR., *January 9, 1907.*

E. J. BURKETT, *Washington, D. C.:*

Overland Lodge, Brotherhood of Locomotive Firemen and Enginemen, request your vote in favor of Senate bill 5133.

H. E. GRAHAM,
Secretary, 1010 South Eighteenth Street.

Mr. CULBERSON. Mr. President, in connection with the remarks I submitted a moment ago I desire to call the attention of the Senate to the language of the bill as reported from the committee. I read from page 5:

To require or permit any employee engaged in or connected with the movement of any train—

Not any train engaged in any character of commerce, but—

any train in which *such commerce is hauled,* or to require or permit any employee engaged in or connected with the movement of any train—

No, sir; but—

any train by which *such commerce is affected.*

The proposition submitted by the Senator from Connecticut [Mr. BRANDEGEE]—and I hasten with it because the Senator from Wisconsin [Mr. LA FOLLETTE] desires to close the discussion—is:

To require or permit any employee engaged in or connected with the movement of any train by *which such commerce is conducted,* or to require or permit any employee engaged in or connected with the movement of any train by which *such commerce is affected.*

Therefore the committee which has reported this measure to the Senate, as well as the Senator from Connecticut, understands that it is without the power of Congress to regulate the movement of trains confined within the limits of a State and not hauling interstate freight or passengers or foreign freight or passengers.

Mr. LA FOLLETTE obtained the floor.

Mr. MALLORY. I ask the Senator from Wisconsin to yield to me for a moment in order that I may offer an amendment.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. LA FOLLETTE. To offer an amendment.

Mr. MALLORY. Mr. President, I desire to inquire if it is in order to offer an amendment to the amendment?

The VICE-PRESIDENT. It can be offered and remain pending.

Mr. MALLORY. I desire to present an amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. A proposed amendment to the proposed amendment of the Senator from Connecticut: On page 2 of the proposed amendment, line 18, after the word "act," strike out the remainder of the section and insert:

Shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding six months.

Mr. LA FOLLETTE. Mr. President, the most that could happen under the amendment suggested by the Senator from Texas and the Senator from Georgia to the substitute which I have proposed would be that the court would not hold the statute in question applicable to a train not engaged in interstate commerce. It is a fact that the substitute employs in that respect exactly the language of other statutes which have been passed by Congress relative to kindred subjects, the safety-appliance act being one.

Mr. President, three substitutes have been read with a view of being proposed later—one by the Senator from Connecticut [Mr. BRANDEGEE], one by the Senator from Iowa [Mr. DOLLIVER], and one by myself, and yet an examination and comparison of these proposed substitutes with the bill reported by the committee will show very little change from the proposed bill. The presentation of these substitutes is not a confession upon anybody's part that the bill as originally reported was a fatally defective bill. That bill conforms line by line almost exactly to the statutes of fourteen States which have legislated upon this subject. Those statutes have received judicial construction; those statutes have been tested by experiment and experience. I desire also to call attention to the fact that the petitions which have been presented to the Senate come very largely from the people interested, and, so far as the employees are concerned, are in favor of legislation similar in character.

The only modification which the substitute proposed by me would make in the bill as reported would be to except from the operation of the statute cases of excessive hours of labor arising because of casualties the knowledge of which was not in the possession of the railroad company at the time the employee entered upon his service and for casualties that occurred before as well as for casualties that occurred after he had entered upon such service.

Besides prohibiting more than sixteen consecutive hours of service, my substitute provides that no employee engaged in the movement of trains shall be required or permitted to serve more than sixteen hours within any twenty-four-hour period, whether the service be consecutive or otherwise, without a reasonable allowance of time for rest.

At the last session it required ten roll calls, and several hours of filibustering tactics had to be contended against before it was possible to secure for this bill a place upon the Calendar where it could have consideration of the Senate. Even then the matter of securing a vote upon it was delayed, and it was only after four days of these proceedings that an agreement was finally secured fixing the time at which a vote would be taken upon the bill.

The necessity of legislation upon this subject need not now be urged, although it was argued when this bill first came up for consideration that it was "paternalistic," a "mischievous bill," and that no such legislation was necessary. That argument is not made now. It is conceded that it is necessary. The death roll and the roll of the injured as they grow from year to year have impressed that upon everybody. Within the last five years the number of killed and injured railroad employees and passengers has increased over 70 per cent. Within the last five years 277,475 have been killed or injured by the railroads of this country, almost as many people as constitute the population of this great national capital.

I believe, sir, that legislation of this character ought to be adopted. If there should develop imperfections or defects which have not been provided for in the proposed substitute, they can be taken care of in conference.

The VICE-PRESIDENT. The hour of 3 o'clock having arrived, the Secretary will read the committee amendment. The Chair would suggest to the Senate that confusion may be avoided if Senators will address their amendments to the reprint of the bill ordered on the 8th of January. There are a number of prints. The print from which the Secretary will read is the reprint of January 8.

Mr. BACON. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Georgia will state his parliamentary inquiry.

Mr. BACON. As I understand, there are now before the Senate the original bill and three substitutes. I desire to ask the presiding officer if it is not the intention to take up each one of those separately for amendment, and when one has been perfected that it shall be laid aside in order that another may be taken up, to go through the same process, so that after each of the four different propositions has been perfected by its friends the Senate may choose between them?

The VICE-PRESIDENT. The Chair understands the rule to be to consider first the committee amendment. The friends of the amendment may perfect it by amendments before the Senate proceeds to consider the substitutes which may be offered. And when the proposed substitutes are offered they may be perfected in the same manner.

Mr. BACON. In other words, after the original has been perfected it will be laid aside and the several substitutes will be taken up in their order?

Mr. WARREN. Mr. President, a parliamentary inquiry. I should like to inquire, so as to be advised definitely, whether a motion to recommit is in order now, or will be at any time during the consideration of this measure?

The VICE-PRESIDENT. The Chair is of the opinion that a motion to recommit would be in contravention of the distinct language of the unanimous-consent agreement.

Mr. WARREN. The rule of the Chair being that the unanimous-consent agreement bars the entertainment of the motion to recommit?

The VICE-PRESIDENT. If that question should be presented in the progress of the consideration of the bill, the Chair, according to his present opinion, would so hold. The Secretary will read.

Mr. MONEY. Excuse me, Mr. President; I did not hear exactly what the Chair said. I am anxious to know the decision on that point. What was the decision of the Chair?

The VICE-PRESIDENT. The Chair, in answering the Senator from Wyoming, stated his opinion to be that a motion to recommit now or later would be in contravention of the unanimous-consent agreement.

Mr. MONEY. I beg pardon, Mr. President; what was the decision of the Chair? That is the inquiry.

The VICE-PRESIDENT. The Chair does not understand the Senator from Mississippi.

Mr. MONEY. I think I was not understood.

The VICE-PRESIDENT. The Chair did not hear the Senator from Mississippi.

Mr. MONEY. My question was, What was the decision of the Chair?

The VICE-PRESIDENT. The Chair has rendered no decision, but stated that, according to his present opinion, if the question should be presented for his decision, he would hold that a motion to recommit was out of order.

The Secretary will state the amendment of the committee.

The SECRETARY. The committee amendment proposes to strike out all after the enacting clause and insert the following, printed in italics, beginning on page 3, line 24:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip he is prevented from reaching his terminal; or to require or permit any such employee to go on duty without having had at least ten hours for rest.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train in which such commerce is hauled, or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected, to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip he is prevented from reaching his terminal; or to require or permit any such employee to go on duty without having had at least ten hours for rest.

SEC. 2. That any such common carrier, or any of its officers or agents, violating any of the provisions of this act, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of $1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

During the reading of the amendment,

Mr. CULBERSON. A point of order, Mr. President.

The VICE-PRESIDENT. The Senator from Texas will state his point of order.

Mr. CULBERSON. The Chair suggested that we follow the reprint of January 8, 1907. The Secretary does not seem to be reading from that print as we have it here.

Several SENATORS. Yes.

Mr. BEVERIDGE. He is reading the committee amendment first.

Mr. TILLMAN. He is reading nothing but the italicized portion.

The VICE-PRESIDENT. The Secretary is reading the committee amendment, which appears in italics.

The reading of the amendment having been concluded,

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. TELLER. Is it not proper to take up the amendments to the amendment?

The VICE-PRESIDENT. The bill is in the Senate as in Committee of the Whole and open to amendment.

Mr. GALLINGER. I offer the amendment found on page 4, lines 5 to 8, inclusive.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment, which will be stated.

The SECRETARY. On page 4 of the bill, beginning in line 4, strike out the words "casualty occurring after such employee has started on his trip" and insert "unavoidable accident, or act of God, or resulting from a cause not known to the carrier or its agent in charge of such employee at the time he left the terminal."

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. TELLER. Is that the only amendment we are to vote on? My copy of the bill appears to have several.

The VICE-PRESIDENT. They have not been offered. They are printed in the bill, but it is necessary for Senators desiring that their proposed amendments shall be considered to offer them from the floor.

Mr. GALLINGER. I move, on page 4, line 17, to strike out the words "for rest" and insert "off duty."

The amendment to the amendment was agreed to.

Mr. McCUMBER. I move to insert, after the word "terminal," in line 8, after the amendment which has just been adopted, the words:

Or except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal.

Mr. BEVERIDGE. Accidental delay of trains?

Mr. McCUMBER. I will ask to have it read.

Mr. GALLINGER. I would suggest that the amendment having been adopted in Committee of the Whole, it can not be further amended until the bill gets into the Senate.

Mr. McCUMBER. I am simply inserting it now as a part of the original amendment, to come in after the amendment of the Senator from New Hampshire.

Mr. GALLINGER. Oh!

Mr. McCUMBER. It does not interfere with the Senator's amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. After the last word in the amendment offered by the Senator from New Hampshire [Mr. GALLINGER], the word "terminal," on page 4, line 8, it is proposed to insert:

Or except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal.

The amendment to the amendment was agreed to.

Mr. GALLINGER. On page 5, line 15, I move to strike out the words "for rest" and insert "off duty," an amendment similar to the one heretofore adopted.

The amendment to the amendment was agreed to.

Mr. CARTER. I call up the amendment heretofore offered, to be inserted on page 4.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. On page 4, in the committee amendment, line 3, after the word "sixteen," it is proposed to strike out the word "consecutive;" and after the word "hours," in line 4, to insert "during a period of twenty-six consecutive hours;" also, in line 16, after the word "duty," to insert "who has been in service sixteen hours during twenty-six consecutive hours."

Mr. PATTERSON. How will that part of it read?

The VICE-PRESIDENT. The Secretary will read that portion as it will read if amended.

The Secretary read as follows:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen hours during a period of twenty-six consecutive hours, except when by unavoidable accident, or act of God, or resulting from a cause not known to the carrier or its agent in charge of such employee at the time he left the terminal, or except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal, or to require or permit any such employee to go on duty who has been on duty sixteen hours out of twenty-six consecutive hours without having had at least ten hours off duty.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

Mr. PATTERSON. On that I call for the yeas and nays. It seems to me to be the crucial proposition.

The yeas and nays were not ordered.

Mr. PATTERSON. May I ask a parliamentary question? Did I understand the Chair to declare the amendment carried?

The VICE-PRESIDENT. The Chair had not announced his decision upon the question.

Mr. TILLMAN. The yeas and nays have been ordered, I understand.

The VICE-PRESIDENT. The yeas and nays have not been ordered, one-fifth of the Senators present not having demanded a roll call.

Mr. TELLER. I should like to have the ruling of the Chair as to whether the amendment is carried or not.

The VICE-PRESIDENT. The Chair is going to put the question again. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. CARTER].

The amendment was agreed to.

Mr. GALLINGER. On page 7, lines 11 to 14, inclusive, I move the amendment that is found in the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, line 11, insert the following proviso:

Provided, That the provisions of this act shall not apply to crews of wrecking or relief trains.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been read.

The amendment was agreed to.

Mr. CARTER. In order to perfect the amendment adopted

on my motion some moments ago, I move that the words inserted after "hours," in line 4, be likewise inserted after the word "sixteen," in line 8, page 5, striking out the word "consecutive." The first portion of the section, it will be observed, relates to the District of Columbia and the Territories and the second portion to interstate commerce.

Mr. GALLINGER. No debate.

Mr. KEAN. Debate is not in order.

Mr. CARTER. Debate is not in order.

Mr. BEVERIDGE. The Senator's amendment, then, proposes to make it uniform?

Mr. GALLINGER. No debate, Mr. President.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 5, line 8, before the word "hours," strike out the word "consecutive," and after the word "hours" insert "during a period of twenty-six consecutive hours."

The amendment was agreed to.

Mr. CARTER. I also offer an amendment to come in after the word "duty" in line 15, in the second portion of the section.

The SECRETARY. On page 5, line 15, after the word "duty" insert "who has been in service sixteen hours during twenty-six consecutive hours."

The amendment was agreed to.

Mr. GALLINGER. I move the amendment that will be found in lines 15 to 18, page 6, in the printed bill.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 6, line 15, after the word "occurred," insert:

But no such suit shall be brought after the expiration of one year from the date of such violation.

The amendment was agreed to.

Mr. DANIEL. I move the following amendment at the end of the first section.

The SECRETARY. It is proposed to insert at the end of section 1 the following:

The extra time served by any employee on account of casualty or emergency as hereinbefore provided shall be paid for by the carrier, in addition to the compensation of the employee for regular service. The rate of compensation for extra time served shall, in proportion to the time consumed by regular service, be not less than the rate of compensation therefor.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Virginia, which has just been read. [Putting the question.] The noes seem to have it. The noes have it.

Mr. DANIEL. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The amendment stands rejected.

Mr. GALLINGER. I offer as section 5 the amendment which I send to the desk.

The SECRETARY. It is proposed to insert the following as an additional section:

SEC. 5. That nothing in this act shall be construed to prohibit or in any way interfere with the employment, with their consent, of men whose hours of labor are affected hereln, upon runs, single or turn, which, in the reasonable judgment of the officers of the respective railroads and of the men so employed, can be completed, in the ordinary course of business of the carrier, within sixteen hours.

Mr. BEVERIDGE. Let the amendment be read again, unless it is in print.

Mr. GALLINGER. It has been printed.

Mr. WHYTE. May I ask that the amendment be read again? There is so much confusion in the Chamber that I could not hear it.

The VICE-PRESIDENT. The amendment will be again read.

The Secretary again read the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire, which has just been read.

The amendment was rejected.

Mr. BRANDEGEE. I offer the substitute which I send to the desk.

Mr. BACON. I desire to know whether, under the ruling of the Chair, after the bill has been laid aside in order to give way for amendments to the substitutes, it can thereafter be amended? I will state the purpose of my inquiry. I have an amendment which I desire to offer to whichever proposition may be adopted by the Senate and that upon which it will vote. Otherwise it would be necessary for me to offer it to each one of them, and I desire to offer it but once. If I can offer it to such one of these four different propositions as the Senate may select, I will withhold it until it shall have determined which of the propositions it will favor as the one upon which it will vote. If not, I shall have to offer it before the original bill is laid aside and then offer it successively to each of the substitutes.

Mr. SPOONER. Offer it in the Senate.

Mr. BACON. I will adopt the suggestion which has just been made and which had not occurred to me. I will offer it in the Senate. So I will withhold it for the present.

The VICE-PRESIDENT. The Senator from Connecticut [Mr. BRANDEGEE] offers a substitute which will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen consecutive hours, except when on account of an emergency, which by reasonable care on the part of such carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having been at least ten hours for rest.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train by which such commerce is conducted, or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected, to remain in service more than sixteen consecutive hours, except when on account of an emergency, which by reasonable care on the part of such common carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

SEC. 2. That any such common carrier, or any of its officers or agents, knowingly violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not more than $1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred, but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

SEC. 3. That the provisions of this act shall not apply to employers operating wreck or relief trains.

Mr. LA FOLLETTE. Mr. President, I desire to offer as a substitute what I send to the desk.

Mr. GALLINGER. That can not be done.

Mr. BACON. I understand that the substitute now offered by the Senator from Wisconsin is in the same attitude as the others, for such amendments as may be offered, but it will not now be in order to offer it for action.

The VICE-PRESIDENT. The Chair did not understand the Senator from Georgia.

Mr. BACON. I simply remarked that I understood that the substitute now offered by the Senator from Wisconsin [Mr. LA FOLLETTE] was offered in the same way that the previous substitute had been offered, simply for the purpose of such amendments as might be presented. Otherwise it would not be in order, there being already pending the original bill and amendments to it and a substitute therefor.

Mr. LODGE. As I understand it, a substitute has been offered by the Senator from Connecticut, which is in order, but no other amendment to that substitute can be offered because that is an amendment in the third degree. His substitute is now offered for the committee amendment.

Mr. BRANDEGEE. The report of the committee was itself a substitute for the original bill.

Mr. LODGE. Certainly.

Mr. BRANDEGEE. My amendment is a substitute for the committee's substitute, and is an amendment in the second degree.

Mr. LODGE. Exactly. My point was against the amendment of the Senator from Wisconsin. The only thing in order now is the amendment of the Senator from Connecticut.

Mr. BRANDEGEE. That is as I understand it.

Mr. BACON. The Senator from Massachusetts is undoubtedly correct, if the substitute as now offered is a proposition to be voted on for acceptance or rejection. That was the purpose I had in view in calling the attention of the Chair to it. It is only in order for the purpose of itself being amended, and then to be laid aside. The previous substitute of the Senator from Connecticut would then be in order for voting on it.

Mr. LODGE. We can not amend the substitute offered by the Senator from Connecticut because that would be an amendment in the third degree. We can vote on the amendment of the Senator from Connecticut, and if it is adopted it can then be amended in the Senate.

The VICE-PRESIDENT. The Chair will have the Secretary

read Rule XVIII, which governs the question under consideration.

The Secretary read Rule XVIII of the standing rules of the Senate, as follows:

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

Mr. CARTER. I offer an amendment in line 6 to the substitute of the Senator from Connecticut, striking out the word "consecutive" and inserting, after the word "hours," the words "during a period of twenty-six hours."

The VICE-PRESIDENT. The Senator from Montana proposes an amendment to the substitute offered by the Senator from Connecticut, which will be read.

The SECRETARY. On page 1 of the proposed substitute, after the word "sixteen," line 5, strike out the word "consecutive," and after the word "hours" insert the words "during a period of twenty-six hours."

Mr. LODGE. Mr. President, I fail to understand how we can amend an amendment to an amendment. This is an amendment in the third degree. The pending amendment is the substitute offered by the committee. That we have been perfecting, and we can continue to perfect it. The Senator from Connecticut has offered an amendment in the nature of a substitute for the amendment of the committee, and the amendment of the Senator from Connecticut is clearly in order, but I utterly fail to understand how the amendment of the Senator from Connecticut can be amended.

The VICE-PRESIDENT. Rule XVIII reads:

But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question.

Mr. LODGE. I call attention to the fact, if the Chair will permit me, that the part to be stricken out is the original bill. The amendment is the substitute of the committee. Those are the two points covered by the rule. We are now perfecting the substitute offered by the committee.

Mr. BACON. No; we have perfected that and laid it aside.

Mr. LODGE. I beg the Senator's pardon. We have not perfected it. The Senator from Connecticut is now offering an amendment in the nature of a substitute, which is a perfecting amendment. There are other amendments to be offered.

Mr. BACON. If I may be pardoned, the proceeding is one which is well recognized in all parliamentary law. It is simply this: The rule which limits amendments in number applies to each substantive proposition. Where there is an original bill pending and two or more substitutes are offered therefor, covering the entire scope of the original bill, and offered in the place of the entire scope of the original bill, it is manifest that it would be utterly impossible to perfect the several measures if the ordinary rule of amendment were applied to it. Therefore, if Senators will look at any of the works on parliamentary law, they will find laid down specifically this, as a course of procedure: The original measure is taken up in order that it may be put in the shape most favorable for its passage by its friends. It is then laid aside and the next substantive amendment covering the scope of the entire proposition is taken up for a similar procedure, in order that it may be perfected by its friends. Then it is laid aside and the subsequent amendment is taken up, not for action in the way of rejection or acceptance, but purely for amendment. When it is thus perfected it is laid aside. Then when the time comes to vote upon the acceptance or rejection of either one of these substantive propositions the body returns to the original rule.

For illustration, the original bill having been perfected and laid aside and the substitute of the Senator from Connecticut having been perfected and laid aside, when the subsequent one offered by the Senator from Wisconsin has also been perfected and laid aside, the question will be then upon the two original propositions. The question will be, first, upon the amendment offered by the Senator from Connecticut, and, if that is adopted, it displaces the original bill and stands in the place of the original bill. If, however, the Senate should reject the substitute offered by the Senator from Connecticut, then the substitute offered by the Senator from Wisconsin would take its place and be voted upon by the Senate, and if it should be adopted it would stand in place of the original proposition. If it should be rejected, we would be brought to a vote upon the original proposition.

Mr. President, I do not hesitate to say, without assuming to be a parliamentary expert, that Senators will find that procedure laid down in works on parliamentary law in too plain language to be possibly misunderstood, and it is the only practicable way in which a legislative body can proceed in the consideration of several substantive measures which cover the entire scope of the original proposition.

Mr. LODGE. Mr. President, I should be very glad if the Senator would refer us to the general parliamentary law where it is laid down that we can take up four or five substitutes, one after the other, and amend them when none of them are before the body in any parliamentary sense. The only thing before the Senate now is the amendment reported from the committee in the nature of a substitute. That is the pending substitute. If an amendment is offered to that in the nature of a substitute it is perfectly in order, as is the amendment of the Senator from Connecticut; we can vote it up or vote it down, but we can not amend it at this stage.

Mr. DANIEL. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. LODGE. I do.

Mr. DANIEL. Is not the original bill now before the Senate?

Mr. LODGE. Certainly, the original bill is before the Senate.

Mr. DANIEL. There is a substitute offered by the committee for that bill now pending before the Senate, to which amendments have been offered and rejected or embodied in it. There is now proposed a substitute for the substitute offered by the Senator from Connecticut. That is in the third degree of amendment, and the rule does not admit of the consideration of that substitute until the amendment before the Senate has been voted upon. That is the position, as I understand it.

Mr. LODGE. Mr. President, I think the Senator has stated it precisely, though I did not, on account of the confusion around me, hear all that was said.

Mr. WARREN. The amendment is reported here as an amendment to the bill and not to a substitute.

Mr. LODGE. The bill is here, and the amendment to the amendment is in the nature of a substitute; but it makes no difference whether it is in the nature of a substitute or not so far as its parliamentary position is concerned. It is the amendment of the committee. To that amendment of the committee the Senator from Connecticut [Mr. BRANDEGEE], as he is entitled to do, offers an amendment, which is also in the nature of a substitute. The Senator from Connecticut can himself perfect his amendment before offering it, or now, in any way he pleases; but we can not vote on an amendment to his amendment. It is perfectly clear that that would be an amendment in the third degree. If we would take up a series of substitutes we should find ourselves adrift here with four or five substitute amendments and not know really which one we were amending or what the condition of any one was. We can deal with but two amendments at a time, as it seems to me. I do not see how we can go off on a series of substitutes which, in a parliamentry sense, are not before the Senate.

Mr. FRYE. Mr. President, I think the Senator from Massachusetts [Mr. LODGE] is right in his contention, and that any amendment offered to this amendment would be an amendment in the third degree. If this amendment be adopted, then in the Senate it will be clearly open to amendment, and the Senator from Montana [Mr. CARTER] can offer his amendment in the Senate.

Mr. BEVERIDGE. Before the Senator from Maine takes his seat I want to ask him a question. As I understand, if the amendment offered by way of substitute by the Senator from Connecticut [Mr. BRANDEGEE] should be adopted, then it becomes open to amendment in the same way that he is now attempting to amend the committee amendment?

Mr. FRYE. It will be open to amendment in the Senate.

Mr. BEVERIDGE. So that, if his amendment is adopted, that does not preclude the Senator from Wisconsin [Mr. LA FOLLETTE] from hereafter offering his substitute as an amendment to the substitute of the Senator from Connecticut.

Mr. FRYE. Clearly, in the Senate he could offer his amendment.

Mr. PATTERSON. I want to ask the Senator from Maine a question.

Mr. FRYE. The Chair will allow me to repeat what has already been said, that it is within the capacity and right of the Senator from Connecticut to amend his own amendment, if he desires to do so.

Mr. HALE. To modify it.

Mr. FRYE. To modify it to suit himself, if he desires to do so.

The VICE-PRESIDENT. The Senator from Connecticut un-

doubtedly has the right to modify his own amendment as he sees fit.

Mr. BRANDEGEE. I simply desire to say, Mr. President, that as it is within my power to modify my amendment, I should like, at the proper point, that the language which the Senator from Montana proposes as an amendment to the committee's substitute which the Senate adopted be interlined and made a part of my amendment.

Mr. PATTERSON. If the Senator from Connecticut will, of his own motion, modify his substitute, that will be quite satisfactory to me. I want, however, to ask the Senator from Maine [Mr. FRYE] a question in connection with the statement he made as to the status of the substitutes and proposed substitutes. If the substitute as perfected by the Senator from Connecticut shall be adopted, can another substitute be offered to the entire measure?

Mr. FRYE. It can in the Senate.

Mr. PATTERSON. But not as in Committee of the Whole.

Mr. FRYE. Not as in Committee of the Whole, because the Committee of the Whole will have disposed of that entire thing if it shall be adopted. That is the final disposition in Committee of the Whole. Then when the bill is reported to the Senate it is still open to amendment, and the substitute of the Senator from Wisconsin can be offered.

Mr. PATTERSON. One other question. I understand the Senator from Connecticut has accepted the amendment suggested by the Senator from Montana.

Mr. BRANDEGEE. Yes.

Mr. PATTERSON. That is all I desire to know.

Mr. FRYE. Just another word, if the President pleases. If the amendment offered by the Senator from Connecticut shall be voted down, then, clearly, another amendment will be in order—any amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE].

Mr. DANIEL. I ask that the amendment may be read.

Mr. PATTERSON. Let it be read as modified.

The VICE-PRESIDENT. The modification of the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE] will be stated.

The SECRETARY. The amendment of Mr. BRANDEGEE is modified as follows: On page 1 of the proposed amendment, line 5, after the word "sixteen," by striking out the word "consecutive;" after the word "hours," on line 6, by inserting "during a period of twenty-six consecutive hours;" on page 2, line 8, before the word "hours," by striking out the word "consecutive" and after the word "hours," by inserting "during a period of twenty-six consecutive hours."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. BRANDEGEE] as modified.

Mr. MALLORY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ELKINS. I should like that the proposed substitute be again read, so that we may understand what we are voting upon.

The VICE-PRESIDENT. The Secretary will read the proposed substitute as modified.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert the following:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen hours during a period of twenty-six consecutive hours, except when on account of an emergency, which by reasonable care on the part of such carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train by which such commerce is conducted, or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected, to remain in service more than sixteen hours during a period of twenty-six consecutive hours, except when on account of an emergency, which by reasonable care on the part of such common carrier, its officers or agents, could not have been avoided, he is prevented from reaching its terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

SEC. 2. That any such common carrier, or any of its officers or agents, knowingly violating any of the provisions of this act, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not more than $1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred, but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

SEC. 3. That the provisions of this act shall not apply to employers operating wreck or relief trains.

Mr. CULBERSON. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Texas will state his parliamentary inquiry.

Mr. CULBERSON. I inquire if the question is not divisible? I understand that this is an amendment to an amendment in the nature of a substitute.

Mr. BRANDEGEE. Mr. President, if I may be allowed a word, it seems to me that the pending question is on the substitute—to strike out the substitute reported by the committee and insert what I have proposed as a substitute. How can that question be divided?

Mr. CULBERSON. Mr. President, of course I understand the suggestion of the Senator from Connecticut, but the proposition is this: This substitute now pending for a vote has been amended by the Senator from Connecticut.

Mr. LODGE. Modified.

Mr. CULBERSON. Modified by the Senator from Connecticut, as suggested by the Senator from Montana [Mr. CARTER]. The question with me is whether we are not entitled to have that question divided and be permitted to vote upon the proposition submitted by the Senator from Montana. Of course I understand the suggestion that the Senator from Connecticut can control his own amendment, and possibly that is an answer; but by this parliamentary inquiry I intended to suggest to the Senator from Connecticut that he probably had better let the amendment stand on its merits.

Mr. BRANDEGEE. Mr. President, I will withdraw the modification proposed by the Senator from Montana.

Mr. LODGE. If the Senator will allow me, there is no occasion for him to do that. When he modifies his amendment, he makes the modification a part of his amendment.

The VICE-PRESIDENT. In the opinion of the Chair, the question is not divisible, it being a motion to strike out and insert.

Mr. CULBERSON. But the Senator from Connecticut offers to withdraw it.

Mr. BRANDEGEE. I am perfectly willing, Mr. President, to withdraw it, as I do not desire to imperil the bill in any way, and renew it in the Senate.

Mr. HALE. Mr. President, why should the Senator withdraw that modification?

Mr. CULBERSON. Then I will move to amend the substitute by striking out the words suggested by the Senator from Montana.

Mr. BEVERIDGE. That can not be done.

Mr. HALE. That is out of order.

The VICE-PRESIDENT. In the opinion of the Chair, it is not in order at the present stage of the bill.

Mr. HALE. Let the vote be taken on the proposed substitute, Mr. President.

The VICE-PRESIDENT. The Secretary will call the roll on the proposed substitute.

Mr. OVERMAN. Mr. President, I understood that the Senator from Connecticut [Mr. BRANDEGEE] withdrew the modification. He said he would offer it in the Senate.

Mr. BRANDEGEE. I said I was perfectly willing to withdraw it if a proper reason was shown for doing so; but I will allow it to stand and let a vote be taken on it as it stands.

The VICE-PRESIDENT. The Secretary will call the roll on the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE].

The Secretary proceeded to call the roll.

Mr. DOLLIVER (when Mr. ALLISON'S name was called). I am requested by my colleague [Mr. ALLISON] to state that on this bill and all the amendments pending to it he is paired with the senior Senator from Alabama [Mr. MORGAN]. I will make no further statement to this effect during the remaining votes.

Mr. GALLINGER (when Mr. BURNHAM'S name was called). I announce that my colleague [Mr. BURNHAM] is unavoidably absent and that he is paired with the Senator from Georgia [Mr. CLAY].

Mr. CLAY (when his name was called). I announce my pair with the junior Senator from New Hampshire [Mr. BURNHAM]. If he were present, I should vote "yea."

Mr. KEAN (when Mr. DRYDEN'S name was called). My colleague [Mr. DRYDEN] is necessarily absent from the Senate. He

is paired with the Senator from Mississippi [Mr. McLAURIN]. I make this announcement in connection with all votes in relation to this bill.

Mr. McENERY (when his name was called). I wish to announce that I am paired with the junior Senator from New York [Mr. PLATT] on this bill and all the amendments to it. I therefore withhold my vote.

Mr. PETTUS (when Mr. MORGAN's name was called). The senior Senator from Alabama [Mr. MORGAN] is paired with the senior Senator from Iowa [Mr. ALLISON].

Mr. DEPEW (when Mr. PLATT's name was called). My colleague [Mr. PLATT] is unavoidably absent. He is paired with the Senator from Louisiana [Mr. McENERY]. I make this announcement to cover all the votes in relation to this bill.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. I have inquired of his colleague, but I am unable to ascertain his position on the bill or any of the amendments. I therefore withhold my vote. I make this announcement once for all.

The roll call was concluded.

Mr. MONEY. I desire to announce that my colleague [Mr. McLAURIN] is absent on account of protracted sickness. He is paired with the Senator from New Jersey [Mr. DRYDEN].

Mr. TELLER. I am requested by the Senator from Nevada [Mr. NEWLANDS], who is detained on account of sickness in his family, to say that he is paired with the Senator from South Dakota [Mr. GAMBLE]. If present, he would vote for the bill as reported by the committee.

The result was announced—yeas 23, nays 45, as follows:

YEAS—23.

Alger	Crane	Heyburn	Smoot
Bacon	Dillingham	Knox	Sutherland
Brandegee	Du Pont	Long	Teller
Bulkeley	Flint	Money	Tillman
Clark, Mont.	Frye	Patterson	Warren
Clark, Wyo.	Hale	Proctor	

NAYS—45.

Ankeny	Dick	Kean	Pettus
Berry	Dolliver	Kittredge	Piles
Beveridge	Dubois	La Follette	Rayner
Blackburn	Elkins	Latimer	Scott
Burkett	Foraker	Lodge	Simmons
Burrows	Foster	McCreary	Stone
Carter	Frazier	McCumber	Taliaferro
Clapp	Fulton	Mallory	Warner
Culberson	Gallinger	Millard	Whyte
Cullom	Hansbrough	Nelson	
Daniel	Hemenway	Overman	
Depew	Hopkins	Perkins	

NOT VOTING—22.

Aldrich	Carmack	McEnery	Penrose
Allee	Clarke, Ark.	McLaurin	Platt
Allison	Clay	Martin	Spooner
Bailey	Dryden	Morgan	Wetmore
Benson	Gamble	Newlands	
Burnham	Gearin	Nixon	

So Mr. BRANDEGEE's amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk as a substitute for the bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, he is prevented from reaching his terminal; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours for rest; or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period to continue on duty or to go on duty without having had at least eight hours for rest within such twenty-four-hour period.

SEC. 2. That any such common carrier or any of its officers or agents violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of $1,000 for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of such violations as may come to its knowledge.

That to enable the Commission to execute and enforce the provisions of this act it shall have the power to employ such inspectors or other persons as may be necessary. To enforce the provisions of this act the Commission and its agents or employees thereunto duly authorized by order of said Commission shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers. The Commission may also order depositions taken before any officer in any State or Territory of the United States or the District of Columbia qualified by law to take the same.

The provisions of this act shall not apply to relief or wreck trains.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. BEVERIDGE. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FRAZIER (when Mr. CARMACK's name was called). My colleague [Mr. CARMACK] is unavoidably detained from the Senate. He has a general pair with the Senator from Wisconsin [Mr. SPOONER].

Mr. CLAY (when his name was called). I again announce my pair with the junior Senator from New Hampshire [Mr. BURNHAM]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. DANIEL. I should like to state that my colleague [Mr. MARTIN] is unavoidably detained from his seat to-day by illness in his family. If he were present, he would vote "yea."

The result was announced—yeas 36, nays 32, as follows:

YEAS—36.

Bacon	Du Pont	Kittredge	Rayner
Berry	Elkins	La Follette	Scott
Beveridge	Flint	Latimer	Simmons
Brandegee	Foster	Mallory	Stone
Burkett	Frazier	Money	Taliaferro
Culberson	Gearin	Nelson	Teller
Daniel	Hansbrough	Overman	Tillman
Dolliver	Hemenway	Patterson	Warner
Dubois	Hopkins	Perkins	Whyte

NAYS—32.

Ankeny	Crane	Gallinger	McCumber
Blackburn	Cullom	Hale	Millard
Bulkeley	Depew	Heyburn	Pettus
Burrows	Dick	Kean	Piles
Carter	Dillingham	Knox	Proctor
Clapp	Foraker	Lodge	Smoot
Clark, Mont.	Frye	Long	Sutherland
Clark, Wyo.	Fulton	McCreary	Warren

NOT VOTING—22.

Aldrich	Burnham	McEnery	Penrose
Alger	Carmack	McLaurin	Platt
Allee	Clarke, Ark.	Martin	Spooner
Allison	Clay	Morgan	Wetmore
Bailey	Dryden	Newlands	
Benson	Gamble	Nixon	

So Mr. LA FOLLETTE's amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. GALLINGER. I move to amend the bill by striking out "casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip," and insert "unavoidable accident, or act of God, or resulting from a cause not known to the carrier or its agent in charge of such employee at the time he left the terminal."

That is the amendment which was adopted to the previous amendment.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from New Hampshire.

The SECRETARY. It is proposed to strike out "casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip," and in lieu thereof to insert, "unavoidable accident, or act of God, or resulting from a cause not known to the carrier or its agent in charge of such employee at the time he left the terminal."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire. [Putting the question.] The ayes appear to have it.

Mr. LA FOLLETTE. I ask for the yeas and nays.

Mr. CULBERSON. In the confusion some of us did not hear the amendment. I ask that it be again stated.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The Secretary again stated the amendment.

Mr. TILLMAN. I hope the Secretary will begin at the beginning of the sentence, so that we may get some idea of what is proposed to be done.

The VICE-PRESIDENT. The Secretary will state the clause as it will read if amended.

Mr. SCOTT. I was just going to say that I do not believe half of us know what the amendment is. It has never been printed, and none of us have read it. We are groping in the dark on the whole thing.

Mr. BEVERIDGE. It has been read four times.

Mr. LODGE. Debate is not in order, Mr. President.

The SECRETARY. If amended the clause will read:

That it shall be unlawful for any common carrier by railroad, in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours except when by unavoidable accident, or act of God, or resulting from a cause not known to the carrier or its agent in charge of such employee at the time he left the terminal, he is prevented from reaching his terminal.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER], on which the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. He is for the bill and so am I, but on this amendment he would vote "nay" and I should vote "yea." So I will withhold my vote.

Mr. MCENERY (when his name was called). The same announcement which I made on the last roll call applies likewise to this.

The roll call having been concluded, the result was announced—yeas 31, nays 35, as follows:

YEAS—31.

Ankeny	Dick	Hopkins	Piles
Bacon	Dillingham	Kean	Proctor
Bulkeley	Du Pont	Lodge	Scott
Carter	Foraker	Long	Simmons
Clapp	Frye	McCumber	Smoot
Clark, Mont.	Gallinger	Money	Sutherland
Clark, Wyo.	Hale	Overman	Warren
Crane	Heyburn	Perkins	

NAYS—35.

Berry	Dolliver	Kittredge	Pettus
Beveridge	Dubois	Knox	Rayner
Blackburn	Elkins	La Follette	Stone
Brandegee	Flint	Latimer	Taliaferro
Burkett	Foster	McCreary	Teller
Burrows	Frazier	Mallory	Tillman
Culberson	Gearin	Millard	Warner
Daniel	Hansbrough	Nelson	Whyte
Depew	Hemenway	Patterson	

NOT VOTING—24.

Aldrich	Burnham	Fulton	Newlands
Alger	Carmack	Gamble	Nixon
Allee	Clarke, Ark.	McEnery	Penrose
Allison	Clay	McLaurin	Platt
Bailey	Cullom	Martin	Spooner
Benson	Dryden	Morgan	Wetmore

So Mr. GALLINGER's amendment was rejected.

Mr. MCCUMBER. I should now like to have the bill read as it stands, for the purpose of amendment. I wish to offer an amendment, and I desire to have the bill read so as to have a correct copy before me.

The VICE-PRESIDENT. The Senator from North Dakota requests that the bill be read.

The Secretary read as follows:

Be it enacted, etc., That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip or by unknown casualty occurring before he started on his trip——

Mr. MCCUMBER. That is as far as I wish the Secretary to go. After the word "trip," I move to insert what I send to the desk.

The VICE-PRESIDENT. The Senator from North Dakota proposes an amendment, which will be stated.

The SECRETARY. After the word "trip," it is proposed to insert:

Or except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota. [Putting the question.] In the opinion of the Chair the ayes have it.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The VICE-PRESIDENT. The yeas and nays are demanded. Is there a second? In the opinion of the Chair, there is not.

Mr. LA FOLLETTE. I ask to have the vote taken again.

Mr. CLAY. I suggest to the Senator from Wisconsin that he ask for a division.

Mr. LA FOLLETTE. I ask for a division.

The question being put, there were, on a division—ayes 32, nays 23.

Mr. LA FOLLETTE. I now ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was agreed to.

Mr. MALLORY. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Florida proposes an amendment, which will be stated.

The SECRETARY. Strike out all of section 2 after the words "shall be," in the fourth line, down to and including the word "occurred," and insert:

deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000.

The amendment was agreed to.

Mr. DANIEL. I offer an amendment to come in at the close of section 1.

The VICE-PRESIDENT. The Senator from Virginia proposes an amendment, which will be stated

The SECRETARY. It is proposed to insert at the end of section 1 the following:

The employee who is required or permitted to serve for any time beyond the hours of service herein provided shall be paid by the carrier therefor what such extra service is reasonably worth, in addition to his regular compensation.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Virginia. [Putting the question.] The noes appear to have it.

Mr. DANIEL. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. DANIEL. I have another amendment which I desire to offer, to come in at the same place.

The VICE-PRESIDENT. The Senator from Virginia proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of section 1 the following:

The extra time served by any employee on account of an emergency, as heretofore provided, shall be paid for by the carrier in addition to the compensation of the employee for regular service. The rate of compensation for extra service shall be in proportion to that for regular service, according to the time consumed.

Mr. BEVERIDGE. May I ask, Mr. President, where the amendment is to come in?

Mr. DANIEL. At the end of section 1.

The VICE-PRESIDENT. At the end of the first section. The question is on agreeing to the amendment proposed by the Senator from Virginia.

The amendment was rejected.

Mr. GALLINGER. Where the words "for rest" occur in the bill—I think in two places—I move to strike them out and insert the words "off duty."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. GALLINGER. At the end of the first paragraph of section 2 I move to add the words "but no such suit shall be brought after the expiration of one year from the date of such violation."

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from New Hampshire.

The SECRETARY. At the end of the first paragraph of section 2 it is proposed to insert——

Mr. MALLORY. I call the attention of the Senator to the fact that the major portion of that paragraph has been stricken out by the amendment already adopted.

Mr. GALLINGER. No; this is to be inserted after the word "knowledge."

The SECRETARY. After the word "knowledge," at the end of the first paragraph, section 2, it is proposed to insert:

But no such suit shall be brought after the expiration of one year from the date of such violation.

Mr. CULBERSON. I ask that section 2 be read as it will stand if the amendment of the Senator from New Hampshire is adopted. It is clearly not applicable to the section now.

The Secretary read as follows:

SEC. 2. That any such common carrier or any of its officers or agents violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred nor more than one thousand dollars, and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of such violations as may come to its knowledge. But no such suit shall be brought after the expiration of one year from the date of such violation.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was rejected.

Mr. HANSBROUGH. How many sections, may I inquire, does the bill contain as it now stands, Mr. President?

The VICE-PRESIDENT. The bill contains two sections.

Mr. HANSBROUGH. I offer an amendment to be known as section 3.

The VICE-PRESIDENT. The Senator from North Dakota proposes an amendment which will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, a new section, as follows:

SEC. 3. That it shall be unlawful for any interstate railway to move any train or trains carrying commodities entering into interstate or foreign commerce containing tonnage in excess of the registered capacity of the engine or engines attached thereto. Any officer, agent, or employee of any such railway who violates the provisions of this section shall be deemed guilty of a misdemeanor and punished by a fine of not exceeding $1,000 for each offense.

Mr. RAYNER. I make the point of order upon the amendment that it is not germane to the bill.

The VICE-PRESIDENT. The Chair overrules the point of order.

Mr. HANSBROUGH. I think the amendment should be again read.

Mr. LODGE. Let it be again read.

Mr. HANSBROUGH. There is too much confusion in the Chamber.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The Secretary again read the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was rejected.

Mr. SCOTT. I desire, at the request of a number of engineers, to offer an amendment to be inserted as a new section at the end of the bill.

The VICE-PRESIDENT. The Senator from West Virginia proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following:

This act shall not apply to cases where a continuance on duty beyond sixteen hours will enable an employee to reach a terminal: *Provided*, That at the expiration of sixteen hours he is within 20 miles of such terminal.

The amendment was rejected.

Mr. BACON. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following proviso:

Provided, That the provisions of this act shall not apply to any railway company the railroad of which lies wholly within the limits of one State.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia. [Putting the question.] By the sound the noes have it.

Mr. GALLINGER, Mr. MALLORY, Mr. PATTERSON, and Mr. BEVERIDGE demanded the yeas and nays, and they were ordered.

Mr. ELKINS. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be again read.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That the provisions of this act shall not apply to any railway company the railroad of which lies wholly within the limits of one State.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the junior Senator from Virginia [Mr. MARTIN]. I do not know how he would vote if present, and I withhold my vote.

The roll call having been concluded, the result was announced—yeas 16, nays 46, as follows:

YEAS—16.

Bacon	Crane	Kean	Proctor
Bulkeley	Foraker	Lodge	Scott
Burrows	Gallinger	Long	Smoot
Clark, Mont.	Hale	Money	Warren

NAYS—46.

Ankeny	Dick	Hopkins	Piles
Berry	Dolliver	Kittredge	Rayner
Beveridge	Dubois	La Follette	Simmons
Blackburn	Du Pont	Latimer	Stone
Brandegee	Elkins	McCreary	Sutherland
Burkett	Flint	McCumber	Taliaferro
Carter	Frazier	Mallory	Teller
Clapp	Frye	Millard	Tillman
Clark, Wyo.	Fulton	Nelson	Warner
Culberson	Gearin	Patterson	Whyte
Daniel	Hansbrough	Perkins	
Depew	Hemenway	Pettus	

NOT VOTING—28.

Aldrich	Bailey	Clarke, Ark.	Dryden
Alger	Benson	Clay	Foster
Allee	Burnham	Cullom	Gamble
Allison	Carmack	Dillingham	Heyburn
Knox	Martin	Nixon	Platt
McEnery	Morgan	Overman	Spooner
McLaurin	Newlands	Penrose	Wetmore

So Mr. BACON's amendment was rejected.

Mr. DANIEL. I move to insert, after the word "train," in the line "or connected with the movement of any train"—the number is not marked on the paper I have—the following words:

Which is engaged in transporting passengers or articles of commerce between States or between the United States and a foreign country.

[After a pause.] I understand the amendment which was adopted on motion of the Senator from Texas [Mr. CULBERSON] accomplishes the same purpose, and I withdraw the amendment.

The VICE-PRESIDENT. The Senator from Virginia withdraws the proposed amendment. The bill is in the Senate and open to amendment.

Mr. LA FOLLETTE. I offer an amendment to come in as a new section.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill a new section, as follows:

SEC. 3. In addition to the penalty prescribed herein, any such common carrier violating the provisions of this act shall not be permitted to interpose the defense of contributory negligence in the event of action being brought to recover for damages resulting from any accident which shall occur by which injury shall be inflicted on any employee who may be detained in service more than said sixteen hours, notwithstanding the negligence of such employee may have caused or contributed to his own injury or death; nor shall such defense of contributory negligence be interposed if the said injury result in death of said employee and the action be brought for the benefit of his next of kin.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been read. [Putting the question.] By the sound the noes seem to have it. The noes have it.

Mr. LA FOLLETTE. I ask for a division.

Mr. GALLINGER. I demand the yeas and nays.

Mr. LA FOLLETTE. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. McCUMBER. I ask the Secretary to read that portion of the bill showing the number of hours necessary for rest after the sixteen hours of service.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from North Dakota.

The Secretary read as follows:

Or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty.

Mr. McCUMBER. I move to strike out the word "ten" before "hours" and to insert in lieu thereof the word "eight."

The VICE-PRESIDENT. The proposed amendment will be stated.

The SECRETARY. It is proposed to strike out the word "ten," before the word "hours," and insert in lieu thereof the word "eight."

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

The amendment was rejected.

The VICE-PRESIDENT. If no further amendments be proposed, the question is, Shall the bill be engrossed for a third reading and read the third time?

The bill was ordered to be engrossed for a third reading; and it was read the third time.

The VICE-PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

Mr. SPOONER. I ask that the bill as amended be read. It has not been printed.

The VICE-PRESIDENT. The Secretary will read the bill as amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, and except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty; or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period to continue on duty or to go on duty without having had at least eight hours off duty within such twenty-four hour period.

SEC. 2. That any such common carrier or any of its officers or agents violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper dis-

trict attorneys information of such violations as may come to its knowledge.

That to enable the Commission to execute and enforce the provisions of this act it shall have the power to employ such inspectors or other persons as may be necessary. To enforce the provisions of this act, the Commission and its agents or employees thereunto duly authorized by order of said Commission shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers. The Commission may also order depositions taken before any officer in any State or Territory of the United States or the District of Columbia qualified by law to take the same.

The provisions of this act shall not apply to relief or wreck trains.

Mr. KNOX. I am somewhat handicapped by not having a copy of the bill, but if the bill can be amended at this stage I should like to offer an amendment. I think the words "carrying interstate freight or passengers" should be stricken out, and the words "engaged in interstate commerce" should be substituted. As the bill now stands in the case of such an accident as occurred at Terra Cotta, a train coming from Pennsylvania and causing the accident would not have been included, because it was not carrying either freight or passengers.

Mr. BEVERIDGE. The Senator's suggestion is that it should read "engaged in interstate commerce," I understand.

Mr. CULBERSON. Is this matter debatable?

The VICE-PRESIDENT. It is not debatable. Debate is not in order. The amendment will be stated.

Mr. CULBERSON. The Senator from Pennsylvania made a statement and argument.

The VICE-PRESIDENT. He made a statement.

Mr. CULBERSON. The statement of the Senator from Pennsylvania was in itself an argument, and in my judgment a false one.

The VICE-PRESIDENT. So far as that was so he was out of order. The Secretary will state the amendment.

The SECRETARY. After the word "train," where it appears near the beginning of the bill, strike out the words "carrying interstate freight or passengers" and insert the words "engaged in interstate commerce."

Mr. CULBERSON. Is an amendment to the amendment in order? The amendment of the Senator from Pennsylvania would, in my judgment, render the bill unconstitutional.

Mr. BERRY. Mr. President, I make the point or order that the bill was ordered engrossed and to be read a third time, and that it was read the third time, and was so announced by the Chair, and therefore it is not open to amendment.

The VICE-PRESIDENT. The Senator's point of order is well taken.

Mr. GALLINGER. Then I move to reconsider the vote whereby that action was taken.

Mr. DANIEL. That is right.

The VICE-PRESIDENT. The Senator from New Hampshire moves to reconsider the vote by which the bill was ordered to be engrossed for a third reading and was read the third time.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The bill is in the Senate and open to amendment. The Senator from Pennsylvania proposes an amendment, which will be stated.

Mr. KNOX. I should like to have that portion of the bill read.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. The bill reads:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours, etc.

Mr. KNOX. I move that the words "carrying interstate or foreign freight or passengers" be stricken out and the words "engaged in hauling interstate freight" be inserted.

The VICE-PRESIDENT. The amendment proposed by the Senator from Pennsylvania will be read.

The SECRETARY. After the word "train" strike out the following words: "Carrying interstate or foreign freight or passengers," and insert "engaged in hauling interstate freight trains."

Mr. CULBERSON. I have been unable to hear on account of the confusion.

Mr. BEVERIDGE. That is not the amendment I originally understood that the Senator offered.

The VICE-PRESIDENT. The Senate will please be in order.

Mr. BEVERIDGE. I want to hear it read.

The VICE-PRESIDENT. The Secretary will report the amendment.

The SECRETARY. After the word "train" strike out the following words: "Carrying interstate or foreign freight or passengers" and insert "engaged in hauling interstate trains;" so as to read: "The movement of any train engaged in hauling interstate trains."

Mr. KNOX. Let me have a copy of the bill.

Mr. CULBERSON. I move to lay the amendment of the Senator from Pennsylvania on the table.

The VICE-PRESIDENT. The Senator from Texas moves to lay the amendment proposed by the Senator from Pennsylvania on the table. The question is on the motion to lay on the table.

The motion was agreed to.

Mr. TILLMAN. Now I move to strike out those words, because the bill already applies to interstate commerce, and they are mere surplusage.

Mr. BEVERIDGE. The words the Senator wants stricken out are not surplusage——

The VICE-PRESIDENT. Debate is not in order. The Senator from South Carolina proposes an amendment, which will be read.

The SECRETARY. After the word "train" strike out the following words: "Carrying interstate or foreign freight or passengers."

Mr. PATTERSON. Now let the clause be read as it would read if amended.

Mr. BACON. Mr. President, I rise to an inquiry. Are not the words just read, and which are proposed to be stricken out, words which were inserted as an amendment?

The VICE-PRESIDENT. They were not.

Mr. BACON. I judged by the way the Secretary read it that it was an interlineation.

Mr. TILLMAN. They were inserted by the Senator from Wisconsin [Mr. LA FOLLETTE], and he did not really see, I think——

The VICE-PRESIDENT. Debate is out of order. The question is on agreeing to the amendment proposed by the Senator from South Carolina.

Mr. PATTERSON. I ask that that portion of the bill be read as amended, should the amendment be adopted.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from Colorado.

The Secretary read as follows:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Carolina.

The amendment was rejected.

The VICE-PRESIDENT. The question is, Shall the bill be engrossed, and read a third time?

The bill was ordered to be engrossed for a third reading, and it was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. GALLINGER. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. LONG (when Mr. BENSON'S name was called). My colleague [Mr. BENSON] is unavoidably absent and is not paired. If he were present he would vote for the passage of the bill.

Mr. CLAY (when his name was called). I am paired with the junior Senator from New Hampshire [Mr. BURNHAM]. If he were present I should vote "yea."

Mr. GALLINGER (when his name was called). I desire to announce that my colleague [Mr. BURNHAM] is unavoidably absent, and is paired with the Senator from Georgia [Mr. CLAY]. If my colleague were present he would vote "yea," and the Senator from Georgia can vote if he chooses. I vote "yea."

Mr. KEAN (when his name was called). My colleague [Mr. DRYDEN] is absent. If he were present he would vote "yea." He is paired with the junior Senator from Mississippi [Mr. MCLAURIN]. I vote "yea."

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. PLATT], and therefore withhold my vote.

Mr. PETTUS (when Mr. MORGAN'S name was called). The senior Senator from Alabama [Mr. MORGAN] is paired with the senior Senator from Iowa [Mr. ALLISON].

Mr. TELLER (when Mr. NEWLAND'S name was called). The Senator from Nevada [Mr. NEWLANDS] is paired with the Senator from South Dakota [Mr. GAMBLE]. If the Senator from Nevada were present he would vote "yea."

Mr. FLINT (when Mr. NIXON'S name was called). The junior Senator from Nevada [Mr. NIXON] is unavoidably absent from the Chamber. If he were present he would vote "yea."

Mr. KEAN (when Mr. WETMORE'S name was called). The junior Senator from Rhode Island [Mr. WETMORE] is necessarily

absent. If he were present, I am authorized to state that he would vote "yea."

The roll call was concluded.

Mr. GALLINGER. I am authorized to say that if the junior Senator from South Dakota [Mr. GAMBLE], who is paired with the Senator from Nevada [Mr. NEWLANDS], were present, he would vote "yea."

Mr. MONEY. My colleague [Mr. MCLAURIN] is absent, sick. He is paired with the Senator from New Jersey [Mr. DRYDEN]. If my colleague were here he would vote "yea."

Mr. CLAY. The Senator from New Hampshire [Mr. GALLINGER] informs me that if his colleague [Mr. BURNHAM], with whom I am paired, were present, he would vote "yea." I therefore am at liberty to vote, and I vote "yea."

The result was announced—yeas 70, nays 1, as follows:

YEAS—70.

Ankeny	Daniel	Hemenway	Patterson
Bacon	Depew	Heyburn	Perkins
Berry	Dick	Hopkins	Piles
Beveridge	Dillingham	Kean	Rayner
Blackburn	Dolliver	Kittredge	Scott
Brandegee	Dubois	Knox	Simmons
Bulkeley	Du Pont	La Follette	Smoot
Burkett	Elkins	Latimer	Spooner
Burrows	Flint	Lodge	Stone
Carmack	Foraker	Long	Sutherland
Carter	Foster	McCreary	Taliaferro
Clapp	Frazier	McCumber	Teller
Clark, Mont.	Frye	Mallory	Tillman
Clark, Wyo.	Fulton	Martin	Warner
Clay	Gallinger	Millard	Warren
Crane	Gearin	Money	Whyte
Culberson	Hale	Nelson	
Cullom	Hansbrough	Overman	

NAYS—1.

Pettus.

NOT VOTING—19.

Aldrich	Benson	McEnery	Penrose
Alger	Burnham	McLaurin	Platt
Allee	Clarke, Ark.	Morgan	Proctor
Allison	Dryden	Newlands	Wetmore
Bailey	Gamble	Nixon	

So the bill was passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 11, 1907, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 10, 1907.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Thomas C. Dawson, of Iowa, now minister resident and consul-general to Santo Domingo, for promotion to be envoy extraordinary and minister plenipotentiary of the United States to Colombia.

Williams C. Fox, of New Jersey, late consul at Brunswick, to be envoy extraordinary and minister plenipotentiary of the United States to Ecuador.

Joseph W. J. Lee, of Maryland, now envoy extraordinary and minister plenipotentiary to Ecuador, for promotion to be envoy extraordinary and minister plenipotentiary of the United States to Guatemala and Honduras.

MINISTER RESIDENT AND CONSUL-GENERAL.

Fenton R. McCreery, of Michigan, now secretary of the embassy at Mexico, for promotion to be minister resident and consul-general of the United States to Santo Domingo.

SECRETARIES OF EMBASSIES.

John Gardner Coolidge, of Massachusetts, late secretary of the legation at Peking, to be secretary of the embassy of the United States at Mexico, Mexico.

Nelson O'Shaughnessy, of New York, now third secretary of the embassy at Berlin, for promotion to be second secretary of the embassy of the United States at St. Petersburg, Russia.

Robert M. Winthrop, of Massachusetts, now secretary of the legation at Madrid, to be second secretary of the embassy of the United States at Rome, Italy.

Montgomery Schuyler, jr., of New York, now secretary of the legation and consul-general to Roumania and Servia, for promotion to be secretary of the embassy of the United States at St. Petersburg, Russia.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Philip M. Brown, of Massachusetts, now secretary of the legation to Guatemala and Honduras, to be secretary of the legation and consul-general of the United States to Roumania and Servia.

SECRETARIES OF LEGATIONS.

Robert Woods Bliss, of New York, now second secretary of the embassy at St. Petersburg, to be secretary of the legation of the United States at Brussels, Belgium.

Stanton Sickles, of New York, now secretary of the legation at Brussels, to be secretary of the legation of the United States to Greece and Montenegro and of the diplomatic agency in Bulgaria.

Leonard M. Thomas, of Pennsylvania, now second secretary of the embassy at Rome, to be secretary of the legation of the United States at Madrid, Spain.

DISTRICT JUDGE.

Edward S. Farrington, of Nevada, to be United States district judge for the district of Nevada.

COLLECTOR OF CUSTOMS.

George L. Smith, of New Jersey, to be collector of customs for the district of Newark, in the State of New Jersey.

RECEIVER OF PUBLIC MONEYS.

Henry G. McCrossen, of Wisconsin, who was reappointed July 3, 1906, during the recess of the Senate, his term having expired, to be receiver of public moneys at Wausau, Wis.

POSTMASTERS.

Nelson C. Fuller to be postmaster at Centerville, in the county of Bibb and State of Alabama.

Charles Hays, jr., to be postmaster at Eutaw, in the county of Greene and State of Alabama.

ARIZONA.

Milton Bohall to be postmaster at Nogales, in the county of Santa Cruz and Territory of Arizona.

CALIFORNIA.

John L. Brown to be postmaster at Turlock, in the county of Stanislaus and State of California.

Fred E. Cornell to be postmaster at Sunnyvale, in the county of Santa Clara and State of California.

Grace E. Fuller to be postmaster at Anderson, in the county of Shasta and State of California.

Philo Handy to be postmaster at Ukiah, in the county of Mendocino and State of California.

John M. Johnson to be postmaster at Wheatland, in the county of Yuba and State of California.

Isaac Purcell to be postmaster at Morgan Hill, in the county of Santa Clara and State of California.

Morton E. Simmons to be postmaster at Chino, in the county of San Bernardino and State of California.

CONNECTICUT.

Asa E. S. Bush to be postmaster at Niantic, in the county of New London and State of Connecticut.

John McGinley to be postmaster at New London, in the county of New London and State of Connecticut.

Wilbur W. Smith to be postmaster at Seymour, in the county of New Haven and State of Connecticut.

ILLINOIS.

Fred R. Brill to be postmaster at Hampshire, in the county of Kane and State of Illinois.

Anson J. Buck to be postmaster at Carpentersville, in the county of Kane and State of Illinois.

Rufus East to be postmaster at Coulterville, in the county of Randolph and State of Illinois.

Carrie Hovda to be postmaster at Leland, in the county of La Salle and State of Illinois.

Milton H. Spence to be postmaster at Elmwood, in the county of Peoria and State of Illinois.

Fred M. Stoddard to be postmaster at Ramsey, in the county of Fayette and State of Illinois.

Adam Trapp to be postmaster at Hawthorne, in the county of Cook and State of Illinois.

Arch L. Wade to be postmaster at Farina, in the county of Fayette and State of Illinois.

Frank L. Wilkins to be postmaster at St. Anne, in the county of Kankakee and State of Illinois.

INDIANA.

Z. C. McGary to be postmaster at Owensville, in the county of Gibson and State of Indiana.

Robert W. Morris to be postmaster at New Albany, in the county of Floyd and State of Indiana.

Edward Patton to be postmaster at Veedersburg, in the county of Fountain and State of Indiana.

Stanley S. Tull to be postmaster at Monon, in the county of White and State of Indiana.

IOWA.

William R. Boyd to be postmaster at Cedar Rapids, in the county of Linn and State of Iowa.

Merritt S. Brown to be postmaster at North English, in the county of Iowa and State of Iowa.

George A. Danforth to be postmaster at Hamburg, in the county of Fremont and State of Iowa.

Francis H. Farley to be postmaster at Sloan, in the county of Woodbury and State of Iowa.

Joseph W. Foster to be postmaster at Humboldt, in the county of Humboldt and State of Iowa.

Alfred C. Harris to be postmaster at Eldora, in the county of Hardin and State of Iowa.

Lewis B. Jenness to be postmaster at Danbury, in the county of Woodbury and State of Iowa.

Emily L. Kerr to be postmaster at Victor, in the county of Iowa and State of Iowa.

Edwin W. McCracken to be postmaster at Scranton, in the county of Greene and State of Iowa.

James F. Mentzer to be postmaster at Knoxville, in the county of Marion and State of Iowa.

William H. Needham to be postmaster at Sigourney, in the county of Keokuk and State of Iowa.

Charles S. Terwilliger to be postmaster at Garner, in the county of Hancock and State of Iowa.

KANSAS.

George B. Crooker to be postmaster at Anthony, in the county of Harper and State of Kansas.

Thomas W. Dare to be postmaster at Gardner, in the county of Johnson and State of Kansas.

David K. Fretz to be postmaster at Canton, in the county of McPherson and State of Kansas.

Henry Nickles to be postmaster at Hope, in the county of Dickinson and State of Kansas.

Jonah E. Nickols to be postmaster at Atwood, in the county of Rawlins and State of Kansas.

John M. McCammon to be postmaster at Esbon, in the county of Jewell and State of Kansas.

Joseph H. Woollen to be postmaster at Mankato, in the county of Jewell and State of Kansas.

LOUISIANA.

Frank E. Posey to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana.

MAINE.

Charles F. Hammond to be postmaster at Van Buren, in the county of Aroostook and State of Maine.

MARYLAND.

Thomas R. Greene to be postmaster at Denton, in the county of Caroline and State of Maryland.

Adolphus H. Harrington to be postmaster at Frederick, in the county of Frederick and State of Maryland.

John McFarland to be postmaster at Lonaconing, in the county of Allegany and State of Maryland.

Morris L. Smith to be postmaster at Woodsboro, in the county of Frederick and State of Maryland.

Robert R. Walker to be postmaster at Easton, in the county of Talbot and State of Maryland.

MASSACHUSETTS.

Charles D. Brown to be postmaster at Gloucester, in the county of Essex and State of Massachusetts.

Charles E. Cook to be postmaster at Uxbridge, in the county of Worcester and State of Massachusetts.

Charles W. Lincoln to be postmaster at Holbrook, in the county of Norfolk and State of Massachusetts.

Fred H. Torrey to be postmaster at Groton, in the county of Middlesex and State of Massachusetts.

MICHIGAN.

Frank D. Ball to be postmaster at Crystal Falls, in the county of Iron and State of Michigan.

Lawson E. Becker to be postmaster at Fenton, in the county of Genesee and State of Michigan.

James W. Dey to be postmaster at Springport, in the county of Jackson and State of Michigan.

E. Jefferson Hall to be postmaster at Marion, in the county of Osceola and State of Michigan.

John Harwood to be postmaster at White Cloud, in the county of Newaygo and State of Michigan.

George W. Minchin to be postmaster at Evart, in the county of Osceola and State of Michigan.

Philip P. Schnorbach to be postmaster at Muskegon, in the county of Muskegon and State of Michigan.

MINNESOTA.

John Chermak to be postmaster at Chatfield, in the county of Fillmore and State of Minnesota.

Chester A. Coborn to be postmaster at Sauk Rapids, in the county of Benton and State of Minnesota.

Anders Glimme to be postmaster at Kenyon, in the county of Goodhue and State of Minnesota.

Samuel C. Johnson to be postmaster at Rush City, in the county of Chisago and State of Minnesota.

Ernest P. Le Masurier to be postmaster at Hallock, in the county of Kittson and State of Minnesota.

John Lohn to be postmaster at Fosston, in the county of Polk and State of Minnesota.

Emma F. Marshall to be postmaster at Red Lake Falls, in the county of Red Lake and State of Minnesota.

Severin Mattson to be postmaster at Braham, in the county of Isanti and State of Minnesota.

Charles A. Pearson to be postmaster at Roseau, in the county of Roseau and State of Minnesota.

William Peterson to be postmaster at Atwater, in the county of Kandiyohi and State of Minnesota.

Frederick T. Schlegel to be postmaster at Arlington, in the county of Sibley and State of Minnesota.

Benjamin A. Shaver to be postmaster at Kasson, in the county of Dodge and State of Minnesota.

Olaves A. Wilson to be postmaster at McIntosh, in the county of Polk and State of Minnesota.

MISSOURI.

R. N. Hillard to be postmaster at Hayti, in the county of Pemiscot and State of Missouri.

NEBRASKA.

James H. Logan to be postmaster at Ponca, in the county of Dixon and State of Nebraska.

NEW YORK.

Mary L. McRoberts to be postmaster at Tompkinsville, in the county of Richmond and State of New York.

OREGON.

Thomas L. Ambler to be postmaster at Mount Angel, in the county of Marion and State of Oregon.

Henry Proctor to be postmaster at Elgin, in the county of Union and State of Oregon.

Finley E. Roberts to be postmaster at Springfield, in the county of Lane and State of Oregon.

PENNSYLVANIA.

Calvin B. Philips to be postmaster at Frackville, in the county of Schuylkill and State of Pennsylvania.

RHODE ISLAND.

George E. Gardner, to be postmaster at Wickford, in the county of Washington and State of Rhode Island.

TEXAS.

George W. Brown to be postmaster at Devine, in the county of Medina and State of Texas.

Robert H. Walton to be postmaster at Walnut Springs, in the county of Bosque and State of Texas.

George S. Zeigler to be postmaster at Eagle Lake, in the county of Colorado and State of Texas.

UTAH.

John A. Smith to be postmaster at Heber, in the county of Wasatch and State of Utah.

VERMONT.

James E. Pollard to be postmaster at Chester, in the county of Windsor and State of Vermont.

WASHINGTON.

John M. Benedict to be postmaster at Centralia, in the county of Lewis and State of Washington.

Thomas Bollman to be postmaster at Cashmere, in the county of Chelan and State of Washington.

Theo Hall to be postmaster at Medical Lake, in the county of Spokane and State of Washington.

Roderick R. Harding to be postmaster at Port Angeles, in the county of Clallam and State of Washington.

WISCONSIN.

Morris F. Barteau to be postmaster at Appleton, in the county of Outagamie and State of Wisconsin.

John W. Bell to be postmaster at Chetek, in the county of Barron and State of Wisconsin.

Charles P. Brechler to be postmaster at Fennimore, in the county of Grant and State of Wisconsin.

Harry C. Hall to be postmaster at Iron River, in the county of Bayfield and State of Wisconsin.

Nicholas A. Lee to be postmaster at Colfax, in the county of Dunn and State of Wisconsin.

Egbert Marks to be postmaster at Menomonie, in the county of Dunn and State of Wisconsin.

George A. Packard to be postmaster at Bayfield, in the county of Bayfield and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 10, 1907.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LIEUTENANT-GENERAL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 738, have had the same under consideration and recommend that the following resolution be agreed to in lieu thereof:

"*Resolved*, That in considering in Committee of the Whole House on the state of the Union the bill H. R. 23551, 'A bill making appropriations for the support of the Army for the fiscal year ending June 30, 1908,' it shall be in order to consider as an amendment thereto the following: 'When the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine, but nothing in this provision shall affect the retired list.'"

Mr. DALZELL. Mr. Speaker, on the adoption of the resolution I ask for the previous question.

The previous question was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes.

Mr. DALZELL. Mr. Speaker, it seems to me hardly necessary to spend any time in explanation of this rule. The amendment suggested, abolishing the office of Lieutenant-General when the next vacancy occurs, was part of the text of the Army bill as it was reported to the House from the Committee on Military Affairs. When that portion of the bill was reached, a point of order was made that it was new legislation, and the point of order was sustained and the paragraph went out.

It seems to the committee that in submitting this rule they are simply furnishing the House an opportunity to put into legislation what has heretofore been declared to be the will of the House. There is no doubt that there is an almost unanimous consensus of opinion that the amendment ought to be adopted. This was evidenced by the action of the House at the last session of Congress, when, although it refused to pass such an amendment because it would then have applied to two major-generals who had been designated to fill the place, it did subsequently pass in a special bill substantially the same provision that is now submitted. I believe that there is an opinion prevailing that it was a mistake to create the office of Lieutenant-General for any officer after the death of General Sheridan; that the distinction should have been confined to Generals Grant, Sherman, and Sheridan. But as often as one officer after another of the civil war attained to the position where he would be entitled to this place, if it was to be created, Congress felt it would be unfair to deprive him of what his predecessors had had. The reason that existed for giving this distinction to these officers has now ceased to exist. All the officers of the civil war who would be entitled by reason of their seniority to become Lieutenant-Generals have been provided for, and if the office is to continue it will be conferred hereafter upon those who have had no connection with the civil war.

I want to say here, while I am on the floor, it is a great mistake to assume, as I have heard it assumed on the outside, that this measure is aimed at the interest of some or any Army officer. The measure is intended, I think, by the House to be passed as a measure of justice, because the reason existing for the creation of the office has ceased, and the office should likewise cease with the reason. The legislation has no particular party or parties in view.

I am ready to yield time to any gentleman who desires it. If no one desires time, I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 21202. An act fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same; and

H. R. 21951. An act to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River, in the State of Alabama.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6137. An act granting an increase of pension to Fannie L. Pike;

S. 6145. An act granting an increase of pension to Enoch Bolles;

S. 6587. An act granting an increase of pension to Marcus M. Currier;

S. 6656. An act granting an increase of pension to Eli M. Skinner;

S. 6823. An act granting an increase of pension to John H. Holsey;

S. 6828. An act granting an increase of pension to Walter D. Greene;

S. 7295. An act granting an increase of pension to Gabriel Campbell;

S. 7384. An act granting an increase of pension to Orson B. Johnson;

S. 6578. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906;

S. 7372. An act to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for use of the midshipmen at the Naval Academy; and

S. R. 81. Joint resolution authorizing temporary leaves of absence for homestead settlers.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7372. An act to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for use of the midshipmen at the Naval Academy—to the Committee on Naval Affairs.

S. 6578. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes, approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906—to the Committee on the District of Columbia.

S. 7295. An act granting an increase of pension to Gabriel Campbell—to the Committee on Invalid Pensions.

S. 6828. An act granting an increase of pension to Walter D. Greene—to the Committee on Invalid Pensions.

S. 6823. An act granting an increase of pension to John H. Holsey—to the Committee on Invalid Pensions.

S. 6587. An act granting an increase of pension to Marcus M. Currier—to the Committee on Invalid Pensions.

S. 6145. An act granting an increase of pension to Enoch Bolles—to the Committee on Invalid Pensions.

S. 6137. An act granting an increase of pension to Fannie L. Pike—to the Committee on Invalid Pensions.

S. 6656. An act granting an increase of pension to Eli M. Skinner—to the Committee on Invalid Pensions.

S. 7384. An act granting an increase of pension to Orson B. Johnson—to the Committee on Invalid Pensions.

S. R. 81. Joint resolution authorizing temporary leaves of absence for homestead settlers—to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 21202. An act fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same; and

H. R. 21951. An act to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River, in the State of Alabama.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill making appropriations for the Army.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army apprpriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

Mr. HULL. Mr. Chairman, under authority of the rule just adopted, I move to insert the following on page 5, after the word "dollars," in line 16:

Provided, That when the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine: *Provided further*, That nothing in this provision shall affect the retired list.

The CHAIRMAN. The Chair is of the opinion that probably the point of order pending should be disposed of before this amendment is offered; but without objection, the Chair will entertain the amendment now.

Mr. MADDEN. I would like to hear that amendment read again.

The CHAIRMAN. The amendment has not yet been read. The Clerk will report the amendment:

The Clerk read as follows:

On page 5, after line 16, insert the following:
"*Provided*, That when the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine: *Provided further*, That nothing in this provision shall apply to the retired list."

Mr. MADDEN. Why does not that apply to the existing law?

Mr. HULL. It does apply to those who are on the active list but does not apply to those on the retired list and does not apply to General MacArthur, who will go on the retired list in 1909.

Mr. MADDEN. Is that specifically covered?

Mr. HULL. I think it is.

Mr. CRUMPACKER. There can be no promotion?

Mr. HULL. After General MacArthur goes out there can be no other promotion on the active list.

Mr. CRUMPACKER. There is no promotion of men on the retired list.

Mr. HULL. Not at all.

Mr. CRUMPACKER. That is the understanding, that men on the retired list can not be promoted.

Mr. HULL. There has never been any promotion upon the retired list except by act of Congress and can not be.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. GROSVENOR. I ask for a division.

The committee divided, and there were—ayes 84, noes 0.

So the amendment was agreed to.

Mr. HULL. Mr. Chairman, in regard to the point of order that was under discussion at the hour of adjournment last evening, I desire to submit the following full information on the point suggested by the Chair.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, January 10, 1907.

HON. A. T. HULL,
Chairman of Committee on Military Affairs,
House of Representatives.

SIR: In reply to your inquiry I have the honor to inform you that allotments made in the past of funds for the construction of barracks, quarters, and other quartermaster buildings for the Coast Artillery have been made in the same manner as have such allotments for the construction of similar structures for the cavalry and infantry. That is, for buildings costing more than $20,000 each allotments have been made from the appropriation for military posts, carried on the sundry civil bill, and for buildings costing less than $20,000 each allotments have been made from the appropriation for barracks and quarters carried on the Army appropriation bill.

Very respectfully,

C. F. HUMPHREY,
Quartermaster-General United States Army.

Mr. HULL. If the gentleman wants anything further I simply add that that carries out my contention that the Committee on Military Affairs has only attempted to segregate the authorizations of these buildings, and it does not change the method of building or the character of buildings heretofore carried in the appropriation bills covered by barracks and quarters at posts in the two bills in which such items are carried.

Mr. TAWNEY. Mr. Chairman, whatever the practice of the Department has been with respect to the expenditure of the appropriations for barracks and quarters is not material in the discussion or consideration of the point of order that is now before the Chair. I wish to give the Chair some information respecting the history of appropriations for barracks and quarters for the seacoast artillery. The first appropriation that Congress ever authorized for this purpose was in 1896. It was carried in the fortifications appropriation bill reported from the Committee on Appropriations, under the head of "Gun and mortar batteries:"

For the construction of fortifications, $2,500,000, of which sum not exceeding $100,000 may be expended for the construction of necessary buildings connected therewith.

That was the first appropriation made for buildings in connection with the coast defenses of the United States in recent years. Following that, Congress felt that there ought to be some limitation placed upon the Department in the expenditure of appropriations for this purpose, and the next year the fortifications bill carried the following provision:

That prior to any expenditure of money for the construction of necessary buildings connected with the new fortifications, except that already authorized, the Secretary of War shall report to Congress, on or before December 6, 1897, the most practicable and economical plan for the care and preservation of the fortifications and their armament, said plans to be based upon the authorized strength of the artillery force of the Army.

Then later, in the sundry civil bill, they placed this limitation:

For the construction of buildings at, and the enlargement of, such military posts as in the judgment of the Secretary of War may be necessary, and for the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense, $620,000, and of this sum $50,000, or so much thereof as may be necessary, may be used for the purchase of suitable building sites: *Provided*, That for the erection of barracks and quarters for artillery in connection with the project adopted for seacoast defense there shall not hereafter be expended at any one point more than $60,000 for a one-battery post, and $20,000 additional for each additional battery, from any appropriation made by Congress, unless special authority of Congress be granted for a greater expenditure.

Following that, in 1901, Congress adopted this further limitation:

Provided, That for the erection of barracks and quarters for artillery, in connection with the project adopted for seacoast defense, there shall not hereafter be expended at any one point more than $1,200 per man for each man required for one relief to man the guns at the post, up to eighty-three men, the present permanent strength of a battery enlisted and commissioned, and for each man required beyond this number, $600 per man, from any appropriation made by Congress, unless special authority of Congress be granted for a greater expenditure.

Now, Mr. Chairman, from the time Congress first made appropriations for barracks and quarters for our Seacoast Artillery the Committee on Appropriations has always received the estimate for that purpose under the rule of the House which expressly provides that all estimates for that purpose shall be reported to the Committee on Appropriations. The committee have taken that jurisdiction and exercised it and invariably reported the appropriations for barracks and quarters in a fortification bill or in a sundry civil bill. So far as the bill is concerned, it is not material. The question here is as to whether or not the Committee on Military Affairs, under the rules of this House, have jurisdiction of the appropriations and estimates for appropriations for our seacoast defense. It would be just as competent for the Military Committee to bring in appropriations here for our seacoast batteries and our fortifications. Jurisdiction over subjects pertaining to fortifications and our seacoast defenses has never been surrendered by, nor has it ever been taken away from, the Committee on Appropriations.

Another point I want to make, Mr. Chairman: Under the language of this amendment the entire amount may be spent at one place and may be spent for one building. There is absolutely no limitation that would apply. The limitation which now exists in the law, carried in the fortifications bill and later in the sundry civil bill, would not apply in any way whatever to this, because the appropriation for barracks and quarters, to which this limitation applies, reads:

In connection with the project adopted for seacoast defenses.

That is a limitation that is carried with every appropriation reported by the Committee on Appropriations for barracks and quarters for the Seacoast Artillery. The appropriation must be for that purpose, and the limitation then applies. Under the language of this amendment the existing limitation would not apply. I maintain, Mr. Chairman, that, under the rules of the House, the estimates for this purpose are referred to the Committee on Appropriations, and the committee have heretofore exercised that jurisdiction, and that jurisdiction ought to be maintained and preserved.

I maintain that it is in keeping with good administration and good policy to separate, as far as we possibly can, the cost of maintaining the Army and the cost of our coast defense and all new construction incident thereto.

Mr. SMITH of Iowa. Mr. Chairman, this matter has been fully presented to the Chair from the standpoint of the right to embrace these items, under the rules, in the sundry civil bill. Of course it is within the discretion of the Committee on Appropriations to assign the items which belong to that committee to such bills as it may deem best. So that if the jurisdiction as to this item has heretofore generally been exercised in either the fortifications appropriation bill or the sundry civil bill, that would throw light upon the interpretation of the rule. The chairman of the Committee on Military Affairs says that if

his committee had not inserted the statement that these barracks and quarters were for the Seacoast Artillery, perchance no point of order would have been lodged, and that his committee is, so to speak, being punished for its candor with the House. I want to say that I think his committee is to be complimented on its candor with the House; I want to say that I think his committee is to be complimented on the efforts made this year to hereafter secure a suitable segregation of the items in the army bill. And yet I feel sure that the gentleman would not wish to be understood as saying that he regretted the fact that he had been candid with the House and wished that he had covered up this appropriation so that no point would have been made upon it at all. I know he does not mean that.

Now, let us turn first to the rules, and then I want to call the Chair's attention to the report upon which these rules was originally adopted in the Forty-ninth Congress.

Part of Rule XI, section 3, is as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz:

"3. To the appropriation of the revenue for the support of the Government, as herein provided, viz, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; to the Committee on Appropriations."

The provision with reference to the jurisdiction of the Military Committee reads "to the military establishment and public defense, including the appropriations for its support and for that of the Military Academy, to the Committee on Military Affairs."

What is a part of the coast defense? I read from the report of William R. Morrison, in presenting to the House the rule which gave to the Military Committee jurisdiction over the Army bill:

In 1847 appropriations were made in nine separate bills, viz: Army, civil and diplomatic, deficiencies, fortifications, Indian, Military Academy, Navy, pensions, and post-office.

Thus for more than sixty years one of the recognized and distinct bills making appropriations has been the fortifications appropriation bills.

Again Mr. Morrison says:

The fortifications bill being one relating generally to the army and navy fortifications and the general public defense is left to the Committee on Appropriations.

Now, this being the general public defense by both the Army and the Navy of the coast of the United States is left to the Committee on Appropriations. Under this rule what jurisdiction has the Military Affairs Committee ever exercised? Has it ever for a moment claimed that it could buy a site on which to build these barracks? Oh, no. Every proposition since the division of these appropriations to purchase a site for these barracks in connection with seacoast defenses has gone to and come from the Committee on Appropriations. Is it claimed that they have any jurisdiction over the building of houses, magazines to house the ammunition for use of seacoast defense? Oh, no; no such pretense; no such jurisdiction ever attempted to be exercised. Has it been claimed that they have charge of auxiliaries of coast defenses, like the fire control? Yes; but repudiated by the chairman in the last session of this Congress, and the Chair has from the beginning sustained the jurisdiction of the Appropriations Committee over all the adjuncts and accessories of the seacoast defense. Can it be said in any justice or reason that when one committee has been charged from the beginning with the whole care of the defense of the coast, that it is any more within its jurisdiction to provide houses for the ammunition than to provide houses for the men who handle the ammunition? What fine distinction is this which the chairman of the Committee on Military Affairs seeks to impress upon you when it must be conceded that this committee never had jurisdiction to buy a site and never exercised it for barracks or quarters at a seacoast defense; never had and never has exercised any authority to appropriate money to build houses in which to place the ammunition, but has authority to build a house in which to put the men? I submit that everything which is accessory to or an adjunct of the fortification for the seacoast defense belongs to the Committee on Appropriations, and not to the Committee on Military Affairs.

Mr. HULL. Mr. Chairman, the importance of this question impels me to again intrude myself and speak for a little time upon the questions that have been submitted this morning. The chairman of the Committee on Appropriations claims that all the buildings at seacoast defense have been carried by the sundry civil bill, when the positive evidence is submitted to the House this morning that that statement is not correct and that the line of demarcation between the two has been carried out in the appropriations heretofore on this seacoast matter just as it is in all other posts of the country. In other words, when the separation of the committees came the Committee on Appropriations kept jurisdiction of all buildings costing more than $20,000 and were supposed to appropriate for them under the law that has existed for so many years, requiring detailed estimates and specific appropriations. The gentleman carries the appropriation in his bill for military posts. Included in that are buildings for seacoast defense, but it does not carry it in such a way as to compel the authorities here to expend the money so much at seacoast defense and so much at other military posts. Under his appropriation, as it has been heretofore under ours, the Department could appropriate all the money for interior posts or all of it for seacoast defenses and still comply with the law. The proposition of the gentleman from Iowa——

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. HULL. Yes.

Mr. TAWNEY. How does the gentleman construe this language in the present sundry civil appropriation law, which has been the law for many years, so as to justify the statement that the Department can use this money that is appropriated from the Committee on Appropriations for the building of barracks and quarters at interior posts:

For the construction and enlargement of buildings at such military posts as in the judgment of the Secretary of War may be necessary, for the erection of barracks and quarters for the artillery in connection with adopted projects for seacoast defense, and for the purchase of suitable building sites for said barracks and quarters.

Now, that money must be expended necessarily for barracks and quarters for Seacoast Artillery.

Mr. HULL. It would not be necessarily so. They would have the power under that appropriation to expend all of the appropriations for any one of the items specified, and say they did not need anything for the other objects mentioned this year. It is the same language we have heretofore used as to post barracks and quarters wherever they were needed—a lump sum by which the Department could direct the amount to any particular locality. We tried this year to separate, so as to have so much for one line of barracks and quarters and so much for another. The gentleman from Iowa [Mr. SMITH] raises the proposition as to the fortification bill being one of the old established bills of the country. Nobody disputes that proposition. He says that that committee has had jurisdiction over fortifications and coast defenses. What does that include? It includes the forts; it includes the batteries; it includes the casemates for the care of ammunition; it includes all the fixed part that is actually used in the defense of the country, and nothing else.

Mr. SMITH of Iowa. Will the gentleman permit a question?

Mr. HULL. Yes.

Mr. SMITH of Iowa. Has it not always included all the sites on which barracks and quarters were erected?

Mr. HULL. Yes; but if that were properly construed under the rules it would require legislation before you would be authorized to purchase. It has never been required.

Mr. SMITH of Iowa. But it has been the invariable practice.

Mr. HULL. But practice does not overcome law, and in my judgment, if we were to come to a strict construction of the rules of this House, it would require legislation in every case of that kind. We have never done it; we have never claimed it; but we do claim this: That when you get beyond the fortifications and coast defense proper you have no more jurisdiction over the buildings to house the men than you would have over the buildings to house the men at any other post in the country. If the gentleman claims that the care of the men carries with it jurisdiction to the Committee on Appropriations, why does he not claim, then, the clothing for the men to make them comfortable? Why doesn't he claim the food for the men? He says that without houses you could not have an army. Without an army you can not have any effective coast defense. You can erect your batteries, you can put up your casemates, but the gentleman must have an army of artillerymen there to make it effective, just as much as he must have houses. And yet gentlemen will hardly claim that they have the right to increase or diminish the Army as the Committee on Naval Affairs would have the right to increase or diminish the Navy. There are two jurisdictions here. The evidence is conclusive that during all the years we have been making these appropriations the smaller buildings carried in our bill have been erected for coast fortifications and for the other posts indiscriminately, and these buildings are not part under any construction that can be made for the housing of the Army of what is called "coast fortifications." They are simply for the care of the Army. To assume that they have absolute jurisdiction over that would be to assume that they have absolute jurisdiction over the number of men who should compose the artillery force of the Army, the amount of clothing that should be allowed them, the amount of food that should be given. It would be just as rea-

sonable in the one case as the other. I want to correct the gentleman on fire control. We claimed fire control on field batteries, and we got it in place of being turned down.

Mr. SMITH of Iowa. And you claimed Seacoast Artillery also and lost out.

Mr. HULL. Well, we did not feel that we lost anything; but this other proposition, Mr. Chairman, goes to the very heart of the question of the power of two committees to proceed on the lines they have been doing without friction.

The CHAIRMAN. The Chair is ready to rule. It is unfortunate that the jurisdiction of these two committees is not clearly defined in the rules. As it is, the only guide the Chair has is the course pursued in regard to this particular appropriation in the past. The fact that before the Army appropriation bill was taken away from the Committee on Appropriations and given to the Committee on Military Affairs it carried nothing except for the maintenance of the Army affords little light on this question, since it has been the invariable practice of the Military Committee, since given jurisdiction of the Army appropriation bill, to appropriate for barracks and quarters. Had this item been carried in the fortifications bill there would probably have been little controversy about it, but if the Appropriations Committee has jurisdiction, then for the purposes of this case it matters not in what bill reported by that committee the item is carried. The rules provide that the Committee on Appropriations shall have jurisdiction of fortifications and coast defenses. The construction of seacoast fortifications is clearly the province of the Committee on Appropriations under this rule. Are not the barracks at the fortifications a part thereof? So far as the Chair is informed, the Army appropriation bill has never, until the bill under consideration was presented, carried in specific terms any appropriation for barracks for Seacoast Artillery. That has alway been carried in a bill reported by the Committee on Appropriations. The fortifications appropriation bill approved March 3, 1896, which was after the adoption of the so-called "Endicott project," carried an appropriation for the erection of necessary buildings connected with the new fortifications. In the fortifications bill for the next year this provision was carried in the following language:

That prior to any expenditure of money for the construction of necessary buildings connected with the new fortifications, etc.—

Congress apparently recognizing the jurisdiction of the Committee on Appropriations over this subject. The next year the appropriation for this purpose was included in the sundry civil appropriation bill in the following language:

For the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense.

And it has been carried every year since in the sundry civil appropriation bill down to and including the first session of this Congress, when the language was as follows:

For the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense.

The fact that the War Department may have used some of the money carried in the Army appropriation bill for barracks for seacoast artillery without any specific instruction from Congress so to do can not affect the question of jurisdiction under consideration. In an exhaustive and able opinion delivered by Mr. Speaker Henderson on February 1, 1900, involving a somewhat similar provision on the question of jurisdiction between the Committee on Military Affairs and the Committee on Appropriations, he said:

During this period many bitter contests have arisen between the two committees on this subject of jurisdiction, and each time the final decision of the matter has been in favor of the jurisdiction of the Committee on Appropriations.

These decisions were made in relation to subjects which the Appropriations Committee claimed were, and had been, properly part of the fortifications bill. In this case all the conditions are the same, except that the items in dispute are claimed for the sundry civil bill.

While acting as Chairman in the Committee of the Whole House on the state of the Union, decisions favorable to the Committee on Appropriations have been made by Messrs. Blount, of Georgia; Payson, of Illinois; HOPKINS, of Illinois, and Springer, of Illinois. Mr. Allen, of Michigan, while in the chair, made a different ruling, but the House promptly, on motion of Mr. CANNON, of Illinois, sustained the claim of the Committee on Appropriations by striking the paragraph in controversy from the Army bill. Many days have been spent in discussions of the question, one struggle lasting for two entire days, and another struggle for three entire days, but always resulting in favor of the jurisdiction of the Committee on Appropriations, whether the decision was made by a Chairman, or by the Committee of the Whole House, or by the House itself.

The several controversies that have taken place were for the purpose of maintaining the individuality of the fortifications bill, and also of the Army bill. Each of the great appropriation bills has an individuality which it has retained for about thirty years and which the House has shown itself reluctant to violate. For instance, the Appropriations Committee is given under the rule jurisdiction of the subject of "fortifications and coast defenses." Field guns for the use of the Army would scarcely seem to properly belong to this committee, but it has been decided repeatedly that the Appropriations Committee has jurisdiction of the subject of field guns, because their fabrication for a long term of years belonged to the fortifications appropriation bill. For the same reason the Committee on Appropriations has been given and held jurisdiction of Watervliet Arsenal, where heavy guns are made.

In view of the fact that up to this time the Committee on Appropriations has invariably claimed and exercised without objection the right to appropriate in express terms for the construction of barracks for seacoast fortifications, and until this bill was presented the Committee on Military Affairs has not attempted to so appropriate, the Chair is constrained to sustain the point of order.

The Clerk read as follows:

Transportation of the Army and its supplies: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses of recruiting" and the transportation of applicants for enlistment between recruiting stations and recruiting depots and the transportation of persons on their discharge from the United States military prison to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies to the militia furnished by the War Department for the permanent equipment thereof; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster's stores, from Army depots or places of purchase or delivery to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; hereafter estimates shall be submitted to the Congress of the United States covering transportation of the Army and its supplies in one estimate, and additional estimates shall be submitted covering other items heretofore carried in appropriation bills under the head of transportation of the Army and its supplies; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as train masters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; and hereafter no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained; for procuring water, and introducing the same to buildings at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *Provided further*, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service, $13,500,000: *Provided*, That no part of this appropriation shall be applied to the payment of the expenses of using transports in any other Government work than the transportation of the Army, its supplies and employees; and when, in the opinion of the Secretary of War, accommodations are available, transportation may be provided for the officers, enlisted men, employees, and supplies of the Navy, the Marine Corps, and for members and employees of the Philippine and Hawaiian governments, and without expense to the United States, for the families of those persons herein authorized to be transported: *Provided further*, That of the amount herein appropriated $725,000 shall be expended for boats for the seacoast artillery service.

Mr. TAWNEY. Mr. Chairman, I desire to reserve the point of order on the last two provisos, beginning on line 1, page 35, after the word "Army," down to and including the word "service" on line 10. I desire to ask the gentleman if that is not an entirely new provision in respect to the use of transports and also in respect to the appropriation of $750,000 to be expended for boats for the Coast Artillery service. I wanted to know particularly about the first part of that, whether the gentleman thinks he has limited the use of the Army transports so as to prevent the abuse of the service.

Mr. HULL. The only change in the provision from last year is that under the appropriation last year we gave the Navy and the Marine Corps the same rights for the use of the transports that we gave the Army, and we found that the Marine Corps and Navy have been availing themselves of that provi-

sion to such an extent that the transports have been unable to do the business required of them for the Army in the transportation of its supplies. This changes it by making the transportation of the supplies of the Army first in importance, and permits the Secretary of War to extend its service to the other branches of the service when there is a sufficient capacity to do their business too. In other words, under the old provision the Army was bearing the expense of paying for the transportation of its own supplies by private lines, and was then compelled to care for the other branch of the service under the Army bill.

Mr. SMITH of Iowa. Mr. Chairman, could the gentleman give us anything definite as to what the purpose of this $725,000 is—whether it is ordinary transportation of the Seacoast Artillery or whether it is for some purpose in connection with the seacoast defense?

Mr. HULL. My understanding is that it has nothing to do with the seacoast defense, judging from this document and what the Quartermaster-General says; that it is in the torpedo service, and in the transportation from one place to another of the mobile forces of the Army, and the Quartermaster Department is now charged with it under "Transportation of the Army and supplies;" that the use of a large boat in that line is more expensive than the use of a small one, and it is claimed it will be a matter of economy.

Mr. SMITH of Iowa. The gentleman remembers that last year it was ruled that his committee had no jurisdiction over torpedo planters, for example? Now, is this meant to cover just that kind of thing?

Mr. HULL. I should think it was meant to cover everything that the Army is now charged with doing under the head of "Transportation of Army and supplies," and nothing beyond that, from what the Quartermaster-General says. The hearing is very brief on it. I regarded it as possibly subject to a point of order.

Mr. TAWNEY. How do you arrive at the amount that will be required?

Mr. HULL. The estimate submitted was for $900,000, but a supplemental estimate has been made, asking that the amount be reduced from $900,000 to $725,000.

Mr. TAWNEY. How large a vessel do they propose to build?

Mr. HULL. It would be a vessel of very good size, a well-equipped seagoing vessel, but not a large vessel, or it would cost more than the amount provided.

Mr. TAWNEY. This means the purchase of an additional transport vessel.

Mr. HULL. It would mean the purchase of a vessel which would cost less in operation for fuel and complement of officers and men; a vessel that they could use for this work for which the larger vessel is now used.

The CHAIRMAN. Does the gentleman from Minnesota insist upon the point of order?

Mr. TAWNEY. I withdraw the point of order.

Mr. HULL. Now, Mr. Chairman, I want to offer the following new proviso.

The Clerk read as follows:

After the word "service," line 10, page 35, insert the following: "For the construction and maintenance of military and post roads, bridges, and trails in the district of Alaska, to be expended under the direction of a board of road commissioners described in section 27 of an act entitled 'An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes,' approved January 27, 1905, and to be expended conformably to the provisions of said act, $250,000, to remain available until expended."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, $475,000: *Provided*, That the following sums may be used in the erection of modern sanitary hospitals at the posts named: Fifty thousand dollars at Fort Douglas, Utah; $60,000 at San Juan, P. R.; $45,000 at Fort Mackenzie, Wyo.; $35,000 at Whipple Barracks, Ariz.; $35,000 at Fort Riley, Kans.

Mr. KAHN. Mr. Chairman, I offer the following amendment.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order as to the proviso.

The CHAIRMAN. The amendment will not be offered until the point of order is disposed of. The amendment may be read. Will the gentleman from New York please give the Chair his attention. The amendment may be read for information, but it will not be acted upon until the point of order is disposed of.

The Clerk read as follows:

For the reconstruction and repair of the power house pertaining to the general hospital on the Presidio Military Reservation, San Francisco, Cal., $30,000.

Mr. HULL. Here is a specific sum named by the Congress of the United States. The only question that has ever been raised as to the proposition of appropriating for larger sums in the Army bill than the $20,000 is that there was no specific estimate made first, and second, that all of the specific appropriations for more than $20,000 for one building have been made by the Committee on Appropriations. Now, I think, when it comes to hospitals, that the Committee on Military Affairs has always carried that item, and the Committee on Appropriations has never had jurisdiction over hospitals. Whenever the question has been raised, the uniform practice has been that they were carried in the Army appropriation bill. Now, I will read the law on that subject:

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress.

That has been done by the Department to the Committee on Military Affairs.

And approved by a special appropriation for the same, except when constructed by the troops; and no such structures the cost of which shall exceed $20,000 shall be erected unless by special authority of Congress.

The committee has reported this without getting special authority to construct this hospital. In the original organization of these bills, when the posts were small and widely scattered on the frontier, $20,000 was ample for the construction of a hospital at the different posts. That day has passed, and the time has come when in order to have a modern hospital Congress must recognize that it requires more than $20,000.

Mr. TAWNEY. Is not this the fact—that this provision authorizes the construction of the hospital and at the same time appropriates for that purpose? Now, the fact that these hospitals are not authorized by law makes that out of order under the rules. Why is it that the Committee on Military Affairs, having jurisdiction of the subject, does not report a specific bill authorizing the construction, and then follow in the appropriation bill with the appropriation?

Mr. HULL. Mr. Chairman, it does not carry with it that proposition. The law does not say that these must be previously authorized, but that no greater amount shall be expended for one building unless specifically authorized by Congress. I want to call the gentleman's attention to the fact that if his construction were to be taken we could not appropriate for a single building in either the sundry civil or military bill for posts if there had to be legislation before we make the appropriation. The Committee on Military Affairs has the power to legislate; the Appropriations Committee has not. His construction would absolutely destroy the appropriaton in both bills for military posts. Now, Mr. Chairman, I think this law is just as binding on one committee as it is on the other.

Mr. FITZGERALD. The intention of this provision is to permit the erection of modern sanitary hospitals within the limit of cost specified herein?

Mr. HULL. That is right—without increasing the appropriation.

Mr. FITZGERALD. I wish to call the attention of the gentleman from Iowa to the fact that there is no limit of cost fixed upon the hospitals authorized in this provision. It simply provides that certain specified sums may be used in the erection of modern sanitary hospitals at certain posts. If this provision be enacted in the present shape, it will be possible for the Department to use the amount allowed in the fiscal year for which it is authorized for the purpose specified, and then to come to Congress for an additional appropriation to complete the work.

Mr. HULL. I will say to the gentleman that if we can reach that stage of the proceedings I am perfectly willing to amend it so that it will read:

For the erection and completion.

So that there will be a limitation.

Mr. FITZGERALD. My principal object in reserving the point of order was to direct the gentleman's attention to that fact, and to have him, if he deemed it advisable, so shape the language that there would be a limit of cost upon the proposed hospitals.

Mr. TAWNEY. Why not provide that not more than this sum may be used?

Mr. FITZGERALD. So that it would be necessary to complete the buildings within the specified sums.

Mr. HULL. Why not make it read this way:

Provided, That not to exceed the following sums may be used in the erection and completion.

That would absolutely cover both points.

Mr. FITZGERALD. I think that is more satisfactory. There is one other point about which I wish to inquire. Are these hospitals to be erected at any posts which it is intended to abandon as military posts in the near future?

Mr. HULL. My understanding is, absolutely not. And when that question was raised in the Committee on Military Affairs they eliminated all such places, and these posts are supposed to be permanent posts. If I believed that the scheme of the Department was to abandon these posts in a few years, I should oppose granting them a penny for additional buildings; but that question was asked, and it was understood that other hospitals that they desired appropriations for were eliminated from the Surgeon-General's request, on the ground, first, that they were not of so much importance, and, second, that they might not be permanent posts.

Mr. MANN. Now, I understand the gentleman to claim that this item is not subject to a point of order.

Mr. HULL. I will claim that if the point is made.

Mr. MANN. I understood the gentleman to argue that this item was not subject to a point of order.

Mr. HULL. If the point was made I should resist it to the best of my ability.

Mr. MANN. Irrespective of what the gentleman believes?

Mr. HULL. Oh, no; the question of belief is one I hope we will not go into.

Mr. MANN. Because if the gentleman thought this was not subject to a point of order, what was the object in putting it in the bill?

Mr. HULL. My judgment is that it is impossible, unless you specifically appropriate for the erection of buildings costing more than $20,000, to build them under either bill.

Mr. MANN. That would make it subject to the point of order.

Mr. HULL. You must have a specific amount in the bill to comply with the law.

Mr. MANN. That would be changing the law, and so would make it subject to the point of order.

Mr. HULL. I think not, under the law, because the law provides that you may do that.

Mr. MANN. The law provides that you can not build a building, except under certain circumstances, to exceed $20,000 in cost.

Mr. CAPRON. But the circumstances are all there.

Mr. HULL. I hope the gentleman will not raise the point, because, to be frank with him, it would very badly demoralize our whole system of appropriations. Now, Mr. Chairman, if the gentleman from New York withdraws his point of order, I want to offer these amendments.

Mr. FITZGERALD. I withdraw the point of order.

Mr. HULL. I move to amend, on page 26——

The CHAIRMAN. The Chair will say to the gentleman from Iowa that the gentleman from California [Mr. KAHN] offers an amendment, which the Clerk will now report.

The Clerk read as follows:

Page 36, line 23, after the word "Kansas," insert:
"For the reconstruction and repair of the power house pertaining to the general hospital on the Presidio Military Reservation, San Francisco, Cal., $30,000.

Mr. MANN. I reserve the point of order. The gentleman from Iowa [Mr. HULL] just agreed to offer another amendment ahead of this.

Mr. HULL. The Chair ruled me out, on the ground that there was one amendment pending.

Mr. TAWNEY. The amendment was pending.

Mr. MANN. I raise the point of order——

Mr. KAHN. It is too late to raise the point of order.

Mr. MANN. It is not too late; I reserved the point of order.

Mr. KAHN. I hope the gentleman will not insist on the point of order. The power house at the general hospital on the Presidio in San Francisco is, perhaps, the most important part of that hospital. It was seriously wrecked in the earthquake of April 18 last, but at that time it had become inadequate to the wants of the hospital. Four new buildings had been constructed, and a consequent increased demand for steam and electricity has resulted. This power plant furnishes not only the light, the electricity, and heat, but enables the cooking to be done in the kitchen. It runs the ice machine and refrigerator plant and operates the sterilizers and disinfecting apparatus. It is, as has been said by one officer, the very heart of that hospital. I have here an extract from a letter written by Lieutenant-Colonel Torney, in command there, in which he says:

My anxiety concerning the power plant will not be relieved until the funds are appropriated for its rehabilitation. It is, as you know, the very heart of the hospital, and in its crippled condition it requires a great deal of care to keep it in good running order.

Mr. TAWNEY. Mr. Chairman, I would like to ask if the Department submitted an estimate for these repairs?

Mr. KAHN. Not until after this bill had been reported.

Mr. HULL. Yes; in this way: They estimated $165,000 for general repairs, including this. The idea of this amendment is to insure its being expended there. I think it would be expended, but it is included in the $165,000.

Mr. TAWNEY. Then this would not increase the appropriation?

Mr. HULL. Not at all; it is carried in the amount that we figured on, only there was no specific amount. The estimate was carried as the repair of the house at the Presidio and improvements at other posts. This simply segregates it and does not increase the appropriation.

Mr. MANN. Will this complete the work?

Mr. HULL. I think it would if added now. The gentleman is skilled in the construction of language. Does not the gentleman think so?

Mr. MANN. That was the reason I asked whether it was intended to complete the work.

Mr. KAHN. Yes; the $30,000 will complete it.

Mr. FITZGERALD. Was the item estimated for by the Department?

Mr. HULL. Yes; it was put in the estimate submitted to us.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was considered and agreed to.

Mr. HULL. Mr. Chairman, I move to amend, on page 36, line 17, after the word "that," by inserting the words "not to exceed;" so it will read, "not to exceed the following sum."

The Clerk read as follows:

Amend page 36, line 17, after the word "that," by inserting the words "not to exceed;" so that it will read, "not to exceed the following sum."

Mr. MANN. I would suggest to the gentleman that that will not cover the case, because that means not to exceed——

Mr. HULL. If this is adopted, I mean to offer another amendment, in line 18, for the erection and completion.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken and the amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, I move to amend, in line 18, after the word "erection," by inserting the words "and completion."

The CHAIRMAN. The Clerk will read the proposed amendment.

The Clerk read as follows:

In line 18, after the word "erection," insert the words "and completion."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was considered and agreed to.

Mr. SLAYDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 23, page 36, amend by adding: "*Provided further*, That the hospital at Bayard, New Mexico, for the treatment of tuberculosis shall be open to treatment of officers and men of the Navy and Marine Corps."

Mr. MANN. To that, Mr. Chairman, I reserve a point of order.

Mr. HULL. I hope the gentleman will reserve it and not make it.

Mr. SLAYDEN. Mr. Chairman, the hospital at Fort Bayard is used for the treatment of officers and men of the Army who are suffering from tuberculosis. This amendment merely proposes to extend the benefits of that hospital to the officers and men of the Navy and the Marine Corps, with the idea that it will provide accommodation for the men who need it and obviate the necessity at a later period of the erection of another hospital, a duplication of this at Fort Bayard.

Mr. HULL. Mr. Chairman, I think the gentleman could make it even stronger than that. His modesty prevents him. We have an Army and Navy Hospital at Hot Springs, Ark., for certain cases. That obviates each branch of the service having that character of a separate hospital. They have this hospital for the treatment of tuberculosis at Fort Bayard that is ample to treat all who may suffer from this disease from the three branches of the service, and unless it is extended to include the other two you will be called upon to vote $250,000 to establish another tuberculosis hospital for the other two arms of the service. It seems to me, and to the members of the Committee on Military Affairs, that there is no reason why these special hospitals for the treatment of special diseases not of general character, should be erected, when one hospital with one administration can do all the work. If this proviso is inserted here it will fix the fact that the Fort Bayard hospital is open to the Army and Marine Corps and to the Navy on the same terms

with the Army, and will obviate any necessity at least for the erection of additional hospitals for the treatment of cases of tuberculosis. That is all there is to it. It is to save the expense of building other hospitals for each of the arms of the service.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and the amendment was agreed to.

Mr. MORRELL. Mr. Chairman, I move to strike out the last word. I notice in the RECORD of this morning some discussion was raised as to the item on page 31 for military post-exchange appropriation. Some questions were asked by the gentleman from California [Mr. KAHN] and some discussion raised in connection with that paragraph. I would like to say to the House that some years ago—I think it was two Congresses ago—I introduced a bill doing away with the anticanteen provision. At the time I did so the distinguished chairman of the committee, the gentleman from Iowa [Mr. HULL], assured me that the military post exchange, together with the appropriations that had been made for that purpose, would do away with any necessity for the former canteen.

Mr. HULL. Oh, I think the gentleman is mistaken about that. Did I not say that I hoped so? The gentleman ought not to make it quite so strong.

Mr. MORRELL. Well, the gentleman seemed so confident as to the result that I refrained on that occasion from introducing the bill which I did a little while afterwards. I would like to ask the distinguished chairman of this committee what has been the result, as proven by experience, as to whether the post exchange on the lines he suggested has brought about what he expected?

Mr. HULL. We are still providing the posts with post exchanges and furnishing hot coffee, with the hope that it will do all that is desired.

Mr. MORRELL. I would like to ask whether the proportionate decrease of drunkenness in the Army has been commensurate with the number of post exchanges of the new kind provided for in the various appropriations?

Mr. HULL. Mr. Chairman, that question is not before Congress, and I am not on the witness stand. I will say frankly to the gentleman that the testimony of Army officers is almost uniform and universal that the canteen was a good temperance measure; that its abolition has resulted in desertions and greater drunkenness. That is their testimony. I am also informed by letters ranging all the way from ten to one hundred a day, distributed all over the country, that the canteen would be a crime against society, and protesting against this reenactment. We are trying to let the present line work out, and if the effect ultimately is bad on the Army the facts can be presented to Congress and it can be legislated on, but it is not now before Congress.

Mr. MORRELL. Mr. Chairman, I would like to say to the gentleman that that may be true, but if the increase of drunkenness in the Army continues at the rate which is very well known throughout the country and acknowledged, it may become a very serious matter in preventing men from enlisting in the Army and greatly increase desertion and arrests by civil authorities. As I understand it, the trouble is to-day to get the proper kind of men to enlist in the Army and to stop the epidemic of desertion. I call attention to this fact purely in the cause of temperance. It is not because I want men to indulge in spirituous liquor and riotous behavior that I advocate returning to the canteen, but it is absolutely and purely in the cause of temperance, and if by insisting on this canteen law we are going to drive men out of the Army posts to low dives instead of doing what we expected to accomplish, we are doing exactly the reverse of what was desired to be accomplished. In a bill which I had the honor to introduce in the first session of this Congress in the preamble to that bill I called the attention of the House to the testimony that had been given in the report of the War Department in regard to the effect of the abolition of the canteen. If an amendment is in order, I would like to offer an amendment repealing that section of the bill.

Mr. HULL. I would say to the gentleman that it would not be in order.

Mr. GREENE. Will the gentleman yield for a question?

Mr. MORRELL. Certainly.

Mr. GREENE. Do you mean to tell this House the reason for lack of enlistment is on account of the abolition of the canteen?

Mr. MORRELL. I would say in answer to the gentleman from Massachusetts that it may not be the direct cause, but I think I can safely say that it is one of the indirect causes why fathers and mothers do not want their sons to go into the Army when the son, no matter what his standing is at home, because he does not wear a strap on his shoulder but wears a stripe on the sleeve of his coat, does not have the same privileges and confidence reposed in him as a man as the soldier who has the strap on the point of his shoulder. Who are they who stand in the front rank of the firing line or behind the big guns of the Army and Navy?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORRELL. Mr. Chairman, I would ask unanimous consent to be allowed to proceed for two minutes.

Mr. GREENE. Mr. Chairman, I would like to have that time extended to five minutes so I may ask another question.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Pennsylvania may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. How much time does the gentleman want to conclude his remarks?

Mr. MORRELL. I only asked for two minutes. I think, Mr. Chairman, as I remarked on the occasion when I first introduced the bill, that it is an invidious distinction to make between the officer and the enlisted man. I believe the enlisted man is just as much entitled to be intrusted with discrimination as the officer, and I feel that that is one of the things that deters a man from entering the service, when he feels that his rights are not observed as a man and that he is not given equal privileges with the men who wear the straps on their shoulders, provided he respects himself. Now, we certainly know that drunkenness and desertion is increasing in the Army. It is the testimony of officers of the Army of all grades that this has been the result since the abolishment of the canteen. Why, may I ask? Because men are driven from the Army posts to low dives outside the reservations to drink. They will drink, a great many of them, unfortunately, and it is impossible to prevent them from drinking, particularly when they are treated like children and told that they must not drink, and when they get leave of absence they go beyond the military reservations and go to these places of low resort and drink to excess, with the result that they overstay their leave and then they desert or get in some disgraceful row and, fearing punishment, desert.

Mr. GREENE. I would like to ask the gentleman if there are not other conditions existing in all parts of this country that prevent the enlistment of soldiers in the Army and also men in the Navy—if the business conditions are not more largely responsible for it than the abolishment of the canteen?

Mr. MORRELL. I did not say, Mr. Chairman, in answer to the gentleman, that that was the sole and only cause. I said it was one of the causes. I quite agree with the gentleman that the principal cause probably is that the men of our Army and Navy do not get remuneration commensurate with their services compared with what is obtained in civil life. That probably is the primary cause, but I still say that I think the abolishment of the canteen is one of the causes, and is certainly responsible, in my judgment—poor as it may probably be, but nevertheless backed up by the report of the War Department—that it is the cause of a great deal of the increase of drunkenness and desertion in the Army at the present day.

The same results follow out in our local city conditions. No sane man who has studied the effects of high license would again willingly return to the conditions which prevailed when a saloon was at every street corner and adulterated liquors were sold by irresponsible proprietors.

Treat the American soldier in this respect as you would any American in any of the walks of civil life; teach him that he is respected and trusted, place him among elevating surroundings, and he will very soon learn to appreciate that confidence and respect himself.

The CHAIRMAN. The pro forma amendment, without objection, will be withdrawn.

The Clerk read as follows:

MEDICAL DEPARTMENT.

Medical and Hospital Department: For the purchase of medical and hospital supplies, including disinfectants for military posts, camps, hospitals, hospital ships, and transports; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals, of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the nurse corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances, as

shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $622,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on page 38, line 4—the words "regulation, or contract."

The CHAIRMAN. The gentleman from Illinois reserves the point of order against the proviso beginning in line 4, page 38.

Mr. MANN. No; just the words ahead of the proviso, namely, "regulation, or contract." You now provide by law for medical attendance for everybody connected with the Army, which means, of course, medical attendance that may be authorized by law; but in this proposition you increase that and make it read "when entitled thereto by law, regulation, or contract." Is the purpose of that to extend——

Mr. HULL. I will say to the gentleman that that is to cover the case where we employ a contract surgeon, or where we contract for any line of employment, and in the contract with the party agree to give him medical attendance.

Mr. MANN. Already in the bill you have——

Mr. HULL. The language of the bill, I think, the gentleman, if he will look at it, will see after the word "treatment"——

Mr. MANN. You put that in in the place of what you had before. Contract surgeons were carried in the existing law. You strike out "contract surgeons" and insert "contract?"

Mr. HULL. The regulation or contract has the force of law. Now, the new language we put in which changes conditions is not otherwise provided for, including care and subsistence in private hospitals, and they do give it in private hospitals now, and it requires two different parties to make the payment.

Mr. MANN. I made no point of order upon the proviso, but if it is already authorized by law—the regulation or contract—then there is no need of it going into this bill.

Mr. HULL. If it does not go in this bill, none of this appropriation could be paid for that purpose. There is one class that is authorized by law. We name "already authorized by law." There is another under the regulation of the War Department entitled to treatment, and we name them, so it can be paid. Then there is another, by contract, and we name that.

Mr. MANN. I understood the gentleman to say that by law they had the right to make such a regulation or such a contract, and if that be the case then that is a matter provided for by law.

Mr. HULL. The law specifically enumerates certain parties that are entitled to this. The regulations have extended that law. Under the general law, regulations when not contrary to law have the effect of law, and then in making specific contracts by which they pay a man so much per month it is part of his contract that he shall have attendance. The only change of the law, as I understand it, is the proviso.

Mr. MANN. I have in mind a certain case where a very distinguished officer—or a very high officer and, I apprehend, distinguished—was not only ordered almost all the way around the world for medical treatment, but also was allowed travel pay for that distance, and, as I understand, afterwards travel pay was canceled.

Mr. HULL. Yes.

Mr. MANN. Now, it seems to me there ought to be some limitation in the law as to cases of that sort.

Mr. HULL. This has nothing to do with his travel pay.

Mr. MANN. If an officer can be ordered from the Philippines to the United States under a regulation, and then ordered from the United States to London under a regulation, and in accordance with the regulation be allowed his travel pay besides, and get his medical treatment free, and be paid a very large sum of money for taking it, I think the law ought to be guarded.

Mr. HULL. Will the gentleman allow me simply to suggest to him that the last Army appropriation bill provided specifically that no officer of the Army should have mileage when traveling on the ocean, and that a man ordered to Europe, ordered to South America, ordered from one part of this country to any foreign nation, or to the Philippines or to Porto Rico, must have only his actual expenses, so that such a case of abuse as the gentleman refers to has been cured by law.

Mr. MANN. So far as travel pay is concerned.

Mr. HULL. So far as mileage is concerned.

Mr. MANN. But has it been cured so far as the other is concerned, or, under the language of the gentleman, may not other abuses grow up just as bad as to medical attendance, not to officers of the Army, as they are already provided for——

Mr. HULL. I should say not.

Mr. MANN (continuing). But civilian employees. Suppose you make a contract by which you provide medical attendance for every employee in the War Department at Washington. Is that the intention of Congress?

Mr. HULL. No; we provided specifically, and the Surgeon-General, in his statement, says that this is to cover and only cover cases where there are recruits going from one place to another who are taken sick, in order to give them that attendance; and the committee in order to prevent any officer getting any medical attendance, except when in line of duty, put in further, it shall not apply to any officer on furlough or any officer being treated by private physicians when on furlough, in hospitals, or by private physicians.

Mr. MANN. I have no doubt that the gentleman is correct in his statement as to what this officer says is the effect of the language, and that it is only intended to apply to so and so. But that officer is soon out of the service, and a new officer reads the meaning as it is stated in the language in the statute book.

Mr. HULL. The language referred to is substantially as it has been in the bill for many years.

Mr. MANN. I think not.

Mr. HULL. The language which the gentleman refers to is in the bill.

Mr. MANN. I think not.

Mr. HULL. Now, in that connection, General O'Reilly in his statement here says:

That is in the direction of administrative simplicity. A recruiting or traveling party may have a man who is taken sick away from a military post and sent to a private hospital. As it is now, we only pay for attendance, medicines, and nurses in the hospital, but we can not pay board, which is chargeable to the Subsistence Department. The hospitals are not in the habit of making out bills separating the items in that way. They charge us for board and nursing. Now, when a bill comes in including charges for board we have to send it to the accounting officers of the Treasury for payment, thus entailing delay and red tape.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. So far as the Chair has any information regarding this matter, it seems to be a change of law.

Mr. TAWNEY. I think the chairman of the committee in charge of the bill will admit that it is a change of law.

Mr. HULL. I do not propose to discuss any more points of order. You can rule it out if you think well.

The CHAIRMAN. Unless it can be shown that this is part of an existing law, which has not been stated, the point of order will be sustained.

The Clerk read as follows:

ENGINEER DEPARTMENT.

Engineer depots: For incidental expenses of the depots, including fuel, lights, chemicals, stationery, hardware, machinery, pay of civilian clerks, mechanics, and laborers, extra-duty pay to soldiers necessarily employed for periods not less than ten days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; repair of and for materials to repair public buildings, machinery, and unforeseen expenses, $11,500.

Mr. HULL. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the Chair for information. I understood the Chair yesterday to rule that where a part of a paragraph was ruled out on a point of order the whole paragraph would go out.

The CHAIRMAN. If the point of order was made against the entire paragraph, yes; but if the point of order was directed against particular words in the paragraph, then only the words designated go out.

Mr. HULL. Then all the paragraph against which points of order have been made do not, if sustained, necessarily rule out the entire paragraph.

The CHAIRMAN. In this very case the gentleman from Illinois might have made the point of order against the entire paragraph, and it would have gone out.

Mr. HULL. If a gentleman made a point of order against an entire paragraph and another Member made another point of order to a part of the paragraph it would vitiate the entire paragraph?

The CHAIRMAN. The Chair would first rule on the point of order made against the entire paragraph, and if it went out there would be no occasion to rule as to the other, unless it was proposed to replace the part stricken out by an amendment.

The Clerk read as follows:

Buildings, Engineer School, Washington, D. C.: For completion of two incomplete sets of noncommissioned officers' quarters, $15,000.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order

against the paragraph for the purpose of asking the gentleman a question relating to this building. This appropriation is intended to complete the construction. Was it commenced under the general appropriation for barracks and quarters, where the limitation is $20,000?

Mr. HULL. They were commenced under a specific appropriation for that building and supposed to complete them, but the entire amount was expended because they struck low ground where they were required to have concrete piles. They have piles driven down there 40 feet. If they had obtained an ordinary foundation they could have completed the buildings on the amount appropriated.

Mr. TAWNEY. I thought this was possibly one of the cases where they commenced the work of the construction of the building under the authorization to expend $20,000, and then came to have a specific appropriation in excess of that.

Mr. HULL. There were estimates submitted that they could build these quarters out of the money for the two sets of double quarters for noncommissioned officers and their families, but in the construction they met with difficulties they had no reason to expect, and the entire amount was used below ground. This is simply to complete the superstructure that is provided for, and that ought to have been done out of the first appropriation. The testimony was that they had gone down 40 feet for a foundation before they could get a sufficiently good one to build upon.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. TAWNEY. I withdraw the point of order.

The Clerk read as follows:

For construction of one new stable, $17,500.

Mr. TAWNEY. I move to strike out the last word for the purpose of asking the gentleman in charge of the bill where this stable is located.

Mr. HULL. At the Washington Barracks.

Mr. TAWNEY. And it is to cost $17,500?

Mr. HULL. Yes.

Mr. TAWNEY. Do the same conditions regarding the foundations apply to this as to the other?

Mr. HULL. I am unable to say, because they have not commenced yet. I will say to the gentleman that in every other case at the Washington Barracks they have had no trouble with the foundations. This is the first trouble that has been reported.

The engineers are largely a mounted corps. This stable is intended to take care of seventy horses.

Mr. TAWNEY. That was all I wanted to know.

The Clerk read as follows:

The balance under the appropriation for field artillery for organized militia for the fiscal years 1904 and 1905 will not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on that paragraph. This, as I understand it, is virtually a permanent appropriation. I should like to know whether the gentleman in charge of the bill is aware of the fact that this is introducing an almost entirely new principle in the matter of appropriating for the Army or for any part of the Army? It is continuing indefinitely appropriations made for the years 1904 and 1905, and Congress can not appropriate for the Army or for any part of the Army and continue those appropriations under the Constitution for a longer time than two years.

Mr. MANN. We have just done it in a preceding paragraph.

Mr. HULL. This is a reappropriation of what is left. I want to say to the gentleman that the militia law requires the militia to be organized on substantially the same lines as the Army. They are trying to organize it in all branches of the service. They have started out to equip the militia with the same number of guns for batteries that would be used in the organization of the Regular Army. The Chief of Ordnance says that one more appropriation for this will complete the work, and that thereafter there will be no necessity for any further appropriations unless there should, by Congressional action or in some other way, be a large increase in the National Guard of the country. As now constituted, one more appropriation after this will complete this work entirely, which is for the militia. Of course we all understand that in the event of war these guns and all guns used by the militia belong to the Government and could be used for national defense; but this trains the militia in their use.

Mr. TAWNEY. How much of the appropriation of these two years is unexpended?

Mr. HULL. There is only a small amount expended. I read from the statement of General Crozier before the committee:

Now, I would like to propose here an item of general legislation with reference to this subject which has not been submitted to the committee before. I will explain the circumstances under which the desirability of it has arisen. The item I propose is as follows:

"The balance under the appropriation for field artillery for organized militia for the fiscal years 1904 and 1905 will not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation."

There is an existing statute which requires that the balance of any fund, remaining two years after the expiration of the fiscal year for which the fund was appropriated, shall be covered into the Treasury, and that thereafter any funds to meet an obligation incurred under that, although the obligation might have been incurred in the proper time, would have to be made in a certification to Congress. When you gave me that money for field batteries I made contracts with people—some of whom had been in the business and some of whom came in as competitors against existing manufacturers and needed some encouragement. It is possible that the material contracted for will not all have been delivered, and therefore payment will not be due on them until after the 30th of June, 1907, although the appropriation was made for the year ending the 30th of June, 1905. The contracts were made in time, but the payments will not be due in time to cover this contingency.

That is the only reason it is put in. It is all contracted for.

Mr. TAWNEY. That law that the gentleman refers to is a law that was passed to correct an evil that had grown up in the Departments here and in Congress of continuing appropriations indefinitely, so that we never knew exactly how much money had been appropriated.

Mr. HULL. It is a very common thing to reappropriate——

Mr. TAWNEY. The law was passed for that reason, providing that the unexpended balances of appropriations should be turned back into the Treasury at the expiration of two years.

Mr. HULL. Yes.

Mr. TAWNEY. Now, I can see no reason for deviating from that policy in this case, because we can at this session of Congress or at the next session of Congress reappropriate this money, and I think that policy is far better than to commence repealing by piecemeal the existing law.

Mr. HULL. Is it not a matter of common practice, where contracts have been made in time, for the Appropriations Committee and other committees having charge of appropriations to report just this class of legislation? Has it not been done recently?

Mr. TAWNEY. The fortifications bill always does it, but that is the only bill that I know of where it is done. Take the river and harbor appropriations; they are all made to carry out contracts, but they are made from year to year.

Mr. HULL. Certainly; but Congress determines how much shall be given each year. In this appropriation Congress said so much could be expended for guns, and under that authority it was all contracted.

Mr. TAWNEY. As the amount can be expended, only so much being appropriated as can be expended under the contract in the next fiscal year.

Mr. PARKER. This is a reappropriation. These are contracts made in 1905, which expire prior to the use of the money of 1907, just after the present Congress. We are now appropriating the money for next year so that these contracts may be paid.

Mr. TAWNEY. You are continuing the appropriation?

Mr. PARKER. No; we reappropriate for that one year. General Crozier proceeds to say that the appropriation is available for only one year. He wants to get the money back.

Mr. MANN. Is not this the situation: That it requires a good while to construct some of these arms? This is a construction of guns. They make a contract which is often not carried out within the two years' time, and in some cases the work is done and not completed within the two years' time, although the money is allotted for that purpose. The money, as far as the Department is concerned, is disposed of on the books of the Treasury, and all that they want is to be able to carry out the contract and pay the proportional cost of the maintenance of the arsenal exactly as you do with fortifications.

Mr. TAWNEY. I understand; but it is not a case where money has been allotted.

Mr. HULL. Oh, yes; the contracts are made.

Mr. MANN. I understand that the contracts are made.

Mr. TAWNEY. The language simply says "to cover obligations."

Mr. HULL. Well, an obligation is a contract, isn't it?

Mr. TAWNEY. It may be a definite obligation and it may be an indefinite obligation.

Mr. HULL. General Crozier gives the positive statement here that he has made contracts with people, some of whom have been in the business and some of whom came in as competitors against existing manufacturers, who needed some encouragement. He says that it is possible that material contracted for will not all have been delivered, and therefore payment not be due.

Mr. TAWNEY. The general is in doubt himself as to whether it is necessary.

Mr. HULL. And if it comes in——

Mr. TAWNEY. It could come in under a new Congress.

Mr. HULL. No; they would have to wait from the 30th of June until the next year when Congress met. This is a reappropriation.

Mr. TAWNEY. It is not a reappropriation. I would not object if it was a reappropriation. It simply says this "will not be covered into the Treasury."

Mr. HULL. That is a reappropriation.

Mr. MANN. I want to say to the gentleman that this was not drawn by the chairman of the Committee on Military Affairs, but was drawn by a clerk in the Ordnance Department. I would like to ask the gentleman from Iowa why he does not state that it shall be available until the obligation is paid?

Mr. HULL. This is a reappropriation, although the language may not be all that you desire.

Mr. MANN. I presume that the gentleman construes it as a reappropriation.

Mr. HULL. There are other lawyers here that can construe language. The provision reads, "the balance under the appropriation for field artillery for organized militia for the fiscal years 1904 and 1905 shall not be covered"——

Mr. TAWNEY. It says "will not be covered into the Treasury."

Mr. HULL. I know it does; but it should read, "shall not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation."

Mr. TAWNEY. Shall "continue available until expended."

Mr. HULL. They will have it all expended by the next year.

Mr. TAWNEY. It is in the Treasury.

Mr. HULL. You can add to it, "and continue available until expended."

Mr. TAWNEY. That is the usual language. I do not like to see a provision enacted into the statute here expressly violating, in terms, the law of Congress——

Mr. MANN. And the Constitution.

Mr. TAWNEY. It is a statute, too, and the Constitution, too, as to the Army—which expressly provides that these appropriations shall not continue longer than for a period of two years.

Mr. MANN. The gentleman from Minnesota [Mr. TAWNEY] has the impression that an appropriation is covered into the Treasury at the end of two years. I hold in my hand a list of some appropriations that are still in the Treasury to the credit of certain funds. One of them is a credit to the fund for the capture of Jefferson Davis, of $1,503.28. I suppose it has been more than two years since the appropriation was made and much more than two years since any bills were incurred under it. Another is an appropriation for quartermaster's stores and commissary's supplies under the act of Congress approved July 4, 1864.

Mr. TAWNEY. Which appropriation was made available until expended. That is the reason there is a balance there.

Mr. MANN. There is nothing stated that these appropriations are made available until expended.

Mr. TAWNEY. Not there, but in the law.

Mr. MANN. The gentleman has just stated that it is contrary to the Constitution. There are various claims of this sort. Here is one for suppressing hostilities of the Piute Indians in Nevada in 1860. I daresay those appropriations were not made available until they were expended. What I am endeavoring to do is to call the attention of the gentleman from Iowa [Mr. HULL] to the fact, also, that if there is a 2-cent balance left in this appropriation it will be on the books of the Treasury until time ends.

Mr. TAWNEY. Not unless it is made available until expended.

Mr. MANN. Under this proposition it will be.

Mr. HULL. Let me submit this to the gentleman from Illinois [Mr. MANN] and to the gentleman from Minnesota [Mr. TAWNEY]. If you put in the word "shall" in place of the word "will" and make it read, "shall not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation," and stop there, the very minute the outstanding obligations are met, would not any balance then be covered into the Treasury?

Mr. MANN. Nobody ever knows when the outstanding obligations are met.

Mr. HULL. Oh, yes.

Mr. MANN. Who?

Mr. HULL. Why, the parties who contract them, the Ordnance Department must know.

Mr. MANN. The people who have the custody of the money do not know.

Mr. HULL. The only way that any remaining over after they are met would be by putting in the words "and continue available until expended."

Mr. MANN. Why don't you make it "shall remain available for the ensuing fiscal year?"

Mr. HULL. Very well; I will not object to that.

Mr. TAWNEY. I desire to correct one mistake that some Members seem to be laboring under. The money remaining to the credit of an appropriation goes back into the Treasury at the expiration of two years. But, under the same law, the balance is available until about the 1st of October next to meet any obligations that were contracted under the appropriation and not met prior to the expiration of the two years. That is the law and that is the practice under the law in all the Departments, so that, in effect, so far as obligations contracted under authority of appropriations is concerned, the appropriation is available for two years and three months—I think it is to the 1st of October.

Mr. MANN. Three years and three months, is it not?

Mr. TAWNEY. Two years and three months.

Mr. MANN. It is two years after the end of the fiscal year.

Mr. TAWNEY. Make it available for the next ensuing year, and it will be satisfactory.

Mr. HULL. I have no objection to that.

Mr. TAWNEY. Very well; I withdraw the point of order and offer that amendment, to make it read "shall remain available during the next ensuing year."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert "shall remain available during the next fiscal year."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. HULL. Mr. Chairman, I do not think they have yet the amendment that I suggest, on line 25, page 43, to strike out the word "will" and insert the word "shall," so that it will read "shall not be covered into the Treasury."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 25, strike out "will" and insert "shall."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I would like to have the Clerk report the paragraph now, or that part of it which is amended, as amended, after striking out the word "will" in line 25.

The CHAIRMAN. Without objection, the Clerk will report the paragraph as it now reads.

There was no objection, and the Clerk read as follows:

The balance under the appropriations for field artillery for organized militia for the fiscal years of 1904 and 1905 shall not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation, and shall remain available during the next fiscal year.

Mr. MANN. Do you want that to be in that way?

Mr. TAWNEY. My purpose was——

Mr. HULL. Why not put it for the fiscal year ending June 30, 1908, and then you have it definitely?

Mr. TAWNEY. My amendment was to strike out all after the word "will," in line 25, or the word "shall."

Mr. MANN. After the word "but," on the next page, do you not mean?

Mr. TAWNEY. No. "Shall remain available during the fiscal year ending June 30, 1908."

The CHAIRMAN. The amendment changing "will" to "shall" has been adopted.

Mr. TAWNEY. Strike out all the paragraph after the word "shall" and insert "shall remain available during the fiscal year ending June 30, 1908."

The CHAIRMAN. Without objection, the paragraph will be modified in accordance with the suggestion of the gentleman from Minnesota. Will the gentleman from Minnesota give the Chair his attention? Without objection, the Clerk will again report the paragraph.

The Clerk read as follows:

Amend the paragraph so as to read——

Mr. HULL. I ask that this amendment be rereported; I think there is some misunderstanding about that.

The Clerk read as follows:

Amend the paragraph so as to read: "The balance under the appropriations for field artillery for organized militia for the fiscal years 1904 and 1905 shall remain available during the fiscal year ending June 30, 1908."

Mr. HULL. I think there should be added to that "to meet outstanding obligations incurred under that appropriation."

Mr. MANN. Under those appropriations.

Mr. HULL. Under those appropriations. There are two appropriations there, and I am afraid you destroy the appropriation if you do not put that in.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add the words, "to meet outstanding obligations incurred under said appropriations."

The amendment was agreed to.

The Clerk read as follows:

For range finders and other instruments for fire control in field batteries, and the machinery necessary for their manufacture at the arsenals, $30,000.

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against the words in this paragraph, "and the machinery necessary for their manufacture at the arsenals." I make the point of order that it is not within the jurisdiction of the Committee on Military Affairs and was so ruled at the last session of this House.

Mr. HULL. What provision is that?

Mr. SMITH of Iowa. I simply move to strike out the words, "and the machinery necessary for their manufacture at the arsenals."

Mr. HULL. I think those words ought to be stricken out; they are subject to the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Converting muzzle-loading guns for saluting purposes: For converting muzzle-loading field guns to breech-loading guns for saluting purposes, and for necessary mounts for the same, $5,250.

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order that this item is not within the jurisdiction of the Committee on Military Affairs.

The CHAIRMAN. The gentleman from Iowa makes the point of order against the paragraph.

Mr. HULL. We have been carrying on that work of converting the old muzzle-loading guns in this bill, but I have no objection to its going out.

The CHAIRMAN. The point of order is sustained.

The Clerk resumed and concluded the reading of the bill.

Mr. HULL. Mr. Chairman, I move to strike out the last word for the purpose of giving the gentleman from Illinois a little information in regard to the pay of an Army captain, including all allowances. The only difference in the pay, as I gave it yesterday, is between a captain mounted and an infantry captain. The captain mounted is allowed $200 a year additional pay and the expenses of a horse. If he keeps a horse it is fed, but if he does not keep a horse, if he is doing staff duty, where he does not require a horse, he gets no additional pay for it; so this covers all allowances that it is possible for an officer to get the benefit of under the present law, and I now ask that it be read so that the gentleman from Illinois may have full information.

Mr. MANN. Will it also state in reference to medical supplies?

Mr. HULL. Everything of that kind.

Mr. MANN. Fuel, grocery supplies, rent, and a number of other things I have not yet learned about, which are constantly growing.

Mr. HULL. It covers everything he can get, even things the gentleman has not thought of.

The statement is as follows:

MEMORANDUM.

The only "allowances" received by me (a line captain) are my pay, $200 a month; commutation of quarters, $36 a month; the privilege of buying fuel at the rate of $3 per cord of oak wood or its heat equivalent; the privilege of buying commissaries at Government rate, and medical attention and supplies.

I use 8,000 pounds of coal a month for five months of the year, and 4,000 pounds a month for the rest of the year. The market price is $3.18 a thousand pounds, and the Government rate is $1.41 a thousand pounds. In each case the coal is delivered in the cellar. The saving to me amounts to $14.66 a month for five months and $7.33 for the rest of the year. Total saving allowance for the year, $124.63.

My bill for commissaries runs about $18 a month, and the saving to me is about 10 per cent of this. Total saving for the year, $17.60. Many officers do not patronize the commissary when near cities, as the city prices are frequently cheaper. While on duty at West Point three years ago, I bought all my commissary supplies at Park & Tilford's in New York, as I found that I could get them there, pay freight, and then get better value than I could at the West Point commissary.

With reference to medical attention and medical supplies, within the last year I personally paid a bill of $85 to a hospital in this city for medical attention to a member of my family. Besides this, I have had the services of an Army surgeon for which a civilian doctor would have charged about $75. There are two Army surgeons in Washington, and there are 288 officers who, with their families, are authorized to have medical attention. The pay and commutation of quarters of these two surgeons combined is $575.47 a month, or about $2 for each officer entitled to services. Medical supplies may run this up to $1 a month more, making its value $3 a month.

The value to me of one year's allowances is summarized as follows:

Fuel savings	$124.63
Commissary savings	17.60
Medical attention	36.00
Total	178.23

Mr. MANN. Now, Mr. Chairman, if the motion to strike out the last word is still prevailing, I wish to say that I knew they would not give all the information. He omits, to begin with, his rent.

Mr. HULL. He puts in his rent; he gets $36 a month.

Mr. MANN. If it is in there, I did not hear it. He winds up by telling what his medical supplies are worth.

Mr. HULL. He makes an estimate of that.

Mr. MANN. His fuel is worth so much, and his groceries are worth so much, and if the statement of the officer be true and not exaggerated, that itself is rather a strong indictment against the War Department. As I understand it, it is the practice of the War Department to furnish grocery supplies at 10 per cent over the cost where they are bought in the market—in New York City in this case. This officer said that he could buy supplies in New York City, pay the freight, ship them to West Point, and get them cheaper than he could out of the Commissary Department. If it be true that a man can buy at retail and ship by freight from New York to West Point for 10 per cent less than the Government buys at wholesale in New York, it is a curious commentary upon the purchases made by the Government.

Now, the gentleman says there are only two surgeons in Washington—that is, two Army surgeons. Does the gentleman in charge of the bill think that statement is accurate?

Mr. HULL. If the gentleman from Illinois will read what the officer stated, he will find that he did not say that. There are two here that are assigned to treat officers on duty here. There are other surgeons here that have other duties.

Mr. MANN. Those are the regular surgeons. How many contract surgeons are there?

Mr. HULL. There are none at all in Washington.

Mr. MANN. How long has it been since they disposed of the contract surgeons in Washington?

Mr. HULL. When did they have any here?

Mr. MANN. They have had them here. I have known of a contract surgeon in Washington.

Mr. HULL. When have they had them here?

Mr. MANN. Not very long ago.

Mr. HULL. They had a man here at the head of the Commission to examine dental surgeons.

Mr. MANN. I am not referring to dental surgeons, but contract surgeons, whose only duty was to give medical attention to Army officers.

Mr. HULL. If the gentleman knows of any contract surgeon in Washington who is here for the purpose of treating Army officers he has more information than I have.

Mr. MANN. I will be glad to impart to the gentleman some private information on the subject.

Mr. HULL. I want to say one word more, Mr. Chairman, not on this question, but on a proposition submitted to the Committee on Military Affairs to authorize the exchange of the old rifles used by the National Guard for the new Army service gun, when a sufficient quantity have been manufactured by the Government to permit of such an exchange, on the same terms under which we have heretofore exchanged arms in the service. I hope, before the bill becomes a law, that this provision will be incorporated in the measure, because I believe the militia should have the best gun that is made, so that in time of war it will be more efficient thereby. It was only by oversight that is omitted from this bill as reported to the House.

I now move that the committee rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 23551, the Army appropriation bill, and had directed him to report the same to the House with sundry amendments, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on the amendments? If not, a vote will be taken on the amendments en gross.

No separate vote was demanded.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

FORTIFICATION APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 23821, the fortification appropriation bill; and, pending that motion, I ask unanimous consent that general debate upon this bill be limited to four hours, one half to be controlled by the gentleman from New York [Mr. FITZGERALD] and the other half by myself.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the fortification appropriation bill; and, pending that, he asks unanimous consent that general debate be limited to four hours, two hours to be controlled by himself and two hours by the gentleman from New York [Mr. FITZGERALD]. Is there objection? [After a pause.] The Chair hears none.

The question was taken on the motion to go into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MANN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 23821, a bill making appropriations for fortifications. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. Mr. Chairman, the Committee on Appropriations has reported to the House a bill carrying in round numbers $5,400,000 for fortifications and other works of defense. The construction of fortifications and coast defenses of the United States has been carried on for twenty years in general upon the plans of what is known as the Endicott Board, created by act of Congress in 1885, and which made its report in 1886. The years that have elapsed since that have wrought many changes in the needs of the country for fortifications. In the meantime the system practiced of protecting these guns with armored emplacements and turrets has ceased to be either desirable or practicable; and the elimination of this from the plans of the Endicott Board has resulted in a reduction of the cost of the completion of the fortifications under the system proposed by that board. At that time the modern disappearing gun carriage was unknown; and of course in the absence of the disappearing gun carriage it was necessary to protect the guns by armor at the emplacement and by turrets.

The Endicott Board did not include in its estimates, which aggregated $126,000,000, anything for sites. They did not include in their report anything for reserve ammunition. They did not include in their report anything for barracks at the seacoast batteries. It thus appears that the $126,000,000 estimated to be necessary by the Endicott Board did not approximately cover the amount necessary for the proper fortification of the coast even of continental United States.

In the meantime the judgment of the War Department has changed as to the necessity for fortifications at some of the points provided to be fortified by the Endicott plan. The elimination of some features not justified by a modern system, and the elimination of some places, have reduced the cost, so that it is now estimated that for $99,000,000 all can be done that was contemplated by the Endicott Board, and which would still be desirable to do.

Mr. MCCALL. If the gentleman will permit me to interrupt him, does that mean $99,000,000 in all?

Mr. SMITH of Iowa. It means $99,000,000 in all. Of that sum about $64,000,000, in round numbers, has been appropriated. A large amount in excess of this has been carried in the fortification bills, covering items to which I have referred, which were not included in the Endicott estimate for sites, ammunition, and other things. The result is that we have appropriated all through these years an average of about 3 per cent of the amount estimated by the Endicott Board.

But a year ago, under an order of the Executive, a new board was created to revise the plans of the Endicott Board, now generally known as the "Taft Board." That board's work has never been expressly sanctioned by Congress, but it may be an aid to us in determining how much of the plans of the Endicott Board are now regarded as obsolete by the military authorities upon this subject.

One of the matters of a disturbing character in the evolution of this system of seacoast defense is found in this: A few years ago the 12-inch gun was regarded as the ideal heavy gun for seacoast defense, and the 12-inch gun has been already mounted at all our important harbors. It is now discovered that the 12-inch gun, when fired with the velocity contemplated, namely, 2,500 to 2,600 feet per second at the muzzle, will wear out the gun so that it becomes practically useless in from 60 to 70 shots unless relined.

The Taft Board reports that these guns can now be fired twice a minute, leaving the life of one of these guns, when fired at the maximum theoretical capacity, less than one hour, and but little in excess of half an hour. In view of this fact, the War Department has devised a 14-inch gun which it is believed will be free in large measure from this rapid deterioration. The rapid deterioration of the 12-inch gun is due to the enormous muzzle velocity of the projectile, which destroys the rifling in the gun, as I have stated, in from 60 to 70 shots. Where that velocity is reduced to 2,200 feet per second at the muzzle, the life of the gun is increased to between 300 and 400 shots, but the range of the gun is reduced about 25 per cent. Under the well-known principle that the momentum of the projectile at the point of contact is the product of its velocity and its weight, it is believed that the 14-inch gun, with a less velocity than the present 12-inch gun, and consequently a greatly reduced wear upon the rifling, will at the point of contact have equal power with the present 12-inch gun.

Mr. CRUMPACKER. Has that proposition been demonstrated by experiment, or is it theoretical?

Mr. SMITH of Iowa. The principle, of course, is a well-settled one that the force at the point of contact is the product of the velocity and the weight, and that by increasing the weight you will get the same blow with a decreased velocity. Now, they have not manufactured the 14-inch gun. This bill carries $132,000 to make one 14-inch gun. Perhaps it will be partly an experiment, but certainly it will be a success as a gun, even though it may not accomplish all that may be hoped for in obviating the defect in the 12-inch gun.

I stated that this bill carries in round numbers $5,400,000. It happens that only twice in thirteen years has so small an amount been carried by the fortifications bill—last year and one previous year. This is almost exactly the average appropriation for the last eighteen years. And when I say this it must be borne in mind that during the earlier years of that period all the appropriations were for continental United States, whereas this bill carries $1,600,000 in round numbers for the defense of the insular possessions. So that if we were to deduct the appropriations for the insular possessions we would find this bill the smallest by far in the past thirteen years, and I think the smallest in eighteen years. I speak of this to show that the committee, while defending the United States properly, have sought to be economical in the expenditure of money, believing that the advanced state of our fortifications justifies this policy of slower progress than in time past.

In presenting this bill I may as well avow that we have found ourselves between two conflicting elements—the one thinking that we were progressing too rapidly in the defense of our insular possessions, the other contending that we were proceeding too slowly. So far as those are concerned who think we are proceeding too slowly in the insular possessions, I shall content myself at this time with saying that while we have only averaged an annual appropriation of 3 per cent toward the completion of the fortification of continental United States, this bill carries 7 per cent of the entire estimates for the insular possessions. So that we are proceeding twice as fast under this bill in the insular possessions as we have proceeded in continental United States. For the present I shall deem that a sufficient answer to those who contend that we ought to proceed more rapidly than we are doing in the insular possessions.

Upon the other hand, I have this to say to those who claim that we should not proceed so rapidly in the insular possessions: It must be borne in mind that in continental United States the seacoast fortifications are but an outer line of defense. Behind these fortifications are 80,000,000 people prepared to resist, to the uttermost, invasion by any foreign foe. In the Philippines and in the Hawaiian Islands we have no such force of patriotic Americans to constitute a second line of defense; and if Manila or Honolulu be taken, we have no mighty force in the rear to drive the intrduders out of the land as we have here in continental United States. So it has seemed to most of us that we

might well adopt the middle ground and say that we would proceed more rapidly in the insular possessions, relatively, than we have ever proceeded in continental United States; but, upon the other hand, that, proceeding more than twice as fast in those possessions as in continental United States, is proceeding with very considerable rapidity, and all that we are justified in doing under the circumstances. Now, Mr. Chairman, I presume from time to time I shall find it necessary to reply to those who may differ with the majority of the committee upon the wisdom or course pursued in drafting this bill, but I do not care to take further time of the committee in its original presentation.

Mr. CRUMPACKER. Before the gentleman takes his seat I want to ask a few questions purely for information. Has Congress adopted any plan for the fortifications of the Pacific islands?

Mr. SMITH of Iowa. Congress can not be said to have adopted any plan.

Mr. CRUMPACKER. Did the Taft board recommend any system of coast defense for those islands?

Mr. SMITH of Iowa. It did.

Mr. CRUMPACKER. How many harbors and seaports are included in the policy or plan of the Taft board for coast defenses in the Pacific islands?

Mr. SMITH of Iowa. The Taft board reports in favor of fortifying Manila, Subig Bay, Honolulu, Pearl Harbor, and Guam. The total estimates of the Taft board for our insular possessions are, in round numbers, $22,000,000, but your committee have only allowed or recommended appropriations covering certain defenses in the Philippines and Hawaii. That is, the language of the bill is "For seacoast batteries in Hawaii and the Philippine Islands."

Mr. CRUMPACKER. Does the gentleman believe that the fortification of the harbors included in the report of the Taft board would constitute an adequate coast defense for the Philippine Archipelago, for instance?

Mr. SMITH of Iowa. I should assume that these defenses proposed at Subig Bay and at Manila by the Taft board would not be available for defenses of the other ports of the archipelago, but the expense of seacoast fortifications is exceeding great. The defenses at Manila would cost more than $6,000,000, and at Subig Bay more than $2,000,000.

Mr. CRUMPACKER. Let me ask the gentleman this: Unless we make adequate defenses in the Philippine Archipelago, we are in comparatively little better condition than if we made none. If we leave some exposed point for the landing of the enemy, we have lost practically the whole situation.

Mr. SMITH of Iowa. I think not. I may say, in the first place, that it is never practicable to attempt to fortify the whole coast at home, but only the important harbors. Now, the attempt to fortify all the islands, sparsely populated and of little value, of the Philippines, would cost a fabulous sum. The only purpose in the Philippines is to fortify the populous places and the available harbors and important naval bases.

Mr. CRUMPACKER. I wanted the gentleman's opinion on that question. I feel a good deal concerned over the situation in the Philippine Islands. They constitute our element of weakness in an international strife, in a conflict with a foreign power. There is no doubt about that. I wondered what the plan of the Government was toward defending these islands, because we have got to defend them as long as we control them. Now, the Taft board recommended fortifications and a number of additional harbors in the United States, did it not?

Mr. SMITH of Iowa. A very few additional harbors, if any. It did recommend some additional outer line of defense. For example, and there will be large discussion on that subject, which I do not care to go into now in detail, it will appear that the cities on Chesapeake Bay are fully and abundantly and impregnably fortified, but it does appear that at the time the Endicott board prepared the plans of seacoast fortification the range of guns and what they deemed a reasonable expense did not allow them to recommend the fortifications at the mouth of the Chesapeake Bay, but to fortify the cities and harbors of Chesapeake Bay. The Taft board has recommended the construction of an artificial island in the mouth of Chesapeake Bay, a project that was rejected by the Endicott board as being too expensive. That is an outer line of defense and is designed to prevent a foreign fleet from entering Chesapeake Bay and there making a naval base.

Mr. CRUMPACKER. The bill before the committee now carries no appropriation for that sort of an improvement?

Mr. SMITH of Iowa. It does not.

Mr. CRUMPACKER. I read some discussions, I think, in one of the magazines recently on that very question. I did not know whether it was feasible or not, because I know so little about coast-defense work generally. Are there any fortified harbors in Porto Rico?

Mr. SMITH of Iowa. I understand that some Spanish fortifications exist there, but no money has been appropriated for Porto Rico, so far as I am advised, by the Congress of the United States.

Mr. CRUMPACKER. Did the Taft Board recommend fortifying any of the ports of Porto Rico?

Mr. SMITH of Iowa. They did, but the War Department has never regarded that as pressing as other insular possessions and has never made estimates therefor to us asking for money for that purpose.

Mr. CRUMPACKER. That is probably true, but in view of the fact that the amount carried by the bill has been reduced it occurred to me that it might be a good plan to start, if it be the ultimate policy of the Government to fortify Porto Rican ports, and I think it must be ultimately——

Mr. SMITH of Iowa. They are better fortified, as I understand it, than any other of the ports that we took from Spain.

Mr. CRUMPACKER. I have no doubt about that, and then their proximity to the United States gives them an additional safeguard; but it occurred to me that we ought to engage our thought and energy largely now toward fortifying these islands, because they are pretty generally exposed and they are a source of weakness and probably of concern.

Mr. SMITH of Iowa. I have always contended that we should largely defer to the judgment of the skilled men upon this subject, and they have insisted that the Pacific Islands were more important than Porto Rico.

Mr. CRUMPACKER. More important because more exposed?

Mr. SMITH of Iowa. More exposed in the sense that they are more distant and harder for us to defend.

Mr. CRUMPACKER. I think that is true enough.

Mr. KEIFER. Mr. Chairman, I would like the chairman of the committee to tell me whether I understood him correctly. I understood him to say that the appropriation proposed by the bill carries about 70 per cent of the estimates for insular possessions.

Mr. SMITH of Iowa. Oh, no.

Mr. KEIFER. Then I misunderstood the gentleman.

Mr. SMITH of Iowa. I will explain that so that there will be no misunderstanding. The Taft Board's estimate for the protection of the Philippine and Hawaiian islands is slightly in excess of $11,000,000. The estimate of the Taft Board for the fortification of all the insular possessions is slightly in excess of $22,000,000. The amount we give this year for the insular possessions, which will be expended all in Hawaii and the Philippines, is 7 per cent of the entire amount estimated for all the insular possessions, or 14 per cent of the amount estimated for the islands where these appropriations are to be expended. In other words, in about seven years with such expenditures as this, everything that the Department has ever estimated for would be completed in Hawaii and the Philippine Islands; but it must not be forgotten that we have already appropriated large sums toward this $11,000,000. I am simply giving you the amount of progress this year at 14 per cent of the total estimate. As a matter of fact we have already appropriated about five millions when this bill is passed, or about half the amount, so that it would be only necessary to carry this for three or four more years to absolutely complete the appropriations asked by the Taft Board for the Hawaiian and Philippine islands.

Mr. MAHON. Mr. Chairman, I want to ask the gentleman a question. In making these appropriations of millions of dollars for the Philippine Islands, when are you going to get it back?

Mr. SMITH of Iowa. I never have understood that we have ever got back in any sense such as the gentleman apparently uses the term any money from anywhere. This money is expended for the protection of our pride.

Mr. MAHON. Yes; and you better get rid of them in some way.

Mr. SMITH of Iowa. Mr. Chairman, I will now ask that the gentleman from New York [Mr. FITZGERALD] occupy some of his time.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] in presenting the bill has given a comprehensive view of what has been done for the coast defenses of the country during the past eighteen or nineteen years, or since the initiation of the Endicott Board's scheme of coast defenses. I think it is a matter of some congratulation that the committee without any serious difference of opinion has found it possible to present a bill which is one of the smallest during the past seventeen years. The amount actually appropriated for the coast defenses of the United States proper is $3,643,943. It is

not the belief of the committee that the defenses of the country are in a perfect condition, but it is always universally conceded that the defenses are in such condition that should an imperative call be made upon the military officials of the country adequate protection would be found afforded to the important and strategic points along the coasts of the United States.

What I wish particularly to criticise in this bill is the fact that so large a percentage of the moneys appropriated for the defenses of the country are made available for insular possessions.

Last year the estimates for the coast defenses amounted to the sum of $8,953,112. The appropriation was $5,053,993, and of that amount $947,000, or about 19 per cent of the gross appropriation, was set apart for use in the insular possessions. The pending bill carries $5,411,883. The estimates submitted by the Department for the coming year were $15,068,559, while of the five and a half millions, in round numbers, appropriated by the bill, $1,592,940, or about 30 per cent of the entire appropriation, is set apart for our insular possessions. It must be remembered, too, that in appropriating for the defenses of the United States, Congress is appropriating to carry out a well-defined plan which was prepared under the authority of a board created by act of Congress. In appropriating to provide for the defenses of our insular possessions money is appropriated not to carry out a well-defined scheme which was initiated with Congressional authority, but to carry out a plan which has been adopted by the executive department of the Government without so far having the approval or sanction of the legislative branch of the Government.

It will be remembered, too, that in the last session of Congress there was a serious conflict of opinion and sharp discussion as to the advisability of fortifying Subig Bay, in the Philippine Islands. In the plan under which, apparently, appropriations for fortifications in the insular possessions are being made the Taft board has indicated Subig Bay to be one of the most important places to be defended, and recommends a large sum to complete defenses there. My criticisms of the amount allotted for the insular possessions would be these: If these defenses be imperative, much larger appropriations should be made at once in order that the proposed fortifications may be available in any sudden emergency. If they be not imperative, if the policy of this Government regarding the Philippine Islands is yet to be defined, if ultimately—when I say ultimately I mean within a reasonable time—the United States are to relinquish control of the Philippine Islands, I doubt the propriety of now expending a very large sum in permanent fortifications at any places there. The so-called Taft board submitted a plan which calls for the expenditure of $22,000,000 for the fortification of our island possessions, and the committee has allowed upon this plan money at a much more liberal rate than has been allowed for the coast defenses of the United States. In 1888, when the Endicott board's plan was adopted, as the Taft board points out, the absence of any navy that might properly be designated by that name made it imperative that there should at once be established harbors of refuge for our merchant marine, and in spite of that fact, in the year 1890 the appropriations under the fortifications act were only $1,233,594. At this time, with what many people believed to be an ample naval force for any legitimate purpose, with the well-defined policy of the Government for some years past to keep some considerable naval force in Asiatic waters, it is nevertheless felt necessary in this bill, in order to protect the limited interest of this country in the Philippines as compared with our great interest here, to proceed at a much more rapid rate in making the appropriations for their defenses. Such haste, in my opinion, is unnecessary.

This bill contains the language regarding the defenses for the insular possessions in the same form as the last fortification act. Several years ago Congress required the War Department to submit estimates in detail for each place in our insular possessions where it was proposed to expend money for fortifications. In making the appropriations, however, the method of submitting the estimates has not been followed, but the appropriations have been given generally with discretion to the Department to use the money where it believes it to be most necessary. I believe it to be more important to attempt this year to change the language of the bill in this respect, particularly since the Taft board points out the places that should be fortified in the order of their importance, and the Secretary of War states that expenditures would be made for defenses at those places in the order specified, were it not for the fact that the Secretary also stated that if there were any difference of opinion as to the advisability of going on with the fortification of Subig Bay, and if sufficient money were not given to fortify both places in the Philippine Islands selected by the board, that he would use the appropriation made in this bill to complete the defenses at Manila. So, merely to give expression to the difference of opinion that exists and in the hope that some day the policy of the Department may so change that the Subig Bay project will be abandoned, I call attention to the fact that the appropriation for the insular possessions will not complete the defenses contemplated at both places, but may be used with great advantage at the place the Secretary deems most important—Manila.

The Taft board, in its report, points out that it is a "naval maxim that the enemy's fleet is the primary objective, and it follows that the harbor defenses can not depend upon the presence of any vessels to resist a naval attack. While it is possible such vessels may be in the port, their presence will not be part of a plan for harbor defense by naval cooperation. It follows, therefore, that the defense of such harbor must depend immediately upon guns and not marine mines, and that this defense must be sufficiently strong to repel any naval attack that may reasonably be expected."

And yet, in the report of the Taft board, one of the reasons given for the fortification of Subig Bay is to make available for the defense of Manila the fleet that is supposed to operate from Subig Bay as a base.

My only purpose in saying anything upon this bill, Mr. Chairman, was to give expression to my dissatisfaction at the extent of the appropriations for the insular possessions in comparison with those for the United States proper. I believe that the committee has acted conservatively, and has given in the main all that is imperatively required for the coast defenses at this time. And following the action of my colleague upon the committee, I shall reserve for other places, when special items are reached in the bill, any further suggestions I may have to make regarding such items.

Mr. Chairman, if the gentleman from Iowa [Mr. SMITH] is not ready to consume some of his time, I will yield to the gentleman from Tennessee [Mr. GAINES] thirty minutes.

Mr. SMITH of Iowa. Very well.

Mr. FITZGERALD. Mr. Chairman, I yield thirty minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I desire to discuss what is commonly known now in the newspapers and amongst the Members of Congress as the "docking bill." I do not know if the American people could see this Chamber at this moment that it would be necessary for me to discuss, certainly for the people of the country, the need of a docking bill, to force the Members of the House who are chronic absentees to attend the daily sessions.

Here is a bill now under consideration, Mr. Chairman, that carries nearly $5,000,000, I think, and with practically an empty Chamber to listen to the discussion of these two matters. I dare say, Mr. Chairman, that there were not any more Members present when we passed the legislative, executive, and judicial appropriation bill some weeks ago. That was an immense bill. I do not know how many millions of dollars it carried.

But I do know that as soon as the Members voted on the salary question that a great many of them pitched out for home or somewhere—I do not know where they went. We all know that.

Mr. Chairman, I have started this move, and I have done it reluctantly. I have no ill-feeling toward any Member of this House nor of the Senate. My relations, I am gratified to say, are pleasant and have been pleasant during my Congressional career.

But, Mr. Chairman, I feel that I owe a duty to this House; I owe it to my constituents, I owe it to the country, to bring this chronic absenteeism to the attention of not only the Members of this House, but the people of the United States. I am under oath to uphold the law. So are you, gentlemen. And why? Because, Mr. Chairman, of the very thing that occurs here day after day, which I have described, namely, a chronic absenteeism of the Members of this House when great questions of state are being or should be discussed, and when millions and millions of the people's money are being spent as though money grew on trees.

And who does the daily work day in and day out? It is the handful of faithful men who come *here day in and day out.* Why, Mr. Chairman, I was delighted a few minutes ago to join in the applause that greeted the announcement of the Speaker when he turned over the committee to the gentleman from Illinois [Mr. MANN], who from 12 o'clock every day until this House adjourns is in his seat and upon his feet, looking after the business of this House and of the country. Like an intellectual corkscrew our minority leader [Mr. WILLIAMS] stands on watch on this side, and few more. There are a few faithful on each side. They bear the daily burden that we all should help bear and see that the work is well done.

I have seen both of our leaders ask "Where are our men on this committee," and no one present to answer and explain the merits or demerits of the bill.

Then both leaders pry into the bill to see what it is—at great disadvantage, of course. This they must almost daily do. It should not be so. Members should be here from all the committees and look after bills coming from their respective committees.

So much for this.

In a number of Congresses away back yonder the absent Members, except their excuse was illness, were docked. I ask the Clerk to read the form used by the Sergeant-at-Arms in the Fifty-third Congress.

The Clerk read as follows:

IMPORTANT.

OFFICE SERGEANT-AT-ARMS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., ———, 189—.

DEAR SIR: I mail you herewith a blank which contains a copy of section 40 of the Revised Statutes of the United States, passed August 16, 1856, together with a certificate to be signed by you showing the number of days, if any, you have been absent from the House during the month of ———, 189—.

The certificate of the Speaker, which follows it, will be filled out according to the facts certified by you.

This certificate can not be filled out by you until the 3d of each month. As the 4th is pay day, the Speaker can not sign or the Sergeant-at-Arms pay this certificate in time to meet the checks that many Members have been in the habit of making payable on the 4th of each month.

Section 40, referred to above, will be enforced on May 4, 1894, covering the month of April, as I am advised that I am left no discretion in the matter.

To prevent serious inconvenience to Members and to prevent protest, checks which may have been in the habit of making payable on that day should not be drawn against their accounts until they have actual knowledge that their salaries have been placed to their credit if they desire to draw against the current month.

Respectfully,
H. W. SNOW,
Sergeant-at-Arms House of Representatives, United States.

To the Hon. ——— ———.

[Section 40, Revised Statutes.]

The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

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HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., ——— ———, 189—.

I hereby certify that during the month of ——— I have been absent ——— days, for which deductions should be made under section 40 of the Revised Statutes.

Mr. GAINES of Tennessee. Now, Mr. Chairman, that form was prepared by Speaker Crisp himself, and he so stated on the floor of this House, as the RECORD shows. I will read the form again:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., ——— ———, 189—.

I hereby certify that during the month of ——— I have been absent ——— days, for which deductions should be made under section 40 of the Revised Statutes.

Now, then, here is the present form used:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., ———, ———.

I certify that there is due to the Hon. ——— ——— four hundred and ——— dollars, as a Member of the House of Representatives for the Fifty-ninth Congress.

——— ———, *Speaker.*

Received payment, ——— ———.
$41—.

Now, I did not know one word about the act of 1856 being the existing law until I had introduced the bill on the subject. In looking up the laws fixing the salaries of Members of Congress—the old acts—I came across these docking statutes, and seeing this chronic absenteeism growing and the evil results resulting I sat down at my desk here and wrote this bill and introduced it. I found as early as 1816 a docking statute was enacted. Members were then put on a salary.

Previous to 1816 the Members of Congress were allowed so much per day for each day's attendance in many if not all the laws, so that you see I have come by this matter very naturally and very honestly.

The rules of the House provide that—

Every Member shall be present within the Hall of the House during its sitting, unless excused or necessarily prevented, and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question. Pairs shall be announced by the Clerk after the completion of the second roll call from a *written* list furnished *him* and signed by the Member making the statement to the Clerk, which list shall be published in the RECORD as part of the proceedings immediately following the names of those voting: *Provided*, That pairs shall be announced but once during the same legislative day.

I was looking at the statute of 1856 when I wrote out the bill that I prepared. My bill is substantially that act with this material difference, that the law of 1856 does not require the Member of Congress to certify "in writing" that he has been absent by reason of sickness. The bill that I introduced does require the excuse to be "in writing." That written certificate would be on file in the office of the Sergeant-at-Arms, and open to the public to read. This is a day of publicity. This would strengthen the law.

So you see, gentlemen, that the situation historically, so far as I am concerned, is just as I have stated it.

As stated, the act of 1816 fixed the salary for the first time at so much per year. Previous to that it was a per diem, but the act of 1816 contained this proviso:

Provided, nevertheless, That in case any Senator, Representative, or Delegate shall not attend in his place at the day on which Congress shall convene, or shall absent himself before the close of the session, a deduction shall be made from the sum which would otherwise be allowed to him, in proportion to the time of his absence, save and in case of sickness, under the same provisions as are established by existing law; and the aforesaid allowance shall be certified and paid in the same manner as the daily compensation of Members of Congress has heretofore been.

The act of 1816 was repealed by the act of January 22, 1818, which put the Members back on a daily allowance in this language:

That at every session of Congress and every meeting of the Senate in the recess of Congress after the 3rd day of March, in the year 1817, each Senator shall be entitled to receive $8 for every day he has *attended* or *shall attend* the Senate, and shall also be allowed $8 for every 20 miles of estimated distance.

And so forth. A similar provision in the next session applied to Members of the House in the next section. Now, that was the law down to 1856. By the act of 1856 the law was made what it is to-day. I think I have the act here.

By the act of 1856 it is provided:

SEC. 6. That it shall be the duty of the Sergeant-at-Arms of the House and the Secretary of the Senate, respectively, to deduct from the monthly payments to the Member as herein provided for the amount of his compensation for each day that such Member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign a reason for such absence, the sickness of himself or some member of his family.

Now, that is the act of August 16, 1856, which was carried into the Revised Statutes of 1878 as section 40, which was referred to by Mr. Snow, the Sergeant-at-Arms in the Fifty-third Congress. Here is what Mr. Snow inserted in that notice:

Section 40, referred to above, will be enforced on May 4, 1894, covering the month of April, *as I am advised, and I am left no discretion in the matter.*

The law did not say that this, that, or the other man should enforce it. It says the Sergeant-at-Arms shall do so. Now, the Sergeant-at-Arms is an officer of this House. He is under oath and bond to obey the law. Rule IV of the House, which defines the duties of the Sergeant-at-Arms, reads as follows:

1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings to maintain order under the direction of the Speaker or Chairman, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk; execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker; keep the accounts for the pay and mileage of Members and Delegates, and pay them as provided by law.

SEC. 2. The symbol of his office shall be a mace, which shall be borne by him when enforcing order on the floor.

Let us go a little further, Mr. Chairman, and see how this law was enforced. You will find that in 1862 or in 1863, I forget which it was, Congress passed an act or resolution excusing the soldiers in the civil war who were Members of Congress. That was brought about by some Members coming up here who had been away fighting for their country, and the Sergeant-at-Arms refused to pay them their salary because they had been absent and could not excuse themselves because of having been sick. It reads as follows:

That until the further order of Congress the Secretary of the Senate and Sergeant-at-Arms of the House are directed to receive as a valid excuse for absence from duty in Congress active employment in military service for the suppression of the rebellion *without pay.*

Without pay. Soldiers were not allowed pay while in the military service; surely Members should not expect pay in time of peace when wrongfully absent.

At the same time, Mr. Chairman, that was passed the Hon. Charles Sumner offered a provision, which is now section 41 of the Revised Statutes, which permits the House and the Senate to excuse members under certain limitations.

SEC. 41. When any Member or Delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his traveling expenses in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives, respectively.

Now, gentlemen, what has been the effect of this law? When was any docking done? I do not intend to call names, I have not undertaken to find out who were docked in recent years,

and I do not know who were docked and do not care who were docked. In fact, if I had the names I would not print them. But I find on page 3 of a House report, when it was being enforced in the Fifty-third Congress, this statement by Mr. Wolverton, from Pennsylvania, who reported this act of 1856—section 40, Revised Statutes, was the law. The report says:

Section 6 of the act of 1856 (now section 40 of the Revised Statutes) was understood by Members of Congress to be in force long after the passage of the act of 1866, and large amounts were deducted under it on account of the absence of Members and covered into the Treasury between 1856 and 1867, inclusive. In several cases large sums were deducted.

The committee can see how far back this law has been enforced. The report goes on to say:

In several cases large sums were deducted. Among others, Hon. Francis P. Blair in one year deducted $774.55; Hon. George W. Bridges, $1,685.10; Hon. Jacob P. Blair, $205.50; Hon. Benjamin Wood, $73.98; Hon. C. C. Culver, one hundred and seventy-three days, $2,402.78. These are only a few of the instances among many.

These names have already been printed.

Now, then, in 1869 the question came up, and the Sergeant-at-Arms submitted a letter as to whether or not to dock certain Members who had not been sworn in as Members of the House, and the House again recognized the existence of this law. It has been recognized by recent Congresses, the Fifty-third Congress enforcing this law when Mr. Snow, Sergeant-at-Arms under Speaker Crisp deducted salaries to the amount of $12,000—$12,000—I presume in one session, because of absenteeism! And under the regulation that I have read to you a few moments ago the question came up in the Fifty-fourth Congress as to whether or not they would reimburse these Members who had absented themselves from the House in the Fifty-third Congress. The question was raised upon the floor of this House and defeated, and the law again vindicated and upheld by a vote of 113 yeas to 55 nays on the motion carried to strike out the appropriation. Here are the words of the item in the appropriation:

To enable the Sergeant-at-Arms of the House of Representatives to pay Members of the House of Representatives of the Fifty-third Congress the amounts withheld in their salaries on account of absence, $12,000.

This was stricken out, as stated.

At page 192 of Hinds's Parliamentary Practice you will find that these rules and practices, etc., are referred to as having been upheld. I turn now to the Manual that Mr. Hinds gets up for us, entitled "Constitution, Manual and Digest," and on page 553 of that book we find the following:

Provisions of Constitution relating to compensation of Members. (7) *Constitution, Article I, section 6, p. 6.*
Rate of pay of Member and how disbursed. (11) *Revised Statutes, sections 38, 39, 46, 47, 48; 18 Stat. L., p. 4, 389; 14 Stat. L., p. 323; 19 Stat. L., p. 145; 26 Stat. L., p. 645; 22 Stat. L., p. 108.*
The pay and mileage of Members are disbursed by the Sergeant-at-Arms. (1715, 1717) *Rule IV, section 1; 26 Stat. L., pp. 645, 646.*
Certificates of salary and mileage of Members may be signed for the Speaker by a designated employee. *33 Stat. L., p. —.*
The statutes provide for deducting the pay of Members in certain leaves of absence. *Revised Statutes, section 40.*
The above law has been enforced. *2–53, Record, pp. 3797, 4130–4133. Reports Nos. 704, 1218; 2–54, Record, pp. 2013, 2049–2057.*
Less than a quorum may not direct the enforcement of section 40, Revised Statutes, in order to secure the attendance of absent Members. (301 and footnote) *1–51, Journal, p. 1025, Record, p. 9922.*

I believe Mr. Speaker Carlisle ruled that that was the law; that is, that less than a quorum could not pass this resolution.

Mr. Chairman, I did not intend to discuss this question of law. I was simply going to discuss the usefulness of this law and these rules, the great need of both and their enforcement.

I have here a report made in the Fifty-third Congress upon a measure to repeal this law. Mr. Powers reported it from the Judiciary Committee. But the law was not repealed. It is now still the law as much as then.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Will the gentleman from New York give me a little more time?

Mr. FITZGERALD. How much time does the gentleman want?

Mr. GAINES of Tennessee. Fifteen minutes.

Mr. GROSVENOR. Does the gentleman from Tennessee claim that a Member of Congress, in order to receive the salary of $5,000 a year, is compelled to remain in this Hall all the time?

Mr. GAINES of Tennessee. No; not at all.

Mr. GROSVENOR. In his seat?

Mr. GAINES of Tennessee. Not at all. He may be working in the committee room by an order of the House, by permission of the House. We grant these orders every day.

Mr. GROSVENOR. What does the gentleman say to the provision of the Constitution that inveighs against cruel and unusual punishment? [Laughter.]

Mr. GAINES of Tennessee. The gentleman asks me about whether or not I say a Member of Congress must be here in this Chamber to earn his salary. I said no; he may have to be in the committee room, as I was yesterday, by permission of the House, but I was at work with my committee. He may have to be in the River and Harbor Committee room, where about eighteen of the best Members of Congress are, and whose attention and advice and assistance we must necessarily lose upon the floor of this House here every day until they get their report in. Hence the greater reason for the Members of Congress to be here every day, so that when these committees sit, as they must sit from time to time and day to day, but not every day on special matters, as in my case—the greater reason, I say, for a constant and daily and perpetual attendance upon the part of the Members of this House, except in case of illness.

Now, who made these rules? The gentleman from Ohio helped to do it and perpetuate them. He is almost the king bee of ruledom, Mr. Chairman, and the rule is proper. Of course, Mr. Chairman, a Member has to be absent sometimes, but by permission of the House, attending to his committee work—special hearing's rule—but he is still here in the Hall constructively, and the courts, I think, have so ruled, and the Speakers have also, I think, in questions of Members for assault and the bringing in of contumacious witnesses, and matters of that sort, saying, in effect, a committee is a branch of the House. But let that be as it may, the point I make, Mr. Chairman, is: All Members should be here and take it turn about in this floor work and not leave the House so as to put practically all the burdens of legislation upon a few faithful men who are daily here.

Mr. PAYNE. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. With pleasure.

Mr. PAYNE. Has the gentleman in his researches been able to find out whether the attempted enforcement of this rule had any effect?

Mr. GAINES of Tennessee. I was getting to that when interrupted a moment ago by the gentleman from Ohio, and I will proceed to show that it did compel the attendance of Members.

Mr. PAYNE. I want to say to the gentleman my recollection is—I was here at the time Speaker Crisp decided to enforce it—that the thing broke down of its own weight. It did not last a great while, and the whole thing went into what was called in those days "innocuous desuetude."

Mr. GAINES of Tennessee. I understand. I am accused of digging up this "innocuous desuetude." I do that because I believe I am right, and I am quite sure the gentleman from New York will join in trying to relieve himself of his unceasing floor work here. I see that gentleman, rich with honors and blessed with the wisdom of at least the beginning of old age, coming here at 12 o'clock every day and staying until 5, 6, sometimes 7, looking after bills good, bad, and indifferent. The gentleman has asked me whether or not the enforcement of this law "broke down." In 1890 the House did not have a quorum, and the House would not adjourn. This resolution was offered by Mr. HAUGEN:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such Members as are now absent without leave of absence.

Mr. Buchanan, of New Jersey, a Republican, offered an amendment, as follows:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to enforce the provisions of section 40 of the Revised Statutes of the United States.

This amendment was accepted. Then Mr. Buckalew, of Pennsylvania, made an observation, and the present Speaker of the House, Mr. CANNON, made this reply:

Does not the gentleman from Pennsylvania think that it would be a very *effective*——

The word "effective" is italicized in this report. I imagine Mr. CANNON italicized it by both manner and voice.

Effective way to procure the attendance of gentlemen.
Mr. BUCKALEW. Yes.

That is what the Speaker, Mr. CANNON, said and thought in 1890.

In 1862 Mr. Sumner said that the absenteeism of the Senate and House was so great that they could not keep a quorum, and this statute of 1862 was to compel them to remain and do business.

I want to state what Mr. MALLORY said on the floor of this House during the enforcement of that law in the Fifty-third Congress, as follows:

I believe that the regulation has worked well. I think it has done just what we have been striving vainly heretofore to accomplish; *that is to say, to secure a quorum on the floor of the House at all times*, and whether it is the law and whether it is just or right or not, I think it

a good rule, and we would be guilty of a great wrong and be doing ourselves gross injustice if, after adopting the rule and adhering to it through the last and this session, we should now abrogate it. It would simply give an excuse for subsequent Congresses to do the same thing.

That is the language of Mr. MALLORY in 1895. Judge DE ARMOND in his report in the Fifty-third Congress, filed in July, said it had the effect to bring Members in. Then we have this statement of Mr. CANNON, our present Speaker, that it was an "effective" means of procuring the attendance of gentlemen here. Why, I will say to my friend from New York that since the news of the resurrection of this old statute by myself a few days ago went all over the country for the first time since the vote on the salary question some three weeks ago we had about 210 or 215 Members of the House a few days ago. The Speaker counted that many, but we have had a handful here to-day and for several days.

I think I have recently seen Members of Congress here who had not been here at all this session of Congress except to get their mileage, perhaps, and to get their salaries. Others have not appeared at all. I have seen Members here since I raised this question, Mr. Chairman, who were not here before. It is immaterial to me. I have been criticised and abused about my action in this matter, but I can not permit that to drive me from my post of duty. I have no feeling in this matter, absolutely none. I am doing my duty under the law which we all swear that we will uphold and enforce. Now, without any ill-feeling in the world, I want to say to the distinguished gentleman from Pennsylvania [Mr. MOON], and I want to say to my good friend from Kentucky [Mr. SHERLEY], who have in charge this criminal-code revision that we are to take up here in a few days, that certainly we should have at least a quorum here to revise criminal laws. Surely we should have all the Members here when we tear up the criminal laws of this country and put them back in place in about forty-eight working days, and do the balance of the business of this country. It is very opportune for this law to be enforced, and I hope it will be. And I want to say to these distinguished gentlemen, as I started to say, that we must have a quorum here to do that work.

I am not going to have the criminal laws of this country revised by a handful of Members. The people are not suffering for revised criminal laws. But the lawyers suffer because of unrevised codes.

You remember that in 1874 the "revisers" revised into our coinage laws a provision that stripped existing silver dollars of their legal tender, and but few knew anything about it. The revisers "changed" the "existing" law. In 1873 there was a "demonetization of silver," and even Speaker Blaine confessed he did not know the bill enacted did so. The "watchdog of the House," Mr. Holman, said the same thing, and a number of celebrities said the same thing. It is because, gentlemen, Members of Congress are not here during these dry debates, but the "whips" get them here by force when a roll call is expected. I know they are dry. I make a dry speech myself. I am a dry man, Mr. Chairman, in some respects. [Laughter.]

Mr. BURLESON. Are we to understand from what the gentleman states that he proposes to insist on a quorum being present?

Mr. GAINES of Tennessee. I certainly shall insist on a quorum being present to revise the criminal laws of my country.

Mr. BURLESON. And the gentleman intends to make that statement good?

Mr. GAINES of Tennessee. I do, sir. If I can get the Speaker to stand with me and stand by the Constitution, I am going to have it.

Mr. BURLESON. I hope the gentleman may.

Mr. GAINES of Tennessee. I hope the gentleman from Texas will help me. I join hands with him on that.

I feel that it is my duty to do what I have done. I have done it without offending anyone, I hope, but if I have I want to say this, if anybody takes it as personal, Mr. Chairman, then they must simply take it, for I will not retreat or retract. I have stayed inside of the four corners of the RECORD, as I understand it. If I have misstated a single fact I will correct it if you will show me in error. I am standing by the law that the Democrats enforced and I am standing by the judgment on that law that a Republican Congress enforced, the Fifty-fourth Congress, that refused to refund this money. They refused by a heavy vote to refund it, and I remember what the present Speaker of this House said when that matter was up, and if I can turn to it promptly I will read it. His words are in the RECORD. He said that Congress had adjudged that this act of 1856 was the law and enforced it, and now if we go along and permit this appropriation to be allowed in this bill then it is repudiating that and repudiating the law and saying it is not the law. The House stood by that position and refused to appropriate this money. So, gentlemen, there is nothing partisan in this matter. Both Republicans and Democrats have enforced it. It is the law to-day. It is our duty to the people of this country to stay here, as a few of the men of this House have done, from the time the House is called to order in December, day in and day out, until it adjourns, except in case of sickness. There may be other proper excuses for leaving, but the grace of the House in that respect has been abused and the public service suffered.

Mr. SMITH of Iowa. I yield ten minutes to the gentleman from Pennsylvania.

Mr. MAHON. Mr. Chairman, this fight was fought out in the Fifty-third Congress. The Reed rules had been adopted in the Fifty-first Congress. The Democrats came in and in the Fifty-third Congress the Republicans made up their minds they should adopt the Reed rules, which Congress did. In the Fifty-third Congress Speaker Crisp issued that order docking Members. I was very prompt in that fight. I resisted that order. The act of Congress in 1854 gave to Members $5,000 a year salary, and that was not divisible at the option or by the decision of any Speaker of the House. Some men docked themselves; I did not. I had $7,000 in the office here and Speaker Crisp very kindly gave me a certificate, and I got it at the end of the Fifty-third Congress.

Mr. SMITH of Iowa. Mr. Chairman, I yield ten minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, perhaps it would be well to spend time enough to find out what the facts are in regard to the so-called "docking of salaries." It would hardly be worthy of discussion now, I think, if it had not been for the fact that the newspapers have again taken up the subject recently and have been discussing the question as to whether these absences should be deducted for under existing law. In the Fifty-third Congress Mr. Crisp attempted to hold a quorum by enforcing section 40 of the Revised Statutes and requiring each Member to certify that he had not been absent from the House except in case of sickness of himself or in his family. Most of the Members simply changed that certificate and certified that they had "not been absent any time for which deduction could legally be made," and on that certificate most of them drew their salaries. There were a few exceptions. I remember where a gentleman from the West, whom I will not name, but who was then commonly known as "Uncle Joe," attempted to reason it out in his pay certificate. He put the statement in the certificate that he had been absent so many days and that he had been "absent by leave of the House;" but Mr. Speaker Crisp refused to certify his pay, so he lost $39.40. There was a report current here in the House at that time that in a subsequent conversation on the streets of the gentleman's home town two farmers got to talking about this circumstance, and one of them said: "I understand that 'Uncle Joe' is a losin' of his mind." The other one said: "No! What's the matter?" "Well, they say he ain't got sense enough to draw his pay." [Laughter.] That was a common story in the cloakroom here for some time. The gentleman lost his $39.40, which has never been paid.

When the question of payment of this previously deducted item came up in the Fifty-fourth Congress the House refused to allow the payment of this $39.40 in an appropriation bill, more for a joke on the Member who did not know how to draw his pay rather than for any other reason. It was voted out of the legislative appropriation bill in the subsequent Congress in a spirit of fun.

Now, let us get at the actual facts, and I will only detain the committee for a few minutes to call attention to what the situation really is, because there are many gentlemen in this House to-day who were not members of the Fifty-third Congress. This question has become ancient history. In 1856 the law was changed increasing the salary of Congressmen to $3,000 a year, with the provision that they should deduct for each day's absence, unless the absence was caused by sickness or sickness in their families. In 1873 the "salary grab," so called, was passed, in which the salary, including back salary, was raised to $7,500, and this old section of the act of 1856 was incorporated into the Revised Statutes. In 1866 the law had been changed, raising the salary from $3,000 to $5,000, without preserving the limitation of the section of the act of 1856 which provided for the deduction. Consequently, from 1866 to 1893, Congressmen all drew their full pay without deduction for absence. This section 40 of the Revised Statutes was repealed subsequently, and the repealing law provided that the compensation of Members be the same as in existence before the act of 1873. This repealed the provision as to deduction for absence, and every Congressman, from 1866 down to 1893, drew his full pay without deduction for absence, and Mr. Speaker Crisp, in

order to force Members to attendance at a time when he was trying to hold a quorum, and in order to evade the necessity for adopting the Reed rules for counting a quorum, revived the operation of this old statute. After a long struggle Speaker Crisp was compelled to bring in a rule adopting the Reed rules, and we have been following them ever since, and no attempt has been made to revive the repealed act of 1856.

I will incorporate into my remarks the acts of 1856 and of 1866. The act of 1866 was revived by the subsequent act of Congress which repealed the $7,500 salary act of 1873. There was a division of opinion in the Judiciary Committee in the Fifty-third Congress as to whether or not section 40 of the Revised Statutes remained in force. Many eminent lawyers held that it was not. Judge Ray, of New York, afterwards the chairman of the Judiciary Committee; Mr. Stone, afterwards governor of Pennsylvania; Judge Broderick, and Thomas Updegraff, of Iowa, all gave it as their opinion, in a report to the House, that that provision had been repealed. Mr. Reed was of the same opinion. It was a debatable question, but Congress has invariably acted upon the assumption that when the act of 1873, raising the salary to $7,500, was repealed section 40 went with the repeal, and the act of 1866 was revived, and I doubt whether there is any gentleman on either side of the Chamber who has deducted a dollar from his salary in the present Congress or in the last or in any Congress since this flurry that occurred in the Fifty-third Congress. I think it is only just to the Members of this House, in view of the revival of this question, that these sections of the statute should go into the record for the convenience and examination of those who have been commenting upon the question. Those sections are as follows:

The act of March 16, 1856 (Stat. L., Vol. 11., p. 48) fixing compensation for Members of Congress, provides—

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $6,000 for each Congress, and mileage as now provided by law, for two sessions only, to be paid in manner following, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for the first session, and on the first day of each month thereafter during such session at the rate of $3,000 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid; and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session, and monthly during such session compensation at the rate of $3,000 per annum, until the 4th of March terminating the Congress, and on that day each Senator, Representative, and Delegate shall be entitled to receive the balance of the $6,000 not theretofore paid in the monthly installments above directed."

The sixth section of that act, now known as section 40 of the Revised Statutes, provides—

"*And be it further enacted*, That it shall be the duty of the Sergeant-at-Arms of the House and Secretary of the Senate, respectively, to deduct from the monthly payments of Members, as herein provided for, the amount of his compensation for each day that such Member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign as the reason for such absence the sickness of himself or of some member of his family."

A joint resolution was passed by Congress, approved December 23, 1857, which changed the act of 1856 only in regard to the payment of all compensation which had matured up to the beginning of the sessions of Congress at the beginning of the Congress instead of at the end of the session.

In 1866 Congress passed an act relating to the compensation of Members (see Stat. L., vol. 14, p. 23), which provides—

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session."

When the Revised Statute as to $7,500 salary was repealed the repealing act provided that the law in force at the time of the passage of the act, which was incorporated in the Revised Statutes, and the law in force from 1866 to 1873, made no provision for deductions on account of absence.

Mr. SMITH of Iowa. Mr. Chairman, I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I think it would be well that there should go to the country in this connection a few words of explanation in regard to this subject which seems to have been the burden of the speech of the gentleman from Tennessee [Mr. GAINES]. I have heard a great deal of talk upon that topic, and about once in a certain length of time, in a sort of cycle of events, we hear sprung upon the floor of the House a suggestion in effect the same as that of the gentleman from Tennessee, and the country is liable to be very greatly misled about the matter of the absenteeism of the Members of the House of Representatives. People are very apt to read in the papers these fiery and eloquent and well-intended denunciations. Sometimes I have thought that they were made for home consumption exclusively, and were intended for effect neither upon the House nor yet to affect any conditions outside of perhaps a few Congressional districts.

I was a Member of the House of the Fifty-third Congress, and I had great respect for the Speaker of that House, Mr. Crisp. I think there is no Member here who served in that House who would go back to the system that was attempted to be enforced there. I do not say there was no such occasion, but I have no recollection that any Member asked for a leave of absence and did not get it without a word of hesitation on the part of the House. And when that condition exists in a House of Representatives, the question of deducting pay of the Members does not have the slightest effect upon the presence of the body of the membership. All a Member has to do is to file with the Speaker a request for leave of absence indefinitely on account of important business, and that is the end of it.

Mr. PAYNE. Did not the law formerly in force provide that no Member should be absent except from sickness—that is, if he was absent except from sickness his pay should be forfeited?

Mr. GROSVENOR. Yes; that is very true.

Mr. PAYNE. I think that was the law. If any gentlemen were absent and were not excused, they were forced under this certificate to lose part of their pay.

Mr. GROSVENOR. Yes; and I will tell you how that was done. It was one of the most simple propositions ever known to ingenious Congressmen. A Congressman then put his construction upon the law, and he put the word "legally" just before the word "deducted," and that was all there was of it. There never was one of those certificates that failed to be honored in the Speaker's room and in the office of the Sergeant-at-Arms. Is it a very great misfortune to the country that Members of Congress do not stay always in the House of Representatives? I have seldom known any harm to come from it. Some of the wisest legislation we have had has been largely prepared in the committee room and brought in here, and, in a very large part, the work of Congress is done in the rooms of the committees. So that little good comes from forcing an attendance. And the attendance under the rules of the Fifty-third Congress did not average a satisfactory answer.

Then there is another thing. I am going out of Congress, and it doesn't make a particle of difference to me. I expect to be present every day until the end of this session, but I shall have to be a little better physically than I am now if I stay very closely. Does it sound well—and I appeal to my friend from Tennessee [Mr. GAINES]—is it a nice thing for a body of gentlemen, elected throughout the United States and answerable to their constituents at home, men charged with the duty of legislating for the greatest country in the world, that they should be mustered, that there should be reveille in the morning and tattoo at night and "taps" finally when we go to bed, and have an orderly sergeant to report our presence or absence? For when the American Congress reaches that point, so that the constituency can not trust the Members of Congress to do their duty without interference of this sort of a provision, it will be time to consider some other sort of a House than the present one. The Members of this House are men of honor and do not need this system of espionage and censure.

I say it did not do any good, and if any man will take the proceedings of the Fifty-third Congress and read them carefully he will find there has been no Congress from that date that did more harm and less good than that one. The people got a chance at that Congress, and in the Fifty-fourth Congress the majority was changed into a very insignificant minority, and the business of the Fifty-fourth Congress rose up and blessed the country. I shall have something to say about that at a later date.

So I deem it absurd. The law has been ignored by common consent; it has been condemned by the common judgment of the House of Representatives. It has been ignored by the press and the country, and for the simple reason that there are plenty of Congressmen here to-day to do the work of Congress. We never have any serious difficulty in bringing together substantially the whole force of the House of Representatives when it is necessary. I think there is no body of men in the world that answers more promptly to the suggestion of the necessity for their presence on special occasions than do the Members of the House of Representatives. A circular from the whip on the Republican side, a circular from the Democratic whip on the other side, brings into this House at the specified time practically all the Members of the House who are in the city; and then the pairs that we have equalize the business, and there is little or no trouble. So I think that the provision suggested by the gentleman from Tennessee [Mr. GAINES], made, as it undoubtedly has been, in perfect good faith, and made under the distinct belief by him that he is doing a patriotic duty, in my humble judgment, Mr. Chairman, has nothing in it worthy of the consideration of the House of Representatives. [Loud applause.]

Mr. FITZGERALD. Mr. Chairman, I yield two minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, I rise simply to ask permission to have printed in the RECORD views of the minority of the Judiciary Committee of the Fifty-third Congress upon the proposal to repeal section 40 that we have talked about this afternoon.

The CHAIRMAN. The gentleman from Missouri asks leave to print in the RECORD the minority views indicated. Is there objection? [After a pause.] The Chair hears none.

The following is the matter referred to:

[House Report 1218, Part 2, Fifty-third Congress, second session.]

SECTION 40, REVISED STATUTES.

July 13, 1894.—Referred to the House Calendar and ordered to be printed. Mr. DE ARMOND, from the Committee on the Judiciary, submitted the following views of the minority [to accompany H. R. 7274]:

A majority of a quorum of the Committee on the Judiciary have reported to the House with a favorable recommendation the bill (H. R. 7274) to repeal section 40 of the Revised Statutes of the United States, and the undersigned, members of the committee, being unable to concur in the conclusion of those who favor the repeal of said section, very respectfully submit some of the views upon which they rest their dissent.

Section 40 of the Revised Statutes is as follows:

"SEC. 40. The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family."

The purpose of this provision of the law is so clearly apparent from a reading of the section itself that nothing is left for explanation or interpretation. Section 40 rests upon the proposition that Members of Congress are paid for attendance upon the sessions of the body to which they respectively belong, and for a discharge of their representative duties. Whenever, on account of sickness of himself or of a member of his family, a Congressman is absent from his post of duty in the House of which he is a Member, the law, as a matter of grace rather than of right, permits him to draw his salary, without diminution on account of his absence. But when absent otherwise than on account of sickness of himself or of some member of his family, the law requires a surrender of the compensation to which the Congressman would be entitled if present, discharging his public duties as a Senator or Member of the House. We do not see how this provision of the law can be challenged as lacking in justice or propriety. If a Member of Congress chooses to neglect his public duties to attend to private business or for personal recreation and enjoyment, there does not seem to be any injustice in requiring him to forfeit the salary which he might earn and might be entitled to, but which he prefers not to earn, and to which he certainly is not entitled.

It is known to all the Members of the House, as well as to the general reading public, that it was deemed necessary some months since to require the Sergeant-at-Arms of the House to enforce the law as contained in section 40, in order to insure the attendance of a quorum of the Members of the House, and thus prevent unreasonable and inexcusable delay in the transaction of the public business. Hardly had the enforcement of the law fairly begun until certain Members made the valuable discovery, as they thought, that this section had been repealed by implication, and that, therefore, no law exists for withholding from absent Members a part of the salary, to the whole of which those present and discharging legislative duties are entitled. When the bill providing for the legislative, executive, and judicial expenses of the Government was under consideration in the House, an amendment was adopted in the Committee of the Whole (where there is no roll call, and where Members can vote as they please without making a record upon which responsibility for their votes can be fixed), as follows:

"And it is hereby declared that section 6 of the act approved August 16, 1856, and section 40 of the Revised Statutes, have been heretofore repealed."

But when the yea-and-nay vote was taken upon this amendment in the House, on the 24th of last May, the amendment was rejected by a vote of 104 yeas to 128 nays. The record of this vote is found on page 6230 of the CONGRESSIONAL RECORD, of date May 25, 1894. Reference to it will satisfy anyone that the vote was practically a party vote. All the Republicans who voted upon the proposition voted in the affirmative to sustain the declaration that section 40 had been theretofore repealed, and nearly all the Democrats voting voted in the negative, thereby declaring, as the Committee on the Judiciary had reported, that the section had not been repealed, but remains in force. The correctness of the decision of the House, recorded on page 6230 of the RECORD, is fully and formally recognized in this bill now under consideration to repeal section 40, reported by the approving votes of those members of the Judiciary Committee who heretofore solemnly and at length advised the House that section 40 had already been repealed.

As before stated, the majority party in the House determined to insist upon the enforcement of the law as found in section 40, and as the result of that determination the law has been enforced for some time. The good results flowing from its enforcement are found, in part, in the larger average attendance of the Members upon the sessions of the House and in the more rapid consideration and dispatch of business in the House. It is believed by the undersigned that the reason and occasion for the observance and enforcement of the law is quite as great now as when this famous section was brought from the realm of disregarded laws, to which, possibly, the interest of Members of Congress and the complacency of officials of their creation had consigned it for the benefit of Congressmen and to the injury of their constituents. The present session, it is hoped, is nearing its end, and it seems to us that it would be folly in the majority—to employ no harsher or more expressive term—to deprive the House of this valuable and legitimate agency for maintaining a quorum. We believe that if this section be repealed, so that Members who choose to do so may absent themselves at will without forfeiting any portion of their salary on account of such absence, the House will often be without a quorum and therefore powerless to do business when there is the greatest occasion for dispatching business promptly. It is not to be wondered that the Republican minority are ready and eager to repeal a law which they so long disregarded, for they are not responsible at this time for the transaction in the House of the public business. That responsibility rests upon the Democratic party, having a majority of the Members of the House. This section can not be repealed, or its efficiency destroyed by amendment in the interest of absentee Members of Congress, unless a considerable number of Democrats join with the compact body of Republicans in Congress to repeal it or render it worthless.

In the report which recommends the repeal of this section 40, it is suggested that many Members evade the law by falsely assigning sickness as the cause for absence from the House. Without pausing to speculate upon this suggestion, and without knowing whether there are or are not sufficient facts to warrant it, we content ourselves with the observation that if Members are taking unearned money from the Treasury by a sacrifice of veracity and a violation of law, the cure for so gross an evil should be found in a more rigid enforcement of the law rather than in its repeal. And we are constrained to remark that if such disregard of truthfulness and violation of law may justly be imputed to any considerable number of Members of the House, it is much to be regretted that the Sergeant-at-Arms of the House and other custodians of the certificates of the several Members, upon which their salaries are drawn monthly, have seen fit to regard such statements as confidential, and have thus far failed to communicate them to the House and denied them to the public. A Member's statement, upon which his monthly allowance of salary is certified and paid, is in no sense a privileged communication or document, and in justice to him, if his statement is an honest one, and in justice to all the people of the United States, if it is dishonest, the statement should be made public. We believe that in this unauthorized and indefensible secrecy is found the basis for suggestions, whether true or false, that Members are drawing salaries to which they are not entitled, upon statements of which they should and, perhaps, would be ashamed. Whatever the facts may be, those facts ought to be made public, for the protection and justification of the innocent, as well as for the detection and condemnation of the guilty, if any.

We suppose no one will pretend that there is anywhere in the country, among any class of the people represented upon the floor of the House, a sentiment in favor of the repeal, or practical nullification by amendment, of this section 40. The legislation proposed in this repeal bill, as well as other legislation suggested to indirectly destroy this section, is in the interest of Congressmen, and in the interest of no other persons whatsoever. It seems a little strange, and is a symptom of which the people, we believe, will take note, that when employment is not easily secured by those willing to work, and when wages, in many instances, are insufficient, some Members of Congress will interest themselves to a greater extent in endeavors to obtain for themselves salaries which they have not earned but have voluntarily refrained from earning, than in efforts, by speedy, practical legislation, to lighten the burdens and better the condition of the masses of their constituents. Thus far the Democratic party has not lent itself, in committee or in the House, to efforts to enable Congressmen or others to filch from the Treasury money of their constituents to which they have neither moral nor legal right. It is hoped that the House, in passing upon the bill to repeal section 40, will regard the good of the public rather than the private, selfish interests of Senators and Representatives in Congress.

Too many Members are away regularly and generally, though they visit the House occasionally. We do not believe they should have the same pay as other Members who lay aside private business, and deny themselves the attractions of the seashore and of mountain resorts, in order that they may be in the House, as a proper discharge of their duties require. Nor do we believe the present or other session should be prolonged at the expense of the public, to the inconvenience of the faithful, and for the benefit of delinquent Members. So long as the philosophy that "the laborer is worthy of his hire" holds good, section 40, or something practically equivalent to it, may well have a place in the law and be enforced, without apology or concealment.

DAVID A. DE ARMOND.
JOSEPH W. BAILEY.
EDWARD LANE.
F. C. LAYTON.
W. L. TERRY.

I join in the foregoing as far as to say that section 40 ought not to be repealed.

T. R. STOCKDALE.

Mr. SMITH of Iowa. Mr. Chairman, I am satisfied that the consideration of the Army bill and the deficiency bill immediately following it has resulted in arousing a great deal of the combative character of Members, and in this moment of peace I would not ask the House to return to the consideration of this to-day, and therefore I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 23821, the fortifications appropriation bill, and had come to no resolution thereon.

REVISION OF LAWS.

Mr. SMYSER. Mr. Speaker, on behalf of Mr. MOON of Pennsylvania, from the Joint Committee on Revision of the Laws, I submit the following bill and report.

The SPEAKER. The gentleman from Ohio, from the Joint Committee on Revision of the Laws, submitted a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 23946) to revise, codify, and amend the penal laws of the United States.

The SPEAKER. Referred to the House Calendar.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 27 minutes) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of appropriation for quarantine station at Pensacola, Fla.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of appropriation for payment of a judgment in favor of Francisco R. Cruz—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, with a copy of a letter from the Attorney-General, a list of judgments rendered against the United States in circuit and district courts of the United States—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmiting a copy of a letter from the Secretary of the Interior submitting an amended estimate of appropriation for maintenance of Howard University—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the President of the Spanish Treaty Claims Commission submitting an estimate of appropriation for award in favor of Peter Duarte—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of appropriation for completion of public buildings at quarantine station, Portland, Me.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, submitting a report of the amount and postage rates on mail matter sent out from the War Department under the penalty provisions from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the secretary and treasurer of Howard University, submitting a statement of the amount and rates of postage of mail matter sent out by the institution under the penalty provisions from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Postmaster-General submitting recommendation for legislation relative to the bequest of Dr. Charles F. Macdonald—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Margaret A. Proctor, administratrix of estate of Samuel K. Proctor, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of Agriculture, submitting report of the weight and postage rate of mail matter entered at the Washington city post-office from his Department under the penalty provision from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary E. Martin, widow (remarried) of Samson M. Archer, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William A. Attersall against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martha A. Mullery, widow of James W. Mullery, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin R. Waller against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin F. Lutman against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lucius E. Gould, Abby E. Allison, and Mary I. Todd, children of Ebenezer Gould, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George W. Northup against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John W. Robbins against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles H. Simmons against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary Speak, widow of Jesse C. Speak, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Ashworth and Adam I. Ashworth, heirs of estate of James Ashworth, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hiram F. Lyke against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John F. Wells against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Abram Treadwell against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William J. Worthington against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill of the following title was reported from Committee, delivered to the Clerk, and referred to the Calendar therein named, as follows:

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21567) extending time for making final proof in desert-land entries, reported the same without amendment, accompanied by a report (No. 6202); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2294) granting a pension to John J. Berger, reported the same with amendment, accompanied by a report (No. 6122); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9673) granting a pension to Oliver H. Griffin, reported the same with amendment, accompanied by a report (No. 6123); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14046) granting a pension to Jimison F. Skeens, reported the same with amendment, accompanied by a report (No. 6124); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14983) granting an increase of pension

to R. T. D. Zimmerman, reported the same with amendment, accompanied by a report (No. 6125); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15860) granting an increase of pension to Sarah C. Morris, reported the same with amendment, accompanied by a report (No. 6126); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17484) granting an increase of pension to John E. Gillispie, alias John G. Elliott, reported the same without amendment, accompanied by a report (No. 6127); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17988) granting a pension to Edward G. Hausen, reported the same with amendment, accompanied by a report (No. 6128); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19263) granting an increase of pension to John Ingram, reported the same with amendment, accompanied by a report (No. 6129); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19271) granting an increase of pension to Joseph J. Branyan, reported the same with amendment, accompanied by a report (No. 6130); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19384) granting an increase of pension to Susan E. Hernandez, reported the same with amendment, accompanied by a report (No. 6131); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19385) granting an increase of pension to Agnes E. Calvert, reported the same with amendment, accompanied by a report (No. 6132); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19628) granting an increase of pension to Elizabeth Mooney, reported the same with amendment, accompanied by a report (No. 6133); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19869) granting an increase of pension to John E. Bowles, reported the same with amendment, accompanied by a report (No. 6134); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19994) granting a pension to Kitty M. Lane, reported the same with amendment, accompanied by a report (No. 6135); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20079) granting an increase of pension to Richard F. Barret, reported the same with amendment, accompanied by a report (No. 6136); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20291) granting an increase of pension to Emma F. Buchanan, reported the same with amendment, accompanied by a report (No. 6137); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20356) granting an increase of pension to Mary T. Mathis, reported the same with amendment, accompanied by a report (No. 6138); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20581) granting an increase of pension to Nettie G. Kruger, reported the same with amendment, accompanied by a report (No. 6139); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20605) granting a pension to Mary E. P. Barr, reported the same without amendment, accompanied by a report (No. 6140); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21033) granting an increase of pension to William P. Huff, reported the same with amendment, accompanied by a report (No. 6141); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21043) granting a pension to Robert J. Dewey, reported the same with amendment, accompanied by a report (No. 6142); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21046) granting a pension to Jesse Harral, reported the same with amendment, accompanied by a report (No. 6143); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21047) granting an increase of pension to Jesse J. Melton, reported the same with amendment, accompanied by a report (No. 6144); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21274) granting an increase of pension to Jeremiah Buffington, reported the same with amendment, accompanied by a report (No. 6145); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21279) granting an increase of pension to Martin Heiler, reported the same with amendment, accompanied by a report (No. 6146); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21322) granting an increase of pension to Elizabeth Wilson, reported the same with amendment, accompanied by a report (No. 6147); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21432) granting an increase of pension to Benjamin Bragg, reported the same without amendment, accompanied by a report (No. 6148); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21470) granting an increase of pension to Mary R. Carroll, reported the same with amendment, accompanied by a report (No. 6149); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21471) granting an increase of pension to Adaline H. Malone, reported the same with amendment, accompanied by a report (No. 6150); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21472) granting an increase of pension to Wiley H. Jackson, reported the same with amendment, accompanied by a report (No. 6151); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21481) granting an increase of pension to Lucy Cole, reported the same with amendment, accompanied by a report (No. 6152); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21496) granting an increase of pension to Samuel B. Davis, reported the same with amendment, accompanied by a report (No. 6153); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21497) granting an increase of pension to Mary E. Hobbs, reported the same with amendment, accompanied by a report (No. 6154); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21529) granting a pension to Charlotte Game, reported the same without amendment, accompanied by a report (No. 6155); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21579) granting a pension to Sarah R. Harrington, reported the same with amendment, accompanied by a report (No. 6156); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21598) granting a pension to Roy L. Jones, reported the same with amendment, accompanied by a report (No. 6157); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21606) granting an increase of pension to Felix G. Morrison, reported the

same with amendment, accompanied by a report (No. 6158); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21612) granting an increase of pension to James S. Hart, reported the same with amendment, accompanied by a report (No. 6159); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21761) granting an increase of pension to John Tims, reported the same with amendment, accompanied by a report (No. 6160); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21882) granting an increase of pension to Frank Breazeale, reported the same with amendment, accompanied by a report (No. 6161); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21883) granting an increase of pension to George W. Saunders, reported the same with amendment, accompanied by a report (No. 6162); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21886) granting an increase of pension to John Bryant, reported the same with amendment, accompanied by a report (No. 6163); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21887) granting an increase of pension to James H. Hayman, reported the same with amendment, accompanied by a report (No. 6164); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21888) granting an increase of pension to Andrew Canova, reported the same with amendment, accompanied by a report (No. 6165); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22024) granting an increase of pension to Eldrige Underwood, reported the same with amendment, accompanied by a report (No. 6166); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22073) granting an increase of pension to Eliza M. Scott, reported the same with amendment, accompanied by a report (No. 6167); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22241) granting an increase of pension to Stephen Robinson, reported the same with amendment, accompanied by a report (No. 6168); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22243) granting an increase of pension to James W. Campbell, reported the same with amendment, accompanied by a report (No. 6169); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22264) granting an increase of pension to Sibby Barnhill, reported the same with amendment, accompanied by a report (No. 6170); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22265) granting an increase of pension to Elizabeth Jane Hencher, reported the same with amendment, accompanied by a report (No. 6171); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22266) granting an increase of pension to Delphie Thorne, reported the same without amendment, accompanied by a report (No. 6172); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22306) granting an increase of pension to Louisa Duncan, reported the same with amendment, accompanied by a report (No. 6173); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22310) granting an increase of pension to Mary A. Kerr, reported the same without amendment, accompanied by a report (No. 6174); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22409) granting an increase of pension to Margaret A. McAdoo, reported the same with amendment, accompanied by a report (No. 6175); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22420) granting an increase of pension to Edward Wesley Ward, reported the same with amendment, accompanied by a report (No. 6176); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22422) granting an increase of pension to William J. Johnson, reported the same with amendment, accompanied by a report (No. 6177); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22444) granting an increase of pension to W. O. Anderson, reported the same with amendment, accompanied by a report (No. 6178); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22827) granting an increase of pension to Mary Kirk, reported the same with amendment, accompanied by a report (No. 6179); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22829) granting an increase of pension to George Spalding, reported the same with amendment, accompanied by a report (No. 6180); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22881) granting an increase of pension to Thomas L. Williams, reported the same with amendment, accompanied by a report (No. 6181); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22941) granting an increase of pension to Lucinda Davidson, reported the same with amendment, accompanied by a report (No. 6182); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22993) granting an increase of pension to Emily Hebernia Trabue, reported the same with amendment, accompanied by a report (No. 6183); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23307) granting an increase of pension to Andrew Casey, reported the same with amendment, accompanied by a report (No. 6184); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 5138) granting a pension to Jane Metts, reported the same without amendment, accompanied by a report (No. 6185); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6001) granting an increase of pension to Emily Killian, reported the same without amendment, accompanied by a report (No. 6186); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6230) granting an increase of pension to Nellie Paxton, reported the same without amendment, accompanied by a report (No. 6187); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6266) granting an increase of pension to Paul Baker, reported the same without amendment, accompanied by a report (No. 6188); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6368) granting an increase of pension to Sherrod Hamilton, reported the same without amendment, accompanied by a report (No. 6189); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6538) granting an increase of pension to Betsey A. Hodges, reported the same without amendment, accompanied by a report (No. 6190); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6833) granting an increase of pension to Bettie May Vose, reported the same with amendment, accompanied by a report (No. 6191); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the Senate (S. 6978) granting an increase of pension to Samuel Jackson, reported the same without amendment, accompanied by a report (No. 6192); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 822) granting a pension to Michael V. Hennessy, reported the same with amendment, accompanied by a report (No. 6194); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4510) granting an increase of pension to Rufus C. Allen, reported the same without amendment, accompanied by a report (No. 6195); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4542) granting an increase of pension to Aaron Daniels, reported the same without amendment, accompanied by a report (No. 6196); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4908) granting an increase of pension to William H. Kimball, reported the same with amendment, accompanied by a report (No. 6197); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5001) granting an increase of pension to Louis A. Baird, reported the same with amendment, accompanied by a report (No. 6198); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5041) granting an increase of pension to George A. Tucker, reported the same with amendment, accompanied by a report (No. 6199); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5084) granting a pension to John W. Connell, reported the same without amendment, accompanied by a report (No. 6200); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6367) granting an increase of pension to Joseph Johnston, reported the same without amendment, accompanied by a report (No. 6201); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PUJO: A bill (H. R. 23926) authorizing a survey of Plaquemine Brule Bayou, in Acadia Parish, La.—to the Committee on Rivers and Harbors.

By Mr. MARTIN: A bill (H. R. 23927) excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves"—to the Committee on the Public Lands.

By Mr. BRICK: A bill (H. R. 23928) to incorporate the Hungarian Reformed Federation of America—to the Committee on the Judiciary.

By Mr. BEDE: A bill (H. R. 23929) for the establishment of a light-house on Knife Island, north shore of Lake Superior—to the Committee on Interstate and Foreign Commerce.

By Mr. STANLEY: A bill (H. R. 23930) authorizing a survey of Pond River, Kentucky, and for other purposes—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 23931) authorizing a survey of Tradewater River, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. DE ARMOND: A bill (H. R. 23932) to provide for the marking of rates of tariff duty upon manufactured articles and to fix the punishment for the violation of the provisions thereof—to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama (by request): A bill (H. R. 23933) to authorize the Mobile Railway and Dock Company to dredge a channel from the 30-foot curve on the west side of the deep water in Mobile Bay into Dauphin Island Bay, through Pass Drury—to the Committee on Rivers and Harbors.

By Mr. GREGG: A bill (H. R. 23934) making an appropriation for construction of sea walls and embankments for the protection of the sites of fortification works for the defense of Galveston, Tex.—to the Committee on Appropriations.

By Mr. LEE: A bill (H. R. 23935) to provide for a public building in the city of Cedartown, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23936) to provide for the erection of a public building in the city of Cartersville, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. COOPER of Wisconsin: A bill (H. R. 23937) to provide for the establishment of an agricultural bank in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. MOORE of Texas: A bill (H. R. 23938) to establish a subtreasury at Houston, Tex.—to the Committee on Ways and Means.

By Mr. CRUMPACKER: A bill (H. R. 23939) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Maine: A bill (H. R. 23940) for the extension of Albemarle street, NW., District of Columbia—to the Committee on the District of Columbia.

By Mr. BABCOCK: A bill (H. R. 23941) to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia"—to the Committee on the District of Columbia.

By Mr. PEARRE: A bill (H. R. 23942) for the erection of a public building at Rockville, Md.—to the Committee on Public Buildings and Grounds.

By Mr. OVERSTREET of Georgia: A bill (H. R. 23943) to provide for the purchase of additional ground at Savannah, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. GREGG: A bill (H. R. 23944) to establish a subtreasury at Galveston, Tex.—to the Committee on Ways and Means.

By Mr. AIKEN: A bill (H. R. 23945) to abolish the Spanish Treaty Claims Commission and transfer its jurisdiction to the Court of Claims—to the Committee on the Judiciary.

By Mr. MOON of Pennsylvania, from the Joint Committee on Revision of the Laws: A bill (H. R. 23946) to revise, codify, and amend the penal laws of the United States—to the House Calendar.

By Mr. CALDER: A bill (H. R. 23947) to provide for the flagging of the sidewalk in front of the navy-yard at Brooklyn, N. Y.—to the Committee on Naval Affairs.

By Mr. MADDEN: A resolution (H. Res. 739) requesting certain information from the Postmaster-General—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY: A resolution (H. Res. 741) providing for an investigation as to discrimination and arrests of officials and employees of the Baltimore and Ohio Railroad Company in connection with the Terra Cotta disaster—to the Committee on Rules.

By Mr. ROBINSON of Arkansas: A resolution (H. Res. 742) requesting certain information from the President of the United States concerning a letter addressed to Thomas E. Drake, superintendent of insurance for the District of Columbia—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 23948) granting an increase of pension to Edward N. Havens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23949) granting leave to the executors or administrators of the estate of Isadore Termini, deceased, to commence an action against the United States of America for the alleged wrongful act in causing his death—to the Committee on the Judiciary.

By Mr. ANDRUS: A bill (H. R. 23950) granting a pension to Mary Elizabeth McCann—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 23951) granting an increase of pension to Hiram Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23952) granting an increase of pension to Hiram N. Wallace—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 23953) granting a pension to William J. Shedd—to the Committee on Pensions.

Also, a bill (H. R. 23954) granting a pension to Sarah L. Bowen—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 23955) granting an increase of pension to Faris McFarland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23956) granting an increase of pension to William Applegate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23957) granting an increase of pension to John Heinricks—to the Committee on Pensions.

Also, a bill (H. R. 23958) granting an increase of pension to Thomas W. Parsons—to the Committee on Pensions.

Also, a bill (H. R. 23959) granting an increase of pension to Henry R. Snapp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23960) granting an increase of pension to Delmore Daulton—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 23961) granting an increase of pension to Oscar N. Cowell—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 23962) granting an increase of pension to Peter Selner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23963) granting an increase of pension to Jesse Dell—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 23964) granting an increase of pension to James D. Bartholomew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23965) granting an increase of pension to Charles Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23966) granting an increase of pension to Hugh Stevenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23967) granting an increase of pension to Henry Hill—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 23968) granting an increase of pension to Alexander McWhorter—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 23969) granting an increase of pension to William Morson—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 23970) granting a pension to James Megher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23971) granting an increase of pension to Mary E. C. Butler—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 23972) granting a pension to Keziah C. Woods—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 23973) granting an increase of pension to Henry L. Reger—to the Committee on Pensions.

By Mr. CUSHMAN: A bill (H. R. 23974) granting an increase of pension to John P. Bennett—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 23975) granting an increase of pension to William H. Watson—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 23976) granting an increase of pension to Henry J. Remington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23977) granting an increase of pension to James Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23978) granting an increase of pension to Alexander Herrin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23979) granting an increase of pension to William Powers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23980) granting an increase of pension to Russell B. Hollingsworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23981) granting an increase of pension to Sarah Elizabeth Fuller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23982) granting an increase of pension to Thomas A. Seed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23983) granting an increase of pension to Elisha R. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23984) granting an increase of pension to Jacob Miller—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 23985) granting an increase of pension to Jeremiah McIntosh—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 23986) granting an increase of pension to Henry Perry—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 23987) granting an increase of pension to Lucy Scott West—to the Committee on Pensions.

By Mr. FLOYD: A bill (H. R. 23988) to authorize a patent to be issued to Martha Sanders, widow of Levi B. Sanders, for certain lands therein described—to the Committee on the Public Lands.

By Mr. GOULDEN: A bill (H. R. 23989) for the relief of Harvey B. Denison—to the Committee on Military Affairs.

By Mr. GRANGER: A bill (H. R. 23990) granting an increase of pension to Thomas Rice—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 23991) granting an increase of pension to Nathaniel T. Carrington—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 23992) for the relief of the estate of William R. Poole, deceased—to the Committee on War Claims.

By Mr. HOWELL of Utah: A bill (H. R. 23993) for the relief of Harry A. Young—to the Committee on Military Affairs.

Also, a bill (H. R. 23994) granting an increase of pension to William Q. Anderson—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 23995) granting a pension to Timothy B. Sprague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23996) granting a pension to Stella Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23997) granting an increase of pension to Michael M. Field—to the Committee on Pensions.

Also, a bill (H. R. 23998) granting an increase of pension to John J. Shea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23999) granting an increase of pension to John F. Gough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24000) granting an increase of pension to Mary Holle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24001) granting an increase of pension to Isabella A. Bowdlear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24002) granting an increase of pension to Michael F. Gilrain—to the Committee on Pensions.

Also, a bill (H. R. 24003) granting an increase of pension to Nora Burke—to the Committee on Pensions.

Also, a bill (H. R. 24004) granting an increase of pension to Margaret Drum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24005) granting an increase of pension to James Farus—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 24006) granting an increase of pension to Augustus Shiery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24007) granting an increase of pension to James M. Deiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24008) granting an increase of pension to Augustus Ritter—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 24009) granting an increase of pension to Calvin J. Ripley—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 24010) granting a pension to Charles F. Pereira—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 24011) for the relief of the estate of Aleck Baswell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24012) for the relief of the estate of Gunther Peters—to the Committee on War Claims.

Also, a bill (H. R. 24013) for the relief of the estate of Nancy Cates, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24014) for the relief of the estate of William B. Quinn, deceased—to the Committee on War Claims.

By Mr. LILLEY of Connecticut: A bill (H. R. 24015) granting a pension to Aaron C. Sanford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24016) granting a pension to Joanna Gloster—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 24017) granting an increase of pension to Timothy Hanlon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24018) granting an increase of pension to John Adams Miller—to the Committee on Pensions.

Also, a bill (H. R. 24019) granting an increase of pension to John Brown—to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 24020) to carry out the findings of the Court of Claims in the case of Richard D. Lamb for himself and, as administrator of Ira M. Lamb, heirs of Ira M. Lamb and Caroline, his wife—to the Committee on War Claims.

By Mr. MADDEN: A bill (H. R. 24021) granting an increase of pension to John Ampey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24022) to correct the military record of Morris H. Walker—to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 24023) granting an increase of pension to Joseph N. Clark—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24024) for the relief of the estates of W. M. Purcell and Martha Purcell, deceased—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: A bill (H. R. 24025) granting an increase of pension to Nehemiah Tindall—to the Committee on Pensions.

Also, a bill (H. R. 24026) for the relief of the heirs of Dr. John W. Kirk, deceased—to the Committee on War Claims.

By Mr. REYNOLDS: A bill (H. R. 24027) granting a pension to Jonathan Derno—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24028) granting a pension to George H. Boney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24029) granting an increase of pension to Jacob A. Glass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24030) granting an increase of pension to Andrew J. Foor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24031) granting an increase of pension to John Downey—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 24032) for the relief of E. Scott Arrington—to the Committee on Claims.

By Mr. SHARTEL: A bill (H. R. 24033) to carry out the findings of the Court of Claims in the case of Abram Jones—to the Committee on Claims.

By Mr. SHEPPARD: A bill (H. R. 24034) granting an increase of pension to Mary I. Banta—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 24035) granting a pension to Mary A. Whitcomb—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 24036) granting an increase of pension to James B. Lyon—to the Committee on Invalid Pensions.

By Mr. SMYSER: A bill (H. R. 24037) granting an increase of pension to Theodore Teeple—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 24038) granting an increase of pension to Julia Bourdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24039) granting an increase of pension to Joseph Bogart—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 24040) granting an increase of pension to Joseph A. Harkins—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 24041) granting an increase of pension to S. F. South—to the Committee on Pensions.

By Mr. WATSON: A bill (H. R. 24042) relating to a plaster model of an equestrian statue of Gen. John A. Rawlins—to the Committee on Appropriations.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which was thereupon referred as follows:

A bill (H. R. 8912) granting a pension to Anson Greenwood—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BANNON: Petitions of Gallia Council, No. 114, Daughters of America, and Kyzer Council, No. 154, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BARCHFELD: Petitions of citizens of Alvarado, Tex.; Adams County, Ohio; Lebanon, Mo., and Allegheny, Pa., against bill S. 5221, relative to practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: Petition of New Immigrants' Protective League, against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Cynthia M. Bryon—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Levinfield Stanley—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of John Heinricks—to the Committee on Invalid Pensions.

Also, petition of Big Sandy News, Louisa, Ky., against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Delmore Daulton—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of W. P. Adkins—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of Henry R. Snapp, Carl F. Reickert, and Faris McFarlane—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George Ingram—to the Committee on Military Affairs.

By Mr. BIRDSALL: Petition of citizens of Hampton and Waverly, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROOKS of Colorado: Petitions of the Herald Printing Company, the Victor Daily Record, and the Daily Oklahoman, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Colorado Springs, Colo., for free-art legislation in accordance with bill H. R. 15268—to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: Petitions of General Putnam Council, No. 61, Daughters of Liberty; Saratoga Council, No. 262; Bainbridge Council, No. 128, and Aleguippa Council, No. 567, Junior Order United American Mechanics; Golden Rule Council, No. 32, and Lucy Webb Hayes Council, No. 35, Daughters of Liberty; and General Putnam Council, No. 125, and Sherwood Council, No. 160, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the New York State Pharmaceutical Association, for increased efficiency of the Medical Department of the United States Army—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of George W. Stormer—to the Committee on Invalid Pensions.

Also, petition of Laughlin Lodge, No. 633, Brotherhood of Locomotive Firemen, of Pittsburg, Pa., indorsing the Merchant Marine Commission's shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Colloynium Club, of Pittsburg, Pa., for repeal of the duty on works of art—to the Committee on Ways and Means.

Also, petition of the New Era Club of Western Pennsylvania, of Pittsburg, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. BURLEIGH: Papers to accompany bills for relief of Michael Andrews, jr., Hollis M. Payson, and Ripley C. Whitcomb—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: Petition of the Hiawathas, of Cleveland, Ohio, for the enactment of bill H. R. 17949, for maintenance of the Betsy Ross House, Philadelphia—to the Committee on Appropriations.

Also, paper to accompany bill for relief of James J. Erwin—to the Committee on War Claims.

By Mr. BUTLER of Pennsylvania: Petition of citizens of Haverford, Pa., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Keziah C. Wood—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of the Seamen's Union of America, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of American artists, for free art and against duty on art works—to the Committee on Ways and Means.

By Mr. FLOYD: Paper to accompany bill for relief of Graham Williams—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of J. W. Richardson & Son, for an amendment to the interstate-commerce law permitting contracts to exchange advertising for transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cincinnati ex-prisoners of war, for the Dalzell bill to pension Union ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of the Mission Promotion Association of San Francisco, for removal of the duty on building material for rebuilding of said city—to the Committee on Ways and Means.

By Mr. HARDWICK: Paper to accompany bill for relief of Charles Blaeker—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of officers of the Navy in the civil war and the Spanish war, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. HILL of Connecticut: Petition of the Evening Sentinel, of South Norwalk, and Eaton & Mains, of New York City, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOUSTON: Paper to accompany bill for relief of William Truett—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of residents of Hamilton, N. J., for the McCumber-Sperry-Tirrell bill—to the Committee on Alcoholic Liquor Traffic.

Also, paper to accompany bill for relief of Mary H. Patterson—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of the Spanish War Veterans of San Francisco, Cal., for repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. KELIHER: Petition of governors of New England States and prominent business houses, for establishment of eastern forest reservation—to the Committee on Agriculture.

Also, petition of the State board of agriculture of Massachusetts, for a more liberal appropriation for the suppression of the gipsy and brown-tail moths—to the Committee on Agriculture.

Also, petition of the State Camp of New Mexico, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Boston Marine Society, for bill S. 528 (the subsidy shipping bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. KLINE: Paper to accompany bill for relief of Augustus Shiery—to the Committee on Invalid Pensions.

Also, petitions of the Reading (Pa.) Telegram and the Welt Bote and Frieden's Bote, of Allentown, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of Benton Freeman—to the Committee on War Claims.

By Mr. LILLEY: Papers to accompany bills for relief of Aaron C. Sanford and Joanna Gloster—to the Committee on Invalid Pensions.

By Mr. McCARTHY: Petitions of the Omaha Commercial Club and the Omaha Grain Exchange, for an appropriation for improvement of Missouri River near Omaha—to the Committee on Rivers and Harbors.

By Mr. McKINLAY of California: Petition of Veterans of the Civil and Spanish Wars, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. McKINNEY: Paper to accompany bill for relief of Clarence A. McIntosh—to the Committee on War Claims.

By Mr. MARTIN: Petition of citizens of Deadwood, S. Dak., for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of citizens of Cascade Springs, S. Dak., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOORE: Paper to accompany bill for relief of Jacob B. Haslam—to the Committee on Invalid Pensions.

By Mr. MOUSER: Petition of the Daily Register, Sandusky, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of R. J. Kistner Council, No. 3, of Fostoria, Ohio; Bucyrus Council, No. 184; Seneca Council, No. 58; Wyandot Council, No. 95, and Sycamore Council, No. 333, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. NORRIS: Paper to accompany bill for relief of Benjamin J. McConnell—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of heirs of Dr. John W. Kirk—to the Committee on War Claims.

Also, paper to accompany bill for relief of Nehemiah Tindall—to the Committee on Pensions.

By Mr. PEARRE: Petition of the Brotherhood of St. Paul of the First Methodist Episcopal Church of Baltimore, Md., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. RAINEY: Petition of citizens of Arenzville, Ill., for an appropriation for deepening the channels of the Illinois and Mississippi rivers—to the Committee on Rivers and Harbors.

Also, petition of citizens of Calhoun County, Ill., for a deep waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors.

By Mr. REYNOLDS: Papers to accompany bills for relief of the widow of Joseph S. Bussard, Daniel Lamberton, Jacob Glass, Jonathan Derno, Capt. John Downey, George H. Boney, and Andrew J. Foor—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: Petition of R. W. Dunway et al., for an appropriation of $50,000,000 for improvement of waterways—to the Committee on Rivers and Harbors.

Also, petition of S. A. Miller et al. and citizens of Arkansas, against the Dillingham-Gardner immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of A. J. Walls, of Lonoke, Ark; D. E. Baker et al., and T. W. Abbott et al., for cotton demonstration work—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Walter C. Hudson—to the Committee on War Claims.

By Mr. SHEPPARD: Petitions of citizens of Clarksdale, Tex.; Sterrett, Ind. T.; Petty, Tex., and Hugo, Ind. T., for an appropriation for improvements in the upper Red River—to the Committee on Rivers and Harbors.

By Mr. TAYLOR of Ohio: Paper to accompany bill for relief of Washington Kurtzman—to the Committee on War Claims.

By Mr. ZENOR: Paper to accompany bill for relief of Hiram G. McLemore—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *January 11, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when (on request of Mr. KEAN, and by unanimous consent) the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

AGRICULTURAL DEPARTMENT MAIL MATTER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a record of mail matter entered at the Washington City post-office under the penalty privilege by the Department of Agriculture; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

GEORGETOWN BARGE, DOCK AND ELEVATOR RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown Barge, Dock and Elevator Railway Company for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Harry N. Stearns, administrator of Francis Josselyn, deceased, *v.* The United States;

In the cause of Adelaide B. Lindenberger *v.* The United States; and

In the cause of James Boro and Mary Boro, heirs of James Boro, deceased, *v.* The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by the Catholic Federation of Cleveland, Ohio, relative to the treatment by the Republic of France of Catholics in that country; which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation to revise the public-land laws of the United States; which was referred to the Committee on Public Lands.

He also presented a petition of the National Business League of Chicago, Ill., praying for a reorganization of the consular service of the United States; which was referred to the Committee on Foreign Relations.

Mr. FRYE presented a petition of the congregation of the Friends Church of Winthrop Center, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Medical Society of the District of Columbia, of Washington, D. C., praying for the enactment of legislation providing for the reclamation of Anacostia Flats in that District; which was referred to the Committee on the District of Columbia.

Mr. KEAN presented memorials of sundry citizens of Trenton, Jersey City Heights, Elizabeth, Bridgeton, Washington, and Gloucester County, all in the State of New Jersey, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented the petition of Rev. John E. Parmly, of Atlantic Highlands, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of the New Jersey State Federation of Women's Clubs, praying for the enactment of legislation to regulate child labor in the District of Columbia; which was ordered to lie on the table.

Mr. PERKINS presented a petition of the Farmers' Institute of Glendora, Cal., praying for the enactment of legislation for the protection of animals, birds, and fish in the forest reserves of California; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented memorials of sundry citizens of Los Angeles, Cal., remonstrating against the enactment of legislation requir-

ing certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. McENERY presented sundry papers to accompany the bill (S. 4659) for the relief of the heirs of John Schwartzenburg, sr., deceased; which were referred to the Committee on Claims.

Mr. TALIAFERRO presented a petition of the Ministers' Alliance of Jacksonville, Fla., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. FLINT presented memorials of sundry citizens of Los Angeles, San Bernardino, Riverside, Orange, and San Diego counties, all in the State of California, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. DILLINGHAM presented a memorial of the librarian of the Fletcher Free Library, of Burlington, Vt., and a memorial of the librarian of the St. Johnsbury Athenæum Library, of St. Johnsbury, Vt., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which were referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Winhall, Vt., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. FULTON presented a petition of sundry citizens of Elgin, Oreg., praying for the enactment of legislation authorizing the transmission through the mails, free of postage, of matter to be used by the blind; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented sundry memorials of citizens of Pueblo, Colo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the chamber of commerce of Colorado Springs, Colo., praying for the enactment of legislation to increase the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Building Laborers' International Union No. 1, of the Machinists' Local Union, of the Commercial Telegraphers' Union of America, of Local Union No. 1, of Columbine Local Union, No. 451, and of Cigar Makers' Local Union, No. 129, all of the American Federation of Labor, of Denver, Colo., praying for a modification of the present Chinese-exclusion law so as to include Japanese and Koreans; which were referred to the Committee on Immigration.

Mr. DEPEW (for Mr. PLATT) presented a memorial of sundry citizens of Watertown, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of Onondaga Lodge, No. 705, Brotherhood of Railroad Trainmen, of Syracuse, N. Y., praying for the passage of the so-called "employers' liability bill;" which was ordered to lie on the table.

Mr. PROCTOR presented a petition of the Progressive Club of Women, of Rutland, Vt., and a petition of the legislative committee of the General Federation of Women's Clubs, of Rutland, Vt., praying that an appropriation be made for a scientific investigation into the conditions of woman and child workers in the United States; which were referred to the Committee on Education and Labor.

Mr. CLAPP (for Mr. GAMBLE) presented an affidavit to accompany the bill (S. 6619) granting a pension to Betsey Anderson; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10843) authorizing the extension of Kenyon street NW.;

A bill (H. R. 128) for the opening of a connecting highway between Waterside drive and Park road, District of Columbia;

A bill (H. R. 121) authorizing the extension of Seventeenth street NW.;

A bill (H. R. 8435) for the opening of Fessenden street NW., District of Columbia;

A bill (H. R. 14815) for the extension of Harvard street, Columbia Heights, District of Columbia; and

A bill (H. R. 14900) to extend Fourth street NE.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (S. 1566) for the relief of Isaiah Heylin McDonald, reported it without amendment, and submitted a report thereon.

ELEVATOR, GRAIN BUYING AND FORWARDING BUSINESS.

Mr. WHYTE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. McCUMBER December 5, 1906, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate and House of Representatives 3,000 copies of the testimony taken in the investigation, pursuant to Senate resolution of June 25, 1906, directing the Interstate Commerce Commission to make a thorough investigation of the elevator and grain buying and forwarding business of this country to determine to what extent special favors have been granted to them by railroad companies; the influence which the alleged monopolizing of this branch of business has had upon the market; the injury it has worked to the grain producers; the extent to which the railroads, their officers, directors, stockholders, and employees own or control the grain-buying and grain-forwarding companies, and the manner in which these railroads, their officers, directors, stockholders, and employees secured holdings, if any, in these grain buying, storing, and forwarding companies, and to report the same to the Congress at its next session; 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.

PRESIDENT'S MESSAGE ON PANAMA CANAL.

Mr. WHYTE. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 214) to provide for the printing of 16,000 copies of Senate Document numbered 144, Fifty-ninth Congress, second session, to report it favorably without amendment, and I submit a report thereon. I ask that the joint resolution may be considered immediately.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides for printing 16,000 copies of the special message of the President of the United States concerning the Panama Canal, to be accompanied by a map to be prepared under the direction of the Joint Committee on Printing, 5,000 copies for the use of the Senate, and 11,000 copies for the use of the House of Representatives, to be distributed through the folding room.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH NALLY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by him on the 10th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Elizabeth Nally, widow of Dennis Nally, late a laborer in the employ of the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expense and all other allowances.

ELECTRIC RAILWAY AT VICKSBURG, MISS.

Mr. OVERMAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 14811) to authorize George T. Houston and Frank B. Houston to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss., to report it favorably without amendment, and I submit a report thereon.

Mr. MONEY. I ask unanimous consent for the present consideration of that measure.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That permission is hereby given to George T. Houston and Frank B. Houston, their associates, successors, and assigns, to erect, construct, operate, and maintain an electric railway over and along the national cemetery road at Vicksburg, Miss., from said city of Vicksburg northward to the northern boundary of the Government right of way for said road: *Provided*, That a minimum width of 30 feet of the roadway, over and above that used by the railway tracks, be left all along said road for a driveway, sidewalk, and gutters; that the licensees, their associates, successors, and assigns, shall repair all damage done to the Government roadway by the construction of their line of railway, and shall maintain their railway and said roadway within the tracks and for 2 feet on each side of the tracks in proper state of repair thereafter: *And provided further*, That said electric railway shall be constructed, operated, and maintained according to plans and specifications to be submitted to and approved by the Secretary of War, and under such regulations as may be prescribed by him.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BURKETT. Mr. President, I do not want to object to the consideration of the bill, but I should like to have some explanation of it.

Mr. MONEY. If the Senator will permit me a moment, this is a bill to facilitate passage to and from the most beautiful cemetery perhaps which the National Government owns, and one of the greatest military parks. The bill was drawn in the office of the Secretary of War and has been approved by the Department officials and the cemetery people and everybody. I hope the Senator will not object to it. It passed the House, and it has been reported unanimously by the committee. It has been viséed by everyone concerned, and there is no objection found to it.

Mr. BURKETT. I have not had occasion to look the matter up at all, but I know that around the national cemeteries and parks the Government has secured in the past, for purposes which have been apparent, roads leading to them, and it has always been very careful to guard the approaches to the cemeteries.

Mr. MONEY. This bill was prepared in the office of the Secretary of War, and all those points have been attended to.

Mr. BURKETT. I shall not object to its consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED DRAINAGE INVESTIGATIONS.

Mr. LATIMER. I am instructed by the Committee on Agriculture and Forestry to report back, with amendments, a resolution, and to ask for its immediate consideration.

The resolution submitted by Mr. LATIMER June 25, 1906, and referred to the Committee on Agriculture and Forestry, was read, as proposed to be amended, as follows:

Whereas there is in the United States between 50,000,000 and 100,000,000 acres of swamp, tidal, and overflowed lands which are now, for lack of drainage, unproductive and a prolific source of malarial and other diseases, and the Secretary of Agriculture having for the past three years conducted drainage investigations in this country and abroad and has accumulated a large amount of valuable data on the subject: Therefore, be it

Resolved, That the Secretary of Agriculture be, and he is hereby, authorized and directed to prepare and submit to the Senate on or before March 1, 1907, a report on drainage, to include the following:

First. The location and area of lands in the United States that are swamp and overflowed and susceptible of being drained and made fit for agriculture.

Second. The effect of drainage on such land and on the public health and upon agriculture.

Third. The area of land which has been drained under the laws of the different States and the benefits which have resulted therefrom.

Fourth. The summary of the legislation of the different States and of the legal and business methods under which drainage works have been constructed and maintained.

Fifth. A review of the drainage laws and policies of the leading agricultural countries of Europe and their results.

Mr. KEAN. I should like to look at the resolution before it is passed. Let it go over.

The VICE-PRESIDENT. Objection is made to the present consideration of the resolution.

Mr. LATIMER. Under the rule it goes over?

The VICE-PRESIDENT. It will go to the Calendar.

BILLS INTRODUCED.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7713) granting an increase of pension to Joseph Kingsbury;

A bill (S. 7714) granting an increase of pension to Molden Bledsoe;

A bill (S. 7715) granting an increase of pension to Harman Dennis Moon; and

A bill (S. 7716) granting an increase of pension to Ann E. Kimball.

Mr. PETTUS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7717) for the relief of the estate of Marcus M. Massengale, deceased (with accompanying papers);

A bill (S. 7718) for the relief of Burwell J. Curry (with accompanying papers);

A bill (S. 7719) for the relief of Jacob A. Paulk, in his own right and as administrator of the estate of Jonathan Paulk, deceased;

A bill (S. 7720) for the relief of the estate of Enoch R. Kennedy, deceased (with an accompanying paper); and

A bill (S. 7721) for the relief of the heirs of A. E. Mills, deceased (with accompanying papers).

Mr. TALIAFERRO introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7722) granting an increase of pension to Henderson Stanley; and

A bill (S. 7723) granting a pension to Catherine Spencer.

Mr. FOSTER introduced a bill (S. 7724) granting an increase of pension to Paul J. Christian; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 7725) authorizing the registration of division of naturalization mail matter; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 7726) to correct the naval record of Charles C. Lee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7727) granting a pension to James L. Swan (with accompanying papers);

A bill (S. 7728) granting a pension to Catharine Newstead Gillins;

A bill (S. 7729) granting a pension to James Valley; and

A bill (S. 7730) granting an increase of pension to John H. Day.

Mr. FLINT introduced a bill (S. 7731) granting an increase of pension to Thomas Radford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7732) granting an increase of pension to Elijah H. Bartlett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7733) for the relief of the legal heirs of John Goldsworthy; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 7734) granting an increase of pension to William C. Brooks; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7735) granting an increase of pension to Martha E. Green; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 7736) to correct the military record of George R. Borden; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. DICK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7737) granting a pension to Michael Shaughnessy;

A bill (S. 7738) granting a pension to Eli Conn; and

A bill (S. 7739) granting an increase of pension to Joseph P. Owen.

Mr. STONE introduced a bill (S. 7740) granting an increase of pension to Dwight Simpson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7741) granting a pension to James W. Russel; and

A bill (S. 7742) granting an increase of pension to James Kennedy.

Mr. FRAZIER introduced a bill (S. 7743) for the relief of the estates of W. M. Purcell and Martha Purcell, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7744) granting a pension to Josephine Brackett; and

A bill (S. 7745) granting an increase of pension to Frederick Wood.

Mr. CLAPP introduced a bill (S. 7746) to authorize Western Power Company to construct a dam across the Rainy Lake River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7747) for the relief of the Minnesota and Ontario Bridge Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced the following bills; which were sev-

erally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7748) for the relief of the estate of Louisa Harper, deceased;

A bill (S. 7749) for the relief of the estate of Rebecca E. Sexton, deceased;

A bill (S. 7750) for the relief of the estate of Jacob Oates, deceased;

A bill (S. 7751) for the relief of the estate of John Housten, deceased;

A bill (S. 7752) for the relief of the estate of M. W. Ham, deceased;

A bill (S. 7753) for the relief of the heirs of Charles T. Alexander and Jane B. Alexander, deceased; and

A bill (S. 7754) for the relief of the estate of Elizabeth Hemphill, deceased.

Mr. PERKINS introduced a bill (S. 7755) granting an increase of pension to Henry T. Powell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 7756) for the relief of the estate of John F. Byars, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. SUTHERLAND introduced a bill (S. 7757) for the relief of Indians residing in the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TELLER submitted an amendment authorizing Nicey Haikey, a full-blooded Creek Indian, to sell or encumber her interest in certain lands in the Creek Nation, Indian Territory, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. RAYNER submitted an amendment proposing to appropriate $3,000 for grading and constructing a retaining wall and for miscellaneous work at the post-office at Annapolis, Md., intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to increase the allowance for clerks in the office of the surveyor-general of Utah from $9,000 to $10,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ANKENY submitted an amendment relative to the deposit of moneys in banks to the credit of individual Indians, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $150,000 for the acquisition of not exceeding 50 acres of land near or adjoining Fort Taylor, Key West, Fla., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to appropriate $2,000 for the purchase of flags for use on Memorial Day in decorating the graves of soldiers and sailors of the Union Army buried in southern national cemeteries, etc., intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

ADDRESS BY SECRETARY OF STATE AT KANSAS CITY, MO.

Mr. CULLOM. I ask leave to have printed as a document an address by Hon. Elihu Root before the Trans-Mississippi Commercial Congress, Kansas City, Mo., Tuesday, November 20, 1906. It is a very important document on a very live question just now, and I should be glad to have it printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908; in which it requested the concurrence of the Senate.

The message also requested the Senate to furnish the House of Representatives with a duplicate certified copy of an engrossed bill (S. 4926) for the relief of Etienne De P. Bujac, the original bill having been lost.

The message further announced that the House had passed a concurrent resolution requesting the President to return the bill (H. R. 18214) granting an increase of pension to John Ingram; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 21202. An act fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same; and

H. R. 21951. An act to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River, in the State of Alabama.

GENERAL SERVICE PENSIONS.

The VICE-PRESIDENT. If there are no concurrent or other resolutions, the morning business is closed.

Mr. McCUMBER. I ask the Chair to lay before the Senate Senate bill 976.

The VICE-PRESIDENT. The Chair lays the bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 976) granting pensions to certain enlisted men, soldiers, and officers who served in the war of the rebellion, which had been reported from the Committee on Pensions with an amendment in the nature of a substitute.

Mr. McCUMBER. I understand that the Senator from Missouri [Mr. WARNER] is prepared to make some remarks upon the bill at the present time.

Mr. WARNER. The matter was thoroughly presented by the Senator from North Dakota [Mr. McCUMBER], and if the Senate is ready to vote upon the measure I certainly do not wish to occupy a moment of the time of the Senate.

Mr. McCUMBER. I am not prepared to state whether anyone wants to make any remarks on it. I certainly am myself prepared to vote on it, Mr. President, at the present time.

Mr. GALLINGER. Will the Senator from Missouri yield to me for a moment?

Mr. WARNER. I will yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, during the consideration of this bill a few days ago I submitted an amendment making the amount precisely what the Grand Army committee on pensions has heretofore recommended. But since then I have talked with quite a number of Grand Army men in whom I have great confidence, and they have urged that if we are to pass a service pension bill at all it is going to make comparatively little difference in the cost whether the bill is passed in the form originally presented or with the amendment I offered. It will make no difference to start with. It will simply increase the amount slightly as the soldiers grow older and become more incapacitated for earning a living, and I agree that as the soldiers grow old and feeble they ought to be more and more generously cared for.

For that reason, Mr. President, I rise for the purpose of withdrawing the amendment that I offered to the bill, and hope it will pass in its original form.

The VICE-PRESIDENT. The Senator from New Hampshire withdraws his amendment.

Mr. McCUMBER. Then, if the Senate is ready to vote on the bill, I will ask for a vote.

The VICE-PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute reported by the Committee on Pensions.

Mr. SPOONER. Let it be read again.

The VICE-PRESIDENT. The Secretary will read the amendment, at the request of the Senator from Wisconsin.

The SECRETARY. The committee propose to strike out all after the enacting clause and insert:

That any person who served ninety days or more in the military or naval service of the United States during the late war of the rebellion, and who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll, and be entitled to receive a pension as follows: In case such person has reached the age of 62 years, $12 per month; 70 years, $15 per month; 75 years or over, $20 per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pen-

sions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

Mr. CULBERSON. Mr. President, I desire to ask the Senator in charge of the bill if this is a unanimous report from the committee.

Mr. McCUMBER. The bill was unanimously reported.

Mr. CULBERSON. There is no minority report, therefore?

Mr. McCUMBER. There is no minority report.

Mr. SPOONER. I believe on a previous occasion the Senator from North Dakota made a statement of the amount involved, but I did not hear his estimate of the increased expenditure under the bill.

Mr. McCUMBER. It is pretty hard to estimate. The estimate was made about a year ago and it is given in the reports. The estimate was that if all would make application at the present time, and would immediately draw the pension, it would be about $10,000,000, as I remember, without taking into consideration the unknown army, which might possibly bring it to $15,000,000. But as the Senator will see it will take some years for the beneficiaries to make their applications.

Mr. CULBERSON. I was not able to hear the inquiry of the Senator from Wisconsin, and I may therefore repeat it to a degree, but I should be glad if the Senator in charge of the bill would tell us about how much in round figures it would increase the pension expenditures of the Government annually.

Mr. McCUMBER. I have just made that statement, but I will repeat it for the benefit of the Senator from Texas. The estimate was made about a year ago. At that time the estimate, without considering the unknown army, was to the effect that if everyone who would be affected by the bill could draw a pension immediately it would amount to about $10,000,000. My own judgment is that it may increase the expenditures from six to seven or eight millions during the coming year.

Mr. CULBERSON. Mr. President, one more inquiry of the Senator. I will ask the Senator if the effect of the bill is not to provide a service pension, pure and simple, after the age of 62 is reached?

Mr. McCUMBER. Upon application. In other words, the pension does not follow as a matter of course, but the claimant must make application to the Bureau.

Mr. HALE. Mr. President, there are no provisions, so far as I can tell by listening to the reading, either regulating or restraining the payment of fees by the pensioner to pension attorneys and agents. This being so easy a process, if the bill is passed, as it will be, it ought not to be left so that the pensioner falls into the hands of a pension attorney and is bled by him to a large extent for fees and services.

I ask the Senator in charge whether the general provisions relating to the protection of the pensioner against pension attorneys are ample to protect the pensioner in the case of this bill, and does the Senator believe that without some provision in this new bill the pensioner, as he must make application, will be left at the mercy of some pension attorney who acts for him? I should like to hear the Senator's views on that point.

Mr. McCUMBER. Mr. President, I am free to say that I consider the law as it now stands upon the statute book in reference to attorneys sufficiently applicable to all cases. But I will not be certain that it is, and I certainly should not object to the insertion of the same provision that is in the law of 1890 and has been in some other law. In the bill in reference to nurses we added it as a special provision, and it can also be inserted in the pending bill.

Mr. HALE. If the Senator, who has all the papers and statutes relating to this matter, can turn to it——

Mr. McCUMBER. I have the laws right here.

Mr. HALE. And will move an amendment I will be very glad to vote for it.

Mr. McCUMBER. If the Senator will grant me a moment I will get it.

Mr. HALE. Certainly.

Mr. McCUMBER. I move as an amendment, upon the suggestion of the Senator from Maine, to add at the end of the bill a new section, which will provide as follows:

That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress granting pension or increase of pension under the provisions of this law.

Mr. HALE. That does not cover it.

Mr. WARNER. It should provide that he should have no fee for presenting the claim to the Bureau of Pensions.

Mr. HALE. Yes; that is all that will be necessary.

Mr. TELLER. I wish to suggest to Senators who have the floor that we are entirely ignorant on this side as to what is going on except that we understand the pension bill is up. That is the only explanation we have had so far.

Mr. HALE. We are trying to perfect an amendment that will protect the pensioner from having an attorney fee exacted of him, and it takes a little time to get at it.

Mr. TELLER. What I want is that the Senators who are occupying the floor and taking part in the proceedings shall speak loud enough to overcome the confusion and noise in the Chamber, so that we may hear something on this side.

Mr. HALE. When we get the amendment perfected, which I think a valuable amendment and one that will command the support of the Senator from Colorado, we will have it read from the desk in a voice loud enough so that every one will understand it. There is a little delay, because we were getting the statutes in order to perfect the amendment.

Mr. TELLER. It is barely possible that we might afford some assistance in preparing the amendment, if we had an opportunity.

Mr. HALE. The Senator will have all the opportunity in the world after it is read from the desk. It may be quite likely an incomplete amendment when it goes there, and I should be very glad to have the assistance of the veteran Senator from Colorado in making the amendment a very good and complete one. The Senator in charge of the bill will present it so that it can be read at the desk, and then all of us can understand it.

Mr. WARNER. I would offer the following, to be added as a new section to the bill:

SEC. —. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing or presenting a pension claim under this act.

Mr. GALLINGER. That covers it.

Mr. HALE. That will cover it.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add a new section, to be known as section 3, to read as follows:

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing or presenting a pension claim under this act.

Mr. HALE. Leave out the word "securing."

Mr. McCUMBER. "For presenting."

Mr. HALE. "For presenting to the Pension Bureau a claim under this act."

Mr. SPOONER. Would not that be so broad that it might leave it so that attorneys could not be paid for presenting a claim, but might be paid for securing it?

Mr. WARNER. The words "for presenting or securing" would cover it, according to my idea.

Mr. McCUMBER. As read at first it was correct.

Mr. HALE. I was wrong about it.

Mr. TELLER. I think it might be improved by inserting some provision that they should not recover for any services rendered. It seems to me that that would be better than to say for securing a claim.

Mr. HALE. Let it be read by the Secretary.

The VICE-PRESIDENT. The Secretary, at the request of the Senator from Maine, will again read the amendment.

The Secretary read as follows:

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

Mr. HALE. The word "securing" is there.

Mr. TELLER. That is right.

Mr. McCUMBER. As the Secretary read it the word "and" was used instead of "or." I think "or" should be used, so as to read "in presenting any claim to the Bureau of Pensions or securing any pension under this act."

The VICE-PRESIDENT. The amendment to the amendment will be so modified. The question is on agreeing to the amendment to the amendment as modified.

The amendment to the amendment as modified was agreed to.

Mr. BERRY. I was not present when the Senator from North Dakota spoke upon the bill, and I wish to inquire whether the bill refers alone to soldiers in the civil war, or does it include the Mexican war and the Indian wars?

Mr. McCUMBER. It refers only to the soldiers of the civil war. The Senate has already passed a bill, which is now in the other House, granting to the survivors of the Mexican war

a pension of $20 per month, and special bills have been passed for the benefit of the survivors of the Indian wars. So the pending bill refers only to the veterans of the civil war.

Mr. BERRY. What provision does it make for the Spanish-American war?

Mr. McCUMBER. No provision whatever, because it is not intended to cover those cases. They are all covered by the general law.

Mr. GALLINGER. And are young men.

Mr. McCUMBER. And they are still young men for the most part.

Mr. BERRY. And they have the same rights? This proposed law does not repeal the present law which affects them?

Mr. McCUMBER. It does not.

Mr. BERRY. Does the Senator say that so far as the soldiers of the Mexican war are concerned, he believes they will be provided for at $20 a month?

Mr. McCUMBER. I should certainly hope that that would be the case. The bill has passed the Senate, and, of course, it is in the other House for action.

Mr. BERRY. If, however, the House should fail to pass the bill providing for the soldiers of the Mexican war, then the pending bill would give the soldiers of the civil war more than is now received by soldiers of the Mexican war?

Mr. McCUMBER. It would give those who are above 70 years of age more, but by the bill which has already passed the Senate, pensioning survivors of the Mexican war without reference to age, they will receive the highest amount that could be received under this bill after a claimant has reached the age of 75 years.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Tennessee?

Mr. McCUMBER. Certainly.

Mr. CARMACK. What would be the objection to including the terms of the bill now pending in the other House, providing a pension for soldiers of the Mexican war in this bill, thus providing for the soldiers of both wars together?

Mr. McCUMBER. Inasmuch as we had already passed in the Senate a bill providing for the soldiers of the Mexican war, it did not seem appropriate that we should adopt the same provision again before the other House had an opportunity to act upon that bill. We should at least give the other House the opportunity to act upon that bill, and if they then prefer to put that provision in this bill, which probably might be the case, it would be a proper thing for them to do, if they do not wish to pass it separately.

Mr. CARMACK. I should like to offer that as an amendment to this bill.

Mr. BERRY. The Senator from North Dakota [Mr. McCUMBER], as I understand, has stated that the bill pensioning soldiers of the Mexican war was passed by the Senate at the last session.

Mr. McCUMBER. It passed the Senate at the last session.

Mr. BERRY. If I could get a copy of that bill giving soldiers of the Mexican war $20 a month, to save time in preparing the amendment separately, I should like to offer it as an amendment to the pending bill; so that if the bill providing for the soldiers of the Mexican war does not pass the other House and this bill does pass, those soldiers may also be provided for.

Mr. GALLINGER. I will say to the Senator from Arkansas that that is a bill that I introduced and which the Committee on Pensions agreed to. The Senator may get a copy of it by sending to the document room.

Mr. BERRY. I will send for a copy of the bill passed at the last session increasing the pension of soldiers of the Mexican war.

Mr. GALLINGER. Mr. President, inasmuch as I am going to vote for the pending bill, I think we ought to have no concealment in reference to the cost, and I wish to read from a report made by the Committee on Pensions a portion of a letter sent to that committee, under date of March 28, 1906, by the present Commissioner of Pensions, in which he says:

> Referring to your question as to what extent such an act would increase the pension appropriation on account of the pensioners now on the rolls, it would seem that an additional appropriation of $10,714,400 per year would be required to pay the increased rate provided by the bill to the soldiers now on the pension roll.
>
> From an estimate made by the War Department in 1896, it would appear that on June 30, 1906, there will be 782,722 survivors of the civil war, and as the number of pensioners on the rolls at that date will not be over 675,000, there will then be over 100,000 survivors of the civil war not yet pensioned.
>
> This uncertain factor should be taken into account in preparing any estimates as to the number of beneficiaries and the cost of enactment of legislation, but it is manifestly impossible for this Bureau to state even approximately how many of these soldiers would apply for original pension under the bill, and equally impossible to estimate the additional cost that would be produced by such application. It is safe to say that under the terms of the bill at least one-third of the "unknown army"—

That is the 100,000 not on the pension rolls—

> would file applications during the coming year, and that an additional appropriation of $4,000,000 would be required to pay them for the coming fiscal year, making a total cost of the proposed legislation for the year of about $15,000,000.
>
> The same additional amount would have to be added to the pension appropriation for some years; probably five years to come.

The Senator from North Dakota [Mr. McCUMBER] properly says that these men will not all apply at once and that they will not all be granted pensions probably during the first year; so that it is likely that the estimate is somewhat high. Another thing, it was made a year ago, and there has been great mortality among the soldiers since then. The chances are, therefore, that the first cost will be somewhere in the vicinity of $12,000,000; but even if it costs much more than that it ought to be freely granted, as we can not well do too much for the brave men who saved the Government from overthrow.

Mr. McCUMBER. The Senator stated the estimate, as I understood, at $12,000,000 when all of them shall have made their applications.

Mr. GALLINGER. Most of them.

Mr. McCUMBER. Well, that is practically the same as I stated some time ago. Possibly it may run up to $15,000,000.

Mr. TELLER. Mr. President, I myself regret that the committee did not extend the benefits of this pension bill to practically all of the soldiers of the late civil war. It comes nearer being a service pension; and it seems to me it would have been just as well to have made it so. Of course I am not going to interfere with the text of this bill; I am heartily in favor of it; but I am not myself staggered, Mr. President, as some Senators appear to be, at the extraordinary expense of $15,000,000 a year. It may be that much and it may be a great deal more. Our pension list is large, and it has been large. It is a payment in most cases in accordance with the contract by which the soldier entered the Army. The soldier entered the Army with the agreement upon the part of the Government that, if disability occurred to him during the period of his service by reason of such service, he should be pensioned. I have never considered such a pension as a gratuity. I have considered it as a debt as sacred as the public debt, and I believe that is the feeling of the people of the United States. I do not believe you can find any considerable number of people in the United States who are finding fault with the pension list. I do not believe any administration—though I believe it has been attempted in one or two instances—ever derived any benefit from an attempt to decrease or keep down the pension list.

Mr. President, we may never have another war. I hope we may not; yet we may, and in the nature of things I suppose it is very probable we shall have. We will not pay, and no nation ever did, laborer's wages to the men who go to war. We furnished them with their food and clothing during the war, and we gave them, I believe, about $13 a month. During part of that time, Mr. President, the $13 we paid them was worth less than $7 in gold The prices which had to be paid by the soldiers' families at home for the commodities they used went often seven or eight times as high as prices had been when the soldiers entered the service. I might cite a single instance which I looked at the other day. During the war the average price of cotton cloth which was used in the ordinary soldier's family was about 30 cents a yard. It went as high as 45 cents at one time, but on an average the price was 29 cents and a fraction from the time the war began until its close.

Mr. President, that is but a fair sample of the prices of everything which the soldier's family consumed. I know, and you know, that the money paid to the soldier did not support his family at home, and that in a great many cases those families became a public charge, and, if not a public charge, a charge upon their friends and their neighbors. Such at least was the case in the section of country in which I live.

Mr. President, every little while some man foots up the tremendous expense of our pension roll. Those who do that forget to foot up the expenses incurred in war; they forget how very expensive all wars are. Every nation in the world when it goes to war knows that it is to be called upon for a vast expenditure of money.

I do not care, Mr. President, to go into the details of this subject, except to say, as I have repeatedly said here, that no man has a right to complain of the pension roll, and if the passage of this bill should require the expenditure of $15,000,000 a year, or $20,000,000 a year, or $25,000,000 a year, why, Mr. President, that would be a mere bagatelle compared with our vast expenditures, and when you consider the class of some of our expenditures.

Since we have got to be a great nation and a world power we

ought at least to be willing to take care of the men who made us such. It was not the Spanish war that made us such, but when we established the fact that the American flag should float unquestioned and undisturbed over every mile of American territory—that is when we became a world power, Mr. President. We had not been up to that time, though we had been to a great degree even then; but that solidified us and settled the question of American sovereignty and American control of all the territory that we had ever claimed to be ours.

Mr. President, since that time we have been engaged in another war—not a very great war, and yet a war that has brought upon us an expenditure, which, if continued as it has been, will increase in a few years beyond even what the civil war cost. No man here can tell what the Spanish war cost. It cost some things that can not be counted in money. What the aftermath may be no man up to this time is able to say. If we are to take possession of Cuba and control it and exercise power over it, as some insist we must, and we are to continue the control of those islands of the Pacific sea at such a rate of expenditure as has been going on for ten years past, or nearly that, it will not be long before the cost will be greater than even that of the civil war.

Mr. President, I do not myself venture to say what has been the expense of controlling the Philippine Islands, but a few years ago the then senior Senator from Massachusetts, Mr. Hoar, demonstrated on this floor that up to that time—and that was at least five years ago—we had expended $600,000,000, and the senior Senator from Texas, a few months later, demonstrated that we had expended $650,000,000. Mr. Edward Atkinson, a statistician of a good deal of repute in New England and in the United States generally, three years ago or more demonstrated that we had expended $800,000,000 in our efforts to civilize and enlighten the Filipinos. If we continue that effort, it will have cost, on an average, more than $100,000,000 a year since we have raised our flag in the Philippines. Mr. President, no man who stands for that ought to hesitate for a moment to vote for this bill and give to these soldiers of the civil war fifteen, twenty, forty, or even fifty million dollars a year, if they need it.

Mr. President, the State of Colorado, a new State that had no existence as a State until long after the close of the civil war, and hardly an existence as a Territory, supports now within her borders, open to every poor soldier who chooses to seek it, a Soldiers' Home as a place of final habitation of all that come to us. We pay those bills ourselves, and no man, no matter how poor or neglected, who has been in the American Army is obliged to go to a pauper house in that State; and such a man ought not to have to go to such a place in any State in the Union. No community ought to allow an ex-soldier of the Government of the United States, who took part in that great controversy—a controversy, I repeat, Mr. President, of more importance than any other civil war ever fought in the world—no State ought to allow such a man to go to a paupers' home or a poorhouse. This Government is rich enough and ought to be generous enough to give to every old soldier who has passed the age of 62 years, who needs it, enough for a living.

Mr. SPOONER. It ought to be just enough.

Mr. TELLER. It ought to be just enough—that is, the pension should be sufficient to his needs; it ought to be enough to comport with the character of an American citizen and an American soldier, and not a bare pittance to keep him alive.

I have not counted the cost; I do not intend to count the cost; and if any man should demonstrate here that the cost would be fifty or a hundred million dollars, I would say let us economize somewhere else and give to these old soldiers that which they deserve. I believe that an act of that kind would meet with the universal approbation of the intelligence of the American people.

Mr. GALLINGER. Mr. President, in reading from the report of the committee showing the increase of appropriation that would be entailed if this bill should become a law, I had no purpose of raising any objection to the amount, as I then stated. I quite agree with the Senator from Colorado [Mr. TELLER] that if the increased expense involved were a much larger amount the time has arrived for a service pension bill for the survivors of the late civil war, and I also agree with the Senator from Tennessee [Mr. CARMACK] and the Senator from Arkansas [Mr. BERRY] that the time has fully arrived for increasing the pensions of the few survivors—a small remnant—of the war with Mexico.

I introduced a bill some time ago proposing to increase the pensions of those old men to $30 a month. It was amended and passed at $20 a month, and was sent to the House of Representatives. There is a special reason, to my mind, why the soldiers of the war with Mexico should be included in this bill. In the other House they have two committees on pensions. Pension bills growing out of the war of 1812 and the war with Mexico go to one committee and bills relating to the wars since the war with Mexico go to another committee; so that if we pass this bill without including the Mexican soldiers the bills will be in the hands of two committees, and one may be reported out and passed and the other may not.

The Mexican survivors are but a remnant—a very small remnant—of those who fought in that war. In 1905, on June 30, there were 4,540 remaining soldiers of the war with Mexico. That was all.

Mr. CARMACK. How many?

Mr. GALLINGER. Forty-five hundred and forty; and they were dying with great rapidity. Six hundred and eighty of them died during the fiscal year ending June 30, 1905, and in the six months following June 30, 1905, 500 more died. So that it is entirely within the bounds of probability to say that there are not more than 3,000 of those soldiers remaining at the present time. Some of them are on the pension rolls now under special acts at rates ranging from $20 to $30 per month. They are all beyond the age of 75, and if they are included in this bill, they will all get $20 per month. If there are 3,000 of them, the only addition to the bill will be $280,000 to start with, and their pensions will be wiped out in a very few years, probably almost entirely so in five years. So that I hope the amendment, which I understand the Senator from Tennessee [Mr. CARMACK] is to offer to the bill to include the soldiers of the war with Mexico, may be agreed to unanimously, and that it may become a part of the bill.

Mr. CARMACK obtained the floor.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Tennessee yield to the Senator from North Dakota?

Mr. McCUMBER. I ask the Senator to allow me just to make an explanation.

Mr. CARMACK. I yield to the Senator.

Mr. McCUMBER. Mr. President, I merely desire to call attention to the fact that we have just passed a bill through the Senate providing for a pension of $20 to each of the survivors of the war with Mexico. The pending bill was reported last April. Had the bill in regard to the Mexican war veterans run as long as this and been reported at the present time, we would undoubtedly have included the Mexican war veterans within the provisions of the pending bill. I have no objection to the amendment, but am inclined to agree to have it inserted.

Mr. CARMACK. Mr. President, on page 2, line 23, of the bill, after the word "rebellion," I move to insert "or in the Mexican war."

Mr. MALLORY. Mr. President, I should like to call the attention of the Senator from Tennessee to the fact that under the present Mexican pension law the pensioner is required to have served only sixty days. The pending bill requires a service of ninety days. I suggest that the Senator frame his amendment so as to meet that condition.

Mr. CARMACK. I will do that, Mr. President. In the meanwhile, I have another amendment I want to suggest to the chairman of the committee.

Mr. McCUMBER. I should like to have the amendment which the Senator has just offered stated, so that we may see how the bill will read when it is inserted.

Mr. CARMACK. In view of the suggestion of the Senator from Florida [Mr. MALLORY] I will change the amendment so as to read as follows:

That any person who served ninety days or more in the military or naval service of the United States during the late civil war or sixty days in the Mexican war——

Mr. WARNER. Mr. President, I have no objection in the world to, but am heartily in favor of, the amendment for the Mexican war veterans, and hope it will be passed unanimously by this body, but, in order to save this matter, why not, instead of the amendment that is now offered, strike out "ninety" where it occurs in the bill and insert "sixty;" so that the same service provision will apply both to the civil and the Mexican war veterans?

Mr. CARMACK. I was not attempting to change the report of the committee with respect to the soldiers of the civil war, but simply to make the provision with respect to soldiers of the Mexican war conform to the provision of the existing law with reference to them. The law now provides a service of sixty days for soldiers in the Mexican war.

Mr. WARNER. I will say to the Senator from Tennessee that I am not insisting upon my suggestion at all. Personally, I think ninety days is a short enough term of service, but it has been sixty days with reference to the Mexican soldiers. I have no objection to the amendment.

Mr. CARMACK. I leave it sixty days with reference to the Mexican soldiers.

Mr. WARNER. Yes; I understand.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Tennessee.

The SECRETARY. On page 2, line 23, after the word "rebellion," it is proposed to insert the words "or sixty days in the Mexican war," so that, if amended, the paragraph would read:

That any person who served ninety days or more in the military or naval service of the United States during the late war of the rebellion or sixty days in the Mexican war, and who has been honorably discharged therefrom, etc.

Mr. GALLINGER. I suggest to the Senator that he say "the war with Mexico" instead of "the Mexican war."

Mr. CARMACK. I was following the language of the other bill. However, let it read "war with Mexico."

The VICE-PRESIDENT. The amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. BACON obtained the floor.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. BACON. Yes.

Mr. CARMACK. Mr. President, I was going to suggest another amendment, and that is that instead of the "war of the rebellion" it be made to read "civil war." That is the term, I think, usually employed. It would not be my definition of the war exactly—neither expression would—but the term usually employed is the "civil war." It is employed in all official documents, I think, in the President's messages and elsewhere. I move that amendment.

Mr. BACON. Mr. President, that was the amendment which I had risen to offer when I yielded the floor to the Senator from Tennessee.

Mr. OVERMAN. I understood it was the understanding in the committee that the word "rebellion" should be stricken out.

Mr. CARMACK. I call the attention of the chairman of the committee to the amendment I propose.

The VICE-PRESIDENT. The amendment proposed by the Senator from Tennessee will be stated.

The SECRETARY. On page 2, line 22, before the word "war," it is proposed to insert "civil," and in line 23, to strike out the words "of the rebellion."

Mr. BACON. I suggest that the amendment, rather, should be that wherever the words "war of the rebellion" occur in the bill they shall be stricken out and the words "civil war" inserted in lieu thereof. That would include the title and the body of the bill. It occurs several times.

Mr. CARMACK. I do not think it occurs elsewhere.

Mr. McCUMBER. I have no objection to the amendment. The usual term that has been used heretofore was "war of the rebellion."

The VICE-PRESIDENT. The Senator from North Dakota accepts the amendment.

Mr. MONEY. Mr. President, before the Senator accepts that amendment I have a suggestion to make. I think it should be "war between the States," as it was a war between the States. It was in no sense a civil war; it was a war between sovereign States, and if you want historical accuracy, instead of being called "war of the rebellion" or "civil war"—neither of which it was, but a war between the States—it ought to be called by that term. I suggest that the amendment be amended so as to call it the "war between the States."

Mr. CARMACK. I said, Mr. President, in offering this amendment, that I did not offer it as embodying what I considered a correct definition or description of that war; but I was simply conforming to what I believe has been the best practice and the usual descriptive words as employed in legislation and in official documents.

Mr. SCOTT. We can not hear the remarks of the Senator from Tennessee.

Mr. MONEY. I was not criticising the Senator.

The VICE-PRESIDENT. The Senator from Tennessee is not heard.

Mr. CARMACK. I was just saying that in offering this amendment I was not undertaking to give a definition of that war that would be satisfactory to myself. I said that in offering the amendment. But I have no hope that the Senate would accept any definition that I might give. I was simply trying to make the language of the act conform to what I believe has been the best practice in legislation generally and in official documents, notably in the President's messages. The war between the States is usually spoken of, I think, as the civil war. It sounds a little bit better, I think, than "war of the rebellion," though I agree with the Senator from Mississippi [Mr. MONEY] that it was not a civil war any more than it was a war of rebellion.

Mr. MONEY. Mr. President, I did not hear the remarks of the Senator from Tennessee [Mr. CARMACK] when he offered his amendment. I certainly did not intend to criticise his phraseology or his understanding of what the war was, nor do I intend to criticise anybody's understanding of what that war was. I should be quite content to have it "the war of the rebellion." It makes no difference to me. Words do not change facts at all; but as there seems to be an effort here to represent it in the proper way, in language that belongs to it, it ought to have the right name. It should be "the war between the States." It was not a civil war and it was not a war of rebellion. It was a war between sovereign States, and they each carried their own banners, which were captured in war and have been restored.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. MONEY. Certainly.

Mr. McCUMBER. I will state, Mr. President, that there could not be the slightest objection to the use of the term "civil war" instead of "war of the rebellion." I think it is probably, at this late day at least, the better term to use. But I can not agree with the Senator from Mississippi [Mr. MONEY] that the designation of "war between the States" would be proper. It was not a war between the States; it was a civil war in every respect. Many of the States had soldiers on both sides, like the State of Kentucky. The State of Kentucky was as much on one side practically as it was on the other.

Mr. GALLINGER. Tennessee and Missouri were the same way.

Mr. McCUMBER. It was in all respects a civil war. The same remark might apply to all the border States, and I am glad for one to adopt the new designation of "civil war."

Mr. TELLER. Mr. President, I do not agree with the Senator from Mississippi [Mr. MONEY] that this was a war between the States. It was a civil war. As stated by the Senator from North Dakota [Mr. McCUMBER], States that were in amity with the Government furnished a very large number of soldiers to the Confederacy. Kentucky, Maryland, and Missouri did so.

Mr. CARMACK. Tennessee.

Mr. TELLER. Tennessee.

Mr. CARTER. North Carolina.

Mr. TELLER. North Carolina. So it can not be said to have been a war between the States.

Then, in addition to that, those warring States, if they were warring States, entered into a confederacy and established a new government. It may possibly be said that it was a war of the Confederacy against the United States, but it was not a war of the States. The war was not conducted by the States.

Mr. President, it is not very material whether you use the term "rebellion" or whether you do not. I insist that the term "rebellion" is a proper term. It describes the condition which existed from 1861 to 1865. It may be an offensive term; and yet it was a rebellion against the Government of the United States. We have called it a civil war. It was a civil war. At first there was a disposition to feel that those people were not entitled to be treated as warriors under the rules of national war. But it was found to be so great a war that they must be so treated. They were so treated by foreign governments, as well as by our own.

When the war closed there was no treaty between the States and the General Government. There was no recognition of State lines at all. In every respect the war was treated as a war of citizens of the United States against the General Government. It will go down in the history of the world as a rebellion of States, in the first instance, because the States did act. Then it became, in the highest sense of the term, a civil war, a conflict between individual citizens of the United States, and upon that theory when the war was over the Republican party declared that each of those States had practically abandoned its organization.

Upon that question I do not care to take much time. I was disposed myself, although an ardent supporter of the war, to believe that we ought to have recognized the existence of the States, upon the theory that the States had not gone out of the Union at all, and that the difficulty had arisen by the action of the individual citizenship of the States and not by the States.

However, the party in power at that time did not so recognize the condition and the States were finally brought back into the Union, as it was said, which, according to my theory, they had never been out of.

I do not think it very important whether we call it the war of the rebellion or the civil war. I do not believe that now or at any other time will we be inclined, or the people of the United States will be inclined, to change the character of the war by declaring it to have been a war between the States. It was a war against the General Government by citizens of the United States who were in rebellion against the authority of the General Government at that time.

Mr. MONEY. Mr. President, I have not a particle of feeling about this matter. As I stated in my remarks, I have no objection to the term "war of the rebellion," if Senators wish to use it. I merely said that if you are going to change the term, you should employ that term which has in its favor the greatest degree of historical accuracy.. It did happen that States withdrew from the Union; that the States raised regiments as States, and that the States appointed officers. It was a war between a number of States in the United States and a number of States in the Confederacy. I do not consider, having been a rebel from start to finish, that there is any particular odium in that phrase. George Washington was a rebel.

Mr. TELLER. Certainly.

Mr. MONEY. And so were all the heroes and patriots who established this Government. Some of them were slaveholders, including George Washington. There is nothing opprobrious in the term "war of the rebellion." If it suits the fancy of Senators to call it by that name, it does not hurt me. I am quite accustomed to it, and I do not mind. But I was simply suggesting phraseology to meet the history of the case better. If Senators want to call it the civil war, they can do so. We contend it was not a civil war. It is quite true that men in Tennessee to the number of 32,000 went into the Federal Army, and I believe every single Southern State, except the State of Mississippi, furnished a regiment to the Federal Army. Mississippi furnished one, which was called the "Tigers." It was not composed of Mississippians, but of the fragments of regiments—the sick and wounded Federal soldiers at Vicksburg. But Mississippi was as wholly rebel, to use a common phrase, as any State could possibly be.

Kentucky and Maryland and Missouri sent the very flower of the Confederate army into the field. The best fighting men I ever saw came from those States, for the reason that they were not compelled to go to the front by local opinion, but went to the front contrary to that opinion, as many of them had to run the lines to get there, and they made all kinds of sacrifices.

I admit that if I had been in Massachusetts I would have been in the Federal Army, and I guess if the Senator from Colorado [Mr. TELLER] had been living in my town he would have been a member of my company; and I am not at all blaming anybody for the attitude he took at that time.

Mr. President, I do not want to take up time, but I happened to be at the door of the lobby of the Senate one day not long ago. It was at the last session, near the close. There was ex-Senator Blair, of New Hampshire, as gallant a soldier as ever went to the field, now on crutches as the result of wounds inflicted by Confederate soldiers. He was shot three or four times. He called to me. I did not recognize him on account of my bad sight. We shook hands. I said: "What are you doing on these sticks, Blair?" He said: "You fellows hit me pretty hard three or four times, and it is beginning to tell on me since I have been getting old." He said: "Did we get you?" I said: "Once; not much." He said: "Are you not glad you got it?" I said: "I do not know. I have not regretted it." He said: "I am glad I was hit." We shook hands. He said: "Any man who was worth being hit ought to have been there either on one side or the other. If you had been in New Hampshire, you would probably have been in my regiment." I agreed that it was a great deal a matter of environment.

I make these remarks to show that I do not care anything about the criticism. I make them merely in the interest of historical accuracy.

Mr. HALE. I rise to a parliamentary inquiry. I wish to ask what amendment, if any, is before the Senate?

The VICE-PRESIDENT. The amendment proposed by the Senator from Tennessee [Mr. CARMACK], which will be stated by the Secretary.

The SECRETARY. It is proposed in line 22, page 2, to insert the word "civil" before "war;" and after "war" to strike out the words "of the rebellion;" so as to read "during the late civil war."

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. I do not yield the floor.

The VICE-PRESIDENT. The Senator from Maine declines to yield.

Mr. BACON. I wish to correct a statement just made at the desk. I wish to call attention to the fact, for the information of the Senator from Maine, that I moved to amend by striking out the words "war of the rebellion" wherever they occurred in the bill and inserting "civil war."

Mr. CARMACK. I accept that.

Mr. HALE. One object I had in rising was to suggest that wherever in the bill the words "war of the rebellion" occur they be stricken out and the words "civil war" inserted.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. The Senator from Georgia is correct.

Mr. McCUMBER. If I may, I call the attention of both Senators to the fact that the words "war of the rebellion" occur but once in the bill.

Mr. BACON. They appear in the title. So the term does appear twice.

Mr. McCUMBER. It does appear in the title.

The VICE-PRESIDENT. That will have to be amended after the bill shall have been disposed of. The Chair understood the Senator from North Dakota to accept the amendment of the Senator from Tennessee, as modified by the Senator from Georgia.

Mr. McCUMBER. That is accepted.

Mr. HALE. I so understood.

Mr. TALIAFERRO. Mr. President, I wish to state that this language, the "war of the rebellion," is improperly in the bill. As a member of the committee, when the bill was first being considered by the Pension Committee, I suggested that "civil war" should be substituted for "war of the rebellion," and the Senator from North Carolina [Mr. OVERMAN] made the motion that that change be made. The motion was carried in the committee, and "civil war" should appear in the bill instead of "war of the rebellion." I presume that the words "war of the rebellion" got in by some oversight on the part of those copying the bill in the committee. I doubt not the chairman of the committee will recall the fact.

Mr. McCUMBER. Simply replying to the Senator I will say that I remember distinctly that the question was brought up, but I think it was in reference to another bill, and the phraseology was changed then and there. I think the Senator is in error about it applying to this bill. But that was the sentiment of the committee, and if it was applicable to any other bill, it is equally applicable to this, and we accept it now.

Mr. CARMACK. The title of the bill ought to be amended.

The VICE-PRESIDENT. That will come up after the bill is passed.

Mr. CARMACK. Mr. President, I, of course, did not intend to precipitate any debate here on the question of the war of secession. If I had, I would have proposed a very different amendment from the one I offered. I think there is no profit in such discussions. My only object was to have used a term which I believe has become accepted on both sides of the Chamber and has been allowed heretofore to go without debate.

It is needless for me to say that I do not agree with the position taken by the Senator from Colorado [Mr. TELLER] that it was a war of rebellion or a civil war. I do not agree with him as to what history will say about it. But nothing we can put in this bill will change what history will say upon the subject.

I remember reading some time ago Lodge's Life of Daniel Webster, in which the distinguished Senator from Massachusetts said that in the early days of the Republic nobody questioned the right of a State to secede from the Union; that such was the opinion of the very men who framed the Constitution; and I believe that impartial history will say that under the Constitution as it once existed secession was a constitutional right. I am glad that it is no longer a right. It is a doctrine that never will be asserted again and I am very glad of it.

Mr. TELLER. Mr. President, I agree with the Senator from Mississippi [Mr. MONEY] that the term "rebellion" is not a degrading term. I agree with him that George Washington and our other ancestors who fought in the Revolutionary war were rebels against the British Government. My ancestors on both sides—my father and my mother—were there. It was not considered at the close of the late war as a term contemptuous to speak of a man as having been a rebel. When a man rebels he is a rebel. The right to rebel is the dearest right that a freeman has. The right of revolution, which includes rebellion, is all that is left many times, and it is all that has saved liberty to the human race on innumerable occasions. I only wished to have it distinctly understood that the term was descriptive of the act. It has been so for all times, for hundreds of years.

Cromwell and his soldiers were guilty of rebellion against the King, as were other British people on different occasions when the Government of Great Britain has been disturbed by the demands of the people for their dearest and best rights.

When the late war was over we amended our Constitution, and the Senator from Wisconsin calls my attention to it. I had forgotten that the words were in the Constitution, but here they are. We treated it then as a rebellion. I am going to read it:

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House remove such disability.

I know that upon various occasions Congress has removed the disabilities, and the people who were named in the acts accepted it.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions, and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

I do not suppose anybody will on that account attempt to change the Constitution, although the term may be objectionable to some. I do not believe Senators who engaged in the civil war ought to object to being called "rebels" at the time. They are not rebels now. I was not in the Army. The Senator from Mississippi thinks that if I had been in Mississippi I would have been with him. Environment determines those questions to a great extent. I have never brought an accusation against any man who felt it his duty to go into the Confederate army, and I know that men of as high character as there are in the country, or ever were, went into the Confederate army. I accorded to them what the American people accorded to them—honesty of purpose. They were fighting for their convictions. I would have been in the Northern Army if I had remained in the State of Illinois a week or ten days longer. I endeavored, as the records of the War Department will show, to raise a regiment in the State of Colorado, and was told by the Department that we were too far away; that they could not take troops from so great a distance.

I do not know that any good comes from a discussion of this kind—probably it does not—but in the interest of the truth of history it is sometimes necessary to say things that otherwise might be left out.

I wish to say a word or two more. When the war was over, I was one of those who felt—I got the idea from a study of the history of the world—that it was not possible for us to treat our antagonists as public enemies. We could not maintain here a government such as we supposed we were to maintain under our Constitution and laws unless we accorded to them the full rights of citizenship. We did that in a very short time; and no man can charge me with ever hindering or delaying or deferring in the slightest degree that era of confidence and harmony which now exists.

Mr. President, the world will always take notice and the student of history will take notice of the fact that no people ever had a civil war in which the bitterness and hate of it disappeared as they disappeared in this country after the close of that greatest of civil wars of any age in the history of the world. England, with all her civil wars, was torn and disturbed for generations, while to-day there is in one section of our land as much fealty to the flag as in any other, and the men who carried their muskets in battles as Confederates are as loyal to the Government of the United States and its institutions as the men who fought on the side of the Government. They are as proud of our history. They are as proud of our present condition

When we got through, when the war was over, the world had an exhibition of courage and ability such as no nation had ever presented, and no man who is an American need to have been ashamed, if he was a Confederate, of his northern opponent, and no northern man need to have been ashamed of his Confederate opponent. Mr. President, in the history of the world there has never been such a display of courage as was manifested on the battlefields that I could name, not one battlefield, but numerous battlefields. The cold steel, that is seldom felt in battle, was on hundreds of occasions presented to the breasts of the combatants on both sides, and they fought like Americans, and when the war was over they submitted like Americans, and we have been living and will continue to live in all future time as Americans, for that great cause of disturbance, which could only probably have been got rid of by war, no longer disturbs us and there is nothing to prevent the American people, eighty millions of them, from being harmonious and homogeneous. Great as the war was, and as much as it cost, the price was none too great to pay for the final consolidation and conciliation of the American people and the spectacle we now present to the world of a people not divided, but united.

Mr. BACON. Mr. President, I do not desire to say anything on this occasion that would tend in any manner to disturb the very gratifying condition of harmony which exists throughout the Republic or the marked fraternal relations now found among Senators in this Chamber, and I would say nothing at this time but for the fact that for the second time the Senator from Colorado [Mr. TELLER] bases his contention upon what he expresses as his desire that the truth of history shall be spoken and be recorded. It is solely for that purpose that I say a few words upon the subject as to what should be the proper designation of the war.

I think that in this bill the language that has been agreed upon, viz, "the civil war," is the proper language, because it is the generally accepted language. I think the war in some senses was a civil war; in other senses it certainly was a war between the States, and the fact that the victorious party assumed that the result of that war was an overthrow of the government of those States substantiates that view.

But I think in a larger view it was a civil war, and that is the accepted language, and I think it is the proper language to be used in this bill.

But, sir, what I rose particularly to say is that I do not think the term "rebellion" is a proper designation of that war, nor have I any belief or apprehension that history will so record it. If it is not a proper designation the word "rebellion" should not be permitted to remain in this bill. It should be stricken out, and the words "civil war" should be substituted therefor. It is true, as asserted by the Senator from Colorado, that George Washington was a rebel; it is true that Oliver Cromwell was a rebel; but in each instance there was a rebellion against a recognized constituted authority, an effort to destroy by force a theretofore undisputed authority to govern without the consent of those who sought to overthrow it. It was not a resistance to a rule, the authority of which to govern without consent was disputed and had never been conceded. It was in each instance an appeal to force and not a claim of legal right. There is no question of the fact that Washington and all those who cooperated with him owed allegiance to George III and were subjects of George III. There is no doubt about the fact that Oliver Cromwell owed allegiance to Charles I and was a subject of Charles I.

The question out of which what we now designate as the civil war grew was a disputed question from the foundation of the Government; and in that dispute, during the earlier years of the Government, much the larger weight of authority and opinion was on the side that a State could determine whether it would or would not remain in the Union.

There was on the part of the people of the States no recognized or conceded authority of the General Government to compel a State to stay in that Government against its will. On the contrary, as has been stated by the Senator from Tennessee [Mr. CARMACK], in the early years of the Government it was generally conceded directly to the contrary, and it was for years disputed by the few only that the question of the remaining of a State within the Union was a question for the State to determine.

Without going into anything like an extended discussion of the question, I will call the attention of the Senate to a most remarkable incident in the history of this country, one not very generally known, and I confess I have been surprised, since my attention was called to it, that I had not previously known of it.

Some time, I think about the year 1830—I have forgotten the exact year—there was a very remarkable libel case tried in the city of Boston, in which Daniel Webster was the prosecutor and a man whose name I have forgotten, a prominent man, was the defendant. In that suit the prosecution was based on an alleged libel against Daniel Webster, the great advocate of the doctrine of the supremacy of the Union and the great advocate of the maintenance of the Union. There could have been no case in which he could have been more directly interested or in which every utterance must have challenged his attention, because the prosecution—it was not a civil suit, but a criminal prosecution—grew out of an alleged libel against Daniel Webster, charging him with having been in active sympathy with those prominent influences in New England which opposed the war of 1812 and threatened secession on account of that war.

I have a book, unfortunately not now at hand, which was

sent to me by a gentleman in Boston, Colonel Benton, who prepared a history of that libel suit, in which there is not only a narration of the suit, but there are also copious extracts from the record, among other things, of the argument in the court, the opinions of the court, etc., and in the course of it, with Daniel Webster an interested party present, the fact is stated, not as an individual opinion, but as a conceded fact and principle of the Government, I think by the court, or in the argument in the progress of the case, that it was the right of a State to secede; and Daniel Webster present and the proposition having a most material bearing upon the case in which he was so deeply and personally interested, and neither he nor any other person present challenged the statement that such was a generally conceded proposition.

Now, I do not mention that for the purpose of contending that there is now such a right, because that question has been settled by the highest of all tribunals, in the arbitrament of war, but I cite it simply as an illustration of what has been stated by the Senator from Tennessee and repeated by myself, that in the earlier years of the Government, even as late perhaps as 1830—I have forgotten the exact year, but it was subsequent to the Administration of Monroe, I am sure of that—in a case where the great expounder of the Constitution and the great advocate of the Union was so directly interested, that assertion was accepted as true and passed even without challenge by him.

Mr. CARMACK rose.

Mr. BACON. I will yield in a moment, if the Senator will pardon me until I finish the sentence.

Therefore I say that the term "rebellion" is not a proper designation. A rebellion is resistance to an acknowledged authority. A rebel has no claim of right except the right of force. The South claimed the right of law. Mr. President, it was a much greater war than a war of rebellion. It was a great war between the people of the foremost nation now and among the foremost nations then of the earth, on a great question about which they had been divided for nearly a hundred years, in which war there was no resistance to a recognized conceded authority, but in which there was an insistent and a great struggle over the question as to what was the intention of the Government from its foundation. It was a war in support of a claim of legal right—claimed on the one side and disputed on the other. It was a war not of a rebellious faction, but one between two great peoples who were made one indivisible people by the result of that war.

The Senator from Colorado says that every one who was a Confederate soldier should acquiesce in it and be willing to abide by the designation of the war as a rebellion and of himself as a rebel. I was a very humble soldier in that war—a Confederate soldier—and I object to the designation because it is not correct, and not being correct it is more or less offensive.

Mr. President, what the Senator from Colorado has read from the fourteenth amendment, in using the word "rebellion," proves nothing, except that in the heat and tempest and blaze of ill-feeling—I started to say of hate but softened the word—which was imediately consequent upon the war, terms were used, both at the North and South, which were designed to be offensive and odious. The term "rebellion" is odious, and what is odious must be in a degree offensive. But however it may have been as to individuals, that intense ill-feeling did not long continue among the people either North or South. But nevertheless it is proper to say in the truth of history that the South is in no wise responsible for the occurrence of the word rebellion in the fourteenth amendment. That amendment was not adopted in practical fact by legislative bodies, but was written into the Constitution by the swords' point.

I will now yield to the Senator from Tennessee with pleasure.

Mr. CARMACK. The Senator has passed from the point he was on when I wished to interrupt him. I simply wanted to say to the Senator that when I said that in the early history of the country the right of secession was universally conceded, I stated also that that was the opinion expressed in a careful historical work of the senior Senator from Massachusetts [Mr. LODGE].

Mr. BACON. That is correct. I had intended to mention that, and I am glad that the honorable Senator from Tennessee has suggested it in this connection.

Mr. President, we are now engaged in no discussion which involves any acrimony or ill feeling, and nothing is further from my purpose than to utter any word which can arouse such feeling, but I want to call the attention of the Senate to another fact connected with the war which illustrates the position that it was not a rebellion. Search history and find a case where at the conclusion of a great rebellion there was perfect acquiescence thereafter, especially by any great, vast number of people as those were who were concerned in that war, and without the slightest effort thereafter by even any small fragment of such people to revive the struggle.

I wish to call the attention of the Senate—and I am glad in this high place and in this presence to do it, in order that it may go out to the country and to the world—to the fact that from the day Lee surrendered at Appomattox to the present day, among all the millions of people who were on the side of the South, people who could not have been more earnest and intense than they were in that struggle, people who had sacrificed every material interest, people who had sacrificed with lavish prodigality things which were infinitely dearer and immeasurably more precious than any material interests, and who would have sacrificed still more if there had remained more to sacrifice—among all those people, in not one single instance, even in any remote out-of-the-way corner, has there ever been heard a whisper of a conspiracy to revive that struggle or to renew the contest. Rebels are never conciliated under defeat. They submit to superior force, but they watch for the recurrence of the opportunity to again strike a blow for its overthrow.

The fact to which the Senator from Colorado alludes as a most remarkable fact, as to the absolute conciliation, the perfect restoration of harmony between the people of the North and the people of the South being unexampled in the history of the world, a restoration as complete as it is prized both by the South and the North, is due to the fact that it was not a rebellion. It is due to the fact that it was a struggle, a gigantic, titanic struggle over the great fundamental question of this Government about which our people had been divided from its foundation, which could only be finally settled by war and which when so settled was regarded as settled forever. If there had been a rebellion, there would have been mutterings thereafter. There would have been conspiracies thereafter. There would have been in this locality or that locality movements for restorations, or rather for a revival of the contentions which had led to the struggle. There would have been secret bands here and organizations there keeping alive the embers of war with the purpose to again fan them into a fierce and destructive blaze. But on the contrary, having been a fair, square, stand-up fight between the people of the two sections as to the construction of the powers of the Government upon this great fundamental question whether the Union was or was not devisible, when that fight was ended the result was accepted by all the people of the South as a finality, and there was no more of the spirit which would have remained or of the action which would have followed if it had been simply a rebellion. It was a much greater war than a rebellion. It was a gigantic war under the shock of the battles of which the earth quaked and the very mountains rocked. It will not rank in history with rebellions. As I have already said, it was a war between two great peoples, made two peoples by the existence of the war, but by the result of that war made forever one great indivisible people and nation. We have had rebellions in this country; the whisky rebellion, and Bacon's rebellion, and two or three little things of that kind. They are properly called rebellions because they were rebellions against constituted, recognized, and conceded authority, dependent upon no consent of those who resisted such authority. This was a great war between contending parties on questions upon which there always had been a difference, and in support on each side of legal right, as claimed by one and the other.

Now, Mr. President, I would not say anything to revive any ill feeling as to what happened after the close of that war. There are some things I might say, but I refrain. I am glad that it is all over, and I am willing for it to be buried with the past, and, if remembered, to be remembered only to be forgiven, whatever there may have been of wrong on either side. It is true, as stated by the Senator from Colorado, that there has been perfect reconciliation, and I thank God for it. It is true that those who fought over what they considered to be the right on their side on a great question of difference now recognize that question as settled, and that there are no more loyal people under the flag than those who sought to set up a separate government under what they conceived to be their right, and in advocacy of their side of that controversy which had lasted from the foundation of the Government.

I think it is necessary, Mr. President, to say this much, not for the purpose of reopening any of the contentions of the past, but because if we had passed by what the Senator from Colorado has said as constituting the truth of history not only would it have been the tacit recognition of a statement which we deem to be incorrect in law and fact, but it might have led to a conclusion on the part of others that there was acquiescence in the correctness of such statement by those of us whom it most deeply concerns.

Mr. SCOTT. Mr. President, only a word.

In my State of West Virginia, at the battle of Rich Mountain, a Confederate soldier was killed. He was taken to his little mountain home and the friends gathered to give him proper burial in the churchyard. He was buried with the Confederate flag wrapped around his coffin.

In 1898, in the war with Spain, his son enlisted and was a volunteer under the flag of the United States. He went to Cuba and was killed at the battle of San Juan. His body was brought home to the same little cabin from which his father had been carried out some forty years before, and the neighbors gathered about the body of that young man and he was buried in the churchyard with his father. Wrapped about his coffin was the flag of a united country—the Stars and Stripes.

I believe there is not a Senator on the other side who will not agree with me that the difference between the States is represented in those two graves where the father and the son were buried, and where the friends gathered about those two graves in that country churchyard, each having died believing that he was right.

I believe that my friends on the other side agree that this bill is a proper measure to be passed. Now, let us pass it; let us get results, and let us bury the past as the father and son were buried in the country churchyard of West Virginia.

Mr. PATTERSON. Mr. President, the purpose I have in rising is to have some change made in the phraseology of a part of the first section, on page 3, line 20. I think the word "receiving" ought to be inserted after the word "now."

Mr. McCUMBER. I did not understand the Senator. At what point in the bill does he desire to make the change?

Mr. PATTERSON. On page 3, line 20, the word "receiving" ought to be inserted after the word "now," so that it will read:

That no person who is now receiving or shall hereafter receive a greater pension, etc.

Mr. McCUMBER. That is correct, Mr. President.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Colorado to the amendment.

The SECRETARY. On line 20, page 3, after the word "now," it is proposed to insert the word "receiving," so as to read:

That no person who is now receiving or shall hereafter receive, etc.

The amendment to the amendment was agreed to.

Mr. PATTERSON. Mr. President, I wish to state that the part of the section that commences on line 20 to the end of the section is somewhat obscure to me. I am not certain as to its meaning, and I wish to call the attention of the chairman of the Committee on Pensions to the matter that troubles me. It reads:

That no person who is now or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

Is it meant that if a person now receiving a pension greater in amount than is provided for in this act he will not be pensionable under this act?

Mr. McCUMBER. That is the intention, that he will draw his pension under the other act.

Mr. PATTERSON. Suppose he is now receiving a lesser amount under another act, would this permit him to receive a larger amount than he is now receiving?

Mr. McCUMBER. Then he can receive under this law the highest amount that he will be entitled to, according to his age.

Mr. PATTERSON. That is, he may be pensioned under this act and yet apply for a higher pension under another act, and when he receives the higher pension he ceases to draw the pension under this act?

Mr. GALLINGER. That is right.

Mr. McCUMBER. Yes, sir; that is the understanding and the intention.

Mr. PATTERSON. I think it was well enough to make that clear, because otherwise there might be some doubt as to the meaning.

I wish to say, Mr. President, that as far as I am concerned I am heartily in favor of this measure, and that to my mind the passage of this bill through the Senate is an exhibition of the very highest quality of patriotism. The Senators from the North and the Senators from the South have differed upon names, but if I can judge from the expressions that have come from this side of the Chamber, when this measure is put to a vote every Senator from the South will be found joining with the Senators from the North in paying a high tribute of their regard and respect to the soldiers of the North who combated their people on the field of battle and by whose bravery and devotion to the cause of the Union the South lost the cause that to them at that time was so dear to their hearts. I think it is an exhibition of patriotism (and no other word would express it in my opinion) that is rarely found in legislative assemblies under conditions like this.

Mr. President, I wish to say one word about the name that should be used to designate what is called by some the war of the rebellion and by others the civil war. To my mind, if the purpose is to be historically accurate, it would be designated the war of secession, because what the South contended for was the right of their States to secede from the national compact. Prior to the war the people of the several Southern States met in convention and adopted ordinances of secession, and in pursuance of those ordinances their Senators withdrew from this Chamber in couples and their Representatives, as a rule, withdrew from the other Chamber en masse. It was a war to establish the right of secession, and if the war had been successful, it would have simply established that under the compact, or the Constitution, States had a right to secede, and in pursuance of that right thirteen of the States had seceded from the Union and had established a separate and independent government.

The war was in the nature of a rebellion, and to a certain extent it was a civil war, but in the broad sense, in the full sense, it was a war of secession. When the South lost the war, when the National Government succeeded as against the government that was set up in the Southern States, what was established was that the States could not secede and had no right to secede.

The result of it is, Mr. President, that we find the Southern States restored to the Union, with their geographical limits undisturbed, except in the case of one State, Virginia, that was divided into two States during the existence of the rebellion. The relations of the States to the General Government have not been changed in the slightest degree. The decision was that they could not secede. Therefore they did not secede, although the effort was made to secede. And when the war ended, after certain preliminaries that were essential in a proper settlement of the trouble, after the end of armed conflict upon the field, the States were restored to their orbit in the Union, and they are there to-day; and, as the Senators from the South say, that was a settlement that is to continue forever.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and in the war with Mexico."

HOUSE BILL REFERRED.

H. R. 23551. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1908, was read twice by its title, and referred to the Committee on Military Affairs.

ETIENNE DE P. BUJAC.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to furnish a duplicate certified copy of an engrossed bill of the Senate (S. 4926) for the relief of Etienne De P. Bujac, the original having been lost, and by unanimous consent the request was ordered to be complied with.

JOHN INGRAM.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was considered by unanimous consent and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 18214) entitled "An act granting an increase of pension to John Ingram."

SENATOR FROM UTAH.

Mr. BURROWS. Mr. President, the junior Senator from Illinois [Mr. HOPKINS], a member of the Committee on Privileges and Elections, is compelled to be absent from the Chamber for several days and desires to address the Senate before his departure upon Senate resolution 142, relating to the right of the Senator from Utah to a seat in this body. I ask therefore that that resolution may be laid before the Senate to enable the Senator from Illinois to make some remarks.

The VICE-PRESIDENT. The Secretary will read the resolution reported from the Committee on Privileges and Elections, called up by the Senator from Michigan.

The Secretary read the resolution as follows:

Resolved, That Reed Smoot is not entitled to a seat as a Senator of the United States from the State of Utah.

Mr. CULLOM. Before my colleague proceeds, I wish to state that I gave notice yesterday morning I would call up the legislative, executive, and judicial appropriation bill this morning immediately after the routine business. I was prevailed upon by the Senator from North Dakota [Mr. McCUMBER] to yield to

him, as he had previously given notice of a desire to dispose of the service-pension bill and unanimous consent had been given to him to have the bill brought before the Senate to-day. I therefore yielded, although I think the appropriation bill would have a preference even under those circumstances. My colleague now appeals to me. In view of the fact that he is compelled to go away, I will yield to him for the purpose of addressing the Senate upon the resolution reported by the Senator from Michigan [Mr. BURROWS]. But I give notice that if my colleague gets through before night I shall call up the appropriation bill and ask the Senate to proceed with its consideration.

Mr. HOPKINS. Mr. President, in determining the question whether REED SMOOT is entitled to a seat in the Senate of the United States from the State of Utah, it is necessary, as it seems to me, to first learn what power, if any, the Senate of the United States has over the State of Utah in the selection of the men whom that State sends to this body to represent her in all matters of legislation.

Can the Senate fix the qualifications of the Senators of any State in this Union?

Can this body arbitrarily determine the eligibility of its members from the different States?

Are there no constitutional or other limitations upon the Senate in arriving at the eligibility of a United States Senator from Utah who presents his credentials here under the seal of the State which he is authorized to represent in this legislative assembly?

The States, before the adoption of the Federal Constitution, were independent sovereignties. That great instrument which now unites what would otherwise be forty-five separate and independent sovereignties provides the qualifications of a Senator from any one of these States. Paragraph 3, section 3, Article I, of the Constitution reads as follows:

> No person shall be a Senator who shall not have attained to the age of 30 years and been nine years a citizen of the United States, and who shall not when elected be an inhabitant of that State from which he shall be chosen.

All who are familiar with the Madison papers containing debates on the Federal Constitution will remember that that language was adopted after a most extended and learned debate in the Constitutional Convention of 1787. Some of the best legal minds in the Convention were opposed to placing any qualifications in the Constitution regarding either Representatives or Senators. They proposed to leave it to the States to determine the qualification of the men whom they would send to either branch of Congress. Mr. Dickinson, in the course of the discussion, said that he was against any recitals of any qualifications in the Constitution; it was impossible to make a complete one, and a partial one would, by implication, tie up the hands of the legislature from supplying omissions. Mr. Wilson, of Pennsylvania, whose remains were recently removed from North Carolina to the State of Pennsylvania, after nearly a hundred years reposing in the soil of a foreign State, in the debate that resulted in the adoption of the language that I have just quoted from the Constitution, said:

> And besides a partial enumeration of cases will disable the legislature from disqualifying odious and dangerous characters.

Mr. Madison, however, sometimes called "the Father of the Constitution," took a directly opposite view. He contended that the qualifications of United States Senators should be stated in the instrument that created such officers, and stated that to leave it to the legislature would vest an improper and dangerous power in such a body. He held that "the qualifications of the elector and elected were fundamental articles in the republican government and ought to be fixed by the Constitution." It was his opinion, drawn from experiences of other countries and especially that of England, that that power, left in the hands of the State legislatures, might by degrees subvert the Constitution.

I call Senators' attention to the debates in the Constitutional Convention to show that the language that was ultimately adopted was not expressed as we find it in the Constitution without due deliberation and careful thought on the part of the framers of that great instrument; and that the construction that they placed upon it was that the qualifications called for in the instrument itself negatived the idea that any other qualifications could be exacted either by the Senate itself or by any one of the States.

Paragraph 1 of section 5 of Article I reads as follows:

> Each House shall be the judge of the election returns and qualifications of its own members, etc.

It has sometimes been contended that the language broadens the power of the Senate in determining the eligibility of a member and enables it to fix whatever qualifications, in the judgment of the particular Senate, shall be deemed proper and just. This construction, as it seems to me, is not sound when we come to examine carefully the language of section 5 of Article I of the Constitution.

In section 2 of Article I of the Constitution the qualifications of a Senator are given and section 5 only goes to the extent of clothing the Senate with the sole power of determining whether those qualifications have been complied with. In other words, section 5 of Article I precludes the idea that a contestant for a seat in the United States Senate could successfully claim before any of the courts of the country, either State or Federal, that his successful competitor for the position of United States Senator was not, for example, 30 years of age, or that he had not been nine years a citizen of the United States or that at the time that he was elected United States Senator he was not an inhabitant of the State from which he was chosen.

Section 5 places the power entirely in the Senate of the United States to determine whether these qualifications have been complied with; and whatever a court might say respecting any one of the questions above enumerated, the Senate itself would not be hampered by any such decision, but could have these qualifications inquired into and itself determine whether the Senator is eligible under those qualifications.

The Federalist has ever been regarded as entitled to great weight in determining the proper construction of the different sections and articles of the Constitution which are discussed in that great work. No. 60 of the Federalist, which was written by Alexander Hamilton, places the same construction upon the qualification of Senators for which I here contend, and asserts that no other or different qualifications than those can be exacted. In speaking upon this subject, he said:

> The truth is that there is no method of securing to the rich the preference apprehended but by prescribing qualifications of property, either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution and are unalterable by the Legislature.

Text writers and many of the courts of last resort of the several States have held to this construction. In the case of Thomas *v.* Owens (4 Md., p. 223) the court says:

> Where a constitution defines the qualifications of an officer it is not within the power of the legislature to change or superadd to it unless the power be expressly or by necessary implication given to it. It is a fair presumption that where the Constitution prescribed the qualification it intended to exclude all others. (Paschal's Annotated Constitution, second edition, p. 305, sec. 300.)

The Hon. John Randolph Tucker, for many years a Member of Congress from the State of Virginia, and always regarded as a great authority on the Constitution, in a work of his which has been published since his death, called "Tucker on the Constitution," in speaking on this very topic, said:

> Nor can the Congress nor the House change these qualifications. To the latter no such power was delegated, and the assumption of it would be dangerous as invading a right which belonged to the constituent body and not to the body of which the representative of such constituency was a member. (Tucker on the Constitution, p. 394.)

Mr. Justice Story is one of the first and greatest authorities on the Constitution of the United States. His works have been quoted in this country and in England as of the highest authority on the different questions that he discussed relating to the Constitution of the United States. In speaking of the qualifications for office, he said:

> It would seem but fair reasoning upon the plainest principles of interpretation that when the Constitution established certain qualifications as necessary for office it meant to exclude all others as prerequisites. From the very nature of such a provision the affirmation of these qualifications would seem to imply a negative of all others. (Story on the Constitution, sec. 625.)

Foster on the Constitution is a work that deservedly ranks well with all students of the Constitution. He says:

> The principle that each House has the right to impose a qualification upon its membership which is not prescribed in the Constitution if established might be of great danger to the Republic. It was on this excuse that the French directory procured an annulment of elections to the council of five hundred, and thus maintained themselves in power against the will of the people who gladly accepted the despotism of Napoleon as a relief. (Foster on the Constitution, p. 367.)

Indeed, Mr. President, I think I am justified in saying that every lawyer of standing and every student of constitutional history of any learning has admitted that neither the Senate, Congress, nor a State can superadd other qualifications for a Senator to those prescribed by the Constitution.

It has ever been held, both in and out of the Senate, that the States could be trusted to send fit and proper men to this body. The Constitution fixed the age limit at a period where the Senator would have experience and matured judgment. His citizenship was fixed at a period sufficiently long to thoroughly familiarize him with the institutions of our country, and the fact that

he must be an inhabitant of the State from which he is chosen provided against any influence outside of the State limits in selecting other than a citizen of the State.

In the earlier days of the Republic Senators were called and regarded themselves as ambassadors from the States they represented in this body, and met here as such to confer respecting legislation that would result in benefit to their common country.

The thirteen separate sovereign States that had recently gained their independence from England would any one of them have scorned the idea that Senators whom they selected to represent them could have qualifications other than those prescribed by the Constitution, fixed by the legislative body to which they were elected and were to become a part. Virginia did not consult Massachusetts as to the character or fitness of her Senators to represent the great State of Virginia in the first Senate that assembled under the Constitution of the United States, and when Massachusetts came to select her representatives in this great body she did not consult South Carolina as to whether that State or the Senate itself would be satisfied with the character and quality of men whom the old Commonwealth of Massachusetts had designated to represent her in the first Senate that assembled under the Constitution. They met, as I have already said, in the spirit that they were ambassadors from the State whose credentials they held, and while they legislated for the common good they never forgot in any of their deliberations the interests of the States that had honored them by selecting them as their Senators.

The power that is given the Senate under the Constitution is not to create Senators, but to judge of their qualifications. The States create the Senators. The qualifications to be judged are those, as I have already stated, prescribed in the Constitution itself. If the Senate find those qualifications exist in the applicant for a seat in this body from any given State, then, under all precedents, such Senator is entitled to take oath of office and take his place among the members of this great legislative body.

Senators, as such, are not civil officers of the Federal Government. It has been held ever since the adoption of our Federal Constitution that Senators are officers of the States. The Federal Government does not send them here to legislate for it; it has no power or authority, as such, to designate a single member of this body. It is utterly powerless to create the office of a United States Senator, and it is equally powerless to require any one of the States of the Republic to designate any particular individual as a Senator from such State.

The Federal Republic is a nation of delegated powers, and among these powers that are thus delegated by the several States to the Federal Government is not found anything relating to United States Senators. The States alone send Senators to this body to legislate for them and for the Federal Government. This doctrine, Mr. President, is not new; it was announced by this very body more than a hundred years ago, in the case of William Blount, of Tennessee. The history of this case is familiar to many of the Senators. He was a Senator from the State of Tennessee from 1796 to July 8, 1799. During that period it was claimed that he engaged in treasonable correspondence with a foreign nation and was guilty of a high misdemeanor. Articles of impeachment were voted against him by the House of Representatives and duly presented to the Senate of the United States, and Mr. Blount was called upon to make answer thereto. He employed as his counsel Jared Ingersoll and Alexander J. Dallas, of Philadelphia, two of the most distinguished constitutional lawyers in the United States. They were men who were in the forefront of their profession and whose learning and ability would make them leaders of the bar of the United States at any period in its history. They had made a careful study of the Constitution of the United States, and when they presented Mr. Blount's defense in answer to the articles of impeachment presented by the House of Representatives, they interposed in his behalf the following plea:

> That although true it is that he, the said William Blount, was a Senator of the United States from the State of Tennessee at the several periods in the said articles of impeachment referred to, yet that he, the said William Blount, is not now a Senator and is not, nor was, at the several periods so as aforesaid referred to, an officer of the United States, nor is he, the said William Blount, in and by the said articles charged with having committed any crime or misdemeanor in the execution of any civil office held under the United States or with any malconduct in civil office or abuse of any public trust in the execution thereof.

This plea, Mr. President, was interposed to the articles of impeachment which charged him with this misdemeanor of the treasonable character that I have already referred to while he was a Senator of the United States. His learned counsel by this plea raised the very point that I have briefly discussed—that as a Senator of the United States from the State of Tennessee he was not an officer of the United States, and therefore that the Senate had no jurisdiction to try his case.

He also interposed a further defense, as follows:

> That the courts of common law of a criminal jurisdiction of the State wherein the offenses in the said articles recited are said to have been committed, as well as those of the United States, are competent to the cognizance, prosecution, and punishment of the said crimes and misdemeanors if the same have been perpetrated, as is suggested and charged by the said articles, which, however, he utterly denies.

It will thus be seen, Mr. President, that in formulating his defense these eminent lawyers took the position that the Senate of the United States had no jurisdiction to try him for the crime charged.

These defenses were argued at length by the learned counsel who represented Mr. Blount and were discussed by the Senators themselves. The two propositions that were advanced by Mr. Dallas and argued at great length and successfully are as follows:

> First. That only civil officers of the United States are impeachable and that the offense for which an impeachment lies must be committed in the execution of a public office.
>
> Second. That a Senator is not a civil officer, impeachable within the meaning of the Constitution, and that in the present instance no crime or misdemeanor is charged to have been committed by William Blount in the character of a Senator.

I have not the time nor inclination on this occasion to follow at any length the arguments that were made pro and con upon the propositions raised by Mr. Ingersoll and Mr. Dallas, as stated by me here. It is sufficient to know that weeks passed, and after this full and elaborate argument, and the Senate of the United States, sitting as a court of impeachment, had fully deliberated on the question, on the 11th of February, 1799, determined as follows:

> On motion it was determined that—
>
> The court is of the opinion that the matter alleged in the plea of defendant is sufficient in law to show that this court ought not to hold jurisdiction of the said impeachment and that the said impeachment is dismissed.
>
> Monday, January 14. The court being opened, the parties attending and silence being proclaimed, judgment was pronounced by the Vice-President as follows:
>
> "Gentlemen, managers of the House of Representatives, and gentlemen of counsel for William Blount: The court, after having given the most mature and serious consideration to the question and to the full and able arguments urged on both sides, has come to the decision which I am now about to deliver.
>
> "The court is of opinion that the matter alleged in the plea of the defendant is sufficient in law to show that this court ought not to hold jurisdiction of the said impeachment, and that the said impeachment is dismissed."

From that day to this it has never been seriously contended that a United States Senator is a civil Federal officer of a character that would enable the Senate to impeach him for high crimes or misdemeanors for any act of his during his service as such Senator.

A Senator is amenable to the courts of the country for any crime the same as any other citizen; and, as was contended by Mr. Ingersoll and Mr. Dallas in the Blount impeachment case, the proper forum to try a Senator for a crime or misdemeanor is in the State or Federal courts.

That a State can not add any qualifications other than those prescribed by the Constitution of the United States has been decided repeatedly by this body. One of the notable cases was that of Lyman Trumbull, of Illinois, my predecessor in office. Mr. Trumbull was elected a Senator from Illinois and took his seat in this body on the 4th day of March, 1855. A protest was filed by certain senators and representatives of the legislature of the State of Illinois against his election as a United States Senator, and the question of his eligibility and his right to hold a seat in the Senate of the United States was referred to the Committee on Privileges and Elections of the Senate.

The protestants in the case of Senator Trumbull alleged that he was elected a judge of the supreme court of Illinois in June, 1852, for a term of nine years; that he was duly commissioned and entered upon the discharge of his duties as such judge; that in May, 1853, he resigned this office to take effect July 4, 1853; and that on February 8, 1855, he was elected to the Senate of the United States for the term beginning March 4, 1855.

The constitution of the State of Illinois at that time provided:

> The judges of the supreme and circuit courts shall not be eligible to any office of public trust or profit in this State or the United States during the term for which they are elected, nor for one year thereafter; all votes for either of them for any elective office except that of judge of the supreme or circuit courts, given by the general assembly or by the people shall be void.

Under this clause of the constitution the protestants insisted that Judge Trumbull was ineligible for the office of United States Senator. This question was carefully considered by the Senate, and after elaborate debate on the question as to whether the State of Illinois could superadd a qualification to that con-

tained in the Constitution of the United States, it was determined by a vote of thirty-five to eight that the State could not; and the resolution offered by Senator Crittenden, as follows—

Resolved, That Lyman Trumbull is entitled to a seat in this body as a Senator elected by the legislature of the State of Illinois for the term of six years from the 4th of March, 1855—

was adopted by a vote of thirty-five to eight.

It is interesting to note, Mr. President, the men who voted in favor of seating Senator Trumbull under the conditions that I have briefly and imperfectly expressed. Those who voted in favor of the resolution that Senator Trumbull was entitled to a seat in this body are as follows:

Adams, Allen, Bell of Tennessee, Bright, Brown, Butler, Cass, Collamer, Crittenden, Dodge, Durkee, Evans, Fessenden, Fish, Foote, Foster, Geyer, Hale, Hamlin, Harlan, Houston, Hunter, James, Mallory, Mason, Pearce, Reid, Rusk, Sebastian, Seward, Sumner, Toucey, Wade, Wilson, and Yulee.

The Senate will note that some of the greatest lawyers of the age and some of the most distinguished statesmen whose lives grace the history of our country voted in favor of the proposition that Senator Trumbull was entitled to his seat. In the course of the debate on this resolution Senator Crittenden said:

We are to look to the Constitution of the United States for the whole frame of this Government. It has created all the powers and all the instruments of this Government. It has created the Senate. Before this creation neither the State of Illinois as such nor any other State in the Union had any power to elect a Senator. There was no such office to be filled by them as Senator of the United States. Their agency was simply employed by the Federal Constitution. The agency of the legislatures of the several States was employed to elect Senators who constitute this body. It is an all-important branch of the Government. The designation of the power that was to elect, the designation of the persons qualified to be elected, all entered into the very essence of the subject. All this was to have its influence on this Government. All and every single circumstance of this was to have its influence in connecting the State governments and the General Government and in connecting them in such a way as to preserve that species of political relations between them which it was thought would operate most advantageously to all.

This was the view of the framers of the Constitution of the United States. It was a subject for them whether the legislature should elect Senators, whether the people should elect them, or whether the governors of the several States should appoint them. All this was within the competency of the framers of the Constitution. Neither people nor governors nor legislatures had previously any power to elect or appoint a Senator. There was no such officer; there was no such power. The whole was a new creation. The Constitution determines that the power to choose Senators shall be in the legislatures of the several States. The power to elect Senators was committed to the legislatures. Who shall they be, was the next question. The question was how to designate a Senator by some prescribed qualification, so as to fix the class from which he should come. Shall he be a man who is required to possess any particular amount of fortune? Shall he be a man who must be subjected to some religious test? Of what age shall he be?

Were not all these points fairly presented to the framers of the Constitution of the United States? Were they not important questions to be acted upon and decided? They were framing the Government. The Constitution of this body was an essential part of the Government. That was to depend on the parties, or the condition of the parties, out of whom they would make this great council of the nation. Should he be a citizen? Might they select him anywhere? Should he be an inhabitant of his State? Might he be of any age?

All these subjects being considered, the Constitution of the United States decides upon the whole matter by providing that each Senator shall be of the age of 30 years, shall have been at least nine years a citizen of the United States, and shall be an inhabitant of the State from which he is chosen.

Now, sir, does this not embrace the whole subject? Does it not regulate the whole subject? According to the plain meaning of the Federal Constitution every inhabitant of a State, 30 years of age, who has been nine years a citizen of the United States, is eligible to the office of Senator. What more can be said about it? It is now supposed by those who contend that Mr. Trumbull is not entitled to his seat, that it is competent for a State, by its constitution—and I suppose they would equally contend by any law which the legislature might from time to time pass—to superadd additional qualifications. The Constitution of the United States, they say, has only in part regulated the subject, and therefore it is no interference with that Constitution to make additional regulations. This, I think, it will be plain to all, is a mere sophism, when you come to consider it. If it was a power within the regulation of, and proper to be regulated by, the Constitution of the United States, and if that Constitution has qualified it, as I have stated, prescribing the age, prescribing the residence, prescribing the citizenship, was there anything more intended? If so, the framers of the Constitution would have said so. The very enumeration of these qualifications excludes the idea that they intended any other qualifications. That is the plain rule of ordinary construction; but, for a reason above all technical considerations, it is applicable here. The object of the Federal Constitution was to have a body framed by a uniform rule throughout the United States, coming here to constitute this great council of the country—coming here by the agency of the same elective power, the State legislatures—coming here under the same requirements and with the same qualifications—and standing here upon a perfect and exact equality in all respects to represent the nation justly and equally, and with a sole regard to the common welfare of the Republic.

This argument of Senator Crittenden has been held sufficient to forever put at rest the idea that a State could add any qualifications to that of a Senator of the United States other than those prescribed in the Constitution of the United States, and since then men who have been disqualified under the constitution of their States have been repeatedly elected to this body and admitted to a seat and a share in its deliberations without question.

My distinguished colleague, who has so long and so honorably represented Illinois in this body, when he first came here as a Senator from Illinois, was laboring under this same alleged disqualification that was urged against Senator Trumbull, but his right to his place in the Senate here was never questioned by any member of this body.

So, Mr. President, I think it is unnecessary for me to multiply cases demonstrating the fact that the individual States have no power to add any qualification to a Senator other than that prescribed in the Federal Constitution. It is equally clear, in my judgment, Mr. President, that this Senate has no constitutional authority to inquire into the antecedents and the early career and character of a Senator who comes here for admission with the credentials of his State.

The theory of the fathers of the Constitution was that the legislators of the State, who are directly amenable to the people of the State, would elect fit men to represent such State in the Senate of the United States. It was not supposed by the framers of that great instrument that the Senate of the United States would sit as a court of inquiry or an inquisition to investigate the career and character of any man whom a State might see fit to honor with a seat in this body.

It was left by the Constitution of the United States to each State to determine the character of the men whom they would prefer to represent them as United States Senators. I am well aware, Mr. President, that there have been different views expressed on this question by Senators in the discussion of the eligibility of Senators who have applied here for admission to a seat in this body; but I make the assertion, after a careful study of the cases that have been considered by the Senate from the adoption of the Constitution of the United States to the present time, that no Senator has ever been denied a seat in the Senate of the United States because of any lapse in his career prior to his being selected by his State as such Senator.

A notable instance is found in the so-called "Roach case." Senator Roach, as many of the Senators who are now serving in this body will remember, presented his credentials as a Senator from the State of North Dakota and asked for admission to represent that State as a United States Senator in this body. After taking the oath of office it was discovered that in his earlier career he was connected with one of the banks in the city of Washington, in the District here, and, as such officer, embezzled quite a large sum of money, and that he was charged to be a fugitive from justice. The question was raised and elaborately argued as to whether that disqualified him from holding his seat in the Senate as a Senator from North Dakota. After an elaborate discussion of this subject and an examination of the precedents covering the entire period of our national history, without any vote being taken upon the subject, Senator Roach was permitted to serve out his time as a United States Senator in this body.

I think, Mr. President, that this example, so recently before us, has settled forever the question that the Senate will not undertake to revise the judgment of a State in determining the character of man whom the State shall select as a United States Senator. The Senate will content itself with what occurs while such Senator is a member of this body. If the conduct of the Senator is such as to lower the standard of the Senate or to bring it into disgrace, or if the Senator be guilty of any misdemeanor that would bring this great legislative body into disfavor, the power exists under the Constitution of the United States to expel such a member.

Paragraph 2, section 5, of Article I of the Constitution of the United States reads as follows:

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Ample power is given in this provision of the Constitution to protect the high character of this great legislative body. While the Senate, as I have shown, can not add qualifications to those prescribed in the Constitution for a Senator from any State; and while the State itself can not superadd other qualifications; and while the Senate itself, by a long line of precedents, has established the fact that the previous career and character of the Senator must be determined by the State that sends the Senator to this body, still after he becomes once a member he must deport himself in a manner consistent with the dignity and high character of the Senate of the United States or he will become amenable to this provision of the Constitution which I have just read and which will enable the Senate itself, if his conduct be such as to warrant it, to expel the member by a two-thirds vote.

In the case I have just cited from North Dakota, had the embezzlement charged to Senator Roach occurred during his term

of service the Senate would clearly have been warranted in expelling him as a member from this body.

Any disorderly behavior that tends to bring reflections upon the Senate in any form or at any time while the Senator is a member of the Senate will be sufficient, in my judgment, to warrant the Senate in taking the course prescribed by the Constitution in expelling a member.

The considerations which I have here presented, Mr. President, will indicate to the Senate the limitations within which the Senate itself can inquire into the question as to whether REED SMOOT is entitled to retain his seat in the Senate of the United States.

It is conceded by the distinguished chairman of the Committee on Privileges and Elections in the very able, and, indeed, I may say remarkable, speech which he made here the other day in support of his contention that Senator REED SMOOT is not entitled to a seat in the Senate, that he possesses all of the qualifications spoken of in the Constitution itself—he is over 30 years of age, he has been more than nine years a citizen of the United States, and he was an inhabitant of the State of Utah at the time he was elected by the legislature of that State a Senator of the United States.

It is also conceded, Mr. President, not only by the able chairman of this committee, but I think by all who are at all familiar with the case that was presented to the Committee on Privileges and Elections, that Senator REED SMOOT is not a polygamist; that he has never married a plural wife, and has never practiced polygamy; that he is a man in his personal relations as son, husband, father, and citizen above reproach; that in all of the relations of citizenship he has lived a singularly pure and upright life.

Why, then, should he be expelled from this body, disgraced and dishonored for life, a stigma placed upon his children, his own life wrecked and the happiness of his wife destroyed? He is a Christian gentleman, and his religious belief has taken him into the Church of Jesus Christ of Latter Day Saints, commonly called the "Mormon Church."

I shall refer later in my remarks, Mr. President, to the arraignment of this church by the distinguished senior Senator from Michigan. It is my purpose now, however, to challenge the attention of the Senate to charges that were originally made against Senator SMOOT, that resulted in the investigation which has culminated in the resolution now pending before the Senate respecting Senator SMOOT's seat in the Senate. There were two petitions presented to the Senate, which were referred to the Committee on Privileges and Elections, protesting against REED SMOOT retaining his seat in the Senate of the United States. One was signed by Mr. Leilich. This protest charged that REED SMOOT is a polygamist and that, as an apostle of the Church of Jesus Christ of Latter-Day Saints, commonly called the Mormon Church, he had taken an oath of such a nature and character as that he is thereby disqualified from taking the oath of office required of a United States Senator. No person appeared before the Committee on Privileges and Elections to support these charges. Judge Tayler and Mr. Carlisle, who conducted the case against Senator SMOOT before the committee, disclaimed any connection with these charges, and I think I am safe in saying that both of these distinguished lawyers claimed that there was no truth in either of the charges made. They conceded before the committee that Senator SMOOT is not a polygamist and never has been. It is also equally clear, Mr. President, that he has never taken an oath as apostle of his church of a nature and character that disqualifies him from acting as United States Senator.

I feel sure that neither the distinguished chairman of the Committee on Privileges and Elections nor any of the people who sympathize with the position which he holds in this case will contend for a moment that there is an apostolic oath which has been taken by Senator SMOOT which disqualifies him from discharging the duties of the high office of Senator of the United States from the State of Utah.

The real charges that have been considered relate more particularly to the protest that was signed by W. M. Paden and a number of others, which charged in substance that he is a member of a self-perpetuated body of fifteen men who constitute the ruling authorities of the church, known as the "hierarchy;" that they claim supreme authority, divinely sanctioned, to shape the belief and control the conduct of the members of the Mormon Church, and that they encourage and believe in polygamy and the practice of polygamous cohabitation and countenance and connive at violations of the laws of the State of Utah and of the United States, and that as a member of the hierarchy REED SMOOT should be held guilty of any crime committed by any member of the hierarchy and should be held equally guilty of any of the violations of the laws of the State of Utah or of the United States by members of that self-perpetuating body.

I listened, Mr. President, with a great deal of interest to the eloquent denunciation of the crime of polygamy by Mr. BURROWS, the senior Senator from Michigan, in his speech here the other day, and I sympathize with him fully in his arraignment of polygamy and polygamous cohabitation. I think it is a relic of a barbarous age, and as such I denounce it. It is the destroyer of the ideal American home life and the corrupter of the morals of those who practice it.

I share also, Mr. President, in the condemnation which the Senator launched against Brigham Young and other leaders of the church who, in their day and generation, promulgated and practiced this crime upon their followers. But, Mr. President, Brigham Young and the present head of the Mormon Church are not on trial before the Senate of the United States. Brigham Young has long since passed from this life into another world and there, according to the beliefs of Protestants and Catholics alike, before a just Judge, will pay the full penalty for the crimes he committed while on earth. The present head of the Mormon Church is destined in the fullness of time to go before the same tribunal and to have his acts and deeds passed upon by the same impartial Judge.

Mr. BEVERIDGE. Will the Senator from Illinois permit me?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Illinois yield to the Senator from Indiana?

Mr. HOPKINS. I yield.

Mr. BEVERIDGE. I have listened with profound interest to the unanswerable argument of the Senator from Illinois to the effect that no Senator is to be criticised or his title to be assailed by reason of something he may have done before his State elected him a member of this body. In that connection, not only has Brigham Young passed to his rest, not only is it conceded, in spite of the belief of the people, that Mr. SMOOT is not a polygamist, but he never was one. So that not only does this offense of which he is popularly supposed to be guilty not attach to him now, but it never did attach to him.

Mr. HOPKINS. The Senator is correct.

Mr. BEVERIDGE. I think it is worth while to call particular attention to that fact, because in the minds of the people of the country I think everybody knows that Mr. SMOOT is apparently being tried because he is a polygamist, whereas it is not only proved that he is not, but it is gladly admitted that he is not and that he never has been.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. HOPKINS. Certainly.

Mr. DUBOIS. It is only for a moment.

The protest against REED SMOOT is what he is being tried on. It is set forth thoroughly in the record. It is not in the minds of the people or of Senators that he is being tried because he ever has been or is now a polygamist.

Mr. BEVERIDGE. Will the Senator from Illinois yield for a moment?

Mr. HOPKINS. I yield.

Mr. BEVERIDGE. It is pertinent in a debate of this kind to refer to what exists in the minds of the public—what the people have been led to believe. We, as a court, will of course try Senator SMOOT upon the record. But it has been given out to the people in numberless methods that Mr. SMOOT, a polygamist, is occupying a seat in the Senate of the United States; that a violator of our laws in that particular is holding a seat in this body. That is entirely untrue, and from now on in this debate the American people ought to know what those who are against Mr. SMOOT admit, but what is not popularly known—that he not only not now is, but never has been a polygamist, and, on the contrary, his home life is pure and perfect.

Mr. HOPKINS. I recognize what the Senator from Indiana says is true.

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from West Virginia?

Mr. HOPKINS. I do.

Mr. SCOTT. I wish to ask the Senator from Illinois if it is not true that the Presbyterian Church embraces in its creed, or its confession of faith, or whatever it may be called, the doctrine of infant damnation? If so, I should like to ask him whether all members of the Presbyterian Church can be held accountable for that doctrine when many of them do not believe it?

Mr. HOPKINS. I did not rise, Mr. President, either to praise or to condemn the Presbyterian Church. I have very

many dear friends who owe allegiance to that church and to its doctrines, and I know them to be good citizens wherever they live, and that they exercise a Christian influence where their influence has been exerted at all. I am not here for the purpose of discussing any other religious sect. We all know that the human race, from its earliest stages, has developed through bloody wars in the name of religion, and it is not for me to speak of the history of any of the different churches, because I know that in the twentieth century they are all exerting a profound and beneficial influence upon mankind.

My purpose to-day will be to show to the Senate and the people of this country that whatever crimes may have been committed in the earlier history of the church in the name of Mormonism is not for us to condemn or condone here. We have only to consider the personnel of REED SMOOT and his relations to the church since he became a member of this body. If it shall appear, Mr. President, from a careful analysis of the testimony which has been taken by the Committee on Privileges and Elections that REED SMOOT is guilty of the crimes charged against the Mormon Church by the eloquent and distinguished Senator from Michigan in his speech, then I say we should all unite in expelling him from the Senate.

If, however, Mr. President, it shall appear from a candid consideration of all the testimony which has been presented to the Committee on Privileges and Elections that REED SMOOT stands forth guiltless of any offense punishable by law or any conduct unbecoming a Christian gentleman, then the mere fact that he is a member of the Mormon Church, or that he is an apostle in that church, should not debar him from exercising the rights of a Senator in this body, and should not deprive the State of Utah, which, under our Constitution, has the same rights and privileges accorded to any one of the original thirteen States, from having a full representation in the United States Senate.

I shall, Mr. President, before I close, trace somewhat briefly the history of the Mormon Church and note the character and conduct of some of the men who have been prominently identified with that church from its organization to the present time. But I shall not follow the example set by the Senator from Michigan and declare against the church and against Senator SMOOT simply because I find that in some period of the history of the church its leaders have been violators of law and it has taught doctrines that in this generation are condemned by all right-minded citizens. If this line of argument, which was so largely indulged in by the Senator from Michigan, should have a controlling influence in the Senate or in the country, would a member of any one of the churches, either Protestant or Catholic, be safe?

If we are to charge a member of a Christian church with all the crimes that have been committed in its name, where is the Christian gentleman in this body who would be safe in his seat?

It must be conceded, Mr. President, that the Mormons are sincere and honest in their religious convictions. Senator SMOOT, as an apostle in the church, has no control over the temporal or business affairs of the members of that church. His business is to preach the gospel.

Senator SMOOT is a Christian man. That he believes that God interests Himself in the affairs of men is no more than a belief that is professed by all Christian people. One of the earliest lessons that is taught in childhood by Christian parents is to inculcate the belief in the children that in their little troubles they should go to their closets and pray God for light and guidance, and that He will help them. It is this belief that God does take an interest in the affairs of men that has made the Christian church the power for good that it has been in the world. You take that doctrine away and you destroy in a large measure the beneficent influence that has been exerted upon mankind in all ages during the Christian era.

Many things have been done in the name of the Mormon Church in its earlier history which are condemned by all right-thinking men, not only outside of that church, but in the church as well. The Mormon people have become better educated, their spiritual vision has become clearer, and they now condemn as heartily as we do many acts that were regarded in the days of Brigham Young as in accordance with the word of God. This moral elevation and spiritual improvement, which has been noted in the Mormon Church in the last twenty years, is but a repetition in another form of what is found in the history of all of the various churches, both Protestant and Catholic.

Mr President, we can see from the testimony that appears before the Committee on Privileges and Elections that the Mormon Church is undergoing a radical change for the better.

REED SMOOT is an apostle of this higher and better Mormonism. He stands for the sacred things in the church and against polygamy and all the kindred vices connected with that loathsome practice. In his position as a member of the church, and as an apostle and preacher of the doctrines of the church, he has done more to stamp out this foul blot upon the civilization of Utah and the other Territories where polygamy has been practiced than any thousand men outside of the church.

I dissent in toto, Mr. President, from the conclusions reached by the Senator from Michigan [Mr. BURROWS] regarding the influence of the Mormon Church at the present time on the temporal affairs of its people and also on the conclusion that he sought to establish that polygamy is still a part of the religion and practice of the Mormon Church as such.

With the indulgence of the Senate, I shall take a little time to trace the history of the church and its relation to the Government of the United States during the Territorial history of Utah and what has been done since to destroy polygamy and polygamous cohabitation.

The founder of the church, Joseph Smith, was killed in Hancock County, Ill., in 1844. This was the culmination of a long series of troubles that had existed between the Gentiles and the Mormons, in Missouri first, and later in Illinois. The leaders of the church, after the death of Smith, decided to abandon their home at Nauvoo, Ill., and seek a new place for the establishment of their church and their homes, beyond the authority of the State and Federal governments. Under the leadership of Brigham Young they traversed the Great Plains of the West, and never stopped in their onward march until they reached the Great Salt Lake in Utah, then a part of the territory of the Republic of Mexico. Here they pitched their tents and commenced to build in this wilderness their churches and their homes. This Mexican territory became a part of the United States under the treaty of Guadalupe-Hidalgo, and the Mormon people again became amenable to the laws of the American Republic.

Brigham Young at this time was the recognized leader of the Mormon people. He had promulgated the doctrine of polygamy and claimed that the martyred Joseph Smith had received directly from God the authority for Mormons to marry plural wives and practice polygamous cohabitation.

After Utah became a part of the possessions of the United States it was organized into a Territory, and in 1850 Brigham Young, then the husband of several wives, was made the governor of the Territory. He was nominated by President Fillmore and his appointment was confirmed by the Senate. In 1852, two years after this appointment, he publicly proclaimed polygamy as the doctrine of the Mormon Church and it was accepted and practiced by his followers. In 1854, two years after he had publicly proclaimed polygamy as the doctrine of the Mormon Church, he was again nominated by President Pierce for governor of the Territory, and again confirmed by the Senate.

At the time that he was nominated by President Pierce and confirmed by the Senate he was living with many plural wives, and many of his followers were living in polygamous cohabitation. No legislation was passed by Congress on this subject, and it seemed that no successful protest was made against the head of the Mormon Church being made governor of the Territory and Indian agent to represent the Government of the United States with the red men.

The first legislation on this subject was in 1862. In that year Congress passed "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places," etc.

The first section of that statute reads as follows:

That every person having a husband or a wife living who shall marry any other person, whether married or single, in a Territory of the United States, or other place over which the United States have exclusive jurisdiction, shall, except in the cases specified in the proviso to this section, be adjudged guilty of bigamy, and upon conviction thereof shall be punished by a fine not exceeding $500 and by imprisonment for a term not exceeding five years: *Provided, nevertheless,* That this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years without being known to such person within that time to be living; nor to any person by reason of any former marriage which shall have been dissolved by the decree of a competent court; nor to any person by reason of any former marriage which shall have been anulled or pronounced void by the sentence or decree of a competent court on the ground of the nullity of the marriage contract.

Senators will note from reading the statute that while it prohibited plural marriages and made the same bigamy, it did not punish or in any manner interfere with the continued cohabitation of those who had previously entered into the polygamous relations.

It was not until the 22d of March, 1882, under what is known as the Edmunds Act, that polygamous cohabitation became punishable under the laws of the United States.

Sections 3 and 7 of the Edmunds Act read as follows:

SEC. 3. That if any male person, in a Territory or other place over which the United States has exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misde-

meanor, and on conviction thereof shall be punished by a fine of not more than $300 or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court.

SEC. 7. That the issue of bigamous or polygamous marriages, known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the 1st day of January, A. D. 1883, are hereby legitimated.

The Edmunds Act, so called, was taken by the leaders of the church at that time as persecution, and they assumed the attitude of martyrs to their religion. Many prosecutions followed and many convictions were had. Prominent Mormons who were guilty of practicing polygamy were driven out of the country into Canada and Mexico and foreign lands. The feeling among the Christian people of the Republic was that not enough had been done to entirely crush out this foul and debasing practice, and hence in 1887 Congress enacted what has since been called the Edmunds-Tucker Act, which changed the rules of evidence so as to make a lawful husband or wife of a person accused of bigamy, polygamy, etc., a competent witness. Not only this, but the law provided for the annulment and dissolution of the corporation known as the Church of Jesus Christ of Latter Day Saints.

Under both the Edmunds and the Edmunds-Tucker Act all children that had been born to plural wives were made legitimate, so that the children of the third or fourth wife, by act of Congress, could inherit property from the father and have all of the rights that are guaranteed under the laws of our country to the children by the first wife.

There is no question but what many of the Mormons at this time believed that the Federal Government had no constitutional authority to interfere with polygamy or polygamous cohabitation because of its being practiced as a part of the Mormon religion. They were fanatics in this, precisely as Sydney Smith, a hundred years ago, found fanatics in the Methodist Church. They went to the very limit in their opposition to the law, and to show their good faith in this, wrong as we all know them to have been, it is only necessary for me to cite to the Senators the case of Reynolds *v.* The United States, where he voluntarily came before the courts and furnished the proof of violating the Edmunds law in order to test the question as to whether the Mormon religion, as promulgated by Brigham Young, could be practiced by his followers in spite of the legislation of Congress.

The Supreme Court very properly and justly held that while the Mormons had a right to their religion, and while they had a right to believe that God permitted plural marriages, yet the practice of polygamy as such, being in violation of the laws of our country, could not be indulged, and the court sustained the law in every respect.

This decision and other litigation that was had in the Federal courts in the Territory of Utah and in the Supreme Court of the United States brought the leaders of this church to a realization of the crisis that was upon them, and it was under these conditions that I have here too briefly expressed that the then head of the Mormon Church, Wilford Woodruff, issued what has since been known as the manifesto, the official declaration of which I will here incorporate in my remarks:

To whom it may concern:

Press dispatches having been sent for political purposes from Salt Lake City, which have been widely published, to the effect that the Utah Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized and that forty or more such marriages have been contracted in Utah since last June, or during the past year; also that in public discourses the leaders of the church have taught, encouraged, and urged the continuance of the practice of polygamy.

I, therefore, as president of the Church of Jesus Christ of Latter-Day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy, or plural marriage, nor permitting any person to enter into its practice, and I deny that either forty or any other number of plural marriages have, during that period, been solemnized in our temples or in any other place in the Territory.

One case has been reported in which the parties alleged that the marriage was performed in the endowment house, in Salt Lake City, in the spring of 1889, but I have not been able to learn who performed the ceremony. Whatever was done in this matter was without my knowledge. In consequence of this alleged occurrence the endowment house was, by my instructions, taken down without delay.

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise.

There is nothing in my teachings to the church or in those of my associates during the time specified which can be reasonably construed to inculcate or encourage polygamy, and when any elder of the church has used language which appeared to convey any such teachings he has been promptly reproved. And I now publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the law of the land.

WILFORD WOODRUFF.
President of the Church of Jesus Christ of Latter-Day Saints.

This manifesto was issued by President Woodruff, as he claimed, by the direct revelation from God. It was presented under the laws of the church to a great convention of Mormons and adopted by them, and in the following years again adopted by the Mormon Church, and thus became a part of the fundamental law of the Mormon Church.

Mr. President, it appeared in evidence during the hearings before the Committee on Privileges and Elections that a plural marriage could be valid in the Mormon Church according to the laws of that church only when celebrated by the president or by somebody authorized by him to celebrate it.

This manifesto, which was issued in September, 1890, by President Woodruff, was adopted at general conference of the members of the Mormon Church October 6, 1890, and thereby became a part of the fundamental law of the church. It can not be repealed or modified except by the action of a similar conference.

Senators will thus see that since the adoption of the manifesto a plural marriage is in violation of the laws of the Mormon Church as it is a violation of the laws of the Federal Government. By its adoption the president of the church himself can not perform a legal plural marriage, and what he can not do he can not authorize anybody else to do; so that, as I have said, there can be no plural marriages under the laws of the church since the manifesto of 1890. Any man who has taken a plural wife since then has not, under the laws of the church, made her his wife. The relation is an adulterous one, punishable both under the laws of the church and the laws of the land.

This was sworn to by President Joseph F. Smith. During the course of his examination by Judge Tayler, this question was propounded by him:

Mr. TAYLER. Is the law of the church, as well as the law of the land, against the taking of plural wives?
Mr. SMITH. Yes, sir; I will say——
Mr. TAYLER. Is that the law?
Mr. SMITH. I would substitute the word "rule" of the church.
Mr. TAYLER. Rule?
Mr. SMITH. Instead of law, as you put it.
Mr. TAYLER. Very well. Then to take a plural wife would be a violation of the rule of the church?
Mr. SMITH. It would
Mr. TAYLER. Would it be such a violation of the rule of the church as would induce the church authorities to take it up like the violation of any other rule would do?
Mr. SMITH. It would.

Mr. Brigham H. Roberts testified that he was born in England and came to this country when a boy; that he held the official position of one of the presidents of the seventies in the Mormon Church, and, in addition to that, that he is one of the assistant historians of the church, and also an assistant to President Smith in an organization of young men, an auxiliary organization of the church; that as an author he had written a biography of John Taylor, A New Witness for God, Outlines of Ecclesiastical History, and other works.

In speaking of the force and effect of the manifesto issued by President Woodruff and adopted by the Mormon Church in two of its annual conferences, he said:

I regard the manifesto as an administrative act of the president of the church, accepted by the church, and of binding force upon its members. But I regard it as an administrative act which President Woodruff, holding in his own hands the direct authority controlling that particular matter—that is, the matter of marriages—had a perfect right to make, and the acceptance of that action by the church makes that a positive binding law upon the church.
Mr. TAYLER. And those who do not obey it are subject to the pains and penalties such as a church under its discipline may inflict upon its members who disobey it?
Mr. ROBERTS. Yes, sir.
Mr. TAYLER. That is the rule of the church against the taking of plural wives.
Mr. ROBERTS. Yes.
Mr. TAYLER. How does its force differ from the force of the rule against polygamous cohabitation?
Mr. ROBERTS. Not at all.
Mr. TAYLER. Then the disobedience of the one is as offensive to the church as the disobedience of the other?
Mr. ROBERTS. I should think it would be.
The CHAIRMAN. And both are of equal binding authority?
Mr. ROBERTS. Yes, sir.

Other witnesses testified in a similar manner.

The senior Senator from Michigan [Mr. BURROWS] said the other day, in his very able speech:

Let me say at the outset, touching the charge that the Senator from Utah is a polygamist, and for that reason disqualified from holding a seat in this body, no evidence was submitted to the committee in support of such allegation, and, so far as the investigation discloses, the Senator stands acquitted of that charge. * * * The Senator stands before the Senate in personal character and bearing above criticism and beyond reproach, and if found disqualified for membership in this body it must be upon other grounds and from other considerations.

I wish, Mr. President, to enforce upon the minds of Senators and the country that all that I have said respecting the personal character of Senator SMOOT and the purity of his life are con-

firmed by the Senator from Michigan. What reason, then, does the Senator have in insisting that Senator SMOOT shall be expelled from the Senate? He has epitomized the objections urged against him in the three following propositions:

First. That at the time of his election the State of Utah and the legislature thereof were under the complete domination of the Mormon hierarchy, of which he is a member, and that such hierarchy so far "interfered with the functions of the State" as to secure the election of one of its own members and an apostle, and that his certificate of election by the legislature was only the recorded edict of the hierarchy in defiance of the constitutional inhibition that "no church shall dominate the state nor interfere with its functions;"

Second. That this Mormon hierarchy, of which the Senator is a conspicuous member, inculcates and encourages belief in and the practice of polygamy and polygamous cohabitation in violation of the laws of the State prohibiting the same and in disregard of pledges made for its suppression; and

Third. That the Senator, in connection with and as a member of such organization, has taken an oath of hostility to the Government of the United States incompatible with his obligation as a Senator.

I shall undertake, Mr. President, before I close my remarks, to show that not one of the propositions is supported either in law or in fact, and that the protestants, whose mouthpiece the senior Senator from Michigan [Mr. BURROWS] is upon the floor of the Senate, have utterly failed to make good any case against REED SMOOT. I shall not, however, Mr. President, discuss the propositions in the order in which they were taken up by the senior Senator from Michigan. I propose to discuss the second proposition first.

The Mormon hierarchy, so called, consists, as I understand it, of the president and his two counselors and the twelve apostles. The Mormon Church is a religious organization, founded, as claimed by the senior Senator from Michigan, by religious and pure-minded men. The doctrine that has brought it into disrepute and which has caused criminal charges to be preferred against many of its members is the doctrine of polygamy, which has been eliminated, as I have already said, from the church doctrine by the manifesto of 1890, so that, as the church exists now, it is a religious organization composed of a president and his two counselors, the twelve apostles, and lesser officers in the church organized somewhat similar to other religious organizations.

The president is the supreme head of the church throughout the world. His two counselors have no direct power other than to advise and counsel with him when called upon. The twelve apostles, who form a part of the hierarchy, have no temporal authority and no religious authority outside of preaching the gospel. Any member of them, however, can be, and frequently is, given certain powers and authority in the church by the president. These apostles are also consulted by the president in church matters whenever he has occasion to call upon any one or all of them, relating to any church matter.

It is made perfectly clear in the testimony of Mr. Talmage and every other intelligent witness who gave evidence on this subject that the church organization is primarily and wholly for the religious betterment of mankind. Among other things that Mr. Talmage said in the course of his testimony before the Committee on Privileges and Elections was the following:

Mr. TALMAGE. The first presidency, as I have stated, is composed of three high priests, who are known as the presiding high priests over the church. The quorum has general direction of all church affairs throughout the world. The quorum of apostles has no jurisdiction as a quorum, nor has any member—that is, any individual apostle—any jurisdiction personally in the organized stakes and wards of the church while the first presidency is acting, except as the individual apostle or the quorum may be directed to take charge and exercise supervision for the time being in any part. In other words, the quorum of apostles is not a quorum of local presidency in any sense of the term, and the apostles operate in the organized stakes and wards of the church as teachers and preachers without any authority at all in the matter of enforcing any command or counsel or requirement. Indeed, they have no authority to make or to enforce such, if it were made, unless they act, as I said, by special appointment as representatives of the first presidency. As a representative, by special appointment, of the first presidency, any high priest could act, if so called. But the apostles have a specific work that is required of them.

Mr. WORTHINGTON. Now, what is that?

Mr. TALMAGE. That is the work pertaining to missionary labor, particularly outside the organized wards and stakes.

Mr. WORTHINGTON. Their principal duty is that of missionaries outside of organized stakes?

Mr. TALMAGE. Yes, sir.

This is the "criminal body" that it is charged Senator SMOOT is a member of; and because of that membership it is insisted by the protestants and by the Senators who have already spoken against Senator SMOOT that he should be expelled from this body.

I undertake to say, Mr. President, that there is no evidence that was taken before the Committee on Privileges and Elections that supports the charge that the apostles, as a religious organization, is a criminal organization. There is no testimony that can be found within the covers of the four volumes of testimony that I have here before me, which includes all of the evidence which was heard before the Committee on Privileges and Elections, that even tends to support the allegation so broadly made by the Senators who seek to expel REED SMOOT from the Senate of the United States. I will not say, Mr. President, that they have willfully misrepresented the evidence; I will not say that they have deliberately sought to mislead the Senate on that important subject; they have failed, as it seems to me, to discriminate between the apostles as a religious organization in the Mormon Church and the individual acts of some of the members of that organization. The object and purpose for which the apostolic organization exists is to inculcate religious doctrine into the minds of the people throughout the civilized world and to lead them to espouse the doctrines of the Mormon Church with polygamy eliminated.

Now, that some of the members of the organization still indulge in polygamous cohabitation and in their hearts believe that the doctrine of polygamy is of divine origin does not make the organization a criminal organzation. The apostles, since the manifesto of 1890, according to the testimony of all of the witnesses who have given evidence upon that subject, do not preach the doctrine of polygamy or encourage polygamous cohabitation. It is not what a man believes, but what he does, that makes him a criminal.

Mr. President, we have had an exhibition here to-day that furnishes a splendid illustration of the position which I have just now taken. We all know, as was expressed by the Senator from Georgia [Mr. BACON] and others to-day, that there are honorable Senators upon this floor who as firmly believe that the Confederate States had a legal right to secede and form a separate and independent government as did the leaders of that great movement who put their beliefs into action and organized civil war. They, however, like the Mormons of to-day, have accepted the results of the war and have come back into the Union and taken their share of the burdens and benefits of a reunited Republic. Their beliefs regarding the righteousness of their cause, with many of them, is as firm to-day as it was in the bloody days from '61 to '65. That belief, however, does not make them traitors to their country, and the belief of any number of the members of the Mormon Church that polygamy is a principle of divine origin, as long as they do not preach it as a part of the doctrines of the church, can bring no more punishment than can a Senator upon this floor be punished for entertaining the principles of constitutional law that led the brilliant leaders from the South to organize armed opposition to the General Government.

So much, Mr. President, for the individual belief on this subject of polygamy. Now, let us look for a moment, if you please, to the church organization of which REED SMOOT is a member.

As I have already stated, that organization as such is prohibited by the rules of the church from preaching or inculcating in any manner the doctrine that the followers of the Mormon Church have a right to and should indulge in plural marriages. The senior Senator from Michigan [Mr. BURROWS] quoted a number of decisions of courts of last resort in several States and text writers to establish the following doctrine:

Every person entering into a conspiracy or common design already formed is deemed in law a party to all acts done by any of the other parties before or afterwards in furtherance of the common design. The principle on which the acts and declarations of other conspirators, and acts done at different times, are admitted in evidence against the persons prosecuted is that by the act of conspiring together the conspirators have jointly assumed to themselves, as a body, the attribute of individuality so as regards the prosecution of the common design, thus rendering whatever is done or said by anyone in furtherance of that design a part of the res gestæ and, therefore, the act of all.

I am not inclined to criticise that law. I indorse it in spirit and letter and believe that it expresses the principle which governs the action of men in every State in the Union. The trouble, however, with the law which has been quoted by the senior Senator from Michigan [Mr. BURROWS] is that it has no application to the case of REED SMOOT. This law of individual responsibility is based upon the admitted fact that a criminal conspiracy exists and that the person who is charged with a crime is one of the conspirators; that the common object of the organization of which he is a member is to commit a crime and then whatever is done under such circumstances by one of the conspirators is equally chargeable against the others.

The senior Senator from Michigan [Mr. BURROWS] cited, in his very able argument here the other day in support of that doctrine, the case of Spies et al. *v.* The People of Illinois. Spies was indicted and convicted of murder of one Degan, who was killed by a bomb thrown by a fellow-conspirator of Spies at a time when Spies was not present. This doctrine, which I have already quoted from the text writer, was invoked in the courts of Illinois, and it was charged that he was equally guilty with the conspirator who threw the bomb. Before Spies could be charged with criminal offense the State of Illinois was required to show that he was a member of an

organization known as the "International Association of Chicago," having for its object the overthrow of the law and the destruction of the Government. It was also shown that these members had advocated the use of bombs and dynamite in any form against the government of the city of Chicago and the State of Illinois and the Federal Government. It was a body reeking with crime, and Spies was one of the leaders of this organization. The conspirator, in throwing the bomb and killing Degan in the city of Chicago, was simply carrying out in spirit and letter the instructions of the organization of which Spies was a prominent member. Under these conditions the trial court held that he was equally guilty with the bomb thrower in the murder of Degan.

This law, however, Mr. President, can have no more application to REED SMOOT than it can have to the Senator from Michigan himself, for the reason, as I have stated, that the Mormon apostles, as an organization, has not been shown to be a treasonable organization or an organized conspiracy to overthrow any of the laws of the State or country.

That some of the apostles have plural wives is a poor argument to be urged for the unseating of Senator SMOOT.

That officers high in the Mormon Church violate the laws of God and man is a matter of the deepest concern to every fair-minded man in the country; but it furnishes a poor excuse for Senators to inflict punishment upon an innocent man simply because he believes in a religion that is advocated by them.

I now come to consider the first point the Senator made as a reason why he proposes to vote to expel Senator SMOOT. As I have stated, it is, in substance, that the State of Utah and the legislature were under the control and domination of the Mormon hierarchy, of which Mr. SMOOT is a member, and that this hierarchy secured his election.

I am somewhat surprised that a lawyer of the ability and a man of the acknowledged intelligence of the senior Senator from Michigan [Mr. BURROWS] should submit a proposition of that character as a reason for depriving Senator SMOOT of his seat in this body. If that principle were to prevail in the spirit and letter with which he has argued it, it would, in one form or another, vacate nearly every seat in this body. The substance of the charge that he has formulated is that a member of the Mormon Church will vote for a Mormon to hold a political office in preference to a person living outside the fold of the church. That is the charge, stripped of the verbiage with which it is surrounded, in the proposition put by the senior Senator from Michigan.

I wish to call to the attention of the Senators that there is nothing in the Constitution of the United States that prohibits a State from having an established church. If the people of the State of Michigan can revise their State constitution so as to require the taxpayers of that State to pay annually a certain sum for the maintenance of the Episcopal, the Catholic, the Presbyterian, or the Methodist, or any other church, such a clause in the constitution of Michigan or any other independent State in the Republic would not be antagonistic to anything contained in the Constitution of the United States. When the members of the Constitutional Convention of 1787 assembled in Philadelphia for the purpose of preparing a Constitution that would unite the thirteen separate sovereign States in one confederated Republic, it was not their intention to limit the powers of any one of those States in dealing with their own people. The purpose was to enable them, through this Federal agency, to deal more effectively with foreign powers and between themselves than could be done under the old Articles of Confederation. They proposed to, and did, leave the largest liberty to the people of each one of the separate sovereignties to determine their internal and all domestic affairs as the people from time to time should will. Each State was governed by its own separate constitution, and that constitution could be amended or changed or absolutely destroyed and another one placed in its stead, just as the people willed, in accordance with the terms of the chartered instrument under which they were then living. When they came to provide for additional States to be admitted into the Federal Republic they gave as much liberty to the proposed new State as any of the then thirteen States possessed or should possess after they had adopted the Federal Constitution. So that when Utah became a separate and independent State in the American Republic the people of that State had the same power to adopt a constitution under the Constitution of the United States, and to provide, if you please, in that constitution a tax to support a State church that any one of the original colonies had when it entered into the negotiations that led to the adoption of the Constitution of 1787. That in the whole history of the Republic no State has ever resorted to that is no evidence that the power does not exist, but is a tribute to the independent thought and independent action of the people of the several States in forever keeping separate state and church. It was a wise consideration on the part of the fathers of the Constitution that they left that power with the people themselves, because that power, with the people, can never be abused, as is evidenced by the history now of one hundred and twenty years under that Constitution. More than thirty States have been added to the Republic, and no one of them has ever thought fit to tax the people of the State for the maintenance of an established church.

But, Mr. President, while it is true that the people of no State in this Republic have ever seen fit to make as a part of the organic law of the State any such provision as this, it is a notorious fact that the various religious denominations have, from the earliest history of the Republic, taken a greater or less interest in all public questions and in the politics of the parties that have from time to time controlled the destinies of the Republic. Not only that, but men have combined outside of religious organizations to control cities and States and the Republic itself.

If organizations, religious or otherwise, are to be condemned because they are interested in politics, where would the Senator from Michigan himself be to-day? He belongs to a great political organization that has for its object the controlling not only of the destinies of the State that he so ably represents in this body, but it has the ambition to, and has, as a matter of fact, for more than forty years, controlled the destinies of this Republic itself. Is it any worse for members of a religious organization in any State to prefer one of their own number as a United States Senator than it is for a political organization in the State of Michigan to prefer the senior Senator from Michigan as their representative? If we are to embark upon criticisms of this character, where can we stop?

It is a conceded fact, Mr. President, that the Mormon people outnumber in the State of Utah any other religious sect, and, indeed, they outnumber all other inhabitants of the State. Is there anything unnatural, then, that in an election looking to the selection of a man for United States Senator to represent the interests of that State in this body the majority of the people would prefer to have a man not only in sympathy with them from a political standpoint, but a religious standpoint as well? The Mormon people in the State of Utah, in doing what is charged by the senior Senator from Michigan [Mr. BURROWS], have not only not committed any crime, but they have followed the principles that govern men in all conditions of life and in all of the different religious denominations. Do not two Baptists—other things being equal—feel a little more kindly toward each other than they do toward two Presbyterians or two Congregationalists? If any favors are to be extended—other things being equal—will not one Baptist favor another rather than a heretic in religion?

The charge, however, made by the senior Senator from Michigan [Mr. BURROWS] as to the domination of the Mormon Church in all political affairs in Utah, is denied by Senator SMOOT and by a large number of witnesses who appeared before the Committee on Privileges and Elections, and it was shown by these witnesses that in Mormon communities where the Mormon vote largely outnumbered the opposition, candidates who did not believe in the doctrines of the Mormon Church were elected to responsible offices. Members of the supreme court of the State have been anti-Mormons, and members of the legislature and various State officers have been pronounced anti-Mormons. My honorable friend at my right [Mr. SUTHERLAND] all his life has not only not been a member of the Mormon Church, but in time and out of time he has publicly and privately denounced plural marriage and polygamous cohabitation, and yet we find a State, with a majority of Mormons in it, sending that gentleman here to represent it in this body.

If it were the fact, as argued to us the other day by the senior Senator from Michigan, that every office, from the lowest to the highest, within the State of Utah is controlled absolutely by some member of the Mormon Church, then this condition as shown by the testimony before the Committee on Privileges and Elections would not exist, and no man who did not acknowledge fealty to the Mormon Church could hold any office, either of high or low degree. I could, had I the time, present to the Senators a long list of names of men who are anti-Mormons and who since the Territory became a State have held important local and State offices.

The people of Utah are divided, not on religious lines, but on industrial and economical lines. Senator SMOOT is a pronounced protectionist, and the majority of the people of that State are of his faith on this industrial question, as are the majority of the people of the State of Michigan of that belief politically; and it was, as I gather from a careful examination of the testimony, upon this branch of the case as presented to our commit-

tee that Senator SMOOT was selected, because he more nearly represented the views of the majority of the people on all industrial and economical questions than his opponent. He was selected precisely as my honored friend from Michigan [Mr. BURROWS] was selected to represent his State in this great legislative body.

I think I am safe in saying, Mr. President, that neither the majority in this Senate nor the people in the country will indorse the views of the senior Senator from Michigan that Senator SMOOT should be deprived of his seat in the Senate because a majority of the people of the State of Utah are of the same religious faith as himself and voted for him in preference to his opponent.

The legislature that elected him was composed of Mormons and non-Mormons. He was elected by the Republicans in the legislature, Mormons and non-Mormons, and was opposed by the Democrats in that body, Mormons and non-Mormons.

Mr. President, the next proposition that was made by the Senator from Michigan, advocating the expulsion of Senator SMOOT from this body, was that the Senator, in connection with and as a member of such organization, has taken an oath of hostility to the Government of the United States incompatible with his obligation as a Senator.

It is conceded, I think, by the Senator from Idaho and by the senior Senator from Michigan that as an apostle Senator SMOOT was not required to and did not take an oath, and that his relations with the Mormon Church, so far as that is concerned, are the same as that of a lay member.

I remember that in the testimony of Mr. Critchlow, who was one of the lawyers from that State who came here to aid the protestants against Senator SMOOT taking a seat, he made the statement that his position was no different from that of a lay member of the Mormon Church. So I wish to get fully before the minds of the Senate that neither the Senator from Idaho not the Senator from Michigan nor any of the advocates of the expulsion of Senator SMOOT from this body claim that the oath he has taken which would disqualify him is an oath that was taken as an apostle of the church, and that had a lay member of that church come here he would be under the same disability that is urged against the Senator from Utah by the Senator from Michigan, if he had gone through the endowment house, and that the oath that is here referred to in this third proposition is not an apostolic oath, but what is known as the "endowment oath." If any person ought to know whether Senator SMOOT has taken such an oath, he himself is that person. He was a witness in his own behalf before the Committee on Privileges and Elections and was questioned upon this very subject. He stated that he had taken the endowment oath when a mere boy and gave the circumstances under which the oath was taken. His evidence is that there is absolutely nothing in that oath of the character charged by the senior Senator from Michigan [Mr. BURROWS]. He further stated that not only was it no oath of hostility to the Government of the United States or incompatible with his obligations as a Senator, but that it was purely of a religious character without reference to the obligations that he assumed in this body when he took the oath of office. It is conceded not only by the senior Senator from Michigan that Senator SMOOT is an honorable man, but by every person who has had anything to do with the protestants before the Committee on Privileges and Elections. He says, under the solemnity of an oath before our committee, that there is nothing in the endowment oath that interfered with his taking the oath that he did in this body as a Senator of the United States, and that he is untrammeled, so far as that oath or his connection with the Mormon Church is concerned, in giving absolute fealty in every respect to the Government of the United States. If, Mr. President, there were no other testimony in the case on behalf of Senator SMOOT than his own, I think it should be enough to satisfy Senators, especially in view of the fact that for three years they have noted his conduct as a Senator and have seen in him nothing but the high character that all accord him—that his word should have a controlling force and effect on this question.

The testimony, however, that has been offered upon this branch of the case by those opposed to Senator SMOOT is of a character that would receive but little consideration in a court of justice. Of all the witnesses who testified before our committee there were only seven who made any pretense of testifying about such an obligation. The testimony of these witnesses is all of a vague and indefinite character. The witnesses themselves are untrustworthy or disreputable in character, and the seven combined would receive but little consideration in any court of record in any of the States of the Republic on any question that involved even the property interests of a citizen; much less, then, should they receive consideration here where the rights of a great State are involved, in addition to the reputation of one of the leading citizens of that State. As an illustration of the character of these seven witnesses I challenge the attention of the Senate to the testimony of Mrs. Elliott, who was brought here from Utah to testify regarding this oath. In order to qualify herself to make a proper showing before the committee, the Senate, and the country, she was asked various questions regarding her own record. She testified that she was living with a second husband; that her first husband was dead. She stated when he died, and that after she had lived as a widow for some time, she again married. When the respondent produced his witnesses the first husband of Mrs. Elliott was brought here, and he said he was not only not dead, but that he had been a very live man ever since he and his wife had separated; that he had corresponded continuously with his children, who were with their mother, and that she knew when she testified that he was living and well. Can anybody take evidence of that kind to impeach the character and standing of a citizen like Senator REED SMOOT?

Senator SMOOT is corroborated in his testimony by that of all of the leading witnesses who gave testimony on that subject. While most of them declined to give the endowment oath, they gave as their reason for such declination that it was a secret religious obligation. The same reasons that influence a Mason to decline to reveal the oaths that are taken by a member when he takes the different degrees in that great secret organization influenced these witnesses in declining to give this religious obligation. But each witness was explicit in stating that there was nothing in the obligation that indicated hostility of the Government of the United States. In numbers and character these witnesses overshadowed the testimony of the witnesses who had sworn to such an obligation.

No person, as it seems to me, who can properly analyze testimony can take the evidence that has been offered upon this proposition and arrive at any other conclusion than that Senator SMOOT is right and truthful when he says that he has never taken an obligation that is incompatible with his duty to the Government of the United States or that would influence him as a Senator in this body.

I have not the time to take the testimony of each witness and read it so that Senators can see that the conclusions that I have reached upon this testimony are not only logical but irresistible.

The report signed by the senior Senators from Ohio and Indiana [Mr. FORAKER and Mr. BEVERIDGE] and the junior Senators from Vermont and Pennsylvania [Mr. DILLINGHAM and Mr. KNOX] with myself contains a careful analysis of the testimony on that subject, and I commend it to any doubting Thomas in this body, if such there be on this question.

The oath that was taken by Senator SMOOT when he became a member of the Senate of the United States supersedes any oath that he may have taken at any previous period in his life. It was taken without any mental reservation, and his whole course in the Senate has shown that no obligation that he has taken in life, so far as influencing his conduct, is in conflict with his duty as a United States Senator. I shall therefore, Mr. President, pursue this line of thought no further. There are, however, some questions that I desire to discuss briefly before I close my remarks.

There is a great misunderstanding in the public mind regarding the extent with which polygamous cohabitation is practiced among the Mormons. With a church membership of more than 300,000, in 1890 it was ascertained by a careful census that there were 2,451 polygamous families. Since the manifesto of 1890, as I have already shown, the plural marriages that have taken place in the church have been exceedingly few in number. They have been sporadic and probably do not exceed in number the number of bigamous marriages that can be found in a like population in almost any State in the Union. These polygamous families were all formed prior to the manifesto of 1890. When they were entered into the parties taking on these relations believed that they were justified in the sight of God and man; children were reared under such conditions; and, as I have already shown, the laws of our country have legitimized these children.

The problem that confronted these men who had plural wives after the laws of Congress had legitimized their children by their plural wives was, What should be done with the mothers of their children? Should they be driven into the street penniless and uncared for, or thrown upon society in the anomalous and unenviable position that they would hold? Or should these men who, when they took them as plural wives, believed, as did the women, that the relation was sanctified in the sight of God and that it was pure and exalted by religious approval, care for them?

The consensus of opinion in the State of Utah among the

Gentiles as well as the Mormons was that if the husbands of these plural wives cared for them, without flaunting such relations in the face of the public, it would be better to let them care for them along with the children these women had borne them and let time and death solve the ultimate problem of the extinction of polygamy in the Mormon Church.

The leading citizens of Utah who were non-Mormon not only acquiesced in this solution of the problem, but they gave it their sanction by word and act.

I denounce any so-called plural marriages since the manifesto of 1890 in as strong terms as does the Senator from Michigan [Mr. BURROWS]; but, Mr. President, I want Senators and I want the people of the country to understand that since 1890 there has been an honest effort on the part of the Mormon people to live up to the laws of the land and live up to that manifesto issued by the head of the church.

Mr. BURROWS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Michigan?

Mr. HOPKINS. Certainly.

Mr. BURROWS. May I ask the Senator if, when he states that there has been an honest effort made to live up to the manifesto, he does not lose sight of the fact that at least five of the apostles have taken new wives since the manifesto?

Mr. HOPKINS. Mr. President, I thank the Senator for calling my attention to that. One would suppose from the position taken by the Senator from Michigan and by the Senator from Idaho that not only five apostles had taken plural wives, but that they were multiplying these plural marriages as they did before the manifesto of 1890. Can the Senator from Michigan tell me the number of plural marriages in the Mormon Church since 1890?

Mr. BURROWS. The number is shown in the evidence, but I do not now exactly recall it.

Mr. HOPKINS. I have it.

Mr. BURROWS. But there have been several.

Mr. HOPKINS. I am going to answer the Senator on that.

Mr. BURROWS. A number of them have taken plural wives.

Mr. HOPKINS. I am going to discuss that fully.

Mr. BURROWS. It does not follow from that that others are taking plural wives, but it is true that the head of the church and some of the apostles have indulged in plural marriage since the manifesto. One thing more. I should like to ask the Senator if the older people are called upon to take care of their wives as a humane act? Is there any reason why they should continue to cohabit with them and increase the number of the offspring?

Mr. HOPKINS. I will say to the Senator that on that proposition I will give him the answer of the head of the Mormon Church, which is found in the evidence. It is not necessary for me to make an answer to that proposition. That very question was put to the head of the Mormon Church, who has had a number of children born since the manifesto, and I submit that answer, not only to the Senator, but to Senators in this body and to the public generally.

Now, Mr. President, to come back to my proposition. Mark you, this manifesto was promulgated in 1890, sixteen or seventeen years ago. How many plural marriages have there been since that time? We have here, as I have said, four volumes of testimony. They have raked the entire Mormon Church from Mexico to Canada, and throughout the mountainous States; they have taken every case that they could find, whether the evidence warranted it or not. I have gone through the testimony, and I find that during the sixteen or seventeen years since the manifesto, on their own showing, there have been only twenty so-called "plural marriages"—a little over one year in a population of 300,000. Take the same population in almost any part of the country and there would be nearly the same number of bigamous marriages.

The evidence does not warrant the conclusion that there have been even twenty of these marriages. I base my statement as to the number upon the contention of the protestants themselves, but when you come to sift the evidence it absolutely fails, and if the law that governs testimony in actions dealing with property and lives in the courts of our country were to be invoked, they could not show five cases of this kind.

The Senator has suggested that five of the apostles have taken plural wives. I met that proposition when I showed that if these men had violated the law, the apostles and the church itself did not preach the doctrine of polygamy. I met that when I showed that this manifesto is sent out by the missionaries, is scattered broadcast in the church, and is acquiesced in as one of the doctrines of the church to-day. That one individual or five individuals violate the law can not make a criminal out of a church of 300,000 people. That one man or five among the apostles violate the law can not make REED SMOOT a criminal, any more than the Senator from Michigan would be a criminal because some Senator sitting near him might violate the law. REED SMOOT has no control over the individual actions of the apostles any more than the Senator from Michigan has control over the individual actions of the Senator from Colorado.

Mr. President, as I have said, it is not my purpose to take up very much more time of the Senate in the discussion of this question.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Oregon?

Mr. HOPKINS. Yes.

Mr. FULTON. The Senator may have explained, but I did not understand him if he did, whether in the case of the twenty polygamous marriages which have been celebrated since 1890 the ceremony was performed by the church in all of them or any of them?

Mr. HOPKINS. I am very much obliged to the Senator for calling my attention to that. Under the rules and regulations of the church a plural marriage, even in polygamous days, was not a legal marriage, unless it was performed by the president of the church or by somebody designated by him.

Since the manifesto of 1890 neither the president nor any other official of the church has authorized a plural marriage, and none has taken place in a Mormon church or in a sanctuary of any character belonging to the Mormon Church within the limits of the United States. The alleged taking of plural wives among the apostles, mentioned by the Senator from Michigan, occurred in Canada or Mexico, outside of the limits of our own country. This is enough to show that those individuals when they left their own country recognized that they had left their church, and that they were not only violating the laws of the Mormon Church, but that they were violating the laws of our country as well. So they went to a foreign country to consummate this relation. I showed, Mr. President, in my earlier remarks that that relation is an adulterous one in the eyes of the Mormon Church, the same as it is among the Gentiles themselves.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. HOPKINS. I do.

Mr. DUBOIS. I will ask the Senator from Illinois, if he will allow me, if the Mormon Church has undertaken to punish any of these polygamists for entering into this adulterous relation?

Mr. HOPKINS. I will answer my friend from Idaho by saying that the other day I read in a newspaper that a member of a religious organization in one of the Western States had committed the crime of bigamy. I ask the Senator if he knows whether the members of his church have prosecuted that man? One question is as fair as the other. It is not necessary in order to clear the skirts of REED SMOOT, or any lay Mormon in the church, that he should prosecute a person for committing a crime. The obligation is upon the Senator himself with the same degree of responsibility as it is upon any member of the church. If he knows that a man has violated the law it is his duty, according to his own code of ethics, to present that evidence to a grand jury to have them indict him. Has he gone and presented these charges to the grand jury in the State of Utah or in Salt Lake City?

Mr. DUBOIS. I myself have not.

Mr. HOPKINS. That is all I want to know.

Mr. DUBOIS. But the people of Utah have gone, and the courts of Utah have paid no attention to the presentation, and it is useless.

Mr. HOPKINS. Where a crime is committed and nobody follows it up, the criminal goes unwhipped of justice. That is true outside of the Mormon Church as it is true inside of the church; and if they had legal evidence of any of these apostles taking plural wives, why have they not prosecuted them instead of coming here and seeking to punish a man who has done more than any thousand people in this country to stamp out the crime of polygamy? They are trying to punish a man who has shown that he possesses the qualities of heart and head to do all in his power to stop this crime, and yet because some members of the church violate the law, these honored Senators say that he should be expelled from the Senate of the United States.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. HOPKINS. I yield.

Mr. BEVERIDGE. In answer to the Senator's question,

whether the Senator from Illinois could cite an instance where there had been any punishment by another Mormon of Mormons for having entered into polygamous relations, I have not read the testimony recently, but the Senator has, and I call his attention to a case, as I remember it, when I was present when the testimony was being taken. I believe it was a bishop of a stake by the name of Harmer, who had taken another wife, and the attention of the Senator from Utah, not then a Senator, was called to it. The bishop himself went to Provo, the home of the Senator from Utah, not then a Senator, and told him about this thing, about which there was a great deal of rumor. The upshot of the whole matter, as I remember the testimony—and the Senator from Illinois will know about what it was—was that on his way home from Provo this bishop of the stake, who had entered into relationships with more than one woman, was arrested by the sheriff, was by the church authorities deposed from the bishropric, and was prosecuted and finally sent to the penitentiary. I do not know whether that is correct or not, but that is as I remember it.

Mr. DILLINGHAM. He himself testified to it.

Mr. BEVERIDGE. The Senator from Vermont suggests that it was the bishop himself who testified to that fact.

Mr. DUBOIS. If the Senator from Illinois will pardon me, I will show the difference. Bishop Harmer was not married to the second woman. He was living with her in a purely adulterous relation. Therefore the Mormon Church made an example of him. Had she been married to him as a second wife, they would not have interfered, because they never have done so.

Mr. BEVERIDGE. Then, the Senator's suggestion is——

Mr. HOPKINS. Right here let me say a word.

Mr. BEVERIDGE. Yes.

Mr. HOPKINS. I have shown, Mr. President, that there can not be in the Mormon Church to-day the taking of a plural wife. That is an impossibility under the law of the church, and the relation is an adulterous one, just as stated by the Senator from Idaho.

Mr. BEVERIDGE. And the suggestion of the Senator from Idaho in answer is that the reason why they deposed him from his religious office and the reason why they sent him to the penitentiary for a criminal offense is that he did not marry the woman.

Mr. DUBOIS. Exactly; precisely.

Mr. BEVERIDGE. Then, according to that, the Senator from Idaho must go on and show that it is the habitual practice to persecute people out there if they do not contract polygamous marriages, which, of course, is reductio ad absurdum.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Utah?

Mr. HOPKINS. Certainly.

Mr. SUTHERLAND. If the Senator from Illinois will permit me, I will state that I am pretty familiar with the Harmer case referred to, although I do not now recall precisely what the evidence showed about it.

Mr. Harmer was a bishop in the county in which my colleague lives. It was very clearly shown when he was arrested that he had gone to Mexico and had married his plural wife there. By the way, Utah has a law upon the subject of polygamy, forbidding and punishing it. Mr. Harmer could not be prosecuted under the law of the State of Utah because the offense was not committed in that jurisdiction. The only thing for which he could be prosecuted was the crime of adultery. He was prosecuted for that.

Mr. BEVERIDGE. And sent to the penitentiary.

Mr. SUTHERLAND. Not only is that the fact, but I happen to know something further about it. My colleague himself spoke to one of the civil officers of the county, the sheriff of the county, whom I know very well. The sheriff of the county investigated the case. The sheriff was a Mormon. This man was arrested. He was prosecuted by a Mormon district attorney and was convicted before a Mormon judge and sent to the penitentiary for eighteen months. That is the history of the case.

Mr. BEVERIDGE. Upon the original information of the Senator from Utah himself.

Mr. SUTHERLAND. Yes. Not only that, but, as I am informed and as I have every reason to believe is the fact, after this man had been in the penitentiary for something less than a year, an effort was made to secure his pardon, and a petition was presented to my colleague, who declined to sign it. He declined to ask for the man's pardon.

As I say, I do not recall what the evidence was, but I state what I know about it because I happened to reside in Utah County at the time, within 6 miles of where it happened.

Mr. HOPKINS. I thank the Senator for giving us the information he has upon that subject, and I want to emphasize to the Senate a fact which appears in the evidence before the committee, and that is that the younger Mormons throughout the length and breadth of the State of Utah and wherever the Mormon Church is located are opposed to polygamy and polygamous cohabitation as much as is the Senator from Michigan himself.

That time and death will speedily end this blot upon the church and upon the civilization of our country as well is evidenced from the fact that in October, 1899, nine years after the first census had been taken, the number of polygamous families had been reduced to 1,543. Another investigation was made in May, 1902, as to the number of polygamous families in the Mormon Church, and the 1,543 families had dwindled to 897. At the time that this case was being considered by the Committee on Privileges and Elections it was stated without question by the leading counsel for Senator SMOOT that the number of polygamous families in existence to date had been reduced by death to about 500.

Mr. President, in the short space of sixteen or seventeen years the number of polygamous families in the Mormon Church has been reduced from 2,451 to 500. Those that remain are old men and old women, and in a few years the 500 will be entirely blotted out. Then the Mormon Church will stand forth freed not only from preaching and inculcating the doctrine of plural wives and polygamous cohabitation, but in the practice of the church it will be freed from having a solitary polygamous family within its fold.

I can understand how some fanatics may say that this method of dealing with this crime upon our civilization is too charitable and that the strong arm of the law should take these gray-haired offenders, both men and women, and punish them to the limit of the law. The experience of mankind, however, Mr. President, is entirely against such drastic measures. Persecution (or what seems to the prosecuted persecution) simply inflames the spirit of the martyr, and instead of stifling the offense or crime of polygamy, it stimulates the fanatics in the church to practice it and to preach it, believing that by so doing they are earning eternal salvation and a higher and better place near the throne of God.

The overwhelming sentiment in Utah and in the adjoining States where the Mormon Church exists is in favor of eliminating the last vestige of polygamous cohabitation in the church by time rather than the adoption of the drastic measures that I have already referred to. The leading Gentiles of Utah favor this plan. They believe it to be more humane and more effective than to make martyrs of those who still adhere to the plural wives taken by them prior to the manifesto of 1890. This problem of plural wives and polygamous cohabitation is one that our missionaries have met with in their missionary fields in the Orient.

In a book published in 1904 by Harlan P. Beach, entitled "In India and Christian Opportunity," in dealing with the general subject of problems connected with new converts, the author says, on page 222:

> *Polygamy.*—One difficulty in the way of receiving a professed convert, though affecting only a small percentage of candidates, is a most perplexing one; it is that of applicants who have more than one wife. As Hindoo or Mohammedan they have entered in good faith into marriage contracts with these wives, and if a man puts away all but one what provision shall be made for the rejected, and on what principle shall he decide as to the one to be retained? * * * Some good missionaries hold that where the husband is living the Christian life in all sincerity it is better to receive into the church such a candidate, though not eligible to any church office, than to require him to give up all but one wife and thus brand with illegitimacy his children by them, as well as occasion the wives so put away endless reproach and embarrassment.

The Rev. John P. Jones, D. D., in a book which he published in 1903, in treating of this same subject, said:

> If it be demanded of the man that he put away all but one of those wives taken in heathenism, then we ask whether it is Christian or even just to cast away one to whom he was solemnly and religiously pledged according to the laws of the land and with whom he has been linked in love and harmony for years, and from whom he has begotten children? * * * It is not easy, on Christian grounds, to decide such a problem as this; nor is it very Christian to put a ban upon any woman who, in accordance with their religion and their country's laws, has formed this sacred alliance with a man and has lived with him for years; nor can it be right to brand with illegitimacy the children born of such a wedlock.

I cite these authors, Mr. President, to show that men of liberal views, but sincere Christian spirit, find it difficult to meet and solve the problem among the converts to the Christian religion in the Orient. The highest authority on this subject counsels toleration and the recognition of the convert to the rights of the Christian church, although he may still hold to his plural wife.

These examples show the questions that our missionaries are

meeting with constantly. These men have been taught, from their experience in countries where polygamy is practiced, the doctrine of charity, and have recommended practically the same course toward the converts to Christianity—where these converts have plural wives—that has been adopted by the people of Utah and the other Western States where polygamy once held sway as a part of the doctrines and teachings of the Mormon Church.

It is not, however, for the Senate of the United States, Mr. President, to determine which course should be pursued to eliminate forever this last vestige of barbarism on the civilization of our times. We have only to deal with Senator SMOOT and his record, and that alone must determine our action. From the consideration that I have given to it, and for the reasons that I have here expressed, I feel, Mr. President, that I would be false to the oath that I have taken were I to vote to expel him from the Senate of the United States, and I shall, therefore, when the time comes for the Senate to determine this momentous question, cast my vote in favor of his retaining his seat.

Mr. CULLOM obtained the floor.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. DUBOIS. Just for a moment?

Mr. CULLOM. I can not yield. I have been yielding all day.

Mr. DUBOIS. Just a moment? I want to ask the junior Senator from Illinois a question.

The VICE-PRESIDENT. The Senator from Illinois has not yielded.

Mr. DUBOIS. I desire to ask your colleague a question.

Mr. CULLOM. The Senator may ask a question, but I can not yield for any length of time.

Mr. DUBOIS. I should like to ask the junior Senator from Illinois a question. I have not interrupted him during his very interesting discourse. He has referred a number of times to the testimony which shows that Senator SMOOT is an opponent of polygamy; that he does not believe in polygamy; that he differs with the president of his church in regard to that. I should like to ask the Senator from Illinois when he is revising his remarks to indicate where publicly at any time or place REED SMOOT has opposed polygamy in any form. Let him indicate in what part of the testimony such references can be found.

Mr. HOPKINS. I can not put in my speech any more than I have said, but I will say to the Senator that the proposition he has made here is one that he has discussed twenty, forty, or a hundred times before the committee. The whole life of Senator SMOOT is a protest against polygamy. Every act that he has engaged in, either in the church or outside of it, is a condemnation of it. It is not necessary for a man to go up and shake his fist in the face of another to show his disapproval. It is not necessary for Mr. SMOOT to stand up in the tabernacle and say, "I denounce President Smith" or this man or that man, to show that he is opposed to the practice of polygamy. His whole life, Mr. President, is what I put in evidence to show the fact that he is an opponent of the practice of polygamy, and the Senator from Idaho himself dare not stand upon this floor or say before any audience that knows the facts that REED SMOOT has not been a consistent and persistent opponent of the practice of polygamy,

Mr. DUBOIS. I do say so distinctly——

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. CULLOM. I do not; not at present.

Mr. DUBOIS. The junior Senator from Illinois said this was in the testimony in regard to Senator SMOOT's opposition to polygamy. It is not a fact.

The VICE-PRESIDENT. The senior Senator from Illinois declines to yield.

Mr. CULLOM. There will be time hereafter to discuss this question.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 10. An act granting an increase of pension to Roswell Prescott;

S. 123. An act granting an increase of pension to William M. Morgan;

S. 480. An act granting an increase of pension to Silas A. Reynolds;

S. 677. An act granting an increase of pension to Albert G. Peabody, jr.;

S. 679. An act granting an increase of pension to Thomas Kelly;

S. 768. An act granting an increase of pension to William H. Rhoads;

S. 771. An act granting an increase of pension to Samuel G. Kreidler;

S. 774. An act granting an increase of pension to August Krueger;

S. 831. An act granting an increase of pension to Isaac G. Clark;

S. 1240. An act granting an increase of pension to Dana W. Hartshorn;

S. 1257. An act granting an increase of pension to Patrick O'Day;

S. 1347. An act granting a pension to Martha W. Pollard;

S. 1493. An act granting an increase of pension to Cathrin Huff;

S. 1857. An act granting an increase of pension to William Vantilburgh;

S. 1891. An act granting an increase of pension to Charles F. M. Morgan;

S. 1941. An act granting an increase of pension to Elvira A. Kelly;

S. 2249. An act granting an increase of pension to George W. Smith;

S. 2541. An act granting an increase of pension to Thomas W. Murray;

S. 2563. An act granting a pension to Isaac Carter;

S. 2643. An act granting an increase of pension to James H. Thrasher;

S. 2669. An act granting an increase of pension to Winfield S. Ramsay;

S. 2734. An act granting an increase of pension to John R. Conyngham;

S. 2737. An act granting an increase of pension to Benjamin Hains;

S. 2749. An act granting an increase of pension to John H. Brooks;

S. 2794. An act granting an increase of pension to John H. Allison;

S. 3220. An act granting an increase of pension to Wilbur H. Clark;

S. 3221. An act granting an increase of pension to Robert Mills;

S. 3671. An act granting an increase of pension to Louis Castinette;

S. 3763. An act granting an increase of pension to Mary A. Baker;

S. 3767. An act granting an increase of pension to Samuel Turner;

S. 3931. An act granting an increase of pension to Fanny A. Pearsons;

S. 4032. An act granting an increase of pension to Solomon Craighton;

S. 4053. An act granting an increase of pension to William A. Smith;

S. 4127. An act granting an increase of pension to Samuel Paine;

S. 4389. An act granting an increase of pension to Florence B. Plato;

S. 4406. An act granting an increase of pension to Susan N. Fowler;

S. 4510. An act granting an increase of pension to Rufus C. Allen;

S. 4542. An act granting an increase of pension to Aaron Daniels;

S. 4771. An act granting an increase of pension to George R. Turner;

S. 4772. An act granting an increase of pension to Gertrude McNeil;

S. 4894. An act granting an increase of pension to Robert Ramsey;

S. 4909. An act granting an increase of pension to Louis Sidel;

S. 4979. An act granting an increase of pension to Don C. Smith;

S. 5067. An act granting an increase of pension to Martin Schultz;

S. 5073. An act granting an increase of pension to Daniel G. Smith;

S. 5084. An act granting a pension to John W. Connell;

S. 5138. An act granting a pension to Jane Metts;

S. 5156. An act granting an increase of pension to Granville F. North;
S. 5176. An act granting an increase of pension to Lewis C. Janes;
S. 5443. An act granting an increase of pension to James D. Merrill;
S. 5493. An act granting an increase of pension to Marcus Wood;
S. 5502. An act granting an increase of pension to John B. Coyle;
S. 5573. An act granting an increase of pension to Gustavus A. Thompson;
S. 5599. An act granting an increase of pension to Dennis Flaherty;
S. 5685. An act granting an increase of pension to James M. Jenkins;
S. 5693. An act granting an increase of pension to Margaret L. Houlihan;
S. 5725. An act granting an increase of pension to Alonzo S. Prather;
S. 5727. An act granting an increase of pension to Lucius Rumrill;
S. 5740. An act granting an increase of pension to Jared Ayer;
S. 5741. An act granting an increase of pension to Amelia M. Hawes;
S. 5771. An act granting a pension to Mary E. Thompson;
S. 5823. An act granting an increase of pension to Nelson Virgin;
S. 5826. An act granting an increase of pension to Isaac C. Phillips;
S. 5892. An act granting an increase of pension to Daniel W. Redfield;
S. 5963. An act granting an increase of pension to James Reed;
S. 5980. An act granting an increase of pension to Jacob Smith;
S. 6001. An act granting an increase of pension to Emily Killian;
S. 6005. An act granting an increase of pension to John G. Bridaham;
S. 6008. An act granting an increase of pension to Joseph Lamont;
S. 6019. An act granting a pension to Harriet O'Donald;
S. 6035. An act granting an increase of pension to John Fox;
S. 6051. An act granting an increase of pension to Mary A. Duncan;
S. 6052. An act granting an increase of pension to William E. Redmond;
S. 6131. An act granting an increase of pension to Frances A. Jepson;
S. 6163. An act granting an increase of pension to William H. Westcott;
S. 6186. An act granting an increase of pension to James L. Estlow;
S. 6203. An act granting an increase of pension to Francis W. Crommett;
S. 6230. An act granting an increase of pension to Nellie Paxton;
S. 6232. An act granting an increase of pension to John L. Anthony;
S. 6238. An act granting an increase of pension to Hugh S. Strain;
S. 6239. An act granting an increase of pension to Kate M. Miner;
S. 6250. An act granting an increase of pension to Alice G. Clark;
S. 6266. An act granting an incraese of pension to Paul Baker;
S. 6267. An act granting an increase of pension to Denis A. Manning;
S. 6347. An act granting an increase of pension to Edward R. Cunningham;
S. 6353. An act granting an increase of pension to Dolores S. Foster;
S. 6367. An act granting an increase of pension to Joseph Johnston;
S. 6368. An act granting an increase of pension to Sherrod Hamilton;
S. 6429. An act granting an increase of pension to Mary L. Beardsley;
S. 6438. An act granting an increase of pension to Martha J. Haller;
S. 6466. An act granting an increase of pension to Samuel Moser;
S. 6485. An act granting an increase of pension to Samuel Cook;
S. 6505. An act granting an increase of pension to Theodore M. Benton;
S. 6506. An act granting an increase of pension to Henry Z. Bowman;
S. 6514. An act granting an increase of pension to Alfred A. Stocker;
S. 6537. An act granting an increase of pension to William Eppinger;
S. 6538. An act granting an increase of pension to Betsey A. Hodges;
S. 6558. An act granting an increase of pension to Samuel A. Pearce;
S. 6560. An act granting an increase of pension to Reuben D. Dodge;
S. 6561. An act granting an increase of pension to George W. Blair;
S. 6568. An act granting an increase of pension to Wilbur F. Hodge;
S. 6569. An act granting an increase of pension to George Porter;
S. 6572. An act granting an increase of pension to Aaron L. Roberts;
S. 6574. An act granting an increase of pension to Maria H. Waggoner;
S. 6576. An act granting an increase of pension to Michael Meyers;
S. 6579. An act granting an increase of pension to Ezekiel Morrill;
S. 6580. An act granting an increase of pension to Ella B. Greene;
S. 6581. An act granting an increase of pension to Joseph W. Lowell;
S. 6583. An act granting an increase of pension to Abram P. Colby;
S. 6585. An act granting an increase of pension to Amos Ham;
S. 6586. An act granting an increase of pension to Wesley J. Ladd;
S. 6591. An act granting an increase of pension to Henry Campbell;
S. 6596. An act granting an increase of pension to Cyrus W. Cobb;
S. 6597. An act granting an increase of pension to Frank H. Read;
S. 6631. An act granting an increase of pension to George W. Hodgman;
S. 6632. An act granting an increase of pension to William Davis;
S. 6636. An act granting an increase of pension to Andrew J. Grover;
S. 6645. An act granting an increase of pension to Timothy C. Stilwell;
S. 6650. An act granting an increase of pension to John A. McGinty;
S. 6705. An act granting an increase of pension to Holmes Clayton;
S. 6707. An act granting an increase of pension to Stephen E. Lemon;
S. 6709. An act granting an increase of pension to Samuel Shawver;
S. 6712. An act granting an increase of pension to Orin Ingram;
S. 6714. An act granting an increase of pension to Joseph Bolshaw;
S. 6717. An act granting an increase of pension to Manasa T. Houser;
S. 6718. An act granting an increase of pension to Augustus L. Holbrook;
S. 6723. An act granting an increase of pension to Agusta P. Morgan;
S. 6767. An act granting an increase of pension to John C. Brown;
S. 6814. An act granting a pension to Alice Bosworth;
S. 6819. An act granting an increase of pension to Nelson Bigalow;
S. 6821. An act granting an increase of pension to Jonathan M. Adams;
S. 6822. An act granting an increase of pension to Christopher Christopherson;
S. 6824. An act granting an increase of pension to Byron Canfield;
S. 6825. An act granting an increase of pension to Thomas M. Roberts;

S. 6826. An act granting an increase of pension to Jacob Turner;

S. 6829. An act granting an increase of pension to Thomas P. Cheney;

S. 6881. An act granting an increase of pension to Jefferson Bush;

S. 6882. An act granting an increase of pension to Elisha H. Stephens;

S. 6883. An act granting an increase of pension to Thomas W. White;

S. 6885. An act granting an increase of pension to William H. Anderson;

S. 6942. An act granting an increase of pension to William B. Dow;

S. 6978. An act granting an increase of pension to Samuel Jackson;

S. 6997. An act granting an increase of pension to William Kennedy;

S. 7065. An act granting an increase of pension to Lovisa Donaldson;

S. 7077. An act granting an increase of pension to Mary E. Hattan; and

S. 7160. An act granting an increase of pension to Kate Myers.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes.

The motion was agreed to.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Oregon?

Mr. CULLOM. I yield to the Senator from Oregon, who I understand wishes to make a request.

REVISION OF UNITED STATES PENAL LAWS.

Mr. FULTON. I ask that the bill (S. 7709) to revise, codify, and amend the penal laws of the United States, as reported by the special committee, may be made the unfinished business. I do not wish to call it up now or to interfere with the appropriation bill, but simply that it may be made that order.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that Senate bill 7709 may be made the unfinished business. Is there objection?

Mr. BURROWS. What would be the effect of such an order, if adopted?

Mr. FULTON. I will say to the Senator that I will give way any time when the Senator wishes to bring up the Smoot case.

Mr. BURROWS. For the present I shall object.

Mr. KEAN. Let us go on with the regular order.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes; which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments reported by the committee be considered as the reading progresses.

The VICE-PRESIDENT. The Senator from Illinois asks that the first formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, line 6, before the word "dollars," to strike out "two thousand two hundred and twenty" and insert "four thousand;" and in line 10, before the word "dollars," to strike out "five thousand seven hundred and sixty" and insert "seven thousand five hundred and forty;" so as to make the clause read:

Office of the Vice-President: For secretary to the Vice-President, $4,000; messenger, $1,440; telegraph operator, $1,500; telegraph page, $600; in all, $7,540.

The amendment was agreed to.

The next amendment was in the item of appropriation for the maintenance of the office of the Secretary of the Senate, on page 4, line 22, before the word "dollars," to strike out "one thousand four hundred and forty" and insert "two thousand;" and in line 23, before the word "dollars," to strike out "one thousand four hundred and forty" and insert "nine hundred;" so as to read:

Clerk to the Committee on Military Affairs, $2,220; assistant clerk, $2,000; messenger, $900.

The amendment was agreed to.

The next amendment was in the appropriation for the maintenance of the office of the Secretary of the Senate, on page 5, line 24, after the words "Executive Departments," to insert "Manufactures, University of the United States;" so as to read:

Organization, Conduct, and Expenditures of the Executive Departments, Manufactures, University of the United States.

The amendment was agreed to.

The next amendment was, on page 6, line 4, to increase the total appropriation for the maintenance of the office of the Secretary of the Senate from $127,780 to $132,240.

The amendment was agreed to.

The next amendment was, on page 6, after line 5, to insert:

For additional amount for the clerk to the Committee on Rules for revising and preparing for publication biennially, under the direction of the committee, the Senate Manual, $1,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 6, line 10, before the word "clerks," to strike out "twenty-one" and insert "twenty;" and in line 12, before the word "dollars," to strike out "thirty-seven thousand eight hundred" and insert "thirty-six thousand;" so as to make the clause read:

For twenty clerks to committees, at $1,800 each, $36,000.

The amendment was agreed to.

The next amendment was, on page 8, line 23, before the word "annual," to strike out "twenty-five" and insert "thirty-two;" and on page 9, line 2, before the word "dollars," to strike out "forty-five thousand" and insert "fifty-seven thousand six hundred;" so as to make the clause read:

For thirty-two annual clerks to Senators who are not chairmen of committees, at $1,800 each, $47,600.

The amendment was agreed to.

The next amendment was, in the item of appropriation for contingent expenses exclusive of labor, on page 10, line 4, to increase the appropriation from $50,000 to $100,000.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol Police," on page 10, line 24, before the word "privates," to strike out "two special officers, at $1,200 each, sixty-seven" and insert "sixty-nine;" on page 11, line 1, before the word "dollars," to strike out "and fifty" and insert "one hundred;" and in line 5, before the word "dollars," to strike out "seventy-seven thousand nine hundred and fifty" and insert "eighty-one thousand one hundred;" so as to make the clause read:

For captain, $1,600, and three lieutenants, at $1,200 each, sixty-nine privates, at $1,100 each, one-half of said privates to be selected by the Sergeant-at-Arms of the Senate and one-half by the Sergeant-at-Arms of the House of Representatives; in all, $81,100, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, under the subhead of "House of Representatives," on page 11, line 20, before the word "thousand," to strike out "eighty-seven" and insert "eighty-three;" so as to make the clause read:

For compensation of Members of the House of Representatives and Delegates from Territories, $1,983,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for clerks and messengers to committees, House of Representatives, on page 16, line 3, after the words "Invalid Pensions," to insert "Irrigation of Arid Lands;" so as to read:

For janitors for rooms of the Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections Nos. 1, 2, and 3, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Insular Affairs, Invalid Pensions, Irrigation of Arid Lands, Judiciary, Labor, Library, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Post-Office and Post-Roads, Pensions, Printing, Public Buildings and Grounds, Public Lands, Rivers and Harbors, Territories, and War Claims, at $720 each.

The amendment was agreed to.

The next amendment was, on page 16, line 15, to increase the total appropriation for clerks and messengers to committees, House of Representatives, from $110,440 to $111,160.

The amendment was agreed to.

The next amendment was, on page 19, line 17, before the word "hundred," to strike out "five" and insert "nine;" so as to make the clause read:

For the following minority employees authorized and named in the resolution adopted by the House of Representatives November 9, 1903, namely: One special employee, $1,500; two special messengers, at

$1,400 each, and one special chief page, $900, and $700 additional for services as pair clerk, and said special chief page shall be designated a deputy sergeant-at-arms; in all, $5,900.

The amendment was agreed to.

The next amendment was, under the head of "Government Printing Office," on page 23, line 23, before the word "thousand," to strike out "six" and insert "five;" in line 24, before the word "dollars," to strike out "six hundred" and insert "two hundred and fifty;" on page 24, line 3, after the word "messenger," to strike out "one telephone switchboard operator; two assistant telephone switchboard operators;" in line 5, before the word "dollars," to strike out "six hundred;" and in line 7, before the word "dollars," to strike out "twenty-four thousand nine hundred and ten" and insert "twenty-one thousand and forty;" so as to make the clause read:

Office of the Public Printer: Public Printer, $5,000; Deputy Public Printer, $3,250; private secretary, $2,250; stenographer, $1,000; cashier and paymaster, $2,500; paying teller, $2,000; one messenger; chief inspector and purchasing agent, $3,000; and one clerk of class 1; in all, $21,040.

The amendment was agreed to.

The next amendment was, on page 24, line 24, before the word "dollars," to strike out "five hundred" and insert "two hundred and fifty;" so as to make the clause read:

Office of foreman of presswork: Foreman of presswork, $2,250.

The amendment was agreed to.

The next amendment was, on page 25, line 2, before the word "dollars," to strike out "five hundred" and insert "two hundred and fifty;" so as to make the clause read:

Office of foreman of binding: Foreman of binding, $2,250.

The amendment was agreed to.

The next amendment was, on page 25, line 5, before the word "dollars," to strike out "five hundred" and insert "two hundred and fifty;" so as to make the clause read:

Office of the superintendent of supplies: Superintendent of supplies, $2,250.

The amendment was agreed to.

The next amendment was, under the subhead "Library of Congress," on page 27, line 10, before the word "hundred," to strike out "five" and insert "four;" and in line 12, before the word "hundred," to strike out "seven" and insert "six;" so as to make the clause read:

Binding: For assistant in charge, $1,400; assistant, $900; messenger boy, $360; in all, $2,660.

The amendment was agreed to.

The next amendment was, on page 28, line 25, before the word "hundred," to strike out "two" and insert "four;" and on page 29, line 3, before the word "hundred," to strike out "one" and insert "three;" so as to make the clause read:

Documents: For chief of division, $3,000; assistant, $1,400; stenographer and typewriter, $900; assistant, $720; messenger, $360; in all, $6,380.

The amendment was agreed to.

The next amendment was, on page 29, line 11, before the word "hundred," to strike out "two" and insert "four;" and in line 14, after the word "thousand," to insert "two hundred;" so as to make the clause read:

Maps and charts: For chief of division, $3,000; assistant, $1,400; two assistants, at $900 each; assistant, $720; messenger boy, $360; in all, $7,280.

The amendment was agreed to.

The next amendment was, on page 29, line 22, before the word "hundred," to strike out "two" and insert "four;" and in line 24, before the word "hundred," to strike out "three" and insert "five;" so as to make the clause read:

Prints: For chief of division, $2,000; assistant, $1,400; two assistants, at $900 each; messenger, $360; in all, $5,560.

The amendment was agreed to.

The next amendment was, on page 30, line 2, before the word "hundred," to strike out "five" and insert "four;" and in line 5, before the word "and," to strike out "four thousand" and insert "three thousand nine hundred;" so as to make the clause read:

Smithsonian deposit: For custodian, $1,500; assistant, $1,400; messenger, $720; messenger boy, $360; in all, $3,980.

The amendment was agreed to.

The next amendment was, on page 32, after line 23, to strike out:

Indexes, digests, and compilations of law: To continue the preparation of a new index to the Statutes at Large, in accordance with a plan approved by the Judiciary Committees of both Houses of Congress and to prepare such other law indexes, digests, and compilations of law as may be required for Congress and other official use, namely: For one assistant, $1,800; one assistant, $1,200; one assistant, $900; two assistants, at $720 each; and $500 additional compensation to the law librarian; in all, $5,840.

The amendment was agreed to.

The next amendment was, under the head of "Executive," on page 35, line 18, before the word "thousand," to strike out "twelve" and insert "eight;" so as to make the clause read:

For compensation of the Vice-President of the United States, $8,000.

Mr. KEAN. Let that amendment be passed over for the present.

Mr. CULLOM. It might as well be acted on now. The same amendment is made in the case of all the members of the Cabinet.

Mr. KEAN. I have no objection, then, to action on it.

The amendment was agreed to.

The next amendment was, under the head of "Civil Service Commission," on page 36, line 22, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" and on page 37, line 11, before the word "hundred," to strike out "sixty-four thousand one" and insert "sixty-five thousand six;" so as to make the clause read:

For three Commissioners, at $4,000 each; chief examiner, $3,000; secretary, $2,500; assistant chief examiner, $2,250; two chiefs of division, at $2,000 each; three examiners, at $2,000 each; six clerks of class 4; thirteen clerks of class 3; twenty-two clerks of class 2; twenty-six clerks of class 1; twenty clerks, at $1,000 each; ten clerks, at $900 each; five clerks, at $840 each; one messenger; engineer, $840; one telephone switchboard operator; two firemen; two watchmen; one elevator conductor, $720; three laborers; and three messenger boys, at $360 each; in all, $165,610.

The amendment was agreed to.

The next amendment was, on page 37, line 13, after the word "For," to insert "one examiner, $2,400;" in line 14, before the word "examiners," to strike out "three" and insert "two;" and in line 23, before the word "hundred," to strike out "one" and insert "three;" so as to make the clause read:

Field force: For one examiner, $2,400; two examiners, at $2,200 each; four examiners, at $2,000 each; two examiners, at $1,800 each; one clerk of class 4; one clerk of class 3; one clerk of class 1; seven clerks, at $1,000 each; six clerks, at $900 each; one messenger; five clerks, at $840 each; two clerks, at $720 each; one messenger boy, $480; in all, $42,360.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 38, line 20, before the word "thousand," to strike out "twelve" and insert "eight;" on page 39, line 4, after the word "respectively," to insert "two chiefs of bureaus, at $2,500 each;" in line 5, before the word "chiefs," to strike out "eight" and insert "six;" in line 7, before the word "dollars," to strike out "one hundred" and insert "two hundred and fifty;" in line 12, before the word "dollars," to strike out "two hundred and fifty" and insert "one hundred;" and in line 22, before the word "dollars," to strike out "thirty-four thousand four hundred and fifty" and insert "thirty-two thousand;" so as to make the clause read:

For compensation of the Secretary of State, $8,000; Assistant Secretary, $4,500; Second and Third Assistant Secretaries, at $4,500 each; chief clerk, $3,000; two assistant solicitors of the Department of State, to be appointed by the Secretary of State, at $3,000 each; law clerk, and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; two chiefs of bureaus, at $2,500 each; six chiefs of bureaus, at $2,250 each; two translators, at $2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; clerk to the Secretary of State, $2,100; fifteen clerks of class 4; fourteen clerks of class 3; twenty-one clerks of class 2; thirty-four clerks of class 1, two of whom shall be telegraph operators; eleven clerks, at $1,000 each; fifteen clerks, at $900 each; chief messenger, $1,000; five messengers; twenty-two assistant messengers; messenger boy, $420; packer, $720; four laborers, at $600 each; one telephone switchboard operator; one assistant telephone switchboard operator; in all, $232,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 22, to insert:

For amount for emergency clerical services, to be expended by the Secretary of State in his discretion, $2,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 40, line 6, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand;" so as to make the clause read:

For books and maps, and periodicals, domestic and foreign, for the library, $2,000.

The amendment was agreed to.

The next amendment was, on page 40, line 16, before the words "District of Columbia," to strike out "the building known as the War College, Lafayette square, Washington," and insert "building in the;" so as to make the clause read:

For rent of building in the District of Columbia, for the use of the Department of State, $3,000.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 40, line 21, before the word "thousand," to strike out "twelve" and insert "eight;" and on page 41, line 6,

before the word "thousand," to strike out "fifty-four" and insert "fifty;" so as to make the clause read:

Office of the Secretary: For compensation of the Secretary of the Treasury, $8,000; three Assistant Secretaries of the Treasury, at $4,500 each; clerk to the Secretary, $2,500; stenographer, $1,800; three private secretaries, one to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $2,250; examiner, $2,000; one clerk of class 4; four clerks of class 3; two clerks of class 2; four messengers; and one laborer; in all, $50,470.

The amendment was agreed to.

The next amendment was, on page 44, line 9, before the word "dollars," to strike out "two thousand seven hundred and fifty" and insert "three thousand;" and in line 17, before the word "dollars," to strike out "forty-one thousand nine hundred and fifty" and insert "forty-two thousand two hundred;" so as to make the clause read:

Division of appointments: For chief of division, $3,000; assistant chief of division, $2,000; executive clerk, $2,000; law and bond clerk, $2,000; three clerks of class 4; three clerks of class 3; five clerks of class 2; six clerks of class 1; four clerks, at $1,000 each; two clerks, at $900 each; one messenger; three assistant messengers; in all, $42,200.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the Division of Loans and Currency, Treasury Department, on page 45, line 7, before the word "counters," to strike out "money;" so as to read:

Eighteen clerks, at $900 each; thirteen expert counters, at $720 each.

The amendment was agreed to.

The next amendment was, on page 45, line 20, after the word "each," to insert "messenger;" in line 21, after the word "and," to strike out "two laborers" and insert "one laborer;" and in line 22, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" so as to make the clause read:

Division of Revenue-Cutter Service: For assistant chief of division, $2,400; one clerk of class 4; five clerks of class 3; two clerks of class 2; three clerks of class 1; two clerks, at $1,000 each; two clerks, at $900 each; messenger; and one laborer; in all, $23,900.

The amendment was agreed to.

The next amendment was, on page 46, line 1, before the word "clerks," to strike out "four" and insert "five;" and in line 7, before the word "hundred," to strike out "thirty-eight thousand six" and insert "forty thousand two;" so as to make the clause read:

Division of printing and stationery: For chief of division, $2,500; assistant chief of division, $2,000; four clerks of class 4; five clerks of class 3; three clerks of class 2; one clerk of class 1; one clerk, $1,000; two clerks, at $900 each; three messengers; one assistant messenger; one laborer; foreman of bindery, at $6 per day; four binders, at $4 per day each; and two sewers and folders, at $2.50 per day each; in all, $42,278.

The amendment was agreed to.

The next amendment was, on page 48, line 12, before the word "thousand," to strike out "two hundred and fifty" and insert "three hundred;" so as to make the proviso read:

Provided, That the expenditures on this account for the fiscal year ending June 30, 1908, shall not exceed $300,000; and that the Secretary of the Treasury shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, on page 49, line 23, before the word "clerks," to strike out "fifty-one" and insert "fifty;" and on page 50, line 6, before the word "hundred," to strike out "ninety-two thousand eight" and insert "ninety-one thousand two;" so as to make the clause read:

Office of Auditor for War Department: For Auditor, $4,000; Deputy Auditor, $2,500; law clerk, $2,000; six chiefs of division, at $2,000 each; twenty-four clerks of class 4; additional to one clerk as disbursing clerk, $200; fifty clerks of class 3; seventy-one clerks of class 2; eighty-three clerks of class 1; twenty clerks, at $1,000 each; fourteen clerks, at $900 each; skilled laborer, $900; three clerks, at $840 each; one messenger; five assistant messengers; and twelve laborers; in all, $391,280.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of office of Auditor for the Post-Office Department, on page 52, line 1, after the word "female," to strike out "operatives" and insert "skilled laborers;" and in line 5, after the word "female," to strike out the word "operatives" and insert "skilled laborers;" so as to read:

Fifteen female skilled laborers who have had experience in the Bureau of Engraving and Printing as money, stamp, or paper counters, at $720 each; sixty-five skilled laborers, at $660 each; fifteen female skilled laborers who have had experience in the Bureau of Engraving and Printing as money, stamp, or paper counters, at $660 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the office of Treasurer of the United States, on page 52, line 20, after the word "each," to strike out "assistant chief of division, $2,250" and insert "two assistant chiefs of division at $2,250 each;" so as read:

Seven chiefs of division, at $2,500 each; two assistant chiefs of division, at $2,250 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the office of Treasurer of the United States, on page 53, line 5, before the word "clerks," to strike out "twenty-five" and insert "twenty-four;" so as to read:

Clerk for the Treasurer, $1,800; twenty-four clerks of class 4; eighteen clerks of class 3.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the office of the Treasurer of the United States, on page 53, line 20, after the word "each," to strike out "compositor and pressman, $1,400," and insert "bond clerk, $1,600;" in line 22, before the word "hundred," to strike out "nine" and insert "one thousand one;" and in line 24, before the word "dollars," to strike out "thirty-two thousand seven hundred and thirty" and insert "thirty-three thousand five hundred and eighty;" so as to read:

Twenty feeders, at $660 each; bond clerk, $1,600; machinist, $1,100; in all, $433,580.

The amendment was agreed to.

The next amendment was, on page 55, line 6, after the word "dollars," to insert "one chief of division, $2,500;" in line 7, before the word "chiefs," to strike out "three" and insert "two;" in line 16, before the word "dollars," to strike out "six hundred and sixty" and insert "seven hundred;" and in line 19, before the word "dollars," to strike out "five hundred" and insert "nine hundred and twenty;" so as to make the clause read:

Office of the Comptroller of the Currency: For Comptroller of the Currency, $5,000; Deputy Comptroller, $3,500; chief clerk, $2,500; one chief of division, $2,500; two chiefs of division, at $2,200 each; bookkeeper, $2,000; assistant bookkeeper, $2,000; eight clerks of class 4; additional to bond clerk, $200; stenographer, $1,600; thirteen clerks of class 3; thirteen clerks of class 2; thirteen clerks of class 1; thirteen clerks, at $1,000 each; thirteen clerks, at $900 each; three counters, at $700 each; one messenger; four assistant messengers; three laborers; and two messenger boys, at $360 each; in all, $125,920.

The amendment was agreed to.

The next amendment was, on page 56, line 2, before the word "dollars," to strike out "six hundred and sixty" and insert "seven hundred;" in line 5, before the word "dollars," to strike out "three hundred and eighty" and insert "five hundred;" so as to make the clause read:

For expenses of the national currency (to be reimbursed by the national banks), namely: For superintendent, $2,500; teller, $2,000; one clerk of class 4; one clerk of class 3; three clerks of class 2; five clerks of class 1; four clerks, at $1,000 each; engineer, $1,000; five clerks, at $900 each; three counters, at $700 each; one fireman; one messenger boy, $360; and one assistant messenger; in all, $31,500.

The amendment was agreed to.

The next amendment was, on page 59, line 5, before the word "duties," to strike out "routine;" so as to read:

Secret Service Division: For one chief, $4,000; assistant chief, who shall discharge the duties of a chief clerk, $3,000.

The amendment was agreed to.

The next amendment was, on page 64, line 6, before the word "thousand," to strike out "three" and insert "four;" so as to make the clause read:

Contingent and miscellaneous expenses, office of Auditor for the Post-Office Department, namely: For miscellaneous items, including exchange of typewriting machines, of which not exceeding $375 may be used for rental of telephones, and not exceeding $200 may be used for the purchase of law books, books of reference, and city directories, $4,500.

The amendment was agreed to.

The next amendment was, on page 64, line 7, before the word "dollars," to strike out "five hundred" and insert "one thousand;" so as to make the clause read:

For carpets and repairs, $1,000.

The amendment was agreed to.

The next amendment was, on page 64, line 11, before the word "dollars," to strike out "eight thousand" and insert "nine thousand five hundred;" so as to make the clause read:

In all, $9,500, to be expended under the direction of the Auditor for the Post-Office Department under rules and regulations to be prescribed by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, under the subhead "Independent Treasury," on page 67, line 2, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 3, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 5, before the word "dollars," to strike out "one thousand eight hundred"

and insert "two thousand;" in line 7, before the word "dollars," to strike out "one thousand seven hundred" and insert "two thousand;" in the same line, before the word "hundred," to strike out "six" and insert "eight;" in line 10, before the word "hundred," to strike out "five" and insert "six;" in line 12, after the word "each," to insert "six clerks, at $1,500 each;" in line 13, before the word "clerks," to strike out "twenty-six" and insert "twenty;" in line 16, before the word "dollars," to strike out "nine hundred" and insert "one thousand;" and in line 19, before the word "hundred," to strike out "sixty-nine thousand four" and insert "seventy-two thousand seven;" so as to make the clause read:

Office of assistant treasurer at Chicago: For assistant treasurer, $5,000; cashier, $3,000; vault clerk, $2,000; paying teller, $2,000; assorting teller, $1,800; silver and redemption teller, and change teller, at $2,000 each; receiving teller, $2,000; clerk, $1,800; bookkeeper, $1,800; two bookkeepers, at $1,500 each; assistant paying teller, $1,600; four coin, coupon, and currency clerks, at $1,500 each; six clerks, at $1,500 each; twenty clerks, at $1,200 each; one detective and hall man, $1,100; messenger, $840; stenographer, $1,000; janitor, $600; and three watchmen, at $720 each; in all, $72,700.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of assistant treasurer at New York, on page 69, line 3, after the word "dollars," to strike out "two chiefs of division, at $2,700 each; chief of division, $2,600," and insert "two chiefs of division, at $3,000 each; one chief of division, $2,700;" so as to read:

Two chiefs of division, at $3,100 each; chief paying teller, $3,000; two chiefs of division, at $3,000 each; one chief of division, $2,700; chief of division, and chief bookkeeper, at $2,400 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of office of the Assistant Treasurer at New York, on page 70, line 11, before the word "engineers," to strike out "two" and insert "three;" in the same line, after the word "each," to strike out "assistant engineer, $820;" and in line 15, before the word "dollars," to strike out "five thousand five hundred and eighty" and insert "six thousand five hundred and ten;" so as to read:

Assistant detective, $1,200; three engineers, at $1,050 each; eight watchmen, at $720 each; in all, $206,510.

The amendment was agreed to.

The next amendment was, under the head of "Mints and Assay Offices," on page 73, line 1, after the word "each," to insert "clerk, $1,000;" and in line 2, before the word "thousand," to strike out "five" and insert "six;" so as to make the clause read:

Mint at Carson, Nev.: For assayer in charge, who shall also perform the duties of melter, $2,000; assistant assayer, and one clerk, at $1,500 each; clerk, $1,000; in all, $6,000.

The amendment was agreed to.

The next amendment was, on page 73, line 15, before the word "hundred," to strike out "six" and insert "eight;' and in line 20, before the word "hundred," to strike out "thirty-eight thousand seven" and insert "thirty-nine thousand one;" so as to make the clause read:

Mint at Denver, Colo.: For superintendent, $4,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk and cashier, at $2,500 each; weigh clerk and bookkeeper, at $2,000 each; assistant assayer, assistant smelter and refiner, and assistant coiner, at $2,000 each; abstract clerk and warrant clerk, at $1,800 each; assistant weigh clerk and calculating clerk, at $1,600 each; calculating clerk, $1,400; and two clerks, at $1,200 each; in all $39,100.

The amendment was agreed to.

The next amendment was, on page 74, line 24, before the word "dollars," to strike out "four thousand" and insert "three thousand five hundred;" and on page 75, line 9, after the word "thousand," to strike out "five hundred;" so as to make the clause read:

Mint at Philadelphia: For superintendent, $4,500; engraver, $3,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk, $2,750; assistant assayer, assistant melter and refiner, and assistant coiner, at $2,000 each; cashier, and bookkeeper, at $2,500 each; abstract clerk, and weigh clerk, at $2,000 each; cashier's clerk, warrant clerk, and register of deposits, at $1,700 each; assistant weigh clerk, and assayer's computation clerk, at $1,600 each; in all, $43,050.

The reading was continued to line 2 on page 77, the last item read being as follows:

Assay office at Charlotte, N. C.: For assayer and melter, $1,500; assistant assayer, $1,250; in all $2,750.

Mr. CULLOM. In line 1, on page 77, after the word "thousand," the words "two hundred and fifty" ought to be stricken out and "eight hundred" put in their place.

Mr. OVERMAN. Ought it not to be $1,500 instead of $1,800?

Mr. CULLOM. And let the total be changed to $3,300.

Mr. OVERMAN. It should be $3,000, and for assistant assayer $1,500 instead of $1,250; in all $3,000.

Mr. CULLOM. Yes; $3,000 instead of $3,300.

Mr. WARREN. It should be $1,500 instead of $1,800.

The VICE-PRESIDENT. The Senator from Illinois will please restate his amendment.

Mr. CULLOM. In line 1, on page 77, "$1,250" should read "$1,500" as the salary of assistant assayer.

Mr. OVERMAN. That is right.

Mr. CULLOM. Then the total should be changed from $3,300, which I gave the clerks, to $3,000.

Mr. OVERMAN. That is right.

The VICE-PRESIDENT. The amendment will be stated by the Secretary.

The SECRETARY. On page 77, line 1, after the words "one thousand," strike out "two hundred and fifty" and insert in lieu the words "five hundred;" so as to read: "Assistant assayer, $1,500."

The amendment was agreed to.

The SECRETARY. In line 2 strike out the word "two" where it appears before the word "thousand" and insert "three;" and after the word "thousand" strike out the words "seven hundred and fifty," leaving the total "in all, $3,000."

The amendment was agreed to.

The reading of the bill was continued to page 79, line 12, in the items for assay office at Seattle, Wash.

Mr. CULLOM. On line 10, page 79, the word "twelve" ought to be stricken out before "thousand" and "fourteen" inserted; so as to make the paragraph read:

For wages for workmen, and not exceeding $14,000 for other clerks and employees, $30,020.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, under the subhead "Government in the Territories," on page 79, line 23, after the word "dollars," to insert "traveling expenses of the governor on official business not to exceed $500;" and on page 80, line 2, before the word "dollars," to insert "five hundred;" so as to make the clause read:

For incidental and contingent expenses, clerk hire, not to exceed $2,000, traveling expenses of the governor on official business not to exceed $500, rent of office and quarters in Juneau, stationery, lights, and fuel, to be expended under the direction of the governor, $5,500.

The amendment was agreed to.

The next amendment was, on page 80, line 9, after the word "Territory," to insert "including not to exceed $500 for traveling expenses of the governor while absent from the capital on official business;" and in line 13, before the word "dollars," to insert "five hundered;" so as to make the clause read:

For contingent expenses of the Territory, including not to exceed $500 for traveling expenses of the governor while absent from the capital on official business, to be expended by the governor, $1,500.

The amendment was agreed to.

The next amendment was, on page 80, line 23, after the word "Territory," to insert "including not to exceed $500 for traveling expenses of the governor while absent from the capital on official business;" and on page 81, line 2, before the word "dollars," to insert "five hundred;" so as to make the clause read:

For contingent expenses of Territory, including not to exceed $500 for traveling expenses of the governor while absent from the capital on official business, to be expended by the governor, $1,500.

The amendment was agreed to.

The next amendment was, under the head of War Department, on page 81, line 25, before the word "thousand," to strike out "twelve" and insert "eight;" so as to read:

Office of the Secretary: For compensation of the Secretary of War, $8,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for maintenance of the office of the Secretary of War, on page 82, line 19, after the word "dollars," to strike out "two carpenters, at $900 each," and insert "one carpenter, $900; one skilled laborer, $900;" in line 22, before the word "assistant," to strike out "seven" and insert "eight;" in line 23, after the word "operator," to strike out "one assistant telephone switchboard operator" and insert "one assistant messenger, $660," so as to read:

Chief messenger, $1,000; one carpenter, $900; one skilled laborer, $900; six messengers; eight assistant messengers; one telephone switchboard operator; one assistant messenger, $660.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of the Secretary of War, on page 83, line 6, after the word "one," to strike out "telephone operator" and insert "assistant messenger;" and in line 12, before the

word "dollars," to strike out "forty-two thousand five hundred and sixty" and insert "thirty-nine thousand four hundred and forty;" so as to read:

One assistant messenger, $480; two elevator conductors, one at $640 and one at $470; four charwomen; in all, $139,440.

The amendment was agreed to.

The next amendment was, on page 84, line 11, before the word "dollars," to strike out "chief clerk, two thousand" and insert "chief clerk and solicitor, two thousand two hundred and fifty;" and in line 16, before the word "dollars," to strike out "six hundred" and insert "eight hundred and fifty;" so as to make the clause read:

Office of the Judge-Advocate-General: For chief clerk and solicitor, $2,250; one clerk of class 4; two clerks of class 3; one clerk of class 2; five clerks of class 1; two clerks, at $1,000 each; two copyists; two messengers; and one assistant messenger; in all, $20,850.

The amendment was agreed to.

The next amendment was, on page 86, line 18, before the word "clerks," to strike out "four" and insert "five;" in the same line, before the word "clerks," to strike out "six" and insert "five;" in line 20, after the word "each," to insert "messenger;" in line 24, before the word "assistant," to strike out "three" and insert "two;" and in line 23, before the word "dollars," to strike out "one hundred and twenty" and insert "four hundred and forty;" so as to make the clause read:

Office of the Commissary-General: For chief clerk, $2,000; three clerks of class 4; five clerks of class 3; five clerks of class 2; twenty clerks of class 1; sixteen clerks, at $1,000 each; nine clerks, at $900 each; messenger; two assistant messengers; one laborer; in all, $73,440.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of the Surgeon-General, on page 87, line 7, after the word "dollars," to insert "two messengers;" in line 8, before the word "assistant," to strike out "twelve" and insert "ten;" and in line 17, before the word "dollars," to strike out "three hundred and eighty-six" and insert "six hundred and twenty-six;" so as to read:

Skilled mechanic, $1,000; two messengers; ten assistant messengers; three watchmen; superintendent of building (Army Medical Museum and Library), $250; six laborers; chemist, $2,088; principal assistant librarian, $2,088; pathologist, $1,800; microscopist, $1,800; assistant librarian, $1,800; four charwomen; in all, $164,626.

The amendment was agreed to.

The next amendment was, on page 87, line 20, before the word "clerks," to strike out "six" and insert "seven;" in the same line, before the word "clerks," to strike out "eleven" and insert "twelve;" in line 21, before the word "clerks," to strike out "ten" and insert "eleven;" and in line 25, before the word "hundred," to strike out "sixty-seven thousand seven" and insert "seventy-one thousand nine;" so as to make the clause read:

Office of the Paymaster-General: For chief clerk, $2,000; six clerks of class 4; seven clerks of class 3; twelve clerks of class 2; eleven clerks of class 1; five clerks, at $1,000 each; nine clerks, at $900 each; one messenger; one assistant messenger; four laborers; one laborer, $600; in all, $71,900.

The amendment was agreed to.

The next amendment was, under the head of "Public buildings and grounds," on page 91, line 13, before the word "hundred," to strike out "four" and insert "two;" and in line 15, before the word "hundred," to strike out "three" and insert "one;" so as to make the clause read:

Office of public buildings and grounds: For one assistant engineer, $2,400; assistant and chief clerk, $2,400; one clerk of class 4; one clerk of class 3; clerk and stenographer, $1,400; one messenger; landscape gardener, $2,200; surveyor and draftsman, $1,500; in all, $14,140.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 94, line 19, before the word "thousand," to strike out "twelve" and insert "eight;" on page 95, line 4, before the word "hundred," to strike out "one" and insert "two;" and in line 11, before the word "hundred," to strike out "sixty-eight thousand four" and insert "sixty-four thousand five;" so as to make the clause read:

Office of the Secretary: For compensation of the Secretary of the Navy, $8,000; Assistant Secretary of the Navy, $4,500; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; disbursing clerk, $2,250; four clerks of class 4; stenographer, $1,800; three clerks of class 2; four clerks of class 1; stenographer, $1,200; one clerk, $1,100; five clerks, at $1,000 each; telegraph operator, $1,200; two copyists; carpenter, $900; four messengers; four assistant messengers; four laborers; three messenger boys, at $600 each; one messenger boy, $420; one messenger boy, $400; one telephone switch board operator; one assistant telephone switch board operator; in all, $64,520.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Hydrographic Office, on page 98, line 21, before the word "hundred," to strike out "two" and insert "four;" so as to read:

Editor of Notice to Mariners, $1,600; one computer, $1,400; three draftsmen, at $1,800 each.

The amendment was agreed to.

Mr. CULLOM. On page 99, line 6, before the word "engravers," I move to strike out "two" and insert "five;" in line 7, before the word "engravers," to strike out "four" and insert "three;" and after the word "each," in line 8, to strike out the remainder of that line down to and including the word "dollars," in the middle of line 9.

The VICE-PRESIDENT. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 99, line 6, before the word "engravers," it is proposed to strike out "two" and insert "five;" in line 7, before the word "engravers," to strike out "four" and insert "three;" and in line 8, after the word "each" where it first appears, to strike out "two engravers, at $900 each; one engraver, $800."

Mr. CULLOM. I will state that the amendment which I have proposed does not at all change the total.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 100, line 3, to increase the total appropriation for the maintenance of the Hydrographic Office from $101,800 to $102,000.

The amendment was agreed to.

The next amendment was, on page 101, line 6, before the word "dollars," to strike out "thirty thousand five hundred" and insert "twelve thousand five hundred and forty;" so as to make the clause read:

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oreg.), Portland (Me.), Chicago, Cleveland, Port Townsend, Buffalo, Duluth, Sault Ste. Marie, and Galveston, including furniture, fuel, lights, stationery, miscellaneous articles, rent and care of offices, care of time balls, car fare and ferriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Chart, and for other purposes for which the offices were established, $12,540.

The amendment was agreed to.

The next amendment was, on page 101, after line 6, to insert:

For services of necesary employees at branch offices, $17,960.

The amendment was agreed to.

The next amendment was, on page 103, line 11, before the word "dollars," to strike out "seven thousand five hundred" and insert "eight thousand;" so as to make the clause read:

For fuel, oil, grease, tools, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power plant, and water-supply system; purchase and maintenance of teams; material for boxing nautical instruments for transportation; paints, telegraph and telephone service, and incidental labor, $8,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 108, line 16, before the word "thousand," to strike out "twelve" and insert "eight;" so as to read:

Office of the Secretary: For compensation of the Secretary of the Interior, $8,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of the Secretary of the Interior, on page 110, line 2, before the word "clerks," to strike out "twenty-five" and insert "twenty-six;" and in line 3, before the word "clerks," to strike out "thirty-six" and insert "thirty-five;" so as to read:

Sixteen clerks of class 3; twenty-six clerks of class 2; thirty-five clerks of class 1, two of whom shall be stenographers or typewriters.

The amendment was agreed to.

The next amendment was, on page 111, line 4, to reduce the total appropriation for the maintenance of the office of the Secretary of the Interior from $357,690 to $353,890.

The amendment was agreed to.

The next amendment was, on page 111, line 9, before the word "hundred," to strike out "six" and insert "four;" and in line 16, before the word "hundred," to strike out "three" and insert "one;" so as to make the clause read:

For employees, for the proper protection, heating, care, and preservation of the old Post-Office Department building, occupied by the Department of the Interior, namely: One engineer, $1,400; assistant engineer, $1,000; four firemen; three watchmen, acting as lieutenants, at $840 each; twenty watchmen; conductor of elevator, $720; fourteen laborers; nine laborers, at $480 each; three skilled mechanics (painter, carpenter, and plumber), at $900 each; in all, $39,180.

The amendment was agreed to.

The next amendment was, on page 114, line 7, after the word

"inspectors," to strike out "and of clerks detailed;" so as to make the clause read:

For per diem in lieu of subsistence of inspectors to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation, including necessary sleeping-car fares, and for employment of stenographers and other assistants when necessary to the efficient conduct of examinations, and when authorized by the Commissioner of the General Land Office, $7,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Patent Office, on page 120, line 17, after the word "each," to strike out "additional to one chief of division in charge of the Official Gazette, $250;" in line 21, after the word "clerk," to insert "machinist, $1,600;" on page 121, line 2, before the word "permanent," to strike out "sixty-two" and insert "fifty-seven;" in the same line, after the word "clerks," to strike out "including five heretofore designated model attendants;" in line 4, after the word "each," to insert "five model attendants, at $1,000 each;" in line 7, after the word "ten," to strike out "clerks heretofore designated;" in line 11, before the word laborers," to strike out "forty-eight" and insert "fifty;" and in line 15, before the word "dollars," to strike out "sixty-five thousand seven hundred" and insert "sixty-eight thousand and ten;" so as to read:

Six chiefs of division, at $2,000 each; three assistant chiefs of division, at $1,800 each; seven clerks of class 4, one of whom shall act as application clerk; machinist, $1,600; seven clerks of class 3, one of whom shall be translator of languages; fifteen clerks of class 2; seventy clerks of class 1; skilled laborers, $1,200; three skilled draftsmen, at $1,200 each; four draftsmen, at $1,000 each; fifty-seven permanent clerks, at $1,000 each; five model attendants, at $1,000 each; messenger and property clerk, $1,000; 106 copyists, seven of whom may be copyists of drawings; ten model attendants, at $800 each; thirty copyists, at $720 each; three messengers; twenty-five assistant messengers; fifty-one laborers, at $600 each; 50 laborers, at $480 each; thirty-nine messenger boys, at $360 each; in all $968,010.

The amendment was agreed to.

The next amendment was, on page 123, line 14, before the word "dollars," to strike out "two thousand five hundred" and insert "four thousand;" so as to make the clause read:

For collecting statistics for special reports and circulars of information, $4,000.

The amendment was agreed to.

The next amendment was, on page 125, line 21, after the word "dollars," to insert "Patent Office model exhibit, $19,500;" and in line 24, before the word "hundred," to strike out "thirty-nine thousand nine" and insert "fifty-nine thousand four;" so as to make the clause read:

For rent of buildings for the Department of the Interior, namely: For the Bureau of Education, $4,000; Geological Survey, $29,200; additional rooms for the engraving and printing divisions of the Geological Survey, $1,200; storage of documents, $1,000; Civil Service Commission, $4,500; Patent Office model exhibit, $19,500; in all, $59,400.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 131, line 15, before the word "thousand," to strike out "twelve" and insert "eight;" so as to read:

Office Postmaster-General: For compensation of the Postmaster-General, $8,000.

The amendment was agreed to.

Mr. FORAKER. In line 19, on page 131, after the word "thousand," I move to strike out "two hundred and fifty" and insert "five hundred," so as to make the salary of the disbursing clerk in the Post-Office Department $2,500 instead of $2,250.

Mr. CULLOM. Mr. President——

Mr. FORAKER. If this is not the proper time for me to offer that amendment, I will simply give notice that I shall offer it when the committee amendments shall have been disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the item of appropriation for the maintenance of the office of the Postmaster-General, on page 132, line 17, before the word "dollars," to insert "two hundred;" in line 18, before the word "watchmen," to strike out "two" and insert "three;" in line 19, before the word "watchmen," to strike out "thirty-one" and insert "thirty-three;" and on page 133, line 2, before the word "dollars," to strike out "sixty-eight thousand one hundred and ninety" and insert "sixty-five thousand nine hundred and fifty;" so as to read:

Captain of the watch, $1,200; additional to three watchmen acting as lieutenants of watchmen, at $120 each; thirty-three watchmen; foreman of laborers, $800; thirty laborers; ten laborers and coal passers, at $500 each; plumber, and awning maker, at $900 each; female laborer, $540; three female laborers, at $500 each; three female laborers, at $480 each; and forty charwomen; in all, $165,950.

The amendment was agreed to.

The next amendment was, on page 138, line 4, before the word "clerks," to strike out "two" and insert "four;" in line 5, before the word "clerks," to strike out "nine" and insert "eleven;" in line 9, before the word "clerks," to strike out "twenty-nine" and insert "twenty-five;" and in line 12, before the word "hundred," to strike out "fifty-one thousand six" and insert "fifty-four thousand four;" so as to make the clause read:

Office Fourth Assistant Postmaster-General: For Fourth Assistant Postmaster-General, $4,500; chief clerk, $2,500; superintendent division of rural free delivery, $3,000; assistant superintendent division of rural delivery, $2,000; four clerks of class 4; four clerks of class 3; eleven clerks of class 2; thirty-one clerks of class 1; stenographer, $1,600; stenographer, $1,200; forty-five clerks, at $1,000 each; twenty-five clerks, at $900 each; three messengers; two assistant messengers; and three laborers; in all, $154,440.

The amendment was agreed to.

The next amendment was, on page 141, line 13, before the word "dollars," to strike out "twenty-three thousand five hundred" and insert "twenty-five thousand;" so as to read:

For miscellaneous expenses in the Division of Topography in the preparation and publication of post-route maps, including tracing for photolithographic reproduction; and $3,500 for making of maps for the rural delivery service, $25,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 142, line 3, before the word "thousand," to strike out "twelve" and insert "eight;" so as to read:

Office of the Attorney-General: For compensation of the Attorney-General, $8,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for maintenance of the office of the Attorney-General, on page 143, line 3, before the word "dollars," to strike out "four hundred" and insert "seven hundred and fifty;" in line 6, before the word "dollars," to strike out "one thousand six hundred" and insert "two thousand;" in line 16, before the word "charwomen," to strike out "eight" and insert "nine;" and in line 23, before the word "dollars," to strike out "thirty-two thousand two hundred and seventy" and insert "twenty-nine thousand and sixty;" so as to read:

Attorney in charge of pardons, $2,750; disbursing clerk, $2,750; appointment clerk, $2,000; librarian, $2,000; five clerks of class 4; nine clerks of class 3; four clerks of class 2; seven clerks of class 1; telegraph operator and stenographer, $1,200; one clerk, $1,000; eleven clerks, at $900 each; chief messenger, $1,000; two messengers; six assistant messengers; four laborers; three watchmen; engineer, $1,200; assistant engineer, $900; three firemen; two conductors of the elevator, at $720 each; nine charwomen. Division of accounts: Chief of division of accounts, $2,500; chief bookkeeper and record clerk, $2,000; three clerks of class 4; five clerks of class 3; seven clerks of class 2; seven clerks of class 1; two clerks, at $900 each; one packer, $900; in all, $229,060.

The amendment was agreed to.

The next amendment was, on page 145, line 12, before the word "clerks," to strike out "two" and insert "four;" in the same line, before the word "clerks," to strike out "four" and insert "two;" and in line 14, before the word "hundred," to strike out "twenty-one thousand nine" and insert "twenty-two thousand three;" so as to make the clause read:

Office of the Solicitor of the Department of Commerce and Labor: For Solicitor of the Department of Commerce and Labor, $4,500; chief clerk and law clerk, $2,250; two clerks of class 4; two clerks of class 3; four clerks of class 2; two clerks of class 1; and one messenger; in all, $22,390.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," on page 145, line 17, before the word "thousand," to strike out "twelve" and insert "eight;" so as to read:

Office of the Secretary: For compensation of the Secretary of Commerce and Labor, $8,000.

The amendment was agreed to.

Mr. CULLOM. In line 24, on page 145, I move to strike out "seven hundred and fifty" and insert "five hundred;" so as to make the appropriation for the salary of the disbursing clerk of the Department of Commerce and Labor $2,500.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the item of appropriation for maintenance of the office of the Secretary of Commerce and Labor, on page 146, line 1, after the word "dollars," to strike out "two chiefs of division, at $2,000 each," and insert "one chief of division, $2,250; one chief of division, $2,000;" so as to read:

Chief of appointment division; $2,250; one chief of division, $2,250; one chief of division, $2,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for maintenance of the office of the Secretary of Commerce and Labor, on page 146, line 20, before the word "dollars," to strike out "two hundred;" and in line 22, before the word "dollars," to strike out "fifty-five thousand eight hundred and forty" and

insert "fifty-one thousand eight hundred and ninety;" so as to read:

Captain of the watch, $1,000; six watchmen; fifteen charwomen; in all, $151,890.

Mr. CULLOM. On page 146, line 22, I move to amend the committee amendment by striking out the words "eight hundred and ninety" and inserting "six hundred and forty;" so as to make the total appropriation in that paragraph $51,640.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 146, line 23, after the word "compensation," to insert "at not more than $10 per day;" on page 147, line 2, before the word "thousand," to strike out "thirty" and insert "fifty;" and in the same line, after the word "dollars," to insert "not more than $20,000 of which shall be used in the investigation of markets for cotton;" so as to make the clause read:

For compensation, at not more than $10 per day, and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting foreign commerce of the United States, $50,000, not more than $20,000 of which shall be used in the investigation of markets for cotton; and the results of such investigation shall be reported to Congress.

The amendment was agreed to.

Mr. CULLOM. On line 25, page 150, I move to strike out "two thousand five hundred" and insert "three thousand;" so as to make the appropriation for "four chief statisticians of the Census Office" $3,000 each.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 151, line 1, after the word "dollars" to insert "and $500 additional for acting as Director of the Census in the absence of that officer, and for superintending census publications;" so as to read:

The Census Office: For Director, $6,000; four chief statisticians, at $2,500 each; chief clerk, $2,500, and $500 additional for acting as Director of the Census in the absence of that officer, and for superintending census publications.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Census Office, on page 151, line 14, before the word "skilled," to strike out "two" and insert "three;" and in line 22, before the word "hundred," to strike out "four thousand three" and insert five thousand eight;" so as to read:

Electrician, $1,000; three skilled laborers, at $1,000 each; four skilled laborers, at $900 each; ten watchmen; five messengers; two firemen; five assistant messengers; ten skilled laborers, at $720 each; seven unskilled laborers, at $720 each; four messenger boys, at $480 each; twenty-four charwomen; in all, $705,860.

Mr. CULLOM. On page 151, line 21, I move to amend the amendment of the committee by striking out the word "five" and inserting "seven;" so as to make the total $707,860.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 152, line 7, after the word "law," to strike out "$400,000" and insert "$525,000, of which amount $150,000 to be immediately available;" so as to make the clause read:

For securing information for census reports, provided for by law, semimonthly reports of cotton production, and periodical reports of the domestic and foreign consumption of cotton, per diem compensation of special agents and expenses of the same and of detailed employees, the cost of transcribing State, municipal, and other records, the temporary rental of quarters outside of the District of Columbia for supervising special agents, and the employment by them of such temporary service as may be necessary in collecting the statistics required by law, $525,000, of which amount $150,000 to be immediately available.

The amendment was agreed to.

The next amendment was, on page 153, line 19, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" and in line 24, before the word "hundred," to strike out "twelve thousand nine" and insert "thirteen thousand four;" so as to make the clause read:

Office Supervising Inspector-General Steamboat-Inspection Service: For Supervising Inspector-General, $4,000; chief clerk and Acting Supervising Inspector-General in the absence of that officer, $2,000; two clerks of class 3; two clerks of class 1; one clerk (file clerk and stenographer), $1,000; one messenger; in all $13,440, the same to be paid from the permanent appropriations for the Steamboat-Inspection Service.

The amendment was agreed to.

The next amendment was, on page 154, line 4, after the word "dollars," to insert "deputy commissioner, $2,400; chief clerk, $2,000;" in line 6, after the word "four," to strike out "additional to one clerk designated as deputy commissioner, $600;" and in line 13, before the word "and," to strike out "thirty thousand two hundred," and insert "thirty-four thousand;" so as to make the clause read:

Bureau of Navigation: For Commissioner of Navigation, $4,000; deputy commissioner, $2,400; chief clerk, $2,000; three clerks of class 4; clerk to Commissioner, $1,600; one clerk of class 3; three clerks of class 2; four clerks of class 1; two clerks, at $1,000 each; five clerks, at $900 each; one messenger; one assistant messenger; in all, $34,060.

The amendment was agreed to.

The next amendment was on page 154, line 20, after the word "dollars," to strike out "one clerk" and insert two clerks;" in line 21, before the word "clerks," to strike out "two" and insert "three;" in line 22, before the word "clerks," to strike out "six" and insert "seven;" in line 23, before the word "copyists," to strike out "three" and insert "four;" and in line 25, before the word "hundred," to strike out "thirty-six thousand three" and insert "forty-one thousand six," so as to make the clause read:

Bureau of Immigration and Naturalization: For Commissioner-General of Immigration, $4,000; Assistant Commissioner-General who shall also act as chief clerk and actuary, $3,000; private secretary, $1,800; statistician and stenographer, with authority to act as immigrant inspector, $2,000; two clerks of class 4; three clerks of class 3; five clerks of class 2; two clerks of class 1; seven clerks, at $1,000 each; four copyists; two messengers; one assistant messenger; in all, $41,600, which, together with all other expenses of regulating immigration shall be paid from the permanent appropriation for expenses of regulating immigration.

The amendment was agreed to.

The next amendment was, on page 157, line 1, after the word "dollars," to insert "to be immediately available;" so as to read:

For apparatus, machinery, tools, and appliances used in connection with the buildings or with the work of the Bureau, including an express wagon not to cost more than $2,500, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 160, line 25, before the word "dollars," to insert "two hundred and fifty;" so as to make the clause read:

For clerk, $3,250.

The amendment was agreed to.

The next amendment was, on page 161, line 2, before the word "dollars," to insert "two hundred and fifty;" so as to make the clause read:

For assistant or deputy clerk, $2,250.

The amendment was agreed to.

The next amendment was, on page 161, line 6, before the word "dollars," to strike out "nine hundred" and insert "one thousand;" so as to make the clause read:

For crier, $1,000.

The amendment was agreed to.

The next amendment was, on page 161, line 12, before the word "hundred," to strike out "one" and insert "seven;" so as to make the clause read:

For three stenographers, one for the chief justice and one for each associate justice, at $900 each; in all, $33,720, one-half of which shall be paid from the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 164, after line 2, to strike out:

For pay of a custodian of the building occupied by the Court of Claims, to be paid on the order of the court, $500.

Mr. HALE. I should like to have that amendment disagreed to, but at the suggestion of the Senator in charge of the bill, I am entirely willing to leave it to the committee of conference.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 164, line 19, after the word "persons," to insert "permanently;" so as to make the section read:

SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons permanently incapacitated for performing such service, and the heads of Departments shall cause this provision to be enforced.

The amendment was agreed to.

The next amendment was, on page 164, after line 21, to strike out sections 4 and 5, as follows:

SEC. 4. On and after March 4, 1907, the compensation of the Speaker of the House of Representatives and Vice-President of the United States shall be at the rate of $12,000 per annum each.

SEC. 5. On and after March 4, 1907, the compensation of heads of Executive Departments who are members of the President's Cabinet shall be at the rate of $12,000 per annum.

Mr. GALLINGER. I will ask the Senator if he is not willing that these last proposed amendments shall go over?

Mr. CULLOM. I have no objection to any provision looking to the question of fixing the salaries of the Cabinet officers, the Vice-President, the Speaker of the House, and members of the House and Senate going over. I am willing to let the subject go over until to-morrow or some other day.

Mr. GALLINGER. Mr. President, in this connection I desire

to say that I have noticed in certain papers, supposed to know what was done in the Committee on Appropriations yesterday, that it is stated that I offered an amendment increasing the salaries of Congressmen and that it was not agreed to by the committee. My associates on that committee will bear me out in stating that no amendment of that character was offered.

Mr. HALE. The action of the committee was entirely unanimous.

Mr. NELSON. I understand the committee report no increases?

Mr. HALE. No increases anywhere in that direction.

The reading of the bill was resumed and concluded.

Mr. CULLOM. Mr. President, let the bill go over as it stands, and I will call it up to-morrow morning or some other time that may be agreed upon.

Mr. FORAKER. I did not understand what the Senator from Illinois said.

Mr. CULLOM. I am willing to let the bill go over now, the reading having been finished, to be disposed of to-morrow morning or some other time.

Mr. FORAKER. I hope the committee will agree to the amendment, of which I gave notice, increasing the salary of the disbursing officer of the Post-Office Department $250. He disburses a large amount of money and he gives a large bond, which is a burden to him. Officers of that grade are generally paid $2,500, as I understand.

Mr. CULLOM. What is this officer getting?

Mr. FORAKER. Twenty-two hundred and fifty dollars, and my amendment is to strike out "two hundred and fifty" and insert "five hundred," so as to pay him what other officials of the Government of that class get.

Mr. CULLOM. We have just stricken out a part of the salary where a disbursing officer was receiving $2,750 and cut it down to $2,500.

Mr. FORAKER. I want to meet you half way——

Mr. CULLOM. I will consult with the Senator to-morrow with reference to the official to whom he refers and see what can be done about it.

Mr. FORAKER. I am willing to let it go over, but I was afraid I might not be here when it came up.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 34 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 12, 1907, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 11, 1907.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

JOHN INGRAM.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the desk.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for the present consideration of a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 18214) entitled "An act granting an increase of pension to John Ingram."

The SPEAKER. Is there objection?

Mr. LOUDENSLAGER. I move the adoption of the resolution.

The resolution was agreed to.

ETIENNE DE P. BUJAC.

Mr. MILLER. Mr. Speaker, I desire to offer the following privileged resolution and ask its immediate consideration.

The SPEAKER. The gentleman from Kansas offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby directed to request the Senate to furnish the House of Representatives a duplicate certified copy of an engrossed bill (S. 4926) for the relief of Etienne De P. Bujac, the original bill having been lost.

The question was taken; and the resolution was agreed to.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills in order for consideration to-day be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills in order to-day be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The gentleman from Rhode Island [Mr. CAPRON] will take the chair.

HERMAN HAGEMILLER.

The first pension business was the bill (H. R. 18969) granting an increase of pension to Herman Hagemiller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Herman Hagemiller, late of Company C, Fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $34 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 189. An act to establish a life-saving station at the Isles of Shoals, off Portsmouth, N. H.

The message also announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. R. 80. Joint resolution authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories to the State of South Dakota;

S. 6898. An act concerning licensed officers of vessels;

S. 953. An act for the establishment of lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, Minnesota; and

S. 5133. An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. Res. 80. Joint resolution authorizing the Secretary of War to furnish two three-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota—to the Committee on Military Affairs.

S. 953. An act for the establishment of lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, Minnesota—to the Committee on Interstate and Foreign Commerce.

S. 6898. An act concerning licensed officers of vessels—to the Committee on the Merchant Marine and Fisheries.

S. 5133. An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon—to the Committee on Interstate and Foreign Commerce.

HEZEKIAH JAMES.

The next pension business was the bill (H. R. 18322) granting an increase of pension to Hezekiah James.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hezekiah James, late of Company E, Sixty-third Regiment, United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," insert the words "Company C, Sixty-ninth Regiment, and."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAUL COULSON.

The next pension business was the bill (H. R. 17810) granting an increase of pension to Saul Caulson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Saul Caulson, late of Company H, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Caulson" and insert in lieu thereof the word "Coulson."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Saul Coulson."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALMON WOOD.

The next pension business was the bill (H. R. 19706) granting an increase of pension to Almon Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Almon Wood, late of Company F, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AQUILLA WILLIAMS.

The next pension business was the bill (H. R. 17581) granting an increase of pension to Aquilla Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aquilla Williams, late of Company H, First Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY C. WORLEY.

The next pension business was the bill (H. R. 15631) granting an increase of pension to Henry Clay Worley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Clay Worley, late of Company D, One hundred and thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Clay" and insert in lieu thereof the letter "C."

In line 7 strike out the word "Volunteer" and insert in lieu thereof the words "National Guard."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Henry C. Worley."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN S. ROSEBERRY.

The next pension business was the bill (H. R. 7555) granting an increase of pension to John S. Roseberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Roseberry, late of Company A, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE YOUNG.

The next pension business was the bill (H. R. 21767) granting an increase of pension to George Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Young, late of Company E, Third Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. WILLEY.

The next pension business was the bill (H. R. 21624) granting an increase of pension to William H. Willey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Willey, late of Company B, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH R. BENHAM.

The next pension business was the bill (H. R. 20685) granting an increase of pension to Joseph R. Benham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph R. Benham, late of Company E, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES P. MULLEN.

The next pension business was the bill (H. R. 15139) granting an increase of pension to James P. Mullen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Mullen, late of Company C, One hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. TOWLE.

The next pension business was the bill (H. R. 21667) granting an increase of pension to John W. Towle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Towle, late of Company B, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM E. FEELEY.

The next pension business was the bill (H. R. 21535) granting an increase of pension to William E. Feeley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions anl limitations of the pension laws, the name of William E. Feeley, late of Company F, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY A. WEIAND.

The next pension business was the bill (H. R. 21499) granting an increase of pension to Henry A. Wieand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Wieand, late of Company D, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Wieand" and insert in lieu thereof the word "Weiand."

In the same line strike out the letter "D" and insert in lieu thereof the letter "E."

In the same line strike out the words "One hundred and."

In line 7 strike out the word "twenty-eighth" and insert in lieu thereof the words "Two hundred and second."

Amend the title so as to read: "A bill granting an increase of pension to Henry A. Weiand."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. BURCH.

The next pension business was the bill (H. R. 20927) granting an increase of pension to Benjamin F. Burch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Burch, late of Company C, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, the beneficiary in that bill is dead. I therefore move that it be laid on the table.

The SPEAKER pro tempore. Without objection, the bill will be laid on the table.

There was no objection.

JOHN W. HUMPHREY.

The next pension business was the bill (H. R. 21162) granting an increase of pension to John W. Humphrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Humphrey, late of Company I, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT F. PATTERSON.

The next pension business was the bill (H. R. 21314) granting an increase of pension to Robert F. Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert F. Patterson, late lieutenant-colonel Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, the beneficiary in that case is also dead, and I move that the bill lie on the table.

The motion was agreed to.

ROBERT MARTIN.

The next pension business was the bill (H. R. 21277) granting an increase of pension to Robert Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Martin, late of Company A, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM WIGGINS.

The next pension business was the bill (H. R. 21002) granting an increase of pension to William Wiggins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Wiggins, late of Company E, Forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Forty-fourth" and insert in lieu thereof the word "Eighth."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA J. WEAVERLING.

The next pension business was the bill (H. R. 20881) granting an increase of pension to Martha J. Weaverling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Weaverling, widow of Perry B. Weaverling, late a member of Company A, Ninety-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "a member."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY C. HUGHES.

The next pension business was the bill (H. R. 20859) granting an increase of pension to Henry C. Hughes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Hughes, late of Company H, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN L. NEWMAN.

The next pension business was the bill (H. R. 20821) granting an increase of pension to John L. Newman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Newman, late of Company B, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PATRICK KINNEY.

The next pension business was the bill (H. R. 21079) granting an increase of pension to Patrick Kinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of

Patrick Kinney, late of Company A, First Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY J. RHODES.

The next pension business was the bill (H. R. 21161) granting an increase of pension to Henry J. Rhodes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry J. Rhoades, late of Company I, Third Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH E. ROBEY.

The next pension business was the bill (H. R. 17204) granting a pension to Sarah E. Robey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Robey, widow of Richard T. Robey, late of Company D, Seventh Battalion District of Columbia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "T."
In line 7 strike out the word "of."
In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE O. TIBBITTS.

The next pension business was the bill (H. R. 21325) granting an increase of pension to George O. Tibbitts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George O. Tibbitts, late of Company B, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS L. MOODY.

The next pension business was the bill (H. R. 21427) granting an increase of pension to Thomas L. Moody.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas L. Moody, late of Company C, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOANNA L. COX.

The next pension business was the bill (H. R. 2055) granting an increase of pension to Joanna Cox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joanna Cox, widow of Charles J. Cox, late of Company E, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Joanna," insert the letter "L."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joanna L. Cox."

JOHN CAMPBELL.

The next pension business was the bill (H. R. 13806) granting an increase of pension to John Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Campbell, late of Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ERASTUS A. THOMAS.

The next pension business was the bill (H. R. 21542) granting an increase of pension to Erastus A. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Erastus A. Thomas, late of Company B, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Infantry," insert the words "and Signal Corps, United States Army."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY H. DAVIS.

The next pension business was the bill (H. R. 16698) granting an increase of pension to Henry H. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Davis, late of Company C, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS R. ELLIOTT.

The next pension business was the bill (H. R. 20000) granting an increase of pension to Thomas R. Elliott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas R. Elliott, late of Company G, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY STAUFFER.

The next pension business was the bill (H. R. 14884) granting an increase of pension to Henry Stauffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry

Stauffer, late of Company D, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Cavalry," insert the words "and Company D, First Regiment Pennsylvania Provisional Volunteer Cavalry."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS PROSSER.

The next pension business was the bill (H. R. 10738) granting an increase of pension to Thomas Prosser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Prosser, late of Company A, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. SPERRY.

The next pension business was the bill (H. R. 17094) granting an increase of pension to James H. Sperry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Sperry, late of Companies F and A, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Companies F and A" and insert in lieu thereof the words "second lieutenant Company F, and captain Company A."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. LOYD.

The next pension business was the bill (H. R. 17483) granting an increase of pension to William H. Loyd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Loyd, late of Company H, Thirty-third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "twenty" insert the word "four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

OLIVER T. WESTMORELAND.

The next pension business was the bill (H. R. 20036) granting an increase of pension to Oliver T. Westmoreland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver T. Westmoreland, late of Company C, First Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NORMAN H. COLE.

The next pension business was the bill (H. R. 5729) granting an increase of pension to Norman H. Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Norman H. Cole, late of Company B, Third Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES F. SANCRAINTE.

The next pension business was the bill (H. R. 2399) granting an increase of pension to Charles F. Sanscrainte.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Sanscrainte, late of Company B, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read as follows:

In line 6 strige out the word "Sanscrainte" and insert in lieu thereof the word "Sancrainte."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Charles F. Sancrainte."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL O. CORBIN.

The next pension business was the bill (H. R. 6894) granting an increase of pension to Daniel O. Corbin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel O. Corbin, late of Company H, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DOMINICK GARVEY.

The next pension business was the bill (H. R. 20647) granting an increase of pension to Dominick Garvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dominick Garvey, late of Company A, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMILE CLOE.

The next pension business was the bill (H. R. 7581) granting an increase of pension to Emile Cloe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emile Cloe, late of Fifth Battery, Ohio Volunteers, Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Battery," insert the word "Independent."

In same line strike out the word "Volunteers" and insert in lieu thereof the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH A. KIZER.

The next pension business was the bill (H. R. 15630) granting a pension to Sarah A. Kizer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Kizer, blind and dependent daughter of David L. Kizer, deceased, late of Company K, Thirty-first Regiment Ohio Veteran Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "blind" and insert in lieu thereof the word "helpless."

In line 7 strike out the word "deceased."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC RICHARDS.

The next pension business was the bill (H. R. 11174) granting an increase of pension to Isaac Richards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Richards, late of Company F, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

KATE S. CHURCH.

The next pension business was the bill (H. R. 16506) granting an increase of pension to Kate S. T. Church.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate S. T. Church, widow of Capt. Joseph Church, late of Company C, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "T."

In same line strike out the word "Captain."

In line 7, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In same line strike out the letter "C" and insert in lieu thereof the letter "I."

In same line strike out the word "Thirteenth" and insert in lieu thereof the word "Fifty-ninth."

In line 8 strike out the word "forty" and insert in lieu thereof the word "seventeen."

Amend the title so as to read: "A bill granting an increase of pension to Kate S. Church."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PETER BUCHMANN.

The next pension business was the bill (H. R. 20731) granting an increase of pension to Peter Buchman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Buchman, late of Company G, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Buchman" and insert in lieu thereof "Buchmann."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Peter Buchmann."

WILLIAM T. OSBORN.

The next pension business was the bill (H. R. 12399) granting an increase of pension to William T. Osborn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Osborn, late of Company D, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he now receiving.

Mr. SULLOWAY. Mr. Speaker, the beneficiary mentioned in this bill is dead. I therefore move that the bill be laid on the table.

The motion was agreed to.

THOMAS WELCH.

The next pension business was the bill (H. R. 20854) granting an increase of pension to Thomas Walsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Walsh, late of United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Walsh" and insert in lieu thereof the word "Welch."

In same line, before the word "United," insert the words "U. S. S. Ohio and Sassacus."

In line 7 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas Welch."

EMMA WALTERS.

The next pension business was the bill (H. R. 20887) granting an increase of pension to Emma Walters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Walters, widow of Jacob H. Walters, late of Company B, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDGAR WEAVER.

The next pension business was the bill (H. R. 20970) granting an increase of pension to Edgar Weaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edgar Weaver, late of Company F, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DELIA S. HUMPHREY.

The next pension business was the bill (H. R. 21026) granting a pension to Delia S. Humphrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delia S. Humphrey, widow of John H. Humphrey, late lieutenant-colonel Forty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY C. DAVIS.

The next pension business was the bill (H. R. 21078) granting an increase of pension to Henry C. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of

Henry C. Davis, late of Company K, Sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHARINE LUDWIG.

The next pension business was the bill (H. R. 21281) granting an increase of pension to Catherine Ludwig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Ludwig, widow of John Ludwig, late of Company H, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Catherine" and insert in lieu thereof the word "Catharine."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Catharine Ludwig."

MALINDA H. HITCHCOCK.

The next pension business was the bill (H. R. 21320) granting an increase of pension to Melinda H. Hitchcock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melinda H. Hitchcock, widow of Herbert W. Hitchcock, late of Companw H, Forty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Melinda" and insert in lieu thereof the word "Malinda."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Malinda H. Hitchcock."

JOHN COOPER.

The next pension business was the bill (H. R. 21355) granting an increase of pension to John Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Cooper, late of Company I, Ninth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY SHUTLER.

The next pension business was the bill (H. R. 21354) granting a pension to Mary Shutler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Shutler, widow of William H. Shutler, late of Company H, First Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. STICHTER.

The next pension business was the bill (H. R. 21376) granting an increase of pension to John W. Stichter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Stichter, late of Company K, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL SCHEETZ.

The next pension business was the bill (H. R. 21498) granting an increase of pension to Daniel Scheetz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Scheetz, late of Company G, Forty-seventh Regiment Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Volunteer," insert the word "Pennsylvania."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Mr. SULLOWAY. Mr. Speaker, the beneficiary mentioned in this bill is dead. I therefore move that the bill be laid on the table.

The motion was agreed to.

WILLIAM DOBSON.

The next pension business was the bill (H. R. 21532) granting an increase of pension to William Dobson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Dobson, late of Company A, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY REED.

The next pension business was the bill (H. R. 21534) granting an increase of pension to Henry Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Reed, late of Sixth Battery, Maine Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ADDISON THOMPSON.

The next pension business was the bill (H. R. 21543) granting an increase of pension to Addison Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Addison Thompson, late of Company H, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID YODER.

The next pension business was the bill (H. R. 21615) granting an increase of pension to David Yoder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Yoder, late of Company G, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH PEACH.

The next pension business was the bill (H. R. 21819) granting an increase of pension to Joseph Peach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Peach, late of U. S. S. Princeton, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MUSGROVE E. O'CONNOR.

The next pension business was the bill (H. R. 676) granting an increase of pension to Musgrove E. O'Connor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Musgrove E. O'Connor, late of Company D, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN S. COCHRAN.

The next pension business was the bill (H. R. 17634) granting an increase of pension to John S. Cochran.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Cochran, late of Company B, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before "dollars," insert the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES B. EVANS.

The next pension business was the bill (H. R. 1337) granting an increase of pension to James B. Evans

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Evans, late of Company C, Second Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS M'MAHON.

The next pension business was the bill (H. R. 20587) granting an increase of pension to Francis McMahon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis McMahon, late of Company G, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. NICHOLS.

The next pension business was the bill (H. R. 20654) granting an increase of pension to William A. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Nichols, late of Company F, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES R. DUNLAP.

The next pension business was the bill (H. R. 20831) granting an increase of pension to James R. Dunlap.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Dunlap, late of Company B, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHARINE WEIGERT.

The next pension business was the bill (H. R. 20861) granting an increase of pension to Catherine Weigert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Weigert, widow of Charles Weigert, late of Company B, One hundred and thirty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Catherine" and insert in lieu thereof the word "Catharine."

In line 9 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Catharine Weigert."

SARAH M. BICKFORD.

The next pension business was the bill (H. R. 20960) granting an increase of pension to Sarah M. Bickford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah M. Bickford, widow of Samuel M. Bickford, late of Company F, Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Samuel," strike out the letter "M" and insert in lieu thereof the letter "T."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES COLLINS.

The next pension business was the bill (H. R. 21061) granting an increase of pension to James Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Collins, late of Company C, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LAWRENCE M'HUGH.

The next pension business was the bill (H. R. 21123) granting an increase of pension to Lawrence McHugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lawrence McHugh, late landsman on board the U. S. S. Ouchita, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "landsman on board the U. S. S. *Ouchita*" and insert in lieu thereof the words "of U. S. S. *Ouachita*."

In line 8 strike out the word "forty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID J. WISE.

The next pension business was the bill (H. R. 21264) granting an increase of pension to David J. Wise.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David J. Wise, late of Company D, Forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES EDWARD BRISTOL.

The next pension business was the bill (H. R. 21303) granting an increase of pension to James Edward Bristol.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Edward Bristol, late of Company A, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARVEY S. NETTLETON.

The next pension business was the bill (H. R. 21335) granting an increase of pension to Harvey S. Nettleton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey S. Nettleton, late of Company —, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "band."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN F. YEARGIN.

The next pension business was the bill (H. R. 21630) granting an increase of pension to John F. Yeargin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Yeargin, late of Company D, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIAS MILLER.

The next pension business was the bill (H. R. 21636) granting an increase of pension to Elias Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Miller, late of Company G, One hundred and sixty-eighth Regiment New York Volunteer Infantry, and Company C, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being egrossed, it was accordingly read the third time, and passed.

HENRY POWER.

The next pension business was the bill (H. R. 17334) granting an increase of pension to Henry Power.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Powers, late captain Company —, Fifth Regiment United States Colored Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the words "A, Twentieth Regiment Illinois Volunteer Infantry, and Company E."

In line 7, before the word "Heavy," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES H. PRATT.

The next pension business was the bill (H. R. 21793) granting an increase of pension to Charles H. Pratt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Pratt, late of Company F, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES DAVIS.

The next pension business was the bill (H. R. 14675) granting an increase of pension to James Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Davis, late of Company L, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SIMON STONE.

The next pension business was the bill (H. R. 21859) granting an increase of pension to Simon Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Simon Stone, late of Company I, One hundred and second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

REDMOND ROCHE.

The next pension business was the bill (H. R. 21991) granting an increase of pension to Redmond Roche.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Redmond Roche, late of Company F, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER MATCHETT.

The next pension business was the bill (H. R. 22003) granting an increase of pension to Alexander Matchett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Matchett, late of Company G, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORRIN FREEMAN.

The next pension business was the bill (H. R. 22048) granting an increase of pension to Orrin Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orrin Freeman, late of Company C, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RANDOLPH WESSON.

The next pension business was the bill (H. R. 22085) granting an increase of pension to Randolph Wesson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Randolph Wesson, late of Company H, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WARREN P. HUBBS.

The next pension business was the bill (H. R. 22103) granting an increase of pension to Warran P. Hubbs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warran P. Hubbs, late of Company K, Tenth Regiment Michigan Volunteer Cavalry, and Company A, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Warran" and insert in lieu thereof the word "Warren."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Warren P. Hubbs."

RUTSON J. BULLOCK.

The next pension business was the bill (H. R. 1723) granting an increase of pension to Rutson J. Bullock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rutson J. Bullock, late of Company H, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN R. HARGRAVE.

The next pension business was the bill (H. R. 22605) granting an increase of pension to John R. Hargrave.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Hargrave, late of Company F, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN GRIMM.

The next pension business was the bill (H. R. 17817) granting an increase of pension to John Grimm.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Grimm, late of the Seventh Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "the."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD FORD.

The next pension business was the bill (H. R. 21643) granting an increase of pension to Edward Ford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Ford, late of Company K, Ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN D. EVANS.

The next pension business was the bill (H. R. 18248) granting an increase of pension to John D. Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Evans, late of United States gunboats Indianola and Champion, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "United States gunboats" and insert in lieu thereof the letters "U. S. S."

In line 7, after the word "Champion," insert the words "United States Navy."

In same line strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL S. MEVIS.

The next pension business was the bill (H. R. 2421) granting an increase of pension to Daniel S. Mevis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel S. Mevis, late of Company D, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH Q. OVIATT.

The next pension business was the bill (H. R. 1693) granting an increase of pension to Joseph Q. Oviatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Q. Oviatt, late of Company A, Second Regiment United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Army" and insert in lieu thereof the words "Artillery, and Company E, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD B. TANNER.

The next pension business was the bill (H. R. 4670) granting an increase of pension to Edward B. Tanner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward B. Tanner, late of Company F, Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and Fifty-eighth Company, Second Battalion Veteran Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

EMERY CRAWFORD.

The next pension business was the bill (H. R. 6057) granting an increase of pension to Emery Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emery Crawford, late of Company F, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "fifty-five."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN H. KROM.

The next pension business was the bill (H. R. 20415) granting an increase of pension to John H. Krom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Krom, late of Company I, Eightieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELI BOYNTON.

The next pension business was the bill (H. R. 6493) granting an increase of pension to Eli Boynton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli Boynton, late of Company M, Fifth New York Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Fifth," insert the word "Regiment."

In same line, after the words "New York," insert the words "Volunteer Heavy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN FRETT, JR.

The next pension business was the bill (H. R. 7804) granting an increase of pension to John Frett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Frett, late of Company A, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Frett," insert the word "junior."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to John Frett, jr."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL FRENCH.

The next pension business was the bill (H. R. 21564) granting an increase of pension to Daniel French.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel French, late of Company D, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH J. LITTLETON.

The next pension business was the bill (H. R. 8247) granting an increase of pension to Sarah J. Littleton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Littleton, widow of Adam D. Littleton, late of the Fifty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant and adjutant."

In line 7 strike out the word "the."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW LARICK.

The next pension business was the bill (H. R. 8667) granting an increase of pension to Andrew Larick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Larick, late of Company I, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEWIS LENNOX.

The next pension business was the bill (H. R. 9024) granting an increase of pension to Lewis Lennox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Lennox, late of Company B, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMAZIAH G. SHEPPARD.

The next pension business was the bill (H. R. 10440) granting an increase of pension to A. G. Sheppard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. G. Sheppard, late of Company B, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A." and insert in lieu thereof the word "Amaziah."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Amaziah G. Sheppard."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEREMIAH BARD.

The next pension business was the bill (H. R. 13740) granting an increase of pension to Jeremiah Bard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Bard, late of Company A, McLaughlin squadron of cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "McLaughlin" and insert in lieu thereof the word "McLaughlin's."

In line 7, before the word "Cavalry," strike out the word "of" and insert in lieu thereof the words "Ohio Volunteer."

In the same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS H. PRIMROSE.

The next pension business was the bill (H. R. 13975) granting an increase of pension to Thomas H. Primrose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Primrose, late of Company B, First Regiment New Jersey Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Battery."

In same line strike out the words "First Regiment."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH STROPE.

The next pension business was the bill (H. R. 15017) granting an increase of pension to Joseph Strope.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Strope, late of Company K, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "K" and insert in lieu thereof the letter "I."

In same line strike out the word "Thirty-third" and insert in lieu thereof the word "First."

In line 7 strike out the word "Illinois" and insert in lieu thereof the words "Mississippi Marine Brigade."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES B. F. CALLON.

The next pension business was the bill (H. R. 15317) granting an increase of pension to J. B. F. Callon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. B. F. Callon, late of Company B, Twenty-eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and insert in lieu thereof the word "James."

In same line strike out the word "Twenty-eighth" and insert in lieu thereof the word "First."

Amend the title so as to read: "A bill granting an increase of pension to James B. F. Callon."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY J. BURROUGHS.

The next pension business was the bill (H. R. 15839) granting an increase of pension to Mary Jane Burroughs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane Burroughs, widow of George W. S. Burroughs, late of Company A, Tenth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Jane" and insert in lieu thereof the letter "J."

In line 8 strike out the word "sixteen" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting an increase of pension to Mary J. Burroughs."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. SCULLEN.

The next pension business was the bill (H. R. 15868) granting an increase of pension to William H. Scullen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Scullen, late of Battery F, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Battery" and insert in lieu thereof the word "Company."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NATHAN SMALL.

The next pension business was the bill (H R. 21122) granting an increase of pension to Nathan Small.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan Small, late of Company C, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STEPHEN GANGWER.

The next pension business was the bill (H. R. 15965) granting an increase of pension to Stephen D. Gangwere.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen D. Gangwere, late of Company K, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "D."

In the same line strike out the word "Gangwere" and insert in lieu thereof the word "Gangwer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Stephen Gangwer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL W. GILLAM.

The next pension business was the bill (H. R. 16458) granting an increase of pension to Daniel W. Gillam.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel W. Gillam, late of Company D, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading, and being engrossed, it was accordingly read the third time, and passed.

WILLIAM T. SALLEE.

The next pension business was the bill (H. R. 16493) granting an increase of pension to W. T. Sallee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. T. Sallee, late of Company G, Third Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."

Amend the title so as to read: "A bill granting an increase of pension to William T. Sallee."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES BRUMM.

The next pension business was the bill (H. R. 16813) granting an increase of pension to Charles W. Brumm.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Brumm, late of Company G, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "thirty-six."

Amend the title so as to read: "A bill granting an increase of pension to Charles Brumm."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MINOR B. MONAGHAN.

The next pension business was the bill (H. R. 17369) granting an increase of pension to Minor B. Monaghan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minor B. Monaghan, late of Company K, Sixth Regiment Missouri Volunteer State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer."

In same line, before the word "Cavalry," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEWIS F. BELDEN.

The next pension business was the bill (H. R. 17335) granting an increase of pension to Lewis F. Belden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis F. Belden, unassigned, late of Sixteenth Regiment New York Volunteer Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "unassigned, late of the Sixteenth Regiment New York Volunteer Artillery" and insert in lieu thereof the words "late of U. S. S. Constellation, United States Navy."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANK J. BIEDERMAN.

The next pension business was the bill (H. R. 17712) granting an increase of pension to Frank J. Biederman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank J. Biederman, late of Battery D, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Battery," insert the words "Company K, First Regiment New York Volunteer Marine Artillery, and."

In line 7 strike out the word "York" and insert in lieu thereof the word "Jersey."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK SHINAMAN.

The next pension business was the bill (H. R. 18383) granting an increase of pension to Frederick Shinnaman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Shinnaman, late of Company H, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Shinnaman" and insert in lieu thereof the word "Shinaman."

Amend the title so as to read: "A bill granting an increase of pension to Frederick Shinaman."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH M. ROACH.

The next pension business was the bill (H. R. 19546) granting an increase of pension to Sarah M. Roach and others.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the names of Sarah M. Roach, widow, and Jesse L., William L., Walter L., and Carrie E., children and minor heirs of Jonathin Roach, deceased, late of Company M, First Regiment Alabama Volunteer Cavalry, and pay them a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "and Jesse L., William L., Walter L., and Carrie E., children and minor heirs."

In line 7 also strike out the word "Jonathin" and insert in lieu thereof the word "John."

In line 8 strike out the word "deceased."

In line 9 strike out the word "them" and insert in lieu thereof the word "her."

In line 10 strike out the word "twenty-four" and insert in lieu thereof the word "eight."

In same line, after the word "month," insert the words "and $2 per month additional on account of each of the four minor children of said soldier until they shall arrive at the age of 16 years."

Amend the title so as to read: "A bill granting a pension to Sarah M. Roach."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANNA E. HUGHES.

The next pension business was the bill (H. R. 20060) granting an increase of pension to Anna E. Hughes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna E. Hughes, widow of Cyrus L. Hughes, late of Company C, Second Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS W. DANIELS.

The next pension business was the bill (H. R. 20189) granting an increase of pension to Thomas W. Daniels.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Daniels, late of Company H, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN A. SMITH.

The next pension business was the bill (H. R. 20091) granting an increase of pension to John A. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Smith, late of Company F, Second Regiment New York Heavy Artillery Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."

In same line strike out the word "Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NATHAN D. CHAPMAN.

The next pension business was the bill (H. R. 2793) granting an increase of pension to Nathan D. Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan D. Chapman, late of Company B, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. GREEN.

The next pension business was the bill (H. R. 20212) granting an increase of pension to George W. Greene.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Greene, late of Company B, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Greene" and insert in lieu thereof the word "Green."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to George W. Green."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BARTHOLOMEW HOLMES.

The next pension business was the bill (H. R. 20286) granting an increase of pension to Bartholomew Holmes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bartholomew Holmes, late of Company E, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN G. V. HERNDON.

The next pension business was the bill (H. R. 4166) granting an increase of pension to John G. V. Herndon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. V. Herndon, late of Company F, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SHELDON HESS.

The next pension business was the bill (H. R. 21644) granting an increase of pension to Sheldon Hess.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sheldon Hess, late a first-class fireman in the United States Navy, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a first-class fireman in the" and insert in lieu thereof the words "of U. S. S. North Carolina and Sunflower."

In line 7 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMMA SICKLER.

The next pension business was the bill (H. R. 21634) granting an increase of pension to Emma Sickler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Sickler, widow of Christopher Sickler, late of Company B, Eightieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE TINKHAM.

The next pension business was the bill (H. R. 22047) granting an increase of pension to George Tinkham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Tinkham, late of Company D, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BORRE PETERSON.

The next pension business was the bill (H. R. 22102) granting an increase of pension to Borre Peterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Borre Peterson, late of Company B, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE M. FOWLER.

The next pension business was the bill (H. R. 1717) granting an increase of pension to George M. Fowler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Fowler, late of Company I, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN R. SMITH.

The next pension business was the bill (H. R. 21332) granting an increase of pension to John R. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Smith, late of Company A, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OLIVER J. BURNS.

The next pension business was the bill (H. R. 22203) granting an increase of pension to Oliver J. Burns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver J. Burns, late of Company H, Fifth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. BOUGHNER.

The next pension business was the bill (H. R. 22217) granting an increase of pension to George W. Boughner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Boughner, late of Company E, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MINOR CLEAVENGER.

The next pension business was the bill (H. R. 22500) granting an increase of pension to Minor Cleavenger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minor Cleavenger, late of Company B, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS J. PROUTY.

The next pension business was the bill (H. R. 22214) granting an increase of pension to Thomas J. Prouty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Prouty, late of Company B, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL HOGAN.

The next pension business was the bill (H. R. 22270) granting an increase of pension to Michael Hogan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Hogan, late of Company K, Eleventh Regiment, and Company H, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company K, Eleventh Regiment."
In line 7 strike out the word "and."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. RODEFER.

The next pension business was the bill (H. R. 22272) granting an increase of pension to George W. Rodefer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Rodefer, late of Company K, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to George W. Rodefer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMILY V. ACKLEY.

The next pension business was the bill (H. R. 22280) granting an increase of pension to Emily V. Ackley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily V. Ackley, widow of Charles L. Ackley, late of United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "L."
In same line, after the word "late," strike out the word "of" and insert in lieu thereof the words "acting ensign, U. S. S. Tyler, and acting master."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL L. DAVIS.

The next pension business was the bill (H. R. 22288) granting an increase of pension to Samuel L. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel L. Davis, late of Company B, Second Battalion Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM FAULKNER.

The next pension business was the bill (H. R. 22424) granting an increase of pension to William Faulkner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Faulkner, late of Company E, Twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALDEN YOUNGMAN.

The next pension business was the bill (H. R. 22431) granting an increase of pension to Alden Youngman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alden Youngman, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN CLARK.

The next pension business was the bill (H. R. 22442) granting an increase of pension to John Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Clark, late of Company I, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

F. MEDORA JOHNSON.

The next pension business was the bill (H. R. 22448) granting an increase of pension to F. Medora Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of F. Medora Johnson, widow of Thomas Johnson, late of Company G, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M'CASLIN.

The next pension business was the bill (H. R. 22451) granting an increase of pension to John McCaslin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McCaslin, late of Company G, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILSON SIDDELL.

The next pension business was the bill (H. R. 22551) granting an increase of pension to Wilson Siddell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilson Siddell, late of United States Marine Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "United States."
In same line, after the word "Corps," insert the words "United States Navy."
In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH L. SIX.

The next pension business was the bill (H. R. 22566) granting an increase of pension to Joseph L. Six.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph L. Six, late of Company K, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. COURTER.

The next pension business was the bill (H. R. 22771) granting an increase of pension to William J. Courter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William

J. Courter, late of Company A, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. PASSON.

The next pension business was the bill (H. R. 22602) granting an increase of pension to John H. Passon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Passon, late of Company I, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "I" and insert in lieu thereof the letter "B."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN T. HETHERLIN.

The next pension business was the bill (H. R. 22607) granting an increase of pension to John T. Hetherlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Hetherlin, late of Company A, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUISA M. CAROTHERS.

The next pension business was the bill (H. R. 22624) granting an increase of pension to Louisa M. Carothers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa M. Carothers, widow of John C. Carothers, late of Company I, Willick's battalion, Missouri Volunteers, war with Mexico, and Company L, Second Regiment Missouri State Militia, civil war, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "of."

Strike out all of line 7.

In line 8 strike out the words "with Mexico, and" and insert in lieu thereof the words "second lieutenant Company H, Eleventh Regiment, and first lieutenant."

In line 9 strike out the words "civil war" and insert in lieu thereof the words "Volunteer Cavalry."

In line 10 strike out the word "fifty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMMA J. TURNER.

The next pension business was the bill (H. R. 1150) granting a pension to Emma J. Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma J. Turner, widow of Turner, late of Company G, Twenty-first Regiment Indiana Volunteer Infantry, and of Company G, First Regiment Indiana Volunteer Artillery, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "widow of," insert the words "William H. H."

In same line and in lines 7 and 8 strike out the words "of Company G, Twenty-first Regiment Indiana Volunteer Infantry, and of" and insert in lieu thereof the words "first lieutenant."

In line 8, after the word "Volunteer," insert the word "Heavy."

In line 10, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Emma J. Turner."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH E. CADMUS.

The next pension business was the bill (H. R. 22651) granting an increase of pension to Emily J. Cadmus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily J. Cadmus, widow of Thomas Cadmus, late of Company H, Seventy-fifth Regiment New York Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Emily J." and insert in lieu thereof the words "Sarah E."

In line 7 strike out the letter "H" and insert in lieu thereof the letter "A."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "sixteen."

Amend the title so as to read: "A bill granting an increase of pension to Sarah E. Cadmus."

The amendments were agreed to.

The bill as amended were ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM SHERK.

The next pension business was the bill (H. R. 22684) granting an increase of pension to William Sherk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Sherk, late of Company M, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Cavalry," insert the words "and Company F, Nineteenth Regiment Veteran Reserve Corps."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. BRICK.

The next pension business was the bill (H. R. 22717) granting an increase of pension to Mary A. Brick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Brick, widow of Aaron Brick, late of Company C, First Regiment, and Company G, Twenty-first Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8, before the word "Wisconsin," insert the words "and Company G, Third Regiment."

In line 9 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL MAIER.

The next pension business was the bill (H. R. 22734) granting an increase of pension to Marshall Maier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marshall Maier, late of Companes L and I, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Marshall" and insert in lieu thereof the word "Michael."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Michael Maier."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DELLA S. EASTON.

The next pension business was the bill (H. R. 22749) granting an increase of pension to Della S Easton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Della S. Easton, widow of David J. Easton, late captain Company G, Nineteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "first lieutenant Company E and."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Della S. Easton."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI E. CURTIS.

The next pension business was the bill (H. R. 22756) granting an increase of pension to Levi Curtis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Curtis, late of Company B, Headquarters Troop, Nineteenth Army Corps, Department of the Gulf, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Levi," insert the letter "E."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Levi E. Curtis."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SOREN V. KALSEM.

The next pension business was the bill (H. R. 22766) granting an increase of pension to Soren V. Kalsem.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Soren V. Kalsem, late of Company C, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES E. CONVERSE.

The next pension business was the bill (H. R. 22776) granting an increase of pension to James E. Converse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Converse, late of Company B, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS D. KING.

The next pension business was the bill (H. R. 20929) granting an increase of pension to Thomas D. King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. King, late of Company C, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BURDEN H. BARRETT.

The next pension business was the bill (H. R. 22853) granting an increase of pension to Burden H. Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Burden H. Barrett, late of Company A, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD MURPHY.

The next pension business was the bill (H. R. 22937) granting an increase of pension to Edward Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Murphy, late captain Company F, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MILTON STEVENS.

The next pension business was the bill (H. R. 22976) granting an increase of pension to Milton Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Stevens, late of Company E, Thirty-first Regiment, and Company D, Thirty-second Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUCINDA C. MUSGROVE.

The next pension business was the bill (H. R. 22994) granting an increase of pension to Lucinda C. Musgrove.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda C. Musgrove, widow of Enoch B. Musgrove, late of Company G, Sixtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDMOND D. DOUD.

The next pension business was the bill (H. R. 22997) granting an increase of pension to Edmond D. Doud.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmond

D. Doud, late of Company H, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert *in lieu* thereof the words "first lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NATHANIEL Y. BUCK.

The next pension business was the bill (H. R. 22995) granting an increase of pension to Nathaniel Y. Buck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Y. Buck, late of Company B, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BARBARA E. SCHWAB.

The next pension business was the bill (H. R. 22416) granting an increase of pension to Barbara E. Schwab.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barbara E. Schwab, widow of Joseph Schwab, late of Company A, Fourth Regiment United States Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN CUTLER MITCHELL.

The next pension business was the bill (H. R. 23036) granting an increase of pension to John Cutler Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Cutler Mitchell, late of Company K, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Cutler" and insert in lieu thereof the letter "C."

Amend the title so as to read: "A bill granting an increase of pension to John C. Mitchell.'

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY LUFFT.

The next pension business was the bill (H. R. 20973) granting an increase of pension to Henry Lufft.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Lufft, late of Company K, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES W. KASSON.

The next pension business was the bill (H. R. 21837) granting an increase of pension to James W. Kasson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Kasson, late of Company H, Eighth Regiment, and Company I, Fourth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES SETTLE.

The next pension business was the bill (H. R. 14378) granting an increase of pension to Charles Settle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Settle, late of Company A, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES WINTERSTEEN.

The next pension business was the bill (H. R. 742) granting an increase of pension to James Wintersteen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Wintersteen, late of Company B, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY C. HALL.

The next pension business was the bill (H. R. 21836) granting an increase of pension to Mary C. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Hall, widow of James M. Hall, late of Company E, Twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mary C. Hall."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. WILKINSON.

The next pension business was the bill (H. R. 21832) granting an increase of pension to John W. Wilkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Wilkinson, late of Company B, Forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of — dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the words "of Company" and insert in lieu thereof the words "second lieutenant and captain, Companies F and."

In line 8, before the word "dollars," insert the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NOAH PERRIN.

The next pension business was the bill (H. R. 21828) granting an increase of pension to Noah Perrin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Noah Perrin, late of Company G, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company G" and insert in lieu thereof the word "sergeant-major."

In same line strike out the word "sixth" and insert in lieu thereof the word "second."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI MITCHELL.

The next pension business was the bill (H. R. 21808) granting an increase of pension to Levi Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Mitchell, late of Company L, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the words "late of," insert the words "Company H, Eleventh Regiment, and."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW SPENCER.

The next pension business was the bill (H. R. 21798) granting an increase of pension to Andrew Spencer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Spencer, late of Company H, One hundred and eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was according read the third time, and passed.

JOHN D. MARTIN.

The next pension business was the bill (H. R. 21724) granting an increase of pension to John D. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Martin, late adjutant Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "first lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was according read the third time, and passed.

JOHN CYRUS RINEHART.

The next pension business was the bill (H. R. 21702) granting an increase of pension to John Cyrus Rinehart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Cyrus Rinehart, late of unassigned company, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of."

In same line strike out the word "company."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was according read the third time, and passed.

EMMA FEHR.

The next pension business was the bill (H. R. 21660) granting an increase of pension to Emma Fehr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Fehr, widow of Joseph Fehr, late of Company C, Tenth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB B. BUTTS.

The next pension business was the bill (H. R. 21651) granting an increase of pension to Jacob B. Butts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob B. Butts, late of Company —, Third Regiment Pennsylvania Volunteer Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company" and insert in lieu thereof the word "unassigned."

In line 7, before the word "Artillery," insert the word "Heavy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CALVIN BARKER.

The next pension business was the bill (H. R. 21626) granting an increase of pension to Calvin Barker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin Barker, late of Company I, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "I" and insert in lieu thereof the letter "H."

In same line strike out the word "Fourth" and insert in lieu thereof the word "Sixteenth."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM MILLER.

The next pension business was the bill (H. R. 21617) granting an increase of pension to William Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Miller, late of Company I, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and unassigned detachment, Veteran Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CALVIN E. MORLEY.

The next pension business was the bill (H. R. 21575) granting an increase of pension to Calvin E. Morley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin E. Morley, late of Company C, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CALVIN JUDSON.

The next pension business was the bill (H. R. 20586) granting an increase of pension to Calvin Judson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin Judson, late of Company C, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALFRED E. LUCAS.

The next pension business was the bill (H. R. 21551) granting an increase of pension to Alfred E. Lucas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred E. Lucas, late of Company E, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Company," strike out the letter "E" and insert in lieu thereof the letter "F."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MONTEZUMA ST. JOHN.

The next pension business was the bill (H. R. 21519) granting an increase of pension to Montezuma Saint John.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Montezuma Saint John, late of Company K, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Saint" and insert in lieu thereof the letters "St."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Montezuma St. John."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELISON GATEWOOD.

The next pension business was the bill (H. R. 21524) granting an increase of pension to Elison Gatewood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elison Gatewood, late of Company F, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE S. WOODS.

The next pension business was the bill (H. R. 21483) granting an increase of pension to George S. Woods.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George S. Woods, late of Company A, One hundred and thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JESSE JACKMAN.

The next pension business was the bill (H. R. 21448) granting an increase of pension to Jesse Jackman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Jackman, late of Company E, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CORNELIUS H. LAWRENCE.

The next pension business was the bill (H. R. 21428) granting an increase of pension to Cornelius H. Lawrence.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelius H. Lawrence, late of Company F, One hundred and forty-third Regiment Indiana Volunteer Infantry, and the Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "and the."

In line 8 strike out the word "Navy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN S. CORNWELL.

The next pension business was the bill (H. R. 21375) granting an increase of pension to John S. Cornwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Cornwell, late of Company D, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL FAUVER.

The next pension business was the bill (H. R. 21307) granting an increase of pension to Samuel Fauver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Fauver, late of Company B, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD S. LIGHTBOURN.

The next pension business was the bill (H. R. 21344) granting an increase of pension to Edward S. Lightbourne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward S. Lightbourne, late of Company H, Seventh Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lightbourne" and insert in lieu thereof the word "Lightbourn."

In line 7 strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Edward S. Lightbourn."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEANNETTE M. GUINEY.

The next pension business was the bill (H. R. 21347) granting an increase of pension to Jeannette M. Guiney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeannette M. Guiney, widow of Patrick Robert Guiney, late brevet brigadier-general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Robert" and insert in lieu thereof the letter "R."

In line 7, after the word "late," insert the words "colonel Ninth Regiment Massachusetts Volunteer Infantry, and."

In same line strike out the words "United States Army" and insert in lieu thereof the words "United States Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. ARMSTRONG.

The next pension business was the bill (H. R. 22155) granting an increase of pension to Andrew J. Armstrong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Armstrong, late of Company B, Third Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and captain Company D, Seventy-ninth Regiment United States Colored Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH A. JONES.

The next pension business was the bill (H. R. 13201) granting a pension to Sarah A. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Jones, widow of Abraham Jones, late of Company G, First Regiment Alabama Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the word "Vidette."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SEVERT LARSON.

The next pension business was the bill (H. R. 22090) granting an increase of pension to Severt Larson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Severt Larson, late of Company B, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT J. HAMRE.

The next pension business was the bill (H. R. 22094) granting an increase of pension to Albert J. Hamre.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert J. Hamre, late of Company A, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GOTTLIEB SCHWEIZER.

The next pension business was the bill (H. R. 22088) granting an increase of pension to Gottlieb Schweitzer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gottlieb Schweitzer, late of Companies C and H, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Schweitzer" and insert in lieu thereof the word "Schweizer."

In same line strike out the words "of Companies C and H, Sixth" and insert in lieu thereof the words "second lieutenant Company H, Forty-fifth."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Gottlieb Schweizer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CAROLINE W. CONGDON.

The next pension business was the bill (H. R. 22069) granting an increase of pension to Caroline W. Congdon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline W. Congdon, widow of James A. Congdon, late lieutenant-colonel Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI E. MILLER.

The next pension business was the bill (H. R. 22067) granting an increase of pension to Levi E. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi E. Miller, late of Company H, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY UTTER.

The next pension business was the bill (H. R. 22065) granting an increase of pension to Henry Utter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Utter, late of Company I, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES A. MEREDITH.

The next pension business was the bill (H. R. 22052) granting a pension to James A. Meredith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Meredith, late of Company D, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James A. Meredith."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALETHIA WHITE.

The next pension business was the bill (H. R. 22039) granting a pension to Alethia White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alethia White, *widow of* ———, late of Company —, ——— Regiment ——— Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "William White."

In same line, after the word "Company," insert the letter "A."

In line 7, before the word "Regiment," insert the word "Eleventh."

In same line, after the word "Regiment," insert the word "Missouri."

In same line strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM REESE.

The next pension business was the bill (H. R. 22015) granting an increase of pension to William Reese.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Reese, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA JOYCE.

The next pension business was the bill (H. R. 21997) granting an increase of pension to Martha Joyce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Joyce, widow of Jacob Joyce, late of Company G, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARVEY F. WOOD.

The next pension business was the bill (H. R. 21961) granting an increase of pension to Harvey F. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey F. Wood, late of Company C, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M. BRUDER.

The next pension business was the bill (H. R. 21906) granting an increase of pension to John M. Bruder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Bruder, late of Company D, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSIAH C. HANCOCK.

The next pension business was the bill (H. R. 1185) granting a pension to Josiah C. Hancock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah C. Hancock, helpless son of Francis M. Hancock, late of Company I, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "helpless," insert the words "and dependent."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

In line 9 strike out the word "five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE H. FIELD.

The next pension business was the bill (H. R. 21896) granting an increase of pension to George H. Field.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Field, late of Company D, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MAHALA M. JONES.

The next pension business was the bill (H. R. 21881) granting an increase of pension to Mahala Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mahala Jones, widow of Joseph E. Jones, late of Company E, One hundred and fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Mahala," insert the letter "M."

In lines 7 and 8 strike out the word "Volunteer" and insert in lieu thereof the words "National Guard."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mahala M. Jones."

JOHN G. VIALL.

The next pension business was the bill (H. R. 21856) granting an increase of pension to John G. Viall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John

G. Viall, late captain Company H, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company H, Fifth Regiment New York Volunteer Cavalry," and insert in lieu thereof the words "and assistant quartermaster, United States Volunteers."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. ARTHUR.

The next pension business was the bill (H. R. 21848) granting an increase of pension to Charles W. Arthur.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Arthur, late of Company A, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Artillery," insert the words "and One hundred and twenty-sixth and Forty-third companies, Second Battalion, Veteran Reserve Corps."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. EAMAN.

The next pension business was the bill (H. R. 21852) granting an increase of pension to James M. Eaman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Eaman, late of Company B, Third Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT H. DELANEY.

The next pension business was the bill (H. R. 21843) granting an increase of pension to Robert H. Delaney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert H. Delaney, late of Company A, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WEBSTER MILLER.

The next pension business was the bill (H. R. 20557) granting a pension to Webster Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Webster Miller, late of Company F, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Webster Miller."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK DE PLANQUE.

The next pension business was the bill (H. R. 21283) granting an increase of pension to Frederick De Planque.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick De Planque, late of Company M, Fourteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES DOPP.

The next pension business was the bill (H. R. 21258) granting an increase of pension to James Dopp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Dopp, late of Company I, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM FOSTER.

The next pension business was the bill (H. R. 21256) granting an increase of pension to William Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Foster, late of Company H, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JESSE S. MILLER.

The next pension business was the bill (H. R. 11141) granting an increase of pension to Jesse S. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse S. Miller, late of Company K, First Regiment, and captain Company D, Eleventh Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "of Company K, First Regiment, and captain Company D," and insert in lieu thereof the word "major."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Th amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PARTHENA LASLEY.

The next pension business was the bill (H. R. 21227) granting a pension to Cora A. Lasley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cora A. Lasley, helpless child of Francis M. Lasley, deceased, late of Company D, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9, and insert in lieu thereof the following:

"of Parthena Lasley, widow of Francis M. Lasley, late of Company D,

Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Cora A. Lasley, helpless and dependent child of said Francis M. Lasley, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Parthena Lasley, the name of said Cora A. Lasley shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Parthena Lasley."

Amend title so as to read: "A bill granting an increase of pension to Parthena Lasley."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE C. PEAK.

The next pension business was the bill (H. R. 21157) granting an increase of pension to George C. Peak.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Peak, late of Company F, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLA FYFFE.

The next pension business was the bill (H. R. 21139) granting an increase of pension to Willa Fyffe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Willa Fyffe, widow of James P. Fyffe, late colonel Fifty-ninth Regiment Ohio Volunteer Infantry, and brigadier-general, First Brigade, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out the words "and brigadier-general First Brigade."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JERRY JOHNSON.

The next pension business was the bill (H. R. 21086) granting an increase of pension to Jerry Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerry Johnson, late of Company G, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "First" and insert in lieu thereof the word "Fourth."

In line 7 strike out the words "Heavy Artillery" and insert in lieu thereof the word "Infantry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW M. DUNN.

The next pension business was the bill (H. R. 21077) granting an increase of pension to Andrew M. Dunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew M. Dunn, late of Company G, Sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GOTTLIEB KIRCHNER.

The next pension business was the bill (H. R. 21060) granting an increase of pension to Gottlieb Kirchner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gottlieb Kirchner, late of Eleventh Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS JONES.

The next pension business was the bill (H. R. 20966) granting an increase of pension to Thomas H. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Jones, late of Independent Company C, Acting Engineers, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H."

In same line, before the word "Independent," insert the word "Smith's."

In same line strike out the letter "C."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Thomas Jones."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY EVANS.

The next pension business was the bill (H. R. 21000) granting a pension to Jessie F. Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jessie F. Evans, helpless and dependent daughter of Henry J. Evans, late of Company G, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Jessie F." and insert in lieu thereof the word "Mary."

In same line strike out the words "helpless and dependent daughter" and insert in lieu thereof the word "widow."

In line 9 strike out the word "twelve" and insert in lieu thereof the word "twenty."

In same line, after the word "month," insert the words "in lieu of that she is now receiving: *Provided*, That in the event of the death of Jessie F. Evans, helpless and dependent child of said Henry J. Evans, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary Evans the name of said Jessie F. Evans shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary Evans."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Mary Evans."

EDWARD LA COSTE.

The next pension business was the bill (H. R. 19943) granting an increase of pension to E. La Coste.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of E. La Coste, late of Company K, Second Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E" and insert in lieu thereof the word "Edward."

In lines 6 and 7 strike out the words "United States" and insert in lieu thereof the words "New York Volunteer."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Edward La Coste."

SAMUEL W. HINES.

The next pension business was the bill (H. R. 20967) granting an increase of pension to Samuel W. Hines.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel W. Hines, late of Company G, Thirty-third Regiment Pennsylvania Volunteer Infantry, Fourth Pennsylvania Reserves, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committeee were read, as follows:

In lines 6 and 7 strike out the words "Thirty-third Regiment Pennsylvania Volunteer Infantry."

In line 7, after the word "Fourth," insert the word "Regiment."

In line 8 strike out the word "Reserves" and insert in lieu thereof the words "Reserve Volunteer Infantry."

In same line strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH ROUGE.

The next pension business was the bill (H. R. 20930) granting an increase of pension to Joseph Ronge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Ronge, late of Company C, First Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committeee were read, as follows:

In line 6 strike out the word "Ronge" and insert in lieu thereof the word "Rouge."

In same line strike out the letter "C" and insert in lieu thereof the letter "D."

In same line strike out the word "First" and insert in lieu thereof the word "Twelfth."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Joseph Rouge."

AUGUST WEBER.

The next pension business was the bill (H. R. 20862) granting an increase of pension to August Weber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of August Weber, late of Company D, One hundred and nineteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

VOLNA S. TOPPING.

The next pension business was the bill (H. R. 23051) granting an increase of pension to Volney S. Topping.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Volney S. Topping, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Volney" and insert in lieu thereof the word "Volna."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Volna S. Topping."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL DOWNS.

The next pension business was the bill (H. R. 23263) granting an increase of pension to Michael Downs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Downs, late of Company I, Ninetieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES BALLANTYNE.

The next pension business was the bill (H. R. 20715) granting an increase of pension to Charles Ballantyne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Ballantyne, late of Company A, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM CONWELL.

The next pension business was the bill (H. R. 20727) granting an increase of pension to William Conwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Conwell, late of Company I, Ninetieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ADELBERT E. BLEEKMAN.

The next pension business was the bill (H. R. 20717) granting an increase of pension to Adelbert E. Bleekman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelbert E. Bleekman, late of Company A, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES C. PRICE.

The next pension business was the bill (H. R. 20719) granting an increase of pension to James O. Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James O. Price, late of Company A, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "O" and insert in lieu thereof the letter "C."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to James C. Price."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM G. WHITNEY.

The next pension business was the bill (H. R. 20737) granting an increase of pension to William G. Whitney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Whitney, late captain Company B, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "captain" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHARINE A. GREENE.

The next pension business was the bill (H. R. 20856) granting an increase of pension to Catherine A. Greene.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine A. Greene, widow of Robert Greene, late of Company C, Fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Catherine" and insert in lieu thereof the word "Catharine."

In the same line, after the words "late of," insert the words "Company K, Thirty-seventh Regiment New York Volunteer Infantry, and captain."

In line 7 strike out the letter "C" and insert in lieu thereof the letter "E."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to Catharine A. Greene."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THEODORE T. TATE.

The next pension business was the bill (H. R. 20852) granting an increase of pension to T. T. Tate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of T. T. Tate, late of Company F, Seventeenth Pennsylvania Cavalry, and assistant surgeon Third Regiment Pennsylvania Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "of," strike out the letter "T." and insert in lieu thereof the word "Theodore."

In same line and in line 7 strike out the words "of Company F, Seventeenth Pennsylvania Cavalry, and Assistant."

In line 7, after the word "Pennsylvania," insert the word "Volunteer."

Amend the title so as to read: "A bill granting an increase of pension to Theodore T. Tate."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY JOYCE.

The next pension business was the bill (H. R. 20842) granting an increase of pension to Henry Joyce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Joyce, late of Company G, First Regiment Connecticut Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS DOUGHTY.

The next pension business was the bill (H. R. 20689) granting an increase of pension to Francis Doughty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Doughty, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARK W. TERRILL.

The next pension business was the bill (H. R. 20558) granting an increase of pension to Mark W. Terrill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mark W. Terrill, late of Company I, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK J. DOWLAND.

The next pension business was the bill (H. R. 20571) granting an increase of pension to Frederick J. Dowland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick J. Dowland, late of Company G, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES HOWARDSON.

The next pension business was the bill (H. R. 20614) granting an increase of pension to James Howardson, sr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Howardson, sr., late of Company A, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "senior."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend title so as to read: "A bill granting an increase of pension to James Howardson."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. BRINTON.

The next pension business was the bill (H. R. 20618) granting an increase of pension to George W. Brinton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Brinton, late of Cpmpany A, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSHUA S. JAYNE.

The next pension business was the bill (H. R. 20686) granting an increase of pension to Joshua S. Jayne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Joshua S. Jayne, late of Company H, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHESTER R. PITT.

The next pension business was the bill (H. R. 20568) granting an increase of pension to Chester R. Pitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Chester R. Pitt, late of Company A, Hatch's battalion of Minnesota Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "battalion," strike out the word "of."
In line 7, before the word "Cavalry," insert the word "Volunteer."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM S. VORIS.

The next pension business was the bill (H. R. 23166) granting an increase of pension to William S. Voris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Voris, late of Company D, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMMA M. CHAMBERLIN.

The next pension business was the bill (H. R. 21113) granting an increase of pension to Emma E. Chamberlain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma E. Chamberlain, widow of William N. Chamberlain, late of Company K, Forty-sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E" and insert in lieu thereof the letter "M."
In same line, before the word "widow," strike out the word "Chamberlain" and insert in lieu thereof the word "Chamberlin."
In same line and in line 7, after the letter "N," strike out the word "Chamberlain" and insert in lieu thereof the word "Chamberlin."
Amend the title so as to read: "A bill granting an increase of pension to Emma M. Chamberlin."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET GUILROY.

The next pension business was the bill (H. R. 21246) granting a pension to Margaret Gilroy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Gilroy, widow of James Gilroy, late of Company F, First Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Margaret," strike out the word "Gilroy" and insert in lieu thereof the word "Guilroy."
In same line, after the word "James," strike out the word "Gilroy" and insert in lieu thereof the word "Guilroy."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."
Amend the title so as to read: "A bill granting a pension to Margaret Guilroy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN LYONS.

The next pension business was the bill (H. R. 20729) granting an increase of pension to Benjamin Lyons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Lyons, late of Company F, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MILTON L. HOWARD.

The next pension business was the bill (H. R. 20822) granting an increase of pension to Milton L. Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton L. Howard, late of Company K, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUTHER W. HARRIS.

The next pension business was the bill (H. R. 20882) granting an increase of pension to Luther W. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luther W. Harris, late of Company B, Seventh Regiment Missouri Cavalry, and Company H, Seventy-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Missouri," insert the word "Volunteer."
In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB A. GRAHAM.

The next pension business was the bill (H. R. 21148) granting an increase of pension to Jacob A. Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob A. Graham, late captain Company F, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "captain" and insert in lieu thereof the words "first lieutenant."
In line 8 strike out the words "one hundred" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MELVIN T. EDMONDS.

The next pension business was the bill (H. R. 1512) granting an increase of pension to Melvin T. Edmonds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melvin T. Edmonds, late of Company B, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "pension," insert the words "at the rate."
In same line strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. MATHES.

The next pension business was the bill (H. R. 1252) granting an increase of pension to Mary E. Mathes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Mathes, widow of Dr. J. M. Mathes, late of Company D, Twenty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Dr. J." and insert in lieu thereof the word "Jesse."
In line 7 strike out the letter "D" and insert in lieu thereof the letter "I."
In same line strike out the word "Twenty-first" and insert in lieu thereof the word "Ninety-seventh."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE E. SMITH.

The next pension business was the bill (H. R. 725) granting a pension to George E. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Smith, late of Company D, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to George E. Smith."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. BONE.

The next pension business was the bill (H. R. 637) for the relief of William H. Bone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Bone, late sergeant, Company D, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "sergeant" and insert in lieu thereof the word "of."
In same line strike out the letter "D" and insert in lieu thereof the letter "F."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to William H. Bone."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM M. HARRIS.

The next pension business was the bill (H. R. 16340) granting an increase of pension to William M. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Harris, late of Company D, One hundred and fifty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. O'BRIEN.

The next pension business was the bill (H. R. 17058) granting an increase of pension to J. H. O'Brion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. H. O'Brion, late captain Company I, Forty-fifth Regiment of Kentucky Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "J. H. O'Brion" and insert in lieu thereof the words "James H. O'Brien."
In line 7 strike out the word "of."
In same line strike out the word "Mounted."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."
Amend the title so as to read: "A bill granting an increase of pension to James H. O'Brien."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA LAVENDER.

The next pension business was the bill (H. R. 16487) granting an increase of pension to Martha Lavender.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Lavender, widow of Jehu Lavender, late of Company F, First Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALFRED FEATHERINGILL.

The next pension business was the bill (H. R. 13956) granting an increase of pension to Alfred Featheringill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Featheringill, late of Company F, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMANDA CHERRY.

The next pension business was the bill (H. R. 20589) granting an increase of pension to Amanda Cherry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda Cherry, widow of William Cherry, late of Company C, Eighteenth Regiment, and Company H, One hundred and twenty-eighth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC GORDON.

The next pension business was the bill (H. R. 13805) granting an increase of pension to Isaac Gordon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Gordon, late of Company E, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN ROBB, 1ST.

The next pension business was the bill (H. R. 15463) granting an increase of pension to John Robb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Robb, late of Company C, Thirty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the word "first."
Amend title so as to read: "A bill granting an increase of pension to John Robb, 1st."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL W. WHYBARK.

The next pension business was the bill (H. R. 6519) granting an increase of pension to Samuel W. Whybark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel W. Whybark, late of Company G, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE PRICE.

The next pension business was the bill (H. R. 6424) granting a pension to George Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Price, late private of Company D, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private."
Amend the title so as to read: "A bill granting an increase of pension to George Price."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NELSON EVERSON.

The next pension business was the bill (H. R. 6165) granting an increase of pension to Nelson Everson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Everson, late of Company I, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANKLIN COMSTOCK.

The next pension business was the bill (H. R. 20834) granting an increase of pension to Franklin Comstock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Comstock, late of the United States Navy, U. S. S. Richmond, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "the" and insert in lieu thereof the words "U. S. S. North Carolina, Potomac, and Richmond."
In line 7 strike out the words "U. S. S. Richmond."
In line 8 strike out the word "twenty" and insert the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES R. CHAPMAN.

The next pension business was the bill (H. R. 6088) granting an increase of pension to James R. Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Chapman, late of Company G, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "G" and insert in lieu thereof the letter "C."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LORENZO B. FISH.

The next pension business was the bill (H. R. 6060) granting an increase of pension to Lorenzo B. Fish.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo B. Fish, late of Company G, Thirty-fourth and Thirty-eighth Regiments Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Thirty-fourth" and insert in lieu thereof the words "Thirty-eighth Regiment."
In line 7, before the word "Thirty-eighth," insert the words "Company "G."
In same line strike out the words "Thirty-eighth Regiments" and insert in lieu thereof the words "Thirty-fourth Regiment."
In line 8 strike out the word "six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HIRAM STEELE.

The next pension business was the bill (H. R. 20613) granting an increase of pension to Hiram Steele.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Steele, late of Company I, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Eighth" and insert in lieu thereof the word "Thirty-ninth."
In line 7 strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY HAMME.

The next pension business was the bill (H. R. 20851) granting an increase of pension to Henry Hamme.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hamme, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE ANDERSON.

The next pension business was the bill (H. R. 5829) granting an increase of pension to George Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Anderson, late of Company I, Ninth Regiment Kansas Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Kansas," insert the word "Volunteer."
In lines 7 and 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALGERNON E. CASTNER.

The next pension business was the bill (H. R. 5801) granting an increase of pension to Algernon E. Castner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Algernon E. Castner, late of Company B, Twenty-fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELISHA BROWN.

The next pension business was the bill (H. R. 5595) granting an increase of pension to Elisha Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elisha Brown, late of Company K, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT JOHN.

The next pension business was the bill (H. R. 5187) granting an increase of pension to Robert John.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert John, late of Company G, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL F. ANDERSON.

The next pension business was the bill (H. R. 4833) granting an increase of pension to S. F. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. F. Anderson, late of Company K, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Samuel."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to Samuel F. Anderson."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY J. TRUMBULL.

The next pension business was the bill (H. R. 4719) granting a pension to Mary J. Trumbull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Trumbull, widow of Edgar B. Trumbull, late of the First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $— per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "the" and insert in lieu thereof the words "Company F."
In line 8, before the word "dollars," insert the word "twenty."
In the same line, after the word "month," insert the words "in lieu of that she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Mary J. Trumbull."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI WELCH.

The next pension business was the bill (H. R. 4692) granting an increase of pension to Levi Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Welch, late of Company G, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OREN D. HASKELL.

The next pension business was the bill (H. R. 22502) granting an increase of pension to Orren D. Haskell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orren D. Haskell, late of Company D, Cass County Regiment Missouri Home Guards Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Orren" and insert in lieu thereof the word "Oren."
In lines 6 and 7 strike out the word "Regiment."
In line 7 also strike out the words "Volunteer Infantry."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to Oren D. Haskell."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL ROWE.

The next pension business was the bill (H. R. 4673) granting a pension to Samuel Rowe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Rowe, late of Company B, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Samuel Rowe."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. HOWARD.

The next pension business was the bill (H. R. 4151) granting an increase of pension to John W. Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Howard, late first lieutenant Company K, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HIRAM T. HOUGHTON.

The next pension business was the bill (H. R. 3989) granting an increase of pension to Hiram T. Houghton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram T. Houghton, late of Company H, Tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the word "Reserve."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN G. H. ARMISTEAD.

The next pension business was the bill (H. R. 3740) granting an increase of pension to John G. H. Armistead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. H. Armistead, late of Company F, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 dollars per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ETHAN A. VALENTINE.

The next pension business was the bill (H. R. 2769) granting an increase of pension to Ethan A. Valentine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ethan A. Valentine, late of Company E, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and Company G, Twenty-sixth Regiment New York Volunteer Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN C. KEACH.

The next pension business was the bill (H. R. 2726) granting an increase of pension to John C. Keach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Keach, late of Company F, Seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 dollars per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB MILLER.

The next pension business was the bill (H. R. 2286) granting a pension to Jacob Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Miller, late of Company C, Fourteenth Regiment Columbia Guards, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Columbia Guards" and insert in lieu thereof the words "Pennsylvania Volunteer Infantry."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Jacob Miller."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUCAS LONGENDYCKE.

The next pension business was the bill (H. R. 2056) granting an increase of pension to Lucas Longendyke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucas Longendyke, late of Company G, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Longendyke" and insert in lieu thereof the word "Longendycke."

In line 7, after the word "Infantry," insert the words "and Company G, Thirteenth Regiment Veteran Reserve Corps."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Lucus Longendycke."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH B. WILLIAMS.

The next pension business was the bill (H. R. 1937) granting an increase of pension to Joseph B. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Williams, late captain Company D, Forty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "captain" and insert in lieu thereof the words "second lieutenant."

In lines 6 and 7 strike out the word "Forty-first" and insert in lieu thereof the word "Second."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS E. AYLSWORTH.

The next pension business was the bill (H. R. 8553) granting an increase of pension to Thomas E. Aylesworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. Aylesworth, late of Twentieth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Aylesworth" and insert in lieu thereof the word "Aylsworth."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

Amend the title so as to read: "A bill granting an increase of pension to Thomas E. Aylsworth."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALLEN M. HAIGHT.

The next pension business was the bill (H. R. 12497) granting an increase of pension to Allen M. Haight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen M. Haight, late of Company E, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE S. BOYD.

The next pension business was the bill (H. R. 10219) granting a pension to George S. Boyd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of George S. Boyd, late of Company I, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $36 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike ou the word "Fiftieth" and insert in lieu thereof the word "Fifteenth."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to George S. Boyd."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

IRA D. HILL.

The next pension business was the bill (H. R. 20728) granting an increase of pension to Ira D Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ira D. Hill, late of Company B, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL C. ROE.

The next pension business was the bill (H. R. 10033) granting an increase of pension to Samuel C. Roe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel C. Roe, late of United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "United," insert the words "U. S. S. Fawn."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH C. MAHAFFEY.

The next pension business was the bill (H. R. 7666) granting an increase of pension to Joseph C. Mahaffey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph C. Mahaffey, late of Company I, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MELVILLE A. NICHOLS.

The next pension business was the bill (H. R. 9278) granting an increase of pension to Melville A. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melville A. Nichols, late of Company A, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PATRICK TURNEY.

The next pension business was the bill (H. R. 5174) granting an increase of pension to Patrick Turney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Turney, late of Company G, Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Pennsylvania," insert the words "Sixth Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH BETTS.

The next pension business was the bill (H. R. 21960) granting an increase of pension to Sarah Betts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Betts, widow of Charles D. Betts, late of Company H, One hundred and thirty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twenty-five" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANN LYTLE.

The next pension business was the bill (H. R. 9921) granting a pension to Ann Lytle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Lytle, widow of George Lytle, late of Company F, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FERDINAND DAVID.

The next pension business was the bill (H. R. 7393) granting an increase of pension to Ferdinand David.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ferdinand David, late of Company L, Tenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SIMON M'ATEER.

The next pension business was the bill (H. R. 22092) granting an increase of pension to Simon McAteer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simon McAteer, late of Company G, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES C. MURRAY.

The next pension business was the bill (H. R. 21343) granting an increase of pension to James C. Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James

C. Murray, late of Company A, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. CRUM.

The next pension business was the bill (H. R. 21446) granting an increase of pension to William W. Crum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Crum, late of Company H, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "and," insert the words "and Company A, Seventy-seventh Regiment Ohio Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to William A. Crum."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLARD P. FISHER.

The next pension business was the bill (H. R. 22748) granting an increase of pension to Willard P. Fisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Willard P. Fisher, late of Company B, Forty-second Regiment Massachusetts Volunteer Infantry, and Sixteenth Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company B, Forty-second Regiment Massachusetts Volunteer Infantry, and."

In line 9, before the word "dollars," insert the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM DEAN.

The next pension business was the bill (H. R. 22718) granting an increase of pension to William Dean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Dean, late captain Company A, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUSTIN B. TRUMAN.

The next pension business was the bill (H. R. 22501) granting an increase of pension to Austin B. Truman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Austin B. Truman, late of Company C, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM M. COLBY.

The next pension business was the bill (H. R. 22376) granting a pension to William M. Colby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Colby, late of Company G, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of —— dollars per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In same line strike out the letter "G" and insert in lieu thereof the letter "A."

In line 8, before the word "dollars," insert the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William M. Colby."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. NARRIN.

The next pension business was the bill (H. R. 22452) granting an increase of pension to William A. Narrin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Narrin, late of Company I, Second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEONARD TYLER.

The next pension business was the bill (H. R. 22281) granting an increase of pension to Leonard Tyler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonard Tyler, late of Company H, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. HARLAN.

The next pension business was the bill (H. R. 22207) granting an increase of pension to William A. Harlan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Harlan, late of Company H, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES T. CHAPMAN.

The next pension business was the bill (H. R. 20860) granting an increase of pension to Charles T. Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles T. Chapman, late of the United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "the" and insert in lieu thereof the words "U. S. S. North Carolina, Potomac, and Savannah."

In line 7 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL ROBB.

The next pension business was the bill (H. R. 7551) granting a pension to Daniel Robb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Robb, late of Company I, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN L. BROWN.

The next pension business was the bill (H. R. 7378) granting an increase of pension to John L. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Brown, late of Company D, Third Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM JACKSON.

The next pension business was the bill (H. R. 6537) granting an increase of pension to William Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Jackson, late major of First Battalion, Third Cavalry Missouri State Militia Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of First Battalion."

In same line and in line 7 strike out the word "Cavalry" and insert in lieu thereof the word "Regiment."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMOS SNYDER.

The next pension business was the bill (H. R. 6524) granting an increase of pension to Amos Snyder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos Snyder, late of Company B, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMPSON WALL.

The next pension business was the bill (H. R. 4149) granting an increase of pension to Thompson Wall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thompson Wall, late of Company B, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PRISCILLA A. CAMPBELL.

The next pension business was the bill (H. R. 5776) granting a pension to Priscilla A. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Priscilla A. Campbell, widow of Elijah Campbell, late of Company K, Nineteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the word "junior."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Priscilla A. Campbell."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER B. MOTT.

The next pension business was the bill (H. R. 18881) granting an increase of pension to Alexander B. Mott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander B. Mott, late of Company C, One hundred and seventy-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM E. HANIGAN.

The next pension business was the bill (H. R. 18723) granting a pension to William E. Hannigan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Hannigan, late of Company D, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hannigan" and insert in lieu thereof the word "Hanigan."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William E. Hanigan."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM E. GRAY.

The next pension business was the bill (H. R. 18681) granting an increase of pension to William E. Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Gray, late of Company C, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD B. RANKIN.

The next pension business was the bill (H. R. 18323) granting an increase of pension to Richard B. Rankin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard B. Rankin, late of Company H, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS ANDERSON.

The next pension business was the bill (H. R. 18242) granting an increase of pension to Francis Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Anderson, late of Company A, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. SINCLAIR.

The next pension business was the bill (H. R. 18042) granting an increase of pension to James H. Sinclair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Sinclair, late of Company A, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike ou the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELBRIDGE P. BOYDEN.

The next pension business was the bill (H. R. 18014) granting an increase of pension to Elbridge P. Boyden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elbridge P. Boyden, late of Company D, Forty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CAREL LANE.

The next pension business was the bill (H. R. 17773) granting a pension to Carel Lane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carel Lane, late of Company G, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike ou the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Carel Lane."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROLAND M. JOHNSON.

The next pension business was the bill (H. R. 17642) granting an increase of pension to Roland M. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roland M. Johnson, late of Company G, Second Regiment Tennessee Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Mounted," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL PENDERGAST, ALIAS MICHAEL BLAKE.

The next pension business was the bill (H. R. 17620) granting an increase of pension to Michael Pendergast, alias Michael Blake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Pendergast, alias Michael Blake, late of Company B, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DOUGLAS V. DONNELLY.

The next pension business was the bill (H. R. 17331) granting an increase of pension to D. V. Donnelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of D. V. Donnelly, late of Company C, Fifth Regiment New York State Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "D." and insert in lieu thereof the word "Douglas."

In line 7, after the word "Militia," insert the word "Infantry."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Douglas V. Donnelly."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMOS KELLNER.

The next pension business was the bill (H. R. 20734) granting an increase of pension to Amos Kellner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos Kellner, late of Company E, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company A, One hundred and forty-seventh Regiment Illinois Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES F. SMITH.

The next pension business was the bill (H. R. 22506) granting an increase of pension to James F. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Smith, late of Company K, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. CHRISTMAN.

The next pension business was the bill (H. R. 22568) granting an increase of pension to John H. Christman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of John H. Christman, late of Company D, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS M'DOWELL.

The next pension business was the bill (H. R. 21255) granting an increase of pension to Thomas McDowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McDowell, late of Company L, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL FULLER.

The next pension business was the bill (H. R. 22528) granting an increase of pension to Daniel Fuller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Fuller, late of Company B, Twenty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of — dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE HIERL.

The next pension business was the bill (H. R. 20855) granting an increase of pension to George Hierl.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Hierl, late of Company B, Eighty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias George Hill."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to George Hierl, alias George Hill.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. W. TANNER.

The next pension business was the bill (H. R. 21909) granting an increase of pension to George W. W. Tanner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. W. Tanner, late of Company A, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM TUDERS.

The next pension business was the bill (H. R. 17330) granting an increase of pension to William Tuders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Tuders, late of Company B, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ARCHIBALD H. R. CALVIN.

The next pension business was the bill (H. R. 16283) granting an increase of pension to A. H. R. Calvin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. H. R. Calvin, late of Company K, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the word "Archibald."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Archibald H. R. Calvin."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NAPOLEON B. FERRELL.

The next pension business was the bill (H. R. 16222) granting an increase of pension to Napoleon B. Ferrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Napoleon B. Ferrell, late of Company B, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Regiment," insert the words "and sergeant-major, Tenth Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANN RAFFERTY.

The next pension business was the bill (H. R. 16181) granting an increase of pension to Ann Rafferty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interor be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Rafferty, widow of John Rafferty, late of Company I, Eighth Regiment United States Infantry, and Twenty-third Regiment United States Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out the words "and Twenty-third Regiment United States Infantry."

In line 9 strike out the word "twenty-four" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN B. REAM.

The next pension business was the bill (H. R. 15874) granting an increase of pension to Benjamin B. Ream.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interor be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of Benjamin B. Ream, late of Company C, Ninety-eighth Regiment New York National Guards, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Guards" and insert in lieu thereof the words "Guard Infantry."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS H. LESLIE.

The next pension business was the bill (H. R. 13031) granting an increase of pension to Thomas H. Leslie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Leslie, late of Company I, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM D. CAMPBELL.

The next pension business was the bill (H. R. 14800) granting an increase of pension to William D. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Campbell, late of Company A, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARMON W. M'DONALD.

The next pension business was the bill (H. R. 14715) granting an increase of pension to Norman W. McDonald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Norman W. McDonald, late of Company A, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Norman" and insert in lieu thereof the word "Harmon."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Harmon W. McDonald."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CLARA C. EDSALL.

The next pension business was the bill (H. R. 19762) granting an increase of pension to Clara C. Edsall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara C. Edsall, widow of Joseph S. Edsall, late paymaster's clerk, United States Navy, and captain Company M, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out the words "and captain Company M, Eleventh Regiment Missouri Volunteer Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH A. MURREY.

The next pension business was the bill (H. R. 16886) granting a pension to James W. Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Murray, dependent child of Isaac Murray, late of Company H, Fifth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "James W. Murray, dependent child," and insert in lieu thereof the words "Elizabeth A. Murrey, widow."

In same line, before the word "late," strike out the word "Murray" and insert in lieu thereof the word "Murrey."

In line 8 strike out the word "him" and insert in lieu thereof the word "her."

In same line strike out the word "twelve" and insert in lieu thereof the word "twenty."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving: *Provided*, That in the event of the death of James W. Murrey, helpless and dependent child of said Isaac Murrey, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth A. Murrey the name of said James W. Murrey shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Elizabeth A. Murrey."

Amend the title so as to read: "A bill granting an increase of pension to Elizabeth A. Murrey."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARMON VEATCH.

The next pension business was the bill (H. R. 23171) granting an increase of pension to Harmon Veatch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harmon Veatch, late captain Company I, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB HENNINGER.

The next pension business was the bill (H. R. 5173) granting an increase of pension to Jacob Henninger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Henninger, late Company E, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," insert the words "Company D, Sixth Regiment Pennsylvania Reserve Volunteer Infantry, and."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FERGUS P. M'MILLAN.

The next pension business was the bill (H. R. 19133) granting an increase of pension to Fergus P. McMillan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fergus P. McMillan, late of Company H, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS M. HATTEN.

The next pension business was the bill (H. R. 19294) granting an increase of pension to Francis M. Hatton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Hatton, late of Company I, Ninth Regiment West Virginia Volunteer Infantry, and Company D, First Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hatton" and insert in lieu thereof the word "Hatten."

In line 9 strike the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Francis M. Hatten."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WASHINGTON M. BROWN.

The next pension business was the bill (H. R. 19400) granting an increase of pension to Washington M. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Washington M. Brown, late of Company M, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT M. C. HILL.

The next pension business was the bill (H. R. 13253) granting an increase of pension to R. M. C. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. M. C. Hill, late of Company E, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month, in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "R." and insert in lieu thereof the word "Robert."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Robert M. C. Hill."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GANCELO LEIGHTON.

The next pension business was the bill (H. R. 12523) granting an increase of pension to Gancelo Leighton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gancelo Leighton, late of Seventh Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY J. RICE.

The next pension business was the bill (H. R. 11959) granting an increase of pension to Henry J. Rice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry J. Rice, late of Company F, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY A. GEDULDIG.

The next pension business was the bill (H. R. 11869) granting an increase of pension to Henry A. Geduldig.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Geduldig, late of Cogswell's independent battery, Illinois Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NICHOLAS A. BOVEE.

The next pension business was the bill (H. R. 11362) granting a pension to Nicholas A. Bovee.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas A. Bovee, late of Company E, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Nicholas A. Bovee."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH J. ROBERTS.

The next pension business was the bill (H. R. 11307) granting an increase of pension to Joseph J. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Roberts, late of Company G, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRIETT I. LEVIS.

The next pension business was the bill (H. R. 10721) granting an increase of pension to Harriett J. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriett J. Lewis, widow of Hosea J. Lewis, late of Company E, One hundred and third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Harriett," strike out the letter "J." and insert in lieu thereof the letter "I."

In same line, before the word "widow," strike out the word "Lewis" and insert in lieu thereof the word "Levis."

In same line, before the word "late," strike out the word "Lewis" and insert in lieu thereof the word "Levis."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to Harriett I. Levis."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HOWARD BROWN.

The next pension business was the bill (H. R. 12124) granting an increase of pension to Howard Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Howard Brown, late of Company C, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CLARISSA A. FREDERICK.

The next pension business was the bill (H. R. 10317) granting an increase of pension to Clarissa A. Frederick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clarissa A. Frederick, widow of Lawrence P. Frederick, late of Company A, One hundred and fifty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT H. CAMPBELL.

The next pension business was the bill (H. R. 10402) granting an increase of pension to Albert H. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert H. Campbell, late of Company H, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the words "fifty dollars" and insert in lieu thereof the words "seventeen dollars and fifty cents."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JESSE A. ASK.

The next pension business was the bill (H. R. 11708) granting an increase of pension to Jesse Ask.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Ask, late of Company H, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Jesse," insert the letter "A."

Amend the title so as to read: "A bill granting an increase of pension to Jesse A. Ask."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALFRED HAYWARD.

The next pension business was the bill (H. R. 20244) granting an increase of pension to Alfred Hayward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Hayward, late of Company H, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM E. RICHARDS.

The next pension business was the bill (H. R. 20236) granting an increase of pension to W. E. Richards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. E. Richards, late of Company C, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."

In same line strike out the letter "C" and insert in lieu thereof the letter "G."

In same line strike out the word "Seventh" and insert in lieu thereof the word "First."

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to William E. Richards."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PHILIP HAMMAN.

The next pension business was the bill (H. R. 20224) granting an increase of pension to Philip Hamman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Hamman, late of Company D, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. AIREY.

The next pension business was the bill (H. R. 20201) granting an increase of pension to Charles W. Airey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Airey, late of Company H, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NELSON ISBILL.

The next pension business was the bill (H. R. 19976) granting a pension to Nelson Isbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Isbell, late of Company H, Twentieth Regiment Kentucky Volunteer Infantry, and Company H, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month, and pay same to him regularly notwithstanding order of Interior Department requiring refunding of pension under certificate to Nelson Isbell No. 502378, and any other order withholding pension from said Nelson Isbell made by Pension Bureau or Secretary of Interior.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Isbell" and insert in lieu thereof the word "Isbill."

In line 9 strike out the words "and pay" and all of lines 10, 11, 12, 13, 14, and 15, and insert in lieu thereof the following: "the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

Amend the title so as to read: "A bill granting a pension to Nelson Isbill."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE L. ROBINSON.

The next pension business was the bill (H. R. 2764) granting an increase of pension to George L. Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George L. Robinson, late of Company C, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTIN L. OHR.

The next pension business was the bill (H. R. 19967) granting an increase of pension to Martin L. Ohr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin L. Ohr, late first lieutenant Company A, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY K. BURGER.

The next pension business was the bill (H. R. 19969) granting an increase of pension to Henry K. Burger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Henry K. Burger, late of Company F, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WALTER B. SWAIN.

The next pension business was the bill (H. R. 19863) granting an increase of pension to Walter B. Swain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter B. Swain, late of Company E, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY L. KIRLIN.

The next pension business was the bill (H. R. 19772) granting a pension to Mary L. Kirlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Kirlin, widow of E. H. Kirlin, late chief of scouts and aid-de-camp and staff officer of the Eleventh Corps of the United States Army, and pay her a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out the words "and aid-de-camp and staff officer of the Eleventh Corps of the United States Army" and insert in lieu thereof the words "United States Volunteers."

In line 9 strike out the word "five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES G. VAN DEWALKER.

The next pension business was the bill (H. R. 19770) granting an increase of pension to James G. Van Dewalker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Van Dewalker, late of Company B, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. BOOKHAMMER.

The next pension business was the bill (H. R. 19581) granting an increase of pension to Mary E. Bookhammer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Bookhammer, widow of Sylvester S. Bookhammer, late of Company K, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JUDSON H. HOLCOMB.

The next pension business was the bill (H. R. 19526) granting an increase of pension to Judson H. Holcomb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Judson H. Holcomb, late of Company C, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second and first lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABIRAM P. M'CONNELL.

The next pension business was the bill (H. R. 19448) granting an increase of pension to Abiram P. McConnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abiram P. McConnell, late surgeon Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RILEY J. BERKLEY.

The next pension business was the bill (H. R. 20215) granting an increase of pension to Riley J. Berkely.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Riley J. Berkely, late of Company A, Seventh Regiment Missouri Veteran Volunteer Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Berkely" and insert in lieu thereof the word "Berkley."

In line 7 strike out the words "Veteran Volunteer Militia" and insert in lieu thereof the words "State Militia Volunteer."

Amend the title so as to read: "A bill granting an increase of pension to Riley J. Berkley."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT O. BRADLEY.

The next pension business was the bill (H. R. 21331) granting an increase of pension to Robert O. Bradley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert O. Bradley, late captain Company H, Fifteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MELISSA D. WHITMAN.

The next pension business was the bill (H. R. 23122) granting an increase of pension to Melissa D. Whitman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melissa D. Whitman, widow of John M. Whitman, late of Company D, Fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "M" and insert in lieu thereof the letter "N."

In line 7 strike out the word "Wisconsin" and insert in lieu thereof the word "Vermont."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN COWAN.

The next pension business was the bill (H. R. 23133) granting an increase of pension to John Cowan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Cowan, late of Company D, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed

BRYNGEL SEVERSON.

The next pension business was the bill (H. R. 22932) granting an increase of pension to Bryngel Severson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bryngel Severson, late of Company E, Fifteenth Regiment, and Company A, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "Company E, Fifteenth Regiment, and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUISA BARTLETT.

The next pension business was the bill (H. R. 22926) granting a pension to Louisa Bartlett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Bartlett, helpless and dependent daughter of Elijah Bartlett, late of Company D, Sixtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN A. HENRY.

The next pension business was the bill (H. R. 22858) granting an increase of pension to John A. Henry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Henry, late of Company E, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSHUA E. HYATT.

The next pension business was the bill (H. R. 22757) granting an increase of pension to Joshua E. Hyatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua E. Hyatt, late of Company F, Eighty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB KURES.

The next pension business was the bill (H. R. 22711) granting an increase of pension to Jacob Kures.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Kures, late of Company A, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM SMOKER.

The next pension business was the bill (H. R. 22706) granting an increase of pension to William Smoker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Smoker, late of Companies A and D, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANK SCHADLER.

The next pension business was the bill (H. R. 22447) granting an increase of pension to Frank Schadler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Schadler, late of Company D, Fourth Regiment New York Volunteer Infantry, and later a landsman in the United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "later a landsman in the" and insert in lieu thereof the words "U. S. S. Dumbarton."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES STINSON.

The next pension business was the bill (H. R. 22238) granting an increase of pension to James Stinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Stinson, late of Company G, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN A. SMITH.

The next pension business was the bill (H. R. 21915) granting an increase of pension to John A. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Smith, late of Company B, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL GAUS.

The next pension business was the bill (H. R. 21648) granting an increase of pension to Michael Gaus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Michael Gaus, late of Company C, Thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "C, Thirty-seventh Regiment" and insert in lieu thereof the words "B, Eighth Regiment, and Company L, Sixteenth Regiment."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CALVIN S. MULLINS.

The next pension business was the bill (H. R. 21603) granting an increase of pension to Calvin S. Mullins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin S. Mullins, late of Company A, Eleventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC CAIN.

The next pension business was the bill (H. R. 21280) granting an increase of pension to Isaac Cain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Cain, late of Company A, One hundred and thirty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLEN SULLIVAN.

The next pension business was the bill (H. R. 21270) granting an increase of pension to Ellen Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Sullivan, widow of John Sullivan, late of Company F, Twenty-first Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows.

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN N. SHEAR.

The next pension business was the bill (H. R. 20931) granting an increase of pension to John N. Shear.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Shear, late of Company L, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OSCAR ANDREWS.

The next pension business was the bill (H. R. 20733) granting an increase of pension to Oscar Andrews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar Andrews, late of Company E, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. M'CAIN, ALIAS JOHN CROFT.

The next pension business was the bill (H. R. 20188) granting an increase of pension to John H. McCain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. McCain, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias John Croft."

Amend the title so as to read: "A bill granting an increase of pension to John H. McCain, alias John Croft."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. SMITH.

The next pension business was the bill (H. R. 19832) granting an increase of pension to George W. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Smith, late of Company A, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CAMPBELL COWAN.

The next pension business was the bill (H. R. 19401) granting an increase of pension to Campbell Cowan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Campbell Cowan, late of Company E, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI MILES.

The next pension business was the bill (H. R. 18574) granting an increase of pension to Levi Miles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Miles, late of Company G, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. BELL.

The next pension business was the bill (H. R. 14995) granting an increase of pension to James H. Bell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Bell, late of Company D, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS H. B. SCHOOLING.

The next pension business was the bill (H. R. 4346) granting an increase of pension to T. H. B. Schooling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of T. H. B. Schooling, late of Company G, Second Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "T." and insert in lieu thereof the word "Thomas."
In line 7, before the word "Cavalry," insert the word "Volunteer."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to Thomas H. B. Schooling."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES W. BLISS, ALIAS JAMES WARREN.

The next pension business was the bill (H. R. 3175) granting an increase of pension to James W. Bliss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Bliss, late of Company K, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of ——— dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias James Warren."
In line 8, before the word dollars," insert the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to James W. Bliss, alias James Warren."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN CARPENTER.

The next pension business was the bill (H. R. 20730) granting an increase of pension to John Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Carpenter, late of Company B, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY PIEPER.

The next pension business was the bill (H. R. 21913) granting an increase of pension to Henry Pieper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Pieper, late of Company H, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NATHAN LAWSON.

The next pension business was the bill (H. R. 22237) granting an increase of pension to Nathan Lawson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan Lawson, late of Companies A and E, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Companies," strike out the letter "A" and insert in lieu thereof the letter "E."
In the same line, before the word "Eighth," strike out the letter "E" and insert in lieu thereof the letter "A."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ADALINE T. FISHER.

The next pension business was the bill (H. R. 22445) granting a pension to Adaline T. Fisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adaline T. Fisher, widow of William Fisher, late of Company G, Eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifteen" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NELSON CORNELL.

The next pension business was the bill (H. R. 22710) granting an increase of pension to Nelson Cornell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Cornell, late of Thirteenth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL PROCHEL.

The next pension business was the bill (H. R. 2826) granting an increase of pension to Samuel Prochel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Prochel, late of Company E, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Wisconsin," insert the words "and Company E, Third Regiment."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROSWELL PRESCOTT.

The next pension business was the bill (S. 10) granting an increase of pension to Roswell Prescott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roswell Prescott, late of Company A, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM M. MORGAN.

The next pension business was the bill (S. 123) granting an increase of pension to William M. Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws the name of William M. Morgan, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, and Battery A, First Regiment West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SILAS A. REYNOLDS.

The next pension business was the bill (S. 480) granting an increase of pension to Silas A. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas A. Reynolds, late of Company F, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALBERT G. PEABODY, JR.

The next pension business was the bill (S. 677) granting an increase of pension to Albert G. Peabody, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert G. Peabody, jr., late of Company A, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS KELLY.

The next pension business was the bill (S. 679) granting an increase of pension to Thomas Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Kelly, late of Company B, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. RHOADS.

The next pension business was the bill (S. 768) granting an increase of pension to William H. Rhoads:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Rhoads, late unassigned, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL G. KREIDLER.

The next pension business was the bill (S. 771) granting an increase of pension to Samuel G. Kreidler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel G. Kreidler, late of Company E, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AUGUST KRUEGER.

The next pension business was the bill (S. 774) granting an increase of pension to August Krueger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of August Krueger, late of Company E, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ISAAC G. CLARK.

The next pension business was the bill (S. 831) granting an increase of pension to Isaac G. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac G. Clark, late of Company D, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PATRICK O'DAY.

The next pension business was the bill (S. 1257) granting an increase of pension to Patrick O'Day.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick O'Day, late of Company G, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARTHA W. POLLARD.

The next pension business was the bill (S. 1347) granting a pension to Martha W. Pollard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha W. Pollard, widow of Edward Pollard, late captain Company H, Twenty-fourth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CATHRIN HUFF.

The next pension business was the bill (S. 1493) granting an increase of pension to Cathrin Huff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cathrin Huff, widow of Joseph A. Huff, late of Company L, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM VANTILBURGH.

The next pension business was the bill (S. 1857) granting an increase of pension to William Vantilburgh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Vantilburgh, late of Company G, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES F. M. MORGAN.

The next pension business was the bill (S. 1891) granting an increase of pension to Charles F. M. Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. M. Morgan, late of Company B, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELVIRA A. KELLY.

The next pension business was the bill (S. 1941) granting an increase of pension to Elvira A. Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elvira A. Kelly, widow of Ozial H. Kelly, late of Company C, Eighteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. SMITH.

The next pension business was the bill (S. 2249) granting an increase of pension to George W. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Smith, late of Companies H and B, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS W. MURRAY.

The next pension business was the bill (S. 2541) granting an increase of pension to Thomas W. Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Murray, late of Company C, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ISAAC CARTER.

The next pension business was the bill (S. 2563) granting a pension to Isaac Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Carter, late of Company C, One hundred and thirty-third Regiment West Virginia Militia, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES H. THRASHER.

The next pension business was the bill (S. 2643) granting an increase of pension to James H. Thrasher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Thrasher, late of Company E, Nineteenth Regiment Illinois Volunteer Infantry, and Battery B, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WINFIELD S. RAMSAY.

The next pension business was the bill (S. 2669) granting an increase of pension to Winfield S. Ramsay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Winfield S. Ramsay, late of Company D, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN R. CONYNGHAM.

The next pension business was the bill (S. 2734) granting an increase of pension to John R. Conyngham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Conyngham, late of Company H, Sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN HAINS.

The next pension business was the bill (S. 2737) granting an increase of pension to Benjamin Hains.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Hains, late of Company I, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN H. BROOKS.

The next pension business was the bill (S. 2749) granting an increase of pension to John H. Brooks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Brooks, late of Company B, Thirty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN H. ALLISON.

The next pension business was the bill (S. 2794) granting an increase of pension to John H. Allison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Allison, late of Company B, First Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILBUR H. CLARK.

The next pension business was the bill (S. 3220) granting an increase of pension to Wilbur H. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilbur H. Clark, late of Company C, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROBERT MILLS.

The next pension business was the bill (S. 3221) granting an increase of pension to Robert Mills.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Mills, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LOUIS CASTINETTE.

The next pension business was the bill (S. 3671) granting an increase of pension to Louis Castinette.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis Castinette, late of Company I, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY A. BAKER.

The next pension business was the bill (S. 3763) granting an increase of pension to Mary A. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Baker, widow of John L. Baker, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL TURNER.

The next pension business was the bill (S. 3767) granting an increase of pension to Samuel Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Turner, late of Company I, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FANNY A. PEARSONS.

The next pension business was the bill (S. 3931) granting an increase of pension to Fanny A. Pearsons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny A. Pearsons, widow of Leonard Pearsons, late of Company I, Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SOLOMON CRAIGHTON.

The next pension business was the bill (S. 4032) granting an increase of pension to Solomon Craighton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon

Craighton, late of Company H, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM A. SMITH.

The next pension business was the bill (S. 4053) granting an increase of pension to William A. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Smith, late first lieutenant Company H, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL PAINE.

The next pension business was the bill (S. 4127) granting an increase of pension to Samuel Paine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Paine, late first lieutenant, Second Battery, First Battalion Maine Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SUSAN N. FOWLER.

The next pension business was the bill (S. 4406) granting an increase of pension to Susan N. Fowler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan N. Fowler, widow of Jasper N. Fowler, late of Company C, Thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE R. TURNER.

The next pension business was the bill (S. 4771) granting an increase of pension to George R. Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George R. Turner, late of Company F, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GERTRUDE M'NEIL.

The next pension business was the bill (S. 4772) granting an increase of pension to Gertrude McNeil.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gertrude McNeil, widow of William H. McNeil, late of Company E, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROBERT RAMSEY.

The next pension business was the bill (S. 4894) granting an increase of pension to Robert Ramsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Ramsey, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DON C. SMITH.

The next pension business was the bill (S. 4979) granting an increase of pension to Don C. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Don C. Smith, late of Third Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARTIN SCHULTZ.

The next pension business was the bill (S. 5067) granting an increase of pension to Martin Schultz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Schultz, late of Company B, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANIEL G. SMITH.

The next pension business was the bill (S. 5073) granting an increase of pension to Daniel G. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel G. Smith, late of Company G, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GRANVILLE F. NORTH.

The next pension business was the bill (S. 5156) granting an increase of pension to Granville F. North.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Granville F. North, late of Company C, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LEWIS C. JANES.

The next pension business was the bill (S. 5176) granting an increase of pension to Lewis C. Janes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis C. Janes, late of Company H, Thirteenth Regiment Michigan Volunteer Infantry, and Company D, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES D. MERRILL.

The next pension business was the bill (S. 5443) granting an increase of pension to James D. Merrill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Merrill, late second lieutenant Company D, One hundred and twelfth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARCUS WOOD.

The next pension business was the bill (S. 5493) granting an increase of pension to Marcus Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcus Wood, late of Company I, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN B. COYLE.

The next pension business was the bill (S. 5502) granting an increase of pension to John B. Coyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Coyle, late of Company A, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GUSTAVUS A. THOMPSON.

The next pension business was the bill (S. 5573) granting an increase of pension to Gustavus A. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gustavus A. Thompson, late of Company K, Third Regiment, and Company B, Seventeenth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DENNIS FLAHERTY.

The next pension business was the bill (S. 5599) granting an increase of pension to Dennis Flaherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dennis Flaherty, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES M. JENKINS.

The next pension business was the bill (S. 5685) granting an increase of pension to James M. Jenkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Jenkins, late of Company A, Sixteenth Regiment New York Volunteer Heavy Artillery, and Companies L and D, First Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALONZO S. PRATHER.

The next pension business was the bill (S. 5725) granting an increase of pension to Alonzo S. Prather.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo S. Prather, late second lieutenant Company B, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LUCIUS RUMRILL.

The next pension business was the bill (S. 5727) granting an increase of pension to Lucius Rumrill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucius Rumrill, late of Company B, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JARED AYER.

The next pension business was the bill (S. 5740) granting an increase of pension to Jared Ayer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jared Ayer, late unassigned company, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AMELIA M. HAWES.

The next pension business was the bill (S. 5741) granting an increase of pension to Amelia M. Hawes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amelia M. Hawes, widow of Patrick O. Hawes, late second lieutenant Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY E. THOMPSON.

The next pension business was the bill (S. 5771) granting a pension to Mary E. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Thompson, widow of Alden B. Thompson, late of United States ships Columbus and Ohio, United States Navy, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NELSON VIRGIN.

The next pension business was the bill (S. 5823) granting an increase of pension to Nelson Virgin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Virgin, late of Company K, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ISAAC C. PHILLIPS.

The next pension business was the bill (S. 5826) granting an increase of pension to Isaac C. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisons and limitations of the pension laws, the name of Isaac C. Phillips, late of Company B, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANIEL W. REDFIELD.

The next pension business was the bill (S. 5892) granting an increase of pension to Daniel W. Redfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel W. Redfield, late of Company K, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES REED.

The next pension business was the bill (S. 5963) granting an increase of pension to James Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Reed, late of Battery G, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JACOB SMITH.

The next pension business was the bill (S. 5980) granting an increase of pension to Jacob Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Smith, late of Company F, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN G. BRIDAHAM.

The next pension business was the bill (S. 6005) granting an increase of pension to John G. Bridaham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Bridaham, late of Company E, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH LAMONT.

The next pension business was the bill (S. 6008) granting an increase of pension to Joseph Lamont.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Lamont, late first lieutenant Company I, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HARRIET O'DONALD.

The next pension business was the bill (S. 6019) granting an increase of pension to Harriet O'Donald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet O'Donald, widow of John S. O'Donald, late first lieutenant Company K, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN FOX.

The next pension business was the bill (S. 6035) granting an increase of pension to John Fox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Fox, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY A. DUNCAN.

The next pension business was the bill (S. 6051) granting an increase of pension to Mary A. Duncan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Duncan, widow of Francis M. Duncan, late of Company K, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM E. REDMOND.

The next pension business was the bill (S. 6052) granting an increase of pension to William E. Redmond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Redmond, late of Company I, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES E. SPEAKE.

The next pension business was the bill (S. 6126) granting an increase of pension to James E. Speake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Speake, late of Company F, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, I move that that bill be recommitted to the Committee on Invalid Pensions.

The motion was agreed to.

FRANCES A. JEPSON.

The next pension business was the bill (S. 6131) granting an increase of pension to Frances A. Jepson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances A. Jepson, widow of Leonard Jepson, late of Company K, Tenth Regiment, and Companies A and K, Twenty-ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. WESTCOTT.

The next pension business was the bill (S. 6163) granting an increase of pension to William H. Westcott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Westcott, late of Company K, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES L. ESTLOW.

The next pension business was the bill (S. 6186) granting an increase of pension to James L. Estlow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Estlow, late of Company A, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCIS W. CROMMETT.

The next pension business was the bill (S. 6203) granting an increase of pension to Francis W. Crommett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis W. Crommett, late of Company C, Twenty-fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN L. ANTHONY.

The next pension business was the bill (S. 6232) granting an increase of pension to John L. Anthony.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Anthony, late of Company C, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HUGH S. STRAIN.

The next pension business was the bill (S. 6238) granting an increase of pension to Hugh S. Strain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh S. Strain, late of Company C, Eighty-first Regiment, and assistant surgeon, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

KATE M. MINER.

The next pension business was the bill (S. 6239) granting an increase of pension to Kate M. Miner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate M. Miner, widow of Nelson H. Miner, late of Company E, Hatch's battalion Minnesota Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALICE G. CLARK.

The next pension business was the bill (S. 6250) granting an increase of pension to Alice G. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice G. Clark, widow of Zerah P. Clark, late second lieutenant Company G, First Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DENIS A. MANNING.

The next pension business was the bill (S. 6267) granting an increase of pension to Denis A. Manning.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Denis A. Manning, late of Company I, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWARD R. CUNNINGHAM.

The next pension business was the bill (S. 6347) granting an increase of pension to Edward R. Cunningham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward R. Cunningham, late first lieutenant Company D, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $46 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DOLORES S. FOSTER.

The next pension business was the bill (S. 6353) granting an increase of pension to Dolores S. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dolores S. Foster, widow of Davis Foster, late captain Company D, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY L. BEARDSLEY.

The next pension business was the bill (S. 6429) granting an increase of pension to Mary L. Beardsley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Beardsley, widow of William P. Beardsley, late of Company C, Fifth Regiment, and Company E, Sixth Regiment, New York Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARTHA J. HALLER.

The next pension business was the bill (S. 6438) granting an increase of pension to Martha J. Haller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Haller, widow of William W. Haller, late of Company K, Twelfth Regiment Ohio Volunteer Infantry, and second lieutenant Company H, One hundred and sixty-eighth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL MOSER.

The next pension business was the bill (S. 6466) granting an increase of pension to Samuel Moser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Moser, late of Company G, Fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL COOK.

The next pension business was the bill (S. 6485) granting an increase of pension to Samuel Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Cook, late of Company A, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY Z. BOWMAN.

The next pension business was the bill (S. 6506) granting an increase of pension to Henry Z. Bowman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Henry Z. Bowman, late of Company H, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM EPPINGER.

The next pension business was the bill (S. 6537) granting an increase of pension to William Eppinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Eppinger, late of Companies C and H, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

REUBEN D. DODGE.

The next pension business was the bill (S. 6560) granting an increase of pension to Reuben D. Dodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben D. Dodge, late of Battery D, First Regiment Rhode Island Volunteer Light Artillery, and Company F, Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. BLAIR.

The next pension business was the bill (S. 6561) granting an increase of pension to George W. Blair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Blair, late of Tenth Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILBUR F. HODGE.

The next pension business was the bill (S. 6568) granting an increase of pension to Wilbur F. Hodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilbur F. Hodge, late first lieutenant Company H, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE PORTER.

The next pension business was the bill (S. 6569) granting an increase of pension to George Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Porter, late of Company F, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AARON L. ROBERTS.

The next pension business was the bill (S. 6572) granting an increase of pension to Aaron L. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron L. Roberts, late first lieutenant and quartermaster Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARIA H. WAGGONER.

The next pension business was the bill (S. 6574) granting an increase of pension to Maria H. Waggoner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria H. Waggoner, widow of Christopher W. Waggoner, late first lieutenant and quartermaster, Fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MICHAEL MEYERS.

The next pension business was the bill (S. 6576) granting an increase of pension to Michael Meyers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Meyers, late of Company B, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EZEKIEL MORRILL.

The next pension business was the bill (S. 6579) granting an increase of pension to Ezekiel Morrill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezekiel Morrill, late assistant surgeon Thirteenth Regiment New Hampshire Volunteer Infantry, and surgeon First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELLA B. GREEN.

The next pension business was the bill (S. 6580) granting an increase of pension to Ella B. Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella B. Green, widow of Charles L. Green, late of Company B, Fourteenth Regiment, and Company A, Eighteenth Regiment, New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH W. LOWELL.

The next pension business was the bill (S. 6581) granting an increase of pension to Joseph W. Lowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Lowell, late of Company G, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ABRAM P. COLBY.

The next pension business was the bill (S. 6583) granting an increase of pension to Abram P. Colby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abram P. Colby, late of Company A, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AMOS HAM.

The next pension business was the bill (S. 6585) granting an increase of pension to Amos Ham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos Ham, late of Company E, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WESLEY J. LADD.

The next pension business was the bill (S. 6586) granting an increase of pension to Wesley J. Ladd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wesley J. Ladd, late of United States steamers Rodolph and Vermont, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY CAMPBELL.

The next pension business was the bill (S. 6591) granting an increase of pension to Henry Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Campbell, late of Company I, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CYRUS W. COBB.

The next pension business was the bill (S. 6596) granting an increase of pension to Cyrus W. Cobb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus W. Cobb, late of Company B, Second Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANK H. READ.

The next pension business was the bill (S 6597) granting an increase of pension to Frank H. Read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank H. Read, late of Company I, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. HODGMAN.

The next pension business was the bill (S. 6631) granting an increase of pension to George W. Hodgman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Hodgman, late of Company I, One hundred and thirteenth Regiment New York Volunteer Infantry (Seventh New York Volunteer Heavy Artillery), and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM DAVIS.

The next pension business was the bill (S. 6632) granting an increase of pension to William Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Davis, late of Company C, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW J. GROVER.

The next pension business was the bill (S. 6636) granting an increase of pension to Andrew J. Grover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Grover, late major, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

TIMOTHY C. STILWELL.

The next pension business was the bill (S. 6645) granting an increase of pension to Timothy C. Stilwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Timothy C. Stilwell, late of Company B, Twelfth Regiment West Virginia Volunteer Infantry, and pay to him a pension at the rate of $24 per month in lieu of that he is now receiving.

The next pension business was the bill (S. 6650) granting an ingly read the third time, and passed.

JOHN A. M'GINTY.

The next pension business was the bill (S. 6650) granting an increase of pension to John A. McGinty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. McGinty, late of Company C, Seventy-second Regiment, and Company C, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HOLMES CLAYTON.

The next pension business was the bill (S. 6705) granting an increase of pension to Holmes Clayton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Holmes Clayton, late of Company A, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

STEPHEN E. LEMON.

The next pension business was the bill (S. 6707) granting an increase of pension to Stephen E. Lemon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen E. Lemon, late of Company I, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL SHAWVER.

The next pension business was the bill (S. 6709) granting an increase of pension to Samuel Shawver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Shawver, late of Company B, Eleventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ORIN INGRAM.

The next pension business was the bill (S. 6712) granting an increase of pension to Orin Ingram.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orin Ingram, late of Company K, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH BOLSHAW.

The next pension business was the bill (S. 6714) granting an increase of pension to Joseph Bolshaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Bolshaw, late of Company M, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MANASA T. HOUSER.

The next pension business was the bill (S. 6717) granting an increase of pension to Manasa T. Houser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Manasa T. Houser, late of Company G, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AUGUSTUS L. HOLBROOK.

The next pension business was the bill (S. 6718) granting an increase of pension to Augustus L. Holbrook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus L. Holbrook, late of Company H, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN C. BROWN.

The next pension business was the bill (S. 6767) granting an increase of pension to John C. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Brown, late of Company H, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALICE BOSWORTH.

The next pension business was the bill (S. 6814) granting an increase of pension to Alice Bosworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice Bosworth, widow of Franklin H. Bosworth, late commissary-sergeant Ninety-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NELSON BIGALOW.

The next pension business was the bill (S. 6819) granting an increase of pension to Nelson Bigalow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Bigalow, late of Company A, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JONATHAN M. ADAMS.

The next pension business was the bill (S. 6821) granting an increase of pension to Jonathan M. Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan M. Adams, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHRISTOPHER CHRISTOPHERSON.

The next pension business was the bill (S. 6822) granting an increase of pension to Christopher Christopherson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher Christopherson, late of Company A, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BYRON CANFIELD.

The next pension business was the bill (S. 6824) granting an increase of pension to Byron Canfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Byron Canfield, late of Company I, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS M. ROBERTS.

The next pension business was the bill (S. 6825) granting an increase of pension to Thomas M. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Roberts, late of Company F, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JACOB TURNER.

The next pension business was the bill (S. 6826) granting an increase of pension to Jacob Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Turner, late of Company L, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS P. CHENEY.

The next pension business was the bill (S. 6829) granting an increase of pension to Thomas P. Cheney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas P. Cheney, late first lieutenant Company A, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JEFFERSON BUSH.

The next pension business was the bill (S. 6881) granting an increase of pension to Jefferson Bush.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jefferson Bush, late of Company H, One hundred and twenty-fourth Regiment, and Company G, Eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELISHA H. STEPHENS.

The next pension business was the bill (S. 6882) granting an increase of pension to Elisha H. Stephens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elisha H. Stephens, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS W. WHITE.

The next pension business was the bill (S. 6883) granting an increase of pension to Thomas W. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. White, late unassigned, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM B. DOW.

The next pension business was the bill (S. 6942) granting an increase of pension to William B. Dow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Dow, late of Company H, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM KENNEDY.

The next pension business was the bill (S. 6997) granting an increase of pension to William Kennedy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kennedy, late of Company K, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LOVISA DONALDSON.

The next pension business was the bill (S. 7065) granting an increase of pension to Lovisa Donaldson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lovisa Donaldson, widow of David M. Donaldson, late second lieutenant Company D, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY E. HATTAN.

The next pension business was the bill (S. 7077) granting an increase of pension to Mary E. Hattan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Hattan, widow of William B. Hattan, late of Company A, Third Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

KATE MYERS.

The next pension business was the bill (S. 7160) granting an increase of pension to Kate Myers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Myers, former widow of John M. Lowthere, late of Company A, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANA W. HARTSHORN.

The next pension business was the bill (S. 1240) granting an increase of pension to Dana W. Hartshorn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dana W. Hartshorn, late surgeon, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FLORENCE B. PLATO.

The next pension business was the bill (S. 4389) granting an increase of pension to Florence B. Plato.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence B. Plato, widow of Nelson Plato, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LOUIS SIDEL.

The next pension business was the bill (S. 4909) granting an increase of pension to Louis Sidel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis Sidel, late of Company G, Tenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARGARET L. HOULIHAN.

The next pension business was the bill (S. 5693) granting an increase of pension to Margaret L. Houlihan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret L. Houlihan, widow of Patrick W. Houlihan, late captain, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THEODORE M. BENTON.

The next pension business was the bill (S. 6505) granting an increase of pension to Theodore M. Benton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore M. Benton, late acting gunner's mate, U. S. S. Iosco, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALFRED A. STOCKER.

The next pension business was the bill (S. 6514) granting an increase of pension to Alfred A. Stocker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred A. Stocker, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL A. PEARCE.

The next pension business was the bill (S. 6558) granting an increase of pension to Samuel A. Pearce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. Pearce, late additional paymaster, United States Volunteers, and major and paymaster, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AGUSTA P. MORGAN.

The next pension business was the bill (S. 6723) granting an increase of pension to Agusta P. Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agusta P. Morgan, widow of Henry C. Morgan, late captain, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. ANDERSON.

The next pension business was the bill (S. 6885) granting an increase of pension to William H. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Anderson, late acting assistant paymaster, assistant paymaster, and paymaster, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY A. DUNCAN.

The next pension business was the bill (S. 6051) granting an increase of pension to Mary A. Duncan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Duncan, widow of Francis M. Duncan, late of Company K, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN J. BERGER.

The next pension business was the bill (H. R. 2294) granting a pension to John J. Berger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Berger, late of Company M, Twenty-first Regiment United States Volunteer Infantry, and pay him a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "late," insert "private, Hospital Corps United States Army, and."

In line 7, after "Infantry," insert "war with Spain" and strike out all thereafter.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OLIVER H. GRIFFIN.

The next pension business was the bill (H. R. 9673) granting an increase of pension to Oliver H. Griffin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver H. Griffin, late of Company G, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "Cavalry" in line 7.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JIMISON F. SKEENS.

The next pension business was the bill (H. R. 14046) granting a pension to Jimison F. Skeens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jimison F. Skeens, late of Company F, Second Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8, strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

R. T. DILLARD ZIMMERMAN.

The next pension business was the bill (H. R. 14983) granting an increase of pension to R. T. D. Zimmerman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. T. D. Zimmerman, late of Company B, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the name of the beneficiary where it appears in the title and the body of the bill from "R. T. D. Zimmerman" to R. T. Dillard Zimmerman."

In line 7 change "Volunteer" to "Volunteers" and strike out the word "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH C. MORRIS.

The next pension business was the bill (H. R. 15860) granting an increase of pension to Sarah C. Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah C. Morris, widow of Reamus G. Morris, late of Company H, First Regiment Illinois Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN E. GILLISPIE, ALIAS JOHN G. ELLIOTT.

The next pension business was the bill (H. R. 17484) granting an increase of pension to John E. Gillispie, alias John G. Elliott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Gillispie, alias John G. Elliott, late of Company D, First Regiment Mississippi Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD G. HAUSEN.

The next pension business was the bill (H. R. 17988) granting a pension to Edward G. Hausen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward G. Hausen, late of Company B, First Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of $36 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "and pay him."

In line 8 strike out "a pension at the rate of $36 per month."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN INGRAM.

The next pension business was the bill (H. R. 19263) granting an increase of pension to John Ingram.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of John Ingram, late of Company G, Third Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers" and strike out "Infantry."

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH J. BRANYAN.

The next pension business was the bill (H. R. 19271) granting an increase of pension to Joseph J. Branyan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Branyan, late of Capt. Robert Chiles's company, Colonel Goodwin's regiment, South Carolina Volunteer Infantry, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Robert Chiles's" and insert "Child's."

In line 7 strike out "Colonel Goodwin's regiment" and change "Volunteer" to "Volunteers."

In line 8 strike out "Infantry, Seminole" and insert "Florida."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN E. HERNANDEZ.

The next pension business was the bill (H. R. 19384) granting an increase of pension to Susan E. Hernandez.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan E. Hernandez, widow of James J. Hernandez, late of Company F, Palmetto Regiment South Carolina Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out "Volunteer Infantry" and insert "Volunteers, war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AGNES E. CALVERT.

The next pension business was the bill (H. R. 19385) granting an increase of pension to Agnes E. Calvert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes E. Calvert, widow of John Calvert, late of Company E, Palmetto Regiment South Carolina Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers."

In lines 7 and 8 strike out "Infantry" and insert thereafter "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH MOONEY.

The next pension business was the bill (H. R. 19628) granting an increase of pension to Elizabeth Mooney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Mooney, widow of William Mooney, late of Company H, First Regiment South Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers," and in lines 7 and 8 strike out the word "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN E. BOWLES.

The next pension business was the bill (H. R. 19869) granting an increase of pension to John E. Bowles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Bowles, late of war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the words "late of," insert "Company C, Third United States Dragoons."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RITTY M. LANE.

The next pension business was the bill (H. R. 19994) granting a pension to Kitty M. Lane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kitty M. Lane, widow of James Lane, late of Company I, Third Regiment Illinois Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Kitty" and insert the word "Ritty."

In line 7 change "Volunteer" to "Volunteers" and strike out the word "Infantry."

In line 8 strike out "twelve" and insert "eight."

Amend the title so as to read: "A bill granting a pension to Ritty M. Lane."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD F. BARRET.

The next pension business was the bill (H. R. 20079) granting an increase of pension to Richard F. Barret.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard F. Barret, quartermaster-sergeant, Fourth Regiment Illinois Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after "Barret," insert "late."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMMA F. BUCHANAN.

The next pension business was the bill (H. R. 20291) granting an increase of pension to Emma F. Buchanan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma F. Buchanan, widow of Francis A. Buchanan, late of Company E, Palmetto Regiment South Carolina Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Company E, Palmetto Regiment South Carolina Volunteer" and insert "Captain Childs's company, South Carolina Mounted Volunteers."

In line 8 strike out "Infantry" and insert "Florida Indian war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY T. MATHIS.

The next pension business was the bill (H. R. 20356) granting an increase of pension to Mary T. Mathis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary T. Mathis, widow of Benjamin H. Mathis, late of Palmetto Regiment, South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.